

Legislative Council

Wednesday, 27 July 1983

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

BILLS (2): ASSENT

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

1. Prevention of Excessive Prices Amendment Bill.
2. Acts Amendment (Prevention of Excessive Prices) Bill.

GOVERNMENT AGENCIES: STANDING COMMITTEE

Report

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.31 p.m.]: I have the honour to present the second report of the Standing Committee on Government Agencies. I move—

That the report be received, and be laid on the Table of the House and be implemented.

Question put and passed.

The report was tabled (see paper No. 179).

CHAIRMAN OF COMMITTEES

Election

THE PRESIDENT (the Hon. Clive Griffiths): Honourable members, the office of Chairman of Committees is vacant and it is therefore necessary for the Council to proceed to the election of one of its members to fill the vacancy. Are there any nominations?

THE HON. TOM KNIGHT (South) [4.33 p.m.]: It is my pleasure to nominate the Hon. David John Wordsworth.

THE HON. D. K. DANS (South Metropolitan—Leader of the House) [4.34 p.m.]: It is my pleasure to nominate the Hon. Robert Hetherington.

[The Hon. D. J. Wordsworth and the Hon. Robert Hetherington having accepted nomination, a ballot was taken with the Hon. Tom McNeil acting as scrutineer and the Hon. D. J. Wordsworth was elected by a majority of votes.]

The PRESIDENT: I declare the Hon. David Wordsworth to be elected as Chairman of Committees.

Opposition members: Hear, hear!

CAPITAL PUNISHMENT

Enforcement: Petition

On motions by the Hon. Margaret McAleer, the following petition bearing the signatures of 811 persons was received, read, and ordered to lie upon the Table of the House—

To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia affirm that:—

1. Capital punishment was and still is commanded by God in the Bible as a punishment for capital crimes.
2. A government's primary responsibility is to protect the rights and freedoms of law-abiding citizens. The possibility of release on parole or escape of criminals threatens the safety of society.
3. Gaol terms very rarely rehabilitate criminals. Experience has shown that ex-prisoners generally commit further crimes.
4. The expense of maintaining criminals in imprisonment for the term of life is not justified.

We therefore entreat that capital punishment be left on the Statutes of Western Australia, and enforced as a law of this State.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 166.)

LEGISLATIVE COUNCIL: TAPE RECORDERS

Use: Statement by President

The PRESIDENT (the Hon. Clive Griffiths): Honourable members, as you already know, the debates in this House are now tape recorded. To avoid any doubts arising in relation to the use of such tapes, Mr Speaker and I have formulated the following rules which will apply to the tapes whether in the Clerks' or Hansard's possession.

- (1) Where in the course of debate a dispute arises as to words actually spoken, the presiding officer may listen to the tape in the course of reaching his decision;
- (2) Access will not be granted to any member, including a member whose words are impugned, to the tape-recording un-

less the presiding officer is of the opinion that such access is reasonable and likely to result in resolution of any dispute.

I emphasise that *Hansard* remains the official record of debates. If a member believes a mistake has been made in the transcript of his or her speech the matter should be raised with the Chief Hansard Reporter. If a member is not satisfied with the Chief Hansard Reporter's decision the matter should be referred to me and my decision will be final.

Relay speakers carrying the proceedings of each House are being installed. I must remind honourable members that any form of taping, reproduction or broadcast of proceedings involving the use of the relay system is done without protection of parliamentary privilege. Equally, any member or person who uses the relay system for such purposes may well be in breach of the privileges of this House and be liable to be dealt with accordingly. I trust honourable members and other will act responsibly in this matter.

QUESTIONS

Questions were taken at this stage.

[Resolved: That motions be continued.]

FIREARMS AMENDMENT BILL

Standing Orders Suspension: Motion

THE HON. D. K. DANS (South Metropolitan—Leader of the House) [5.54 p.m.]: I move, without notice—

That Standing Orders be suspended so far as to enable the Firearms Amendment Bill to be introduced and passed through all stages in one sitting.

As is usual at the commencement of a session of Parliament certain legislation of an urgent nature requires attention prior to the adoption of the Address-in-Reply motion.

Members will have noted my intention to move for the suspension of Standing Orders in respect of four other Bills which should be received in this House during the next week or so. However, the Firearms Amendment Bill is considered to be of immediate urgency, which urgency will be detailed by the Minister in charge of the Bill in his second reading speech.

Delay in attending to the proposed legislation could prove detrimental to the objects of the Bill. I commend the motion to the House.

THE PRESIDENT: This motion requires the concurrence of an absolute majority of the House.

The question is that the motion be agreed to. There being no dissentient voice, I declare the motion carried with an absolute majority.

Question thus passed.

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. Peter Dowding (Minister for Mines), read a first time.

Second Reading

THE HON. PETER DOWDING (North—Minister for Mines) [5.56 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Firearms Act to the extent of authorising officers of the Agriculture Protection Board to use, under strict controls, silencers on firearms when in pursuit of birds commonly known as starlings, or *sturnus vulgaris*.

A degree of urgency relates to this legislation in view of a known number of the birds entering Western Australia, via the Nullabor Plain. This urgency is compounded by the onset of the mating and nesting season.

Starlings were brought to Australia from England in the 1850s and within the next 22 years they were established in New South Wales and Queensland and later still in South Australia as far west as Ceduna. Improved man-made facilities across the Nullabor in recent years have assisted the migration of these birds and they have now moved further west to the swamp country at Esperance.

From October 1982, over 500 starlings have been monitored on the Nullabor. At present only 36 at Mundrabilla and two at Eucla are known to remain.

The Agriculture Protection Board believes it has used all available methods of control, including trapping with decoy birds in "crow traps", using poison in water during hot dry stretches, explosives, netting, and, of course, shooting from hides.

Of the count of 500 from October, approximately 100 have not been positively accounted for in the control methods previously mentioned. However, some of those may have died beyond the reach of marksmen and some probably returned eastwards to the South Australian agricultural areas when the season broke.

The remaining birds are very difficult to approach. Those that escape from any explosion become quiet wary as do those that are not located by the marksmen but are frightened by the gun

noise. One nesting pair, if left unhindered, could raise 12 young.

All the previously mentioned methods, except the use of explosives, have been used at Esperance. Currently approximately 45 starlings remain, 85 having been destroyed since last October.

While the Government acknowledges the seriousness and concern expressed in the possession and use of silencers, it is believed that the need to destroy the last remaining Esperance starlings is of paramount importance. An escape by any of these birds could see them quickly re-establish in the favourable swamp habitats of that region and from there quickly spread throughout Western Australia.

Starlings are a most undesirable bird, being a pest of various forms of agriculture; in particular, cereal growing, orchards, and vineyards. In addition, they compete with small native birds for environmental space and affect the balance of species. In the cities and more settled areas they cause fouling and contamination of buildings when they become established.

The purpose of this Bill is to allow the officers of the Agriculture Protection Board, under very strict statutory requirements, the use of silencers to facilitate the destruction of this vermin.

Under the provisions of the Bill, the Minister for Police and Emergency Services may authorise officers, or employees of the Agriculture Protection Board, to possess, carry, and use a silencer, such silencer to be used only in conjunction with a .22 calibre rifle licensed by the board. The authorisation will be for a specified time. However, such may be revoked at any time, for any reason.

The Agriculture Protection Board will not purchase its own silencers, but will use those currently in the possession of the police. At the cessation of use they will be returned to the Police Department.

When an officer or employee is granted an authority, the Bill provides that he shall use such only for the purpose of shooting common starlings in the performance of his duties and—

shall obtain a silencer from a member of the Police Force at the police station nearest to the area in which he proposes to use the silencer;

shall comply with such directions as are from time to time given to him by a member of the Police Force acting on the instructions of the commissioner;

shall not use a silencer otherwise than in conjunction with a .22 calibre rifle named and identified in the corporate firearm licence held by the Agriculture Protection Board;

shall take all reasonable precautions to ensure the safekeeping of a silencer possessed, carried, or used by him;

shall, when not using or about to use a silencer, keep the silencer separate from any firearm in conjunction with which it is capable of being used; and

shall, when directed to surrender, or no longer requires the use of the silencer, surrender that silencer to a member of the Police Force at the nearest police station.

Any digression from the strict requirements of the Bill, or the directions of the Commissioner of Police, will make the person liable to the penalty presently applying to the unlawful possession of a silencer; that is, \$100 or six months' imprisonment; or for use of a silencer, \$200 or 12 months' imprisonment.

I commend the Bill to the House.

Sitting suspended from 6.02 to 7.30 p.m.

THE HON. G. E. MASTERS (West) [7.30 p.m.]: The Opposition generally supports the legislation. Naturally we have one or two questions we should like to ask the Minister and I am sure he will be able to answer them. However, in general terms, we support the Bill.

We recognise the need for very strict control over firearms, ammunition, and silencers, and the police have quite rightly been concerned for a number of years that the use of silencers and rifles should be controlled strictly within the community. However, the Agriculture Protection Board has an important role to play and, as far as possible, with all the means at its disposal, it has to protect the most important industry in Australia, particularly in Western Australia; that is, the agricultural industry.

The success of the agricultural industry depends to a large extent on the work of the APB. Over the years in Western Australia the success of agriculture has been due partly to the efforts of such people as the members of the APB and partly to the fact that we enjoy, and will continue to do so, a natural isolation caused by the ocean around Australia and the large, dry expanse of land between Western Australia and the Eastern States. This, in itself, creates a quarantine area, if one likes to express it that way, and pests and disease have great difficulty influencing our agricultural industry.

Nevertheless, at times—the problem under discussion is an example—birds and the like make their way across the Nullarbor Plain. As a result, in Esperance now we have a number of starlings and they have been there for some time. It is obvious that if the starlings are allowed to breed they will cause major problems to the agricultural industry in Western Australia.

It is important to bear in mind that the starlings are in a small group at present, but it would be a disaster to the agricultural community and industry if they continued to breed. No-one would be more aware of that than members like Mr Gayfer, Mr Wordsworth, and the other farmers who are in the House today. Obviously we must do something about the problem.

The legislation proposes to provide another means by which the APB may come to grips with the problem and hopefully exterminate the starlings before they can breed. It is natural that the police are concerned about the use of rifles and, in particular, rifles with silencers and, therefore, the legislation has been written very carefully. Obviously if the silencers are misused or abused at any time the public would be in danger. I suggest that, as a result of pressure from the agricultural community and the APB, the police have agreed, probably with some reservation, to the introduction of this Bill and the use of silencers on rifles for a particular purpose, whether it be for the extermination of starlings or whatever else.

It is possible the provision could be seen as a precedent, but such a precedent does not necessarily have to be of great concern, because, as I read the Bill, further legislation would need to be introduced into the Parliament to enable silencers to be used for a purpose other than that which we are considering tonight.

The only people who will be able to use these silencers are the employees of the APB with the express authority of the Minister and under the direction of the Commissioner of Police. I imagine all the safeguards will be incorporated in the directions and authorities which will enable the use of the equipment.

I direct a question to the Minister handling the Bill in relation to his second reading speech where he said that the silencers would be available “at the nearest police station”. I imagine the silencers will be held in Perth until such time as they are required and they will then be transported by the police to the police station adjacent to the area in which they are to be used.

The Minister said also that the conditions under which the silencers will be used shall be at the direction and on the authority of the Com-

missioner of Police. I wonder whether, in that situation, problems could arise with the use of these silencers in townsites. It may be the APB would consider it necessary to use these silencers against starlings, or for whatever purpose, in a townsite. I wonder whether the police are likely to approve of that sort of situation. It is possible the police would only approve of the silencers being used in remote, isolated areas where there is absolute safety. However, silencers and special rifles are sometimes required to be used in townsites, especially if they are to be used to the best advantage. Perhaps the Minister could refer to that matter in his reply.

I intend to raise one or two other matters in Committee, but I shall mention them briefly now. As indicated previously, I understand the Minister will authorise a person to use the silencers. Under section 17 of the Firearms Act, the commissioner is empowered to authorise the use of certain equipment and I wonder why the position has been changed in the legislation under discussion. A good reason for that may exist, but I should like to know what it is. Generally speaking, I would have thought the commissioner would be well able to control the use of rifles, ammunition, and silencers. A reason may exist for this provision and it could have resulted from a recommendation by the Commissioner of Police.

Apart from one or two questions which we shall raise in the Committee stage, the Opposition generally supports the legislation, knowing it is necessary and of the greatest importance to the farming community.

THE HON. P. H. LOCKYER (Lower North) [7.38 p.m.]: I am pleased the Bill has come before the House, because I was worried when it became public knowledge last year that the police had refused to licence the Agriculture Protection Board to use silencers to deal with starlings or *sturnus vulgaris*, which is their official name.

I am pleased to see this amendment to the Firearms Act, which will at last allow the APB to use silencers. For some years the APB has been involved in a concentrated effort in this area and it is to be commended on the success it has achieved.

In his second reading speech the Minister said—

From October 1982, over 500 starlings have been monitored on the Nullarbor. At present only 36 at Mundrabilla and two at Eucla are known to remain.

This raises the question as to what the equivalent Agriculture Protection Boards in the Eastern States are doing about the problem over there. I

would be most interested to ascertain exactly what steps are being taken in other States to eradicate this pest. It would be interesting to know whether an eradication programme is under way or whether the other States are ignoring the problem and allowing these birds to migrate across the Nullarbor.

We are most fortunate in this State in that the birds apparently need to follow the coastline and cannot migrate in any other way. At least they are controlled to that extent.

Further on in his speech the Minister indicated that the authorisation would be for a specified time. Perhaps the Minister could enlarge a little on that comment when he replies to the debate, because I would be alarmed if extremely tight controls were not placed on the use of silencers, especially when one bears in mind current trends towards bank robberies and the like becoming an almost daily occurrence. I certainly would not like these silencers to fall into the hands of the wrong people. I know precautions will be taken in regard to the use of silencers and I note that the Minister made the following comment in his second reading speech—

... shall take all reasonable precautions to ensure the safe keeping of a silencer possessed, carried, or used by him;

I take it some requirements will be placed on the officers of the APB to the effect that, when they have finished using the silencers, the silencers will be returned to a specific place where they will be locked away, or some similar provision will be made. We would not want the silencers to fall into the hands of the wrong people.

I take it the Police Department will monitor the operation of the legislation very closely, and perhaps it may not be the strongest supporter of it. However, it is a step in the right direction. We should not let up in our fight against this pest.

Anyone who has been to Europe and seen the terrible devastation caused by similar birds would understand it would be a tragedy if starlings found their way into this State in large numbers.

I support the Bill.

THE HON. D. J. WORDSWORTH (South) [7.43 p.m.]: I support the legislation in the knowledge that, as a result of it, the APB will be able to use silencers when eradicating starlings.

The only aspect which worries me is the length of time this provision has taken to come before the House. We have been spending hundreds of thousands of dollars in an endeavour to eradicate the starling in Western Australia and yet we have been told that over 500 of them have been moni-

tored on the Nullarbor Plain since October 1982. I wonder how often the APB has asked for and been refused permission to use silencers.

Indeed, I believe the legislation has been introduced only because the Esperance Shire Council took up the case of the APB and drew public attention to the problem.

The Hon. D. K. Dans: Who was the Minister for Agriculture in the last Government?

The Hon. D. J. WORDSWORTH: If the Leader of the Government wishes to do so, he can criticise that aspect when he speaks. However, I am presently debating the legislation, because it concerns me.

I farmed in Tasmania where starlings were prevalent. Had I asked my neighbours there how big a menace or enemy they felt the starling was, very few of them would have said it was a great problem. Possibly they would look on us as worrying unnecessarily about starlings, but, nevertheless, we do not have a starling problem in this State and I wholeheartedly agree this situation should be maintained and we should ensure they do not migrate to Western Australia. They are like noxious weeds. If we can keep them out of Western Australia, we should.

A complete change of stance has occurred compared with that taken when starlings were found only in the Nullarbor. The police felt it was more important not to have silencers available in order that our State was safer, presumably, for policemen and the public. However, now that we have the number of starlings we have and they are so close to our populated areas, the police have decided to downgrade their requirement for safety.

I rang people in South Australia to ask about the availability of silencers. I was told that silencers can be purchased across the counter for \$25 each and that literally hundreds are sold, mainly to interstate buyers. The people I spoke with would not tell me to which States the silencers went, but obviously some come to Western Australia. I wonder whether our crime rate in Western Australia is lower because we have kept the APB short of silencers for the number of years it has required them, and whether the police in South Australia feel they are at a greater risk because silencers are readily available in that State.

Nevertheless, we have this legislation before the House, and not before time. I was somewhat surprised by how stringent the provisions are. Hopefully, South Australia will in the future tighten its firearms legislation and all States in Australia will adopt uniform firearms legislation. It would be a pretty poor criminal who could not get hold

of a silencer if he wanted one. In fact, they are easy to make.

For some time in Western Australia a severe penalty has been imposed on anyone in the possession of a silencer, while in South Australia anyone could buy a silencer across the counter. Here someone can go to gaol for a year if he is seen using a silencer.

As I have said, the legislation is confined to one purpose. I wonder whether we should have more general provisions that could be used in other areas. For instance, if we have an outbreak of another type of bird or vermin, we will have to come before the Parliament again to authorise the use of silencers. It would not be unreasonable for the legislation to be more general and the starling declared as a pest under such provisions.

The silencers are not to be used on any rifle other than a .22. The Hon. Sandy Lewis has reported to this House sightings of cougars in Western Australia. I would not like to try to fight a cougar with a .22 rifle.

The legislation allows for only particular individuals to be authorised to use a silencer. In other words, every individual officer of the APB who goes out after starlings must be licensed, although I presume that, because only one or two silencers will be used in the State, only one or two APB officers will be authorised by the Minister to use a silencer.

An APB officer has to go to the nearest police station to obtain a silencer and then can use it only on the designated rifle. Silencers cannot be readily used on different rifles because each rifle must be threaded by a gunsmith to take a silencer. Most people who shoot professionally like to use their own rifles, and as a result I envisage certain complications. If an APB officer is transferred from Geraldton to Esperance to take part in the starling hunt, he will not be able to use the rifle he is accustomed to; he will have to use the one authorised for a silencer.

The silencers must be returned to the police station from which they were obtained, which will cause difficulties. If there is an outbreak of starlings along the coast from my property at Esperance, on which the starlings have been found, the silencers must be returned to the police station from which they were obtained and then transferred by the police to the police station nearest to the starlings before the APB officer can again obtain a silencer. It would be better to provide for APB officers to keep a silencer. One or two particular officers could be authorised to use a silencer at any place an outbreak of starlings was reported. A mistake in the provision regard-

ing the return of a silencer to the police station from which it was issued was highlighted in another place. It would be unreasonable for me to raise that matter here, but the mistake was quite serious. It has been corrected.

I do support this legislation. It is interesting to note that if anyone is to be shot as a result of the use of these silencers, it will be me. The swamps where these starlings have been found happen to be on my property. I have no fear of these silencers. I have never heard of a person after hearing a rifle shot having time to duck before the bullet gets to him. However, we must get onto this matter as soon as possible, and the sooner the legislation goes through this place, the better.

THE HON. H. W. GAYFER (Central) [7.53 p.m.]: I not only support this legislation, but also welcome its introduction to this House. It was interesting to note from the Minister's second reading speech that starlings were introduced to the Eastern States from England in the 1850s. They are yet another one of those terrible imports we seem to have had foisted upon us in the early days, imports such as rabbits, hares, and a few others.

An Opposition member: And shop stewards.

The Hon. H. W. GAYFER: Shop stewards! Somebody else said "shop stewards", not I. It is well known starlings can cause a tremendous amount of damage not only to farms, but also to suburban backyards. I do not think most people realise the damage starlings can cause to our environment. In plague proportions they virtually strip a wheat crop; they take the grain out of the head. They can do great damage also to strawberry crops by taking the flowers, and they will take the flowers from other types of budding plants which may be the livelihood of many people.

Starlings are quite capable of fouling our environment. Certainly they can get into the rafters of all sorts of buildings, and even silos. It is possible to seal buildings against starlings, but one cannot always seal every nook and cranny. Starlings are great carriers of Newcastle disease, which can be readily transferred to poultry. An outbreak of this disease could cause quite a deal of damage in our poultry industry. The starling must be guarded against; we must do all we can to eradicate the few that exist in Western Australia.

Why they have not migrated into Western Australia is generally not known. It seems they must have swamp-like country in which to breed, and be able to go from one swamp area to another. Every year starlings go from colonies in Siberia

to England and South Africa. That is 10 000 miles one way, and then they go back again. The problem we will have is that if they become accustomed to migrating to Western Australia from the Eastern States and back again, every time they come across the numbers will increase by a couple of hundred. Once they establish themselves in an environment they can reach plague proportions in one decade. The Minister mentioned, I think, that a pair of starlings can hatch 12 chicks in one season. They can be a serious problem which, in my opinion, is being tackled just in time.

The Hon. David Wordsworth referred to the hesitation which has existed in adopting this extermination procedure. He quite rightly said that in South Australia silencers can be purchased over the counter. However, I thought the price was \$10, not \$25, and I know a silencer can be slipped into one's pocket. As far as I know, contrary to the remark of the Hon. David Wordsworth, a silencer does not have to be fitted to a rifle by a gunsmith. A particular readily available silencer can be fitted over the end of any rifle.

Even though there is a lot of apprehension about the use of silencers, in time we will make ourselves accustomed to their use just as we are accustomed to the use of .22 rifles. They are commonplace on every farm, as are shotguns and other such things used for the purposes for which they are kept. Unfortunately, firearms and silencers are readily available in other States, and we have decided to put the brakes on here in respect of the use of silencers; but in time I would not be surprised if silencers become an accepted part of the equipment to deal with vermin.

If a starling appears on a farmer's property he will have to get into his car and drive possibly 75 miles to the nearest police station to see whether somebody is available to use a silencer. Probably the farmer will be told that the man authorised to use a silencer is 100 miles away. The starling would still be sitting on the branch—I do not think!

I believe the use of silencers will become an accepted practice so that we do not experience the problems we know starlings can invoke. The Bill states that the Minister may grant authority in writing to an approved officer or employee of the Agriculture Protection Board to possess and carry a silencer, and that the officer to whom the authority is granted shall apply with such directions as are from time to time given to him in connection with silencers by a member of the Police Force acting on the instructions of the commissioner.

This means that an APB employee has to go into town and obtain a heap of instructions and

directions on how to use the silencer and where he can use it. The commissioner must not accept the advice of the Agriculture Protection Board officer, who would probably know best where and how to use the rifle to shoot these birds.

In time this clause will need alteration so that those people in the APB who know how to track down these birds, and who have the knowledge of how to use the rifle and of other protective measures, will be given the power to deal with silencers.

Some relaxation of the provisions is required. I am sure the Minister will not relent on any of the provisions in the Bill, which I believe to be too protective. Silencers should be readily available to people who wish to use them, so that the starlings cannot multiply.

I support the legislation.

THE HON. TOM KNIGHT (South) [8.02 p.m.]: I represent a large rural electorate which majors in grain production—

The Hon. H. W. Gayfer: I forgot that I do, too.

The Hon. TOM KNIGHT: I support the previous speakers. As members are aware the damage caused by starlings in the northern hemisphere is great. I have just returned from a trip to England and Europe and I was amazed at the prevalence of starlings there, with no apparent attempt to control them. I have noticed, on numerous trips to the Eastern States, that starlings have done much damage there also. We cannot afford this.

The Hon. David Wordsworth mentioned that it was not necessary for Tasmanian farmers to use silencers. I do not believe Tasmania majors in grain production, and perhaps that is the reason.

The threat of the starlings to the agricultural industry is such that we must do all we can to prevent further destruction of our grain. This measure is a sensible move by the Government to protect a strong industry which is vital to Australia's future.

The simple fact that the sound of an explosion will startle the birds means that a silencer is necessary. With any other vermin, such as rabbits, we know they will go down their burrows to emerge at a later stage. However, starlings have been known to shift to a completely different area.

I hope the strict controls laid down in this legislation will be adhered to. I support the Bill because it is a good move.

THE HON. J. M. BROWN (South-East) [8.05 p.m.]: I support the introduction of this amendment to the Firearms Act. I can understand the concern expressed by the Commissioner for Police

with the introduction of the use of silencers in this State. I understand the concern expressed about the control of firearms generally and the responsibility placed on the members of the Police Force as a result of this measure.

It is only as a result of the activities of the Parliament that it has been possible to convince the Government that the introduction of silencers is a necessary step. I wish to pay tribute to the new member for the South-East Province—the Hon. Mark Nevill—and the Minister for Transport for their assistance in bringing this matter to a satisfactory conclusion.

The Government and the Parliament are to be congratulated for their support of such an important measure and the expeditious way in which the legislation passed through the other place. I trust the legislation will receive the same reception in this Chamber.

Last year, 30 officers of the Agriculture Protection Board 12 of whom were Aborigines were employed in the eradication of starlings. This operation was financed under a Commonwealth-State agreement and proved to be most effective. Indeed, members have said that the methods used by the Department of Agriculture and, in particular, the Agriculture Protection Board, were successful even though they were carried out under very trying conditions.

In the Mundrabilla area east of Esperance many trials and tribulations were experienced in efforts to control the starlings. Mr Terry Black, the officer in charge of the Agriculture Protection Board branch in Esperance, and his departmental officers, deserve the highest commendation for the manner in which they have approached this problem.

Despite section 92 of the Constitution, we do not want starlings near us. As previous members have stated, they are a pest and cause damage to grain crops and horticulture. They are a nuisance to the natural fauna and cause problems in the urban areas also. I do not think metropolitan members would be aware of the problems they can create in urban areas. An influx of starlings can cause fouling and lice problems.

I wish to commend the Esperance Shire Council for its sensible approach to this matter, as well as the farming community and the Primary Industry Association.

This legislation will enable a silencer to be fitted to the BRNO .22 rifle, under the strict supervision and control of the Commissioner of Police, when officers of the APB carry out the final eradication.

We are all aware of the urgency of this matter because the nesting time for starlings is from July through to December. They will mate three times in the next six months, and produce eight eggs in each batch. Each starling is probably responsible for producing 12 fledglings in a six-month period.

We recognise the high cost involved in the control of starlings; but I do not think members realise the thousands of dollars that have been spent on plant and equipment, in addition to wages, because of the great distances travelled by those people who work for the Agriculture Protection Board.

The final eradication of these pests will be of great benefit to this State because no-one in this place could estimate the cost to this State if infestation becomes a reality.

The capital commitment required for this programme would be far offset by the advantages. By allowing the use of silencers but still respecting the Commissioner for Police's concern for the control of firearms, I believe the Government and the Parliament have shown a sensible approach to this matter.

I support the Bill.

THE HON. PETER DOWDING (North—Minister for Mines) [8.10 p.m.]: I thank the Opposition for its support of this Bill and for the comments members have made. A couple of matters ought to be corrected. It is not the case that in South Australia silencers may be acquired. According to my instructions, in South Australia that was not illegal and silencers were manufactured until 1982. Since that time the South Australian legislation has made it an offence to be in possession of a silencer.

Commonwealth legislation totally prohibits the import of silencers and it is a standard position throughout the Commonwealth and throughout many countries of the world that the possession and use of silencers is prohibited.

The Hon. D. J. Wordsworth: I phoned a sports store in South Australia and asked the price and whether they could fit one for me.

The Hon. PETER DOWDING: All I can say is that the honourable member should immediately contact the Commissioner of the South Australian Police Force so that the person who gave him that information can be dealt with according to the law of that State.

I think the Hon. David Wordsworth is on his own in terms of support for the extensive use of silencers. It is the practice throughout the Commonwealth to clamp down very heavily on their use. If the Hon. Mick Gayfer had been in this

place in 1973 when the Firearms Act was passed he would have known that at that time it was made an offence to possess or use a silencer.

The Hon. H. W. Gayfer: I am well aware of that.

The Hon. PETER DOWDING: Members who have suggested that there is a need for some flexibility in the approach of the Commissioner of Police and the APB are expressing a view that is contrary to policy. The strictest attention needs to be applied to the use of silencers. This Bill is designed to ensure that strict attention is given to their use, which will be only under the most limited circumstances.

I thank honourable members for their support of the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. D. J. Wordsworth) in the Chair; the Hon. Peter Dowding (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 17B inserted—

The Hon. G. E. MASTERS: During the second reading debate I asked the Minister whether he was able to give me some reasons for certain decisions that were made. One matter I raised with him was that it seemed odd that under the Firearms Act, the Commissioner of Police was able to make certain decisions in relation to firearms but under this Bill the Minister has that authority. I wonder whether the Minister knows the reason this should be so. It would seem reasonable to me that the Commissioner of Police is competent to make that decision based on the argument and the application before him. The matter may be of such importance that it must go to the Minister.

The Hon. PETER DOWDING: The member has hit upon the reason. It is regarded as of the utmost importance that the use of silencers should not be considered a mere administrative formality.

May I correct an assertion made during the debate in relation to proposed subsection 3(f). The inclusion of the word "nearest" was not a matter of an error being corrected in another place; it was the result of the acceptance of a suggestion from a member of the Opposition.

The Hon. G. E. MASTERS: I thank the Minister for that comment and raise another question. Obviously there will be a difference of opinion at times between the police and the APB. I believe

the police will put strict conditions and regulations on the use of silencers and that may in fact prohibit the APB officers from carrying out their job as effectively as they would wish. There could be a dispute. I raised the possibility earlier that silencers may need to be used in certain circumstances in townships and the police probably would say "No". The APB would say that unless its officers could use a silencer they could not do their job. Is it possible under this legislation or under the Firearms Act for the Minister to overrule the police on this matter if he thinks fit?

The Hon. PETER DOWDING: The authority for the issue of the silencer is to be given by the Minister. The requirement of the directions is one for the commissioner. Clearly, the honourable member is presupposing a circumstance in which a dispute arises which cannot be resolved at ministerial level. The seriousness with which the Government and the police view the issue of silencers justifies their issue by a ministerial decision. The circumstances under which they are used is an administrative matter for the attention of the commissioner.

The Hon. G. E. MASTERS: I would have thought that the Minister could overrule the police if he wanted to because section 51 of the Firearms Act says the responsibility for the administration of that Act is vested in the Minister, who is required to have regard for the recommendations of the commissioner. I believe the Minister could overrule the commissioner. I leave it at that. It should be noted in this Chamber that it may be the case that the Minister has the overriding authority if he thinks it is essential.

The Hon. P. H. WELLS: I do not have a rural electorate but I am interested in the fact that there is a crime wave in the metropolitan area, particularly in bank holdups. It amazes me where the silencers come from because I understand it is illegal to manufacture them in Victoria, and they are illegal in South Australia and Queensland. I do not have the New South Wales Act so I do not know the situation there. I ask whether our police stations have silencers, because proposed section 17B(3)(a) says that an officer must go to the police to get the silencer. Can the Minister say whether silencers are kept at each of the police stations throughout the State where they are likely to be used?

The Hon. PETER DOWDING: The answer is "No". Silencers are kept by the police in one central area. They will be issued to the police stations where the APB officer will be working. It is anticipated there will be only two such police stations. Until they are issued in accordance with the provisions of this Bill, should it become an

Act, they will be kept in a central repository by the police.

The Hon. G. E. MASTERS: Proposed subsection (3)(f) on page three of the Bill states—

Shall, when he—

- (ii) no longer requires the use of, a silencer obtained by him under this subsection, surrender that silencer to a member of the Police Force at the nearest police station. . .

It does not seem to me to refer to a person who no longer is entitled to use a silencer. The Minister will no doubt draw attention to subsection (3)(b) which says a person using a silencer shall comply with such directions as given by the commissioner. But it does not mention in the legislation that a person who is no longer entitled to use a silencer automatically has to return it to the nearest police station. I would have thought that should be included in the legislation in paragraph (f)(ii) so that the silencer is surrendered immediately. The subsection would then read that a person who no longer requires or is entitled to the use of a silencer obtained by him under that subsection must surrender it immediately. It may be included in the direction from the commissioner but it is not written into the legislation. In past years Mr Dowding has always been firm on the point that whatever is intended should be written in the legislation. I ask him to consider the inclusion of those words.

The Hon. PETER DOWDING: The words are not required. The moment at which the officer no longer is entitled to a silencer by virtue either of the termination or the breach of his authority or the terms of his authority, is the moment at which he must surrender it. To retain it would be an offence. Where he is given a permit to carry out certain duties and those duties are at an end, he no longer requires the silencer. The word "require" does not import a mental element; that is, it is not upon the officer to determine whether it might be a nice idea to hang on to it. It is a word which imports the concept of the officer either no longer having any right to the use of a silencer for the purpose of his duties, or to indicate a moment when the officer's duties are at an end as far as the use of that silencer is concerned.

Two mechanisms exist in the Bill. One is the creation of an offence for a person to have in his possession a silencer other than one held by him in pursuance of an authority. The second is a direction that requires the return of the silencer by virtue of the end of the duties for which it was issued. In either event, the obligation is on the officer to return the silencer and failure to do so would lead him to the commission of an offence.

The Hon. G. E. MASTERS: I really do not see that it is specific in the legislation that the proposition the Minister is putting forward necessarily includes what we are seeking to do. It certainly says the person using the silencer shall comply with certain directions. The directions are not specified—they are the same as regulations—and we do not expect them necessarily to be specified when we receive a Bill in the House. It must be written clearly in the legislation that a person who no longer requires or is entitled to use a silencer should surrender it immediately to a police station. Subsection (4) says in part "or ceases to be permitted by the board to possess, carry or use a .22 calibre rifle under the Corporate Licence referred to in subsection (7), his authority is rendered void". That does not seem to me to mean he must hand it in at once. I accept that it will almost certainly be written into the direction given by the commissioner, but it is not specific in the legislation, and it should be.

We are treating this as a serious matter. We are dealing with firearms and appliances for firearms which could cause problems in the community if they were stolen or lost track of. The use of the word "immediately" to make sure it is implicit that this equipment is handed in is essential so that those people not entitled to use the equipment should understand that immediate surrender is necessary. I would have thought the Minister, in the spirit of the speech made last night by Mr Dans when he said the Government would not hesitate to consider amendments put forward in a genuine spirit, might accept our proposition.

The Hon. D. K. Dans: Genuine and sensible.

The Hon. G. E. MASTERS: Mr Dans may smile at a debate on this matter, but it is of the greatest importance and in that spirit he should consider the Opposition's proposal.

The Hon. PETER DOWDING: I do not treat the honourable member's remarks lightly and I understand he is putting forward a personal suggestion as to how this drafting might be improved. I make the point that if the person is in the bush shooting starlings—let us assume he has shot the last one—it might be said his need for the silencer is at an end. His duty is then to go and surrender it at the nearest police station. If we import all sorts of other words we may get a question on one hand of a more onerous obligation on an officer than might otherwise be intended; or, alternatively, a less onerous obligation. When the officer has the silencer in his possession he must act in a particular way. The legislation re-

quires him to comply with proposed section 17B(3), and when the need for the silencer is at an end he must return it. That means he must return it when the need for it ends. One assumes it is intended these APB officers will have some strict regulatory obligation imposed on them by the commissioner, and that is as it should be because we do not know where and what circumstances they will be working.

The procedure for obtaining a licence is stringent and appropriately difficult. Some practical considerations arise here. I do not see any need to alter paragraph (f). If an officer is holding a silencer contrary to his permit he is in breach of the law and an offence is committed. There is no need to create a second offence.

Paragraph (f) imposes an obligation for the return of the silencer at the moment the officer no longer requires it. I do not believe that writing in the word "immediately" or making any other alteration enhances the protection about which the member is concerned. I take on board what he says and no doubt the Commissioner of Police will have these matters in mind when he issues permits. I do not see it as a function of the Legislature to write in words that will not add to the protection of society. Nor should we impose any more onerous obligation than is necessary on the officer to whom a silencer will be issued on ministerial authority.

The Hon. G. E. MASTERS: I cannot agree with the Minister when he says it is not necessary to include the words I have suggested. They would enhance and strengthen the legislation and make it clear and precise as far as the people using the equipment are concerned.

If the Minister is not prepared to place those words into the legislation, I simply ask him to make sure that the remarks expressed by me are passed on to the Commissioner of Police so that the directions and conditions laid down are spelt out clearly.

The Hon. PETER DOWDING: In case those officers do not use *Hansard* as their bedside reading, I give the honourable member an undertaking that his comments will be conveyed to the Minister and to the commissioner.

The Hon. G. E. Masters: Thank you.

The Hon. P. H. WELLS: The Minister mentioned that the silencers were to be kept at one centre. Will there be a register of the silencers issued? Where will the register be kept? Will it be available for the public to examine?

The Hon. PETER DOWDING: There is no provision in the legislation to require such a register, or to require it to be open to members of the

public. I do not feel it appropriate for me, as a person representing the responsible Minister, to indicate whether a register ought to be open to the public. Personally, I would not have thought we would tell the public where silencers were being sent.

I would think this is a matter for the Minister. I will convey the suggestion to the Minister and the commissioner, and they can determine whether it is appropriate for a register to be kept, and whether it ought to be available to the public.

The Hon. P. H. WELLS: I raised that question because I notice that in other States registers are required. I wonder why they are required; but I accept what the Minister has said.

I gather the use of silencers is only effective with high-velocity rifles.

The Hon. Neil Oliver: No.

The Hon. P. H. WELLS: My understanding is that the reason one can release silencers for use with .22 rifles is that, if they are used with any other gun, they are ineffective. Is that correct?

The Hon. R. J. L. Williams: No.

Clause put and passed.

Clause 3: Section 23 amended—

The Hon. P. H. WELLS: This is the clause which exempts a person authorised to use a silencer from the penalties in the Act. Is there any deterrent within the Bill against any of the officers overstepping the mark in the misuse of firearms? If a person who has a legal right to have a silencer decides to have a drinking bout and misuses it, what is the situation?

The Hon. PETER DOWDING: Proposed section 23(7a) provides that the only people who are exempted from the commission of an offence in relation to the possession or use of a silencer are members of the Police Force acting in the performance of their duties—a dipsomaniac-on-the-grog police officer would not come into that category; and I am sure there is none, although the honourable member presupposes there is—and persons who are the holders of authorities who are acting in accordance with those authorities. That really gives the public of Western Australia all the protection that they could reasonably require.

The Hon. P. H. WELLS: If an officer misuses the weapon, all we can do is smack his hand and take away the silencer?

The Hon. PETER DOWDING: He could be taken before a court of law and fined. He could be put into gaol for six months. No doubt, if he were a police officer, he would be disciplined in addition or in lieu. If he were an APB officer, he

would be sacked. The Act provides for an offence of the possession or use of a silencer. Where a silencer is in the possession of, or being used by, someone other than by a police officer in the course of his duties, or an APB officer authorised by a permit, an offence is committed. The moment he steps outside the terms of his permit or the terms of his duties as a police officer, he commits an offence for which is prescribed a period of imprisonment.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

ADDRESS-IN-REPLY: SECOND DAY

Motion

Debate resumed from 22 March.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [8.39 p.m.]: At the outset, I congratulate the new members of the House—those members who were elected for the first time at the last State election—upon taking their seats in the House. I refer to the Hons. W. G. Atkinson, C. J. Bell, G. J. Edwards, E. K. Hallahan, M. W. Nevill, S. M. Piantadosi, and W. N. Stretch. I am sure they will find their period of office in this House very interesting, and they will be able to do much to further the interests of their electorates and of the State.

I also congratulate the Leader of the Government (the Hon. Des Dans) on his elevation to that position; and I congratulate the Ministers, the Hon. Mr Berinson and the Hon. Mr Dowding, upon their appointments. Indeed, I congratulate all the newly elected members, and those who were members previously and who have been re-elected to the House. I include in those congratulations the Hon. Mr Wordsworth, who has been appointed the Chairman of Committees.

We had an unusual start to the Parliament when we had an early sitting a few months ago to deal with one matter only—the prices control legislation. That was preceded by the Governor's Speech, which told us very little due to the haste with which the sitting was brought on immediately after the general election. The Minister's statement which we heard last night, and which was similar to that delivered by the Premier in

another place, has, however, outlined the Government's legislative proposals. We now have before us a statement of the likely legislation which the Government proposes to introduce.

I wish to make one or two comments fairly briefly on one or two items in the address we heard last night. Necessarily, because of the shortage of time in which to comment on them, I will be fairly brief, and at a later stage I will have more to say upon some of the individual Bills when they come before the House.

The word "mandate" has been used in a very loose sense. I have heard the word used frequently in this House over the years, and I have inevitably found that it has been used loosely. If members examine the meaning of the word, they will find that it connotes an instruction. It means that an instruction has been received by someone. The word "mandatory" means that an instruction has been given, and there is a requirement to account to some particular person or body. This, I believe, is the loose way in which it has come to be used in political circles, where it has come to be equated with some kind of political desire.

The Hon. Tom Stephens: It comes from the Latin *mandare*, to give a go. It means a fair go.

The Hon. I. G. MEDCALF: If one examines the Latin derivation, one finds that it connotes "instruction". I have taken the trouble, in the short time available to me, to examine the definition of "mandate" in *Webster's Dictionary*. That is a very good dictionary, and it gives a series of different meanings, according to the context in which a word is used. If it is used in law, politics, literature, or in some other sense, the dictionary usually gives the special adaptation of the meaning of the word. Webster shows the political-science meaning of the word as "the instruction given by a constituency to the elected legislative body or one of its members, requiring a certain course of action to be followed".

There is no equivocation about that. It means, "an instruction given by a constituency". It gives, as a synonym for "mandate", the word "injunction". The description of "injunction" is "authoritative instructions, mandates, issued, which the member is bound blindly and implicitly to follow". The author of those words is none other than a gentleman by the name of Burke. As my dictionary is dated 1929, that must refer to some Burke other than the one some members may have in mind.

It is quite clear that Governments sometimes may have a mandate. Sometimes there are single issues on which a Government is elected, and I will mention one of them.

One instance was when the Menzies Government was elected in 1949 following the bank nationalisation issue. That Government was elected on a mandate against the nationalisation of banking in Australia. That was a single issue election, and there have been others. But in most cases a Government is elected to power from a number of people who are elected and who make up the majority from the individual electorates all over the State or country. These series of individual electorates in which the electors vote for a multifarious number of reasons in fact enable the Government to achieve a majority.

No-one disputes that the Burke Government achieved a considerable majority, but what I am disputing is that all those electors who voted for the Burke Government voted for that Government on a mandate to carry out every item in its platform. I say quite unreservedly that there is no question but that the ALP was given a mandate to form a Government. But that is where the mandate rests.

The Hon. Robert Hetherington: I disagree.

The Hon. I. G. MEDCALF: The Government will proceed to carry out its platform, and I do not doubt that the Burke Government has a platform. But it cannot claim to have a mandate for every item that appears in that platform, and that is where the matter begins and ends.

I am pleased to note that the present Government has decided to pursue a number of matters which the previous Government was pursuing.

The Hon. Robert Hetherington interjected.

The Hon. I. G. MEDCALF: As interjections are highly disorderly I might soon take exception to the honourable member's interjecting continually during my speech.

The Hon. Robert Hetherington: Goody, goody.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: The previous Government put forward a number of matters of law reform which the present Government has adopted, and I am pleased this is so. I hope that when those matters do come forward they are in much the same form as they were when approved by the previous Government. I will be looking at them with considerable interest and I believe they could be well received. A number of other matters were mentioned which were not the concern of the previous Government, and no doubt we will scrutinise those very carefully.

The ministerial statement says that the Government will attend to the backlog of Law Reform Commission reports on which no decision or action has been taken. If the Government is

referring to some of the reports that go right back to the days of the Tonkin Government, on which no action has been taken over all these years, there is probably good reason for no action having been taken. I sincerely hope that the Government does not bring up some of the very old Law Reform Commission reports which go back 12 years or more, because obviously the demand for action in those cases was not very high.

I point out that quite a large number of Law Reform Commission reports—it was formerly called the Law Reform Committee—which it was said had not been implemented have in fact been effectively dealt with in one way or another. A number of these reports had to be referred to other departments for action because they came under the portfolios of other Ministers, and I refer particularly to matters dealing with main roads and local government. Some of these reports have been superseded by legislative changes of other kinds or have been referred to a standing committee or to a Federal body. Some of the reports called for no action at all.

Honourable members will have noted the tendency, in all walks of life, for matters to be referred to a commission or a committee if they belong to the "too hard" basket, and that of course has happened in law reform just as in other spheres of life. Quite a lot of the matters referred to the Law Reform Commission over the years were matters which a particular Government in years gone by found too hard to deal with, and for that reason they were whisked off to the committee, the present commission. Some of those matters really do not deserve to be brought up.

A comment which has not been made but which should have been made is the extent to which Law Reform Commission reports have been implemented in the legislation of this State during the last decade. This has happened far more so than at any other time or in any other State in a comparable period. Western Australia is now ahead or has been the pacesetter in so many areas of law reform.

The previous Government in fact strengthened the Law Reform Commission by appointing two full-time commissioners as well as the part-time commissioners. Naturally this put a lot more pressure on the administration, and for this reason the staff of the Crown Law Department was increased.

I should make one or two further observations about the Law Reform Commission, without reflecting at all on its members. The opinions of experts should always be taken, but those opinions cannot always be acted upon, certainly not im-

mediately. This applies particularly in the area of law reform, where one has to consider the need for proposals to gain public acceptance. A Government cannot thrust law reform down people's throats.

One should encourage law reformers, but one should bear in mind that their proposals must be able to be translated into practical reality in a way that will enable our laws to be workable; if they are not, the law will be brought into disrepute. We should bear in mind the comments of Dr Goodhart, former Professor of Jurisprudence in the University of Oxford, who said—

Law reform, if it is to prove successful, must be a practical exercise. It depends on three things: (a) the law reformer must know what are the practical defects of the present law; (b) he must ascertain what practical steps can be taken to overcome these defects; and (c) he must attempt to foretell what will be the results of those steps. If he keeps these three elements in mind he is not likely to exceed the limits that ought to circumscribe his attempts.

I mean no disrespect to the Law Reform Commission when I say that sometimes its advice is not taken. I am sure its members will understand this.

Naturally those who work in this field are anxious to see the fulfilment of their work by way of the introduction of legislation, but this cannot always take place. Further, "instant law reform" should generally be discouraged except where some urgent matter arises, perhaps a matter of technical nature which has to be taken care of immediately. Law reform should be approached with a certain degree of care and caution before a decision is made as to what reform is appropriate and how it would be best achieved. We can never assume that the expert advice we get will necessarily be acceptable to the Parliament and to the public, both of whose views must be accommodated if law reform is to retain the credibility it should rightly have.

I will comment now on budgetary responsibility. There is very little in the ministerial statement about Budget responsibility; some generalised comments are made. But it should be noted that all Government charges have gone up, be they for water, gas, or electricity, by as much as 10, 12, or 15 per cent during a period when personal incomes have either fallen or are static during the wages freeze. This raises the very serious question of the accountability of Government departments. Private enterprise was appalled, to say the least, at the spectacle of the last Premiers'

Conference when vast sums of money were added to the national deficit because the Premiers insisted that they must have more money. I can well understand why they asked for more money: Their Governments' expenses were rising because of inflation and other causes.

But what about reining-in these authorities and departments? What efforts have been made to tighten the belts of Government authorities? The demand of authorities will be insatiable if the Government allows them to make their demands without reining them in. The severest strictures have to be applied by someone outside the Government circle.

The experience of private industry, which cannot increase its charges because its customers cannot pay more or will find a cheaper substitute, indicates that Governments must find ways of cutting down expenses and costs. There is no substitute for Government monopolies of water, gas and electricity; there is no competition with the Government departments which provide these services. The public must deal with them. Therefore, there is a responsibility on these departments and authorities to be particularly zealous in keeping their expenses to a minimum. Naturally they will not do this unless they have someone looking over their shoulder. It is absolutely essential that we have some outside group or body to keep an eye on these authorities.

In a monopoly, be it a Government or private enterprise monopoly, there is always a danger of increased charges, and Governments like private enterprise cannot go on increasing charges to the public. There is a need for scrutiny of the most minute kind. There is a need to appoint a consultant group independent of Government to inquire into and scrutinise the accountability of Governments. There are plenty of precedents for auditing the efficiency of Government departments. Money is well spent if private consultants have annual contracts to provide continuing independent protection to the taxpaying public.

There is one area in which there has been job creation by the Government; that is, in the appointment of Government advisers. This has been a growth industry under the present Government. We have seen a recent influx of staff to advise Government Ministers on various aspects of their portfolios. It cannot be doubted that advice from people who have expertise in a given area is always welcome, but a cautionary note must be sounded about the appointment to these positions of people who have a vested and long-standing interest in areas covered by certain portfolios.

It is interesting to note that the Premier finds it necessary to have his own adviser on industrial relations in addition to the adviser appointed to assist the Minister for Industrial Relations. Indeed, there are so many advisers that I hesitate to mention them all, because it would take too long. I am not convinced that I have an up to date list of them. My information is probably a bit stale. It is an extract from the *Daily News* of 22 April, so it is three months old. I am quite prepared to admit that some of these items need to be updated. I am not saying the salaries have been updated; I hope they have not. This extract refers to an expenditure of over \$500 000 for 17 advisers. There may well be more of them.

It is astonishing to see the number of advisers appointed from union circles. They are all mentioned here and they have had a fair bit of publicity. It is extraordinary to realise that many of these people come from unions which themselves have a great deal of authority within the ALP. How does one decide who is running this Government? If the Government receives advice from advisers who in fact have some way of having some influence on Government apart from their positions, how does the Government reject that advice?

This is a difficult matter to overcome. We in this House are all accustomed to rejecting advice. It is easy enough to reject advice from people who are permanent heads of departments or permanent senior officers in the Public Service because they are there to serve the Government. They are non-political, non-partisan and permanent; their permanency is guaranteed by various industrial conditions which ensure that they will give independent advice and that they will not be in peril of losing their positions. The Public Service generally is a politically independent body.

The Hon. H. W. Gayfer: You have to set up a board of advisers.

The Hon. G. E. Masters: I think they are building an office block for them.

The Hon. I. G. MEDCALF: Public servants are employed to assist their Ministers, of whatever political persuasion, in the administration of their portfolios. These are the people whose salaries the Government has decided to reduce. This action must surely be seen as an attack on the professionalism of the Public Service. I do not know what happens if a Minister rejects the advice that his adviser gives in the case of the adviser being one of his union representatives. What are the repercussions? Who are the masters and who are the servants? I stress again the advantage of having Public Service advisers who are inde-

pendent of Government, non-political, non-partisan, who have a permanency of employment and no axe to grind, and who do not have to curry favour with the Minister. They give their advice and if the Minister does not take it, it is no skin off their noses; it does not really concern them. They have done their jobs and they know they will not lose their positions because of it.

The Government is foolish to spurn the Public Service. The Government has embarked on a dangerous, costly and duplicative exercise which will have repercussions. The Government should heed the warning that it has received today from the Public Service.

I want to comment on the external affairs power under the Commonwealth Constitution. Some members may perhaps be inclined to ask what this has to do with the State Parliament or the State Government, and I will explain it for the benefit of any member who does not know. The power of the people of Australia to change the Constitution has been bypassed by the High Court's decision in the Tasmanian dam case. The referendum method of changing the Constitution still exists, of course, but there is no need for the Commonwealth to use it if it happens to sign an international treaty on a particular topic which could be almost any subject one cares to mention. Literally dozens of these treaties are in existence, in embryonic form, or perhaps coming up, and all the executive Government of the Commonwealth—that is, the Executive Council or the Cabinet as the Executive Council—has to do is to sign and ratify a treaty—without the intervention of the Federal Parliament and without consultation with the States. This may have a far-reaching effect upon State law. If the Commonwealth subsequently legislates, the legislation will override State law.

The Tasmanian dam case is significant, far beyond the environmental or heritage issues in relation to the particular problem in Tasmania—the Gordon-below-Franklin dam. It goes far beyond that because the point of principle which was decided in the case, as was made clear by the judgment of the members of the High Court, really did not refer to the dam at all.

They were not concerned whether a dam or not was built there; they were concerned with the point of principle of the use of the external affairs power of the Commonwealth in connection with an international treaty. The decision made in that case brought about the most far-reaching change during the 83 years of federation. When the Australian colonies agreed to federate with a written Constitution in 1901, it was said, with some wisdom, that this would mean the triumph of legal-

ism, and that has been borne out by events. As a result of successive constitutional interpretations by the High Court, which is the sole arbiter of the Constitution, the meaning of the words used in the Constitution has been considerably broadened. While the founding fathers of the Constitution, in order to prevent dramatic changes, provided for a fairly restrictive method of alteration by a referendum of the people under section 128, the High Court has succeeded in bypassing this in successive judgments. The latest of these judgments is the Tasmanian dam case. In actual fact, there are very few cases on the direct extent of the power to legislate under the external affairs power.

The three principal cases are: *Rex v. Burgess*, a 1936 case dealing with an international airline treaty; the *Koowarta* case, which was decided last year, dealing with the racial discrimination treaty; and the Tasmanian dam case. The first case dealt with an airline treaty and was clearly a matter of international concern. In the *Koowarta* case, which was decided last year by four judges to three, the fourth majority judge (Mr Justice Stephen) held that there must be matters of international concern for a particular treaty to come within the power. In the Tasmanian dam case decided a few weeks ago, the four majority judges held that all treaties are of an international concern.

Indeed, two of the judges expressed the view that there may be other external affairs which are not necessarily involved with international treaties. One of Australia's leading constitutional academics, Dr George Winterton, said in *The Australian* on 4 July 1983—

It (the High Court) is probably the most centralist high court since federation.

The effect of the Tasmanian dam decision may perhaps best be summed up by quoting from some of the judgments. The Chief Justice (Sir Harry Gibbs) said in his judgment—

The external affairs power differs from the other powers conferred by section 51 in its capacity for almost unlimited expansion.

Later he said—

There is almost no aspect of life which under modern conditions may not be the subject of an international agreement, and therefore the possible subject of Commonwealth legislative power. Whether Australia enters into any particular international agreement is entirely a matter for decision by the Executive. The division of powers between the Commonwealth and the States which the Constitution effects could be rendered quite

meaningless if the Federal Government could, by entering into treaties with foreign Governments on matters of domestic concern, enlarge the legislative powers of the Parliament so that they embraced literally all fields of activity. This result could follow even though all the treaties were entered into in good faith, that is, not solely as a device for the purpose of attracting legislative power.

Mr Justice Mason said—

There are so many examples of the common pursuit of humanitarian, cultural and idealistic objectives that we cannot treat subjects of this kind as lacking the requisite international character to support a treaty or convention which will attract the exercise of the power. Indeed the lesson to be learned from this experience is that there are virtually no limits to the topics which may hereafter become the subject of international co-operation and international treaties or conventions. In this respect there is therefore a vast difference between the position in 1900 when the Constitution was drawn up and the position to-day.

Mr Justice Mason further said—

No doubt this problem might have been more readily answered in 1900 by reference to the world of international affairs as it stood at that time, a world devoid of international and regional institutions and agencies as we know them to-day in which international discussion, negotiation, co-operation and agreement took place on a very limited scale in relation to limited subjects.

In opting for a broad interpretation rather than a narrow interpretation the majority judges have in effect indicated that the Commonwealth Parliament can now legislate on any topic which is the subject of an international agreement notwithstanding that it may be of traditional or peculiar domestic concern.

Mr Justice Wilson had this to say—

I remain convinced with all respect to those who think differently that an expansive reading of section 51 (29) so as to bring the implementation of any treaty within Commonwealth legislative power poses a serious threat to the basic federal policy of the Constitution. Such an interpretation if adopted would result in the Commonwealth Parliament acquiring power over practically the whole range of domestic concerns within Australia.

He later said—

This is not speculation. Many treaties and conventions of the United Nations Economic Social and Cultural Organisation, the International Labour Organisation and the United Nations itself are already in existence. It is not a satisfactory answer to observe that State laws will be ousted only if the Commonwealth chooses to legislate. Ultimately absolute political power must come to reside with the paramount authority. The natural incentive of Governments in the pursuit of their policies to resort to the legislative powers available to them would afford little assurance to the States of a stable framework in which to pursue the residual responsibilities and opportunities left to them.

In Koowarta, every member of the court acknowledged that the content of the legislative powers conferred on the Commonwealth is to be determined having regard to the implications of federalism. It seems to me that if a whole range of legislative and executive authority which formerly resided in the States is capable of being subsumed under paramount Commonwealth laws then the very constitutional structure of the States is undermined.

Mr Justice Wilson said—

Of what significance is the continued formal existence of the States if a great many of their traditional functions are liable to become the responsibility of the Commonwealth?

Those are fairly devastating words from three eminent judges of the High Court. Of course, many other things were said in the 300-odd pages of judgments which the High Court pronounced, but I believe that those passages do signify in a most indelible manner the passing of State power to the Commonwealth as a result of this decision.

Another result of the decision, in practical terms, is that there is no need for the Commonwealth Government to gauge popular opinion on any topic; by entering into an international treaty or convention Parliament can legislate on the same subject even though the State legislation has traditionally been well understood and accepted for generations. Also, in its practical effects, it is a reversal of the Constitution because it bypasses the method of amending the Constitution by referendum; that is now unnecessary as there is an alternative way to achieve the same purpose.

The Federal balance as understood in Australia in the last 83 years has been seriously distorted

and tilted in favour of the Commonwealth Parliament. Some practical suggestions ought to be contemplated and consideration given to them by the Government and, indeed, by all thinking citizens in Australia in order to endeavour to restore or rectify the position in so far as it may be possible to do so.

I have given some careful consideration to this question and, indeed, I have noted a number of suggestions which have been made by various people. I believe it does behove us to give consideration to what can now be done. The first step that I suggest should be contemplated is that there must be an arrangement for consultation with the States prior to and during the negotiation of international treaties which may affect traditional areas of State law. If the treaties may affect traditional areas of State domestic law, I believe the States are entitled to be consulted before any negotiations commence and certainly during the negotiations so that they are aware of the effects and so that they can discuss with the Commonwealth the possible result in terms of the citizens of the State and the effect upon them of the change of the law.

Secondly, treaties should be approved by the Commonwealth Parliament and by a majority of State Governments before being signed or ratified. This might best be done by the setting up of a treaties council comprising Ministers from the Commonwealth and State Governments who would have the function of examining treaties which the Commonwealth is contemplating signing and subsequently ratifying.

Fourthly, any legislation in which the Commonwealth proposes to use the external affairs power and which will affect traditional areas of State law should be subject to approval by State Governments.

Finally, consultation procedures for the appointment of High Court judges should be strengthened so that proposed appointees should be approved by a majority of State Governments as well as by the Commonwealth Government. The High Court is the ultimate arbiter of disputes between the Commonwealth and State Governments and it will also decide constitutional issues where the Commonwealth law may encroach on State law. It is essential that State Governments have a greater say in the appointment of High Court judges. For one reason or other this was left out of our Constitution. I make no secret of the difficulties involved in carrying out some of these measures.

A referendum will be required to effectively institute changes. I cannot see how it can otherwise be done in a satisfactory manner.

The Western Australian Government did not intervene to oppose the Commonwealth in the dams case. The reason for non-intervention has not been made clear publicly but the serious results of the case should indicate that it is time action was taken to rectify this situation.

The interrelationship of our institutions has been determined by history and there has been a balance between the Commonwealth and the States. The States gave up to the Commonwealth certain powers and retained the residue. The federal balance or compact was arrived at after a great deal of argument and debate and was brought about by geographical and social needs and forces. However, it has been dramatically disturbed and tilted in favour of the Commonwealth Government. We do not know what this disturbance will bring in its train, but when historical and geographical needs and forces are disturbed one has to expect that there will be repercussions of various kinds. We do not know yet, what these repercussions will be.

I do not know whether the State Government is happy about the results that have now come about; but it did not oppose them. I am not sure whether the State Government is happy to submit itself to the dictates of the Government of the day in Canberra. Of the 125 members of the House of Representatives in Canberra who will have the task of passing legislation pursuant to the international treaties which may now affect State law, three out of every five members come from Victoria or New South Wales. Almost four out of every five members come from the Eastern States, if one includes Queensland. Therefore, Queensland, New South Wales and Victoria have approximately four out of every five members in the House of Representatives. Who can doubt the power of Sydney and Melbourne voters, and to what extent are we prepared to permit this situation to continue without taking any action?

Is the State Government prepared to stand up for the rights of local people to have a say in their laws or is it content to allow the situation to remain so that decisions, to a large extent, will be made on our behalf by the majority in the Eastern States? Will the State Government support a referendum with some proper action in an endeavour to correct the distortion which has taken place? I will be interested to hear the views of the Government in due course.

I now wish to refer briefly to how the members of the Opposition see their role in this Parliament.

We have been subjected to a fair degree of abuse from one quarter and another and it has been quite astonishing to me to note the speculation in the Press as to how obstructive the Opposition is likely to be when there has been no indication of any kind from members of the Legislative Council as to what attitude they might have.

No indication or intention has been given by members of the Legislative Council in regard to obstructing legislation. Indeed, members do not see their role either now, or in the past, as having been an obstructive one. Legislation which comes before this Council is scrutinised very carefully and we give as much attention to detail as we are able to give. Generally speaking, I believe that members of the Council have, in the past, given full attention to scrutinising legislation that comes before the House.

Occasionally legislation is passed without faults being detected. We have become aware of this in recent times when, for some reason or other, we have had to deal with legislation hastily. Members of the Opposition will certainly make such comments as they believe should be made in regard to legislation which is put forward. They will propose amendments, if thought necessary, according to their view of the effect of the legislation on the people of the State. This has always been the right of members of a second Chamber and Opposition members will not be intimidated by threats of any kind. Their duty is to the people of this State and they will continue to carry out this duty without fear or favour. The Opposition will continue to take care over legislation.

If one examines the contribution made by individual members in this Council over many years it will be found by those who are sufficiently concerned to read *Hansard*—not many of our critics do this—that careful and effective work has been carried out over the years by members of the Legislative Council in relation to various Bills. Some of it is very detailed and, perhaps, some is not very rewarding, but nonetheless members have taken their duty seriously and have been recorded as doing something of considerable importance for the State.

As far as the Government's legislation is concerned, if it is of good quality and fair to all, it is not likely to be rejected in this House. If, however, it is merely designed for political or partisan purposes, this will become obvious during the debates. Subjecting legislation to critical examination in the public interest is, I believe, the proper function of a second Chamber in a democracy. That is how Opposition members see their role.

The Hon. Fred McKenzie: That is the only time you do it. You knocked back 21 Bills.

The Hon. I. G. MEDCALF: I have no reason to believe that we will not be acting with reason and propriety as we have always done.

I support the motion.

THE HON. KAY HALLAHAN (South-East Metropolitan) [9.25 p.m.]: I wish to support the motion.

I congratulate you, Mr President, on your election to the position of President of this Legislative Council.

I am indeed pleased to be a member of the Burke Labor Government and I pay a particular tribute to the Parliamentary Leader of the Australian Labor Party in this State who leads a majority in another place.

I have been awaiting this opportunity in order to pay a special tribute to all the electors in South-East Metropolitan Province who voted for the Australian Labor Party in overwhelming numbers. The swing to Labor in my electorate, in excess of 10.5 per cent, was quite remarkable. I believe the vote reflected a demand in the community for open, honest and compassionate government.

I look forward to representing electors in an effective and energetic way, regardless of their political preference.

To those people who worked for the election of the Burke Labor Government I pay a special tribute. Residents in South-East Metropolitan Province supported the campaign in a magnificent and generous way. My own family and friends were wonderfully supportive, and also very hard working. I trust that the success we together have achieved is some reward for all the effort, and the sacrifice of other interests.

As the sitting member I see my role quite clearly to represent the whole electorate on every possible occasion. This will include a co-operative relationship with local government authorities in the province. My colleague, the Hon. Bob Hetherington, and I will work closely together to provide electors and community groups with an effective parliamentary voice.

The basis of my representations will be a strong belief in justice and equality of opportunity for all people regardless of their social, economic, religious, or cultural heritage. Where disadvantage or cultural expectations have been a discouragement to the seeking of opportunity on an equal basis, then I am in favour of policies which seek to encourage those people's participation; that is, policies for affirmative action.

Much of my work experience has been involved with people-centred services. I refer to past occupations—as a youth organiser over 20 years ago, to the position as a woman constable with the Western Australian Police Force, and more recently to positions as a qualified social worker. The knowledge I bring to this House will relate to the effect of legislation on electors as they live out their lives, and the means by which human experience is enhanced rather than diminished or suppressed.

I have seen at first hand the devastating effects of unemployment on individuals and families. The sudden drop in income, the inability to pay mortgage and hire-purchase commitments and the feelings of worthlessness and hopelessness are realities for many. I have worked with families where alcohol dependence has been a factor in violent and chaotic relationships. The desperation of people condemned to an income well below the poverty line has to be felt to be understood.

These are community issues which confront many of our citizens and they are issues confronting the electors and their families in South-East Metropolitan Province.

The question of unemployment bites painfully into electors and their dependants. Nowhere is there public debate which is questioning the means by which the benefits of our society are to be distributed, when work as we have known it, is no longer the means by which we can satisfactorily distribute the collective wealth.

It is my belief that as a nation one of our most urgent tasks will be to give our attention to the problems associated with the application of technological advances and the resultant job loss. How can our people secure an adequate income when paid work is not available? The present formula, to reduce large sections of our community to chronic poverty for the rest of their lives is to me quite unacceptable.

The matter of accommodating the variety of housing needs is a vexed question in some areas of the province. In times of economic recession and subsequent financial insecurity it is understandable that those who have been able to gain an improved standard of living, should want to hold on fast to what they have achieved. There is the dilemma that for others to obtain adequate housing, building of a more modest level must proceed. The threat to property values on the one hand and the urgency of need for adequate shelter on the other have to be seen in the broadest possible context. Large numbers of Western Australians will be denied one of their most basic needs if the Government does not proceed with its

promised building programme. This means that the State Housing Commission building programme must proceed. It is essential that it proceed with small developments and that the mistakes of the past are not repeated.

On these two matters of adequate income and adequate housing, the community as a whole will suffer if sections of our population find themselves left out of the distribution of resources. The lifestyle we all enjoy, and many of us take for granted, will be less secure in these circumstances, as people resort to less acceptable methods of ensuring their own and their children's well being.

The seat I represent is comprised of many localities with a clearly developed sense of community. The south-east corridor is a region in the metropolitan area which is undergoing rapid change. The establishment of a subregional centre at Armadale will see a new focus. The Government has given an undertaking to decentralise departments to the subregional centre, where this is viable. The necessity to travel towards the city for services will be replaced by readily accessible services in Armadale. The new law courts building opened on Friday, 27 May 1983 is an example of Government activity to be locally based. There will be immediate benefits in the number of jobs available to local people.

The area has not in the past enjoyed services which are taken for granted in other provinces. This year has seen the establishment of a family day care scheme under the auspices of the Roberta Jull Child Care Association. It has given me a great deal of satisfaction to be associated with the establishment of this scheme. Now 160 children per month have access to good quality child care.

The Armadale-Gosnells Women's Refuge is a much needed amenity in the two local government areas. All the preliminary work has been done and we now await the outcome of the forthcoming Budget to see whether the project will receive initial funding this year. There is, I believe, a greater role for local government in the provision of community services, in addition to its long established practice of providing sporting facilities.

In another locality of the province, Government members, State and Federal, are exploring every avenue available to ensure that the building of an urgently needed senior citizens' centre proceeds in Willetton. The plans are comprehensive and will serve the area well for many years. However, the capital required is a substantial amount and a mix of funds from a variety of grants may be necessary for the project to proceed.

The localities within South-East Metropolitan Province will be linked in an improved road system with the South Street to Ranford Road connection. Negotiations with the Federal Government are under way for funding. When funds are secured, planning will commence so that work can begin as soon as possible on this project. Access to the city centre and beyond, for residents in Armadale, Kelmscott, Gosnells, and Canning Vale will be greatly improved and pressure on Albany Highway will be lessened to some degree.

Local residents' groups can achieve a great deal in improving their immediate environment. They can also be very effective in ensuring that elected representatives, local, State, and Federal, are sensitive to the needs of their immediate community. I refer in particular to the energetic people who live around a neglected plot of land bounded by Tamarind Crescent and Willowmead Way in Kelmscott. This unsightly block which no-one can use, is about to be transformed into a playground and park for children and their families. It has given me a great deal of pleasure to see the enthusiasm with which residents have tackled the job, and their co-operative spirit in working together.

Children will have an alternative to riding their bikes on the road and families will have a recreational facility nearby, which they have themselves created.

There is one issue on which spirited debate is likely in the year ahead. I refer to the proposal by the council of the City of Canning to re-introduce the Spencer-Chapman Roads bridge into its planning scheme. Many people have already expressed concern about the river and foreshore, and the effect on the residential areas of Langford, Thornlie, and Gosnells. Public debate at the local level is one of the most effective ways of ensuring that decision-making commences at the level where it affects people most, and I therefore encourage residents likely to be affected to make their point of view known. Lack of foresight and planning in years past has led to the enormous pressure now on Albany Highway at Cannington, and the need to relieve that traffic problem is urgent.

Mr President, for almost three years I was a member of the Western Australian Police Force. When I decided to marry in 1972, it was not possible to remain in the Police Force as women were required to resign on marriage. This serves to illustrate the discrimination which women have faced and continue to face, particularly in the field of employment.

Given my past occupation it follows that I have a personal interest in police officers occupying a position of good standing in the community.

In a society such as ours, it is clear that the efficiency of law enforcement agencies will be related to the level of public co-operation they receive. The work is demanding and officers often feel that their position is not fully appreciated by the community at large.

It seems to me that there are two particular arenas in which changes will bring about better community-police relations.

The first is the way in which complaints against police, in the exercise of their duty, are handled. At present complaints are handled internally by senior officers and no doubt their attention to the complainant's concern is thorough. However, this is not the perception of the community at large and change to a more open and accountable system is desirable.

The Government has announced its intention to establish a procedure by which such complaints will be investigated by an independent authority. I feel confident that this measure will be welcomed by the community, and will significantly benefit the public perception of the Western Australian Police Force.

The second area of relevance to the police is their involvement in situations which are more appropriately referred to other agencies for follow-up work, once the offender has been dealt with or the volatility of the situation reduced. I refer particularly to domestic violence which is an area demanding on police time, and of a recurrent nature.

In the area of domestic violence I would like to pay a particular tribute to the work of the Hon. Lyla Elliott, a member of this House. Her speech to this House on 23 September 1981, was particularly well researched and presented members with accurate information on the difficulties in this area and of the terrible experiences faced by many women and children.

The changes she cited as being required to overcome some obvious difficulties, are in fact now being achieved. For example, an amendment to the Justices Act was proclaimed and came into effect on 20 May this year. There is a body of opinion that believes that changes to the Family Law Act would have been a more appropriate means of dealing with the problems associated with domestic violence; however, the Government is at present awaiting the report of the Anderson committee set up by the previous Government.

Emergency accommodation is an essential component in dealing with violence in domestic

situations, where members of a family have to leave the family home in order to avoid physical and/or psychological abuse. It is a disturbing fact that many victims of domestic assault have had childhood experience of domestic violence. It has been found also that many perpetrators of violence have grown up in families where violence was a means by which frustrations were expressed, or where it was frequently employed in conflict resolution.

Women's refuges have provided shelter for women and children who find their family situation too dangerous or damaging. It is a fact that refuge workers have provided this service without award coverage. Knowledge of the situation many women would face if a refuge closed its doors has kept dedicated workers at their job with inadequate funding and appallingly low wages.

The Federal Government's announcement early this month of a women's emergency services programme is recognition of inadequate Government support for the refuge programme. During 1983-84, \$4 million will be provided to phase in award wages for refuge workers and to allow urgently needed new services and the expansion of existing services. Western Australian refuges along with Queensland refuges have been the recipients of the lowest level of State Government funding in Australia. The Labor Government's further initiative in this area is therefore very significant.

On 20 June this year a long awaited service in Perth was officially opened. As a community we now have 24-hour, seven-day per week service provided by the Crisis Care Unit under the Department for Community Welfare. It is staffed by professional field workers, who are backed up by a band of very able volunteers. While this unit is available to meet any emergency, its field workers are specifically qualified to intervene in situations of domestic violence.

We have benefited by the experience gained in the South Australian Crisis Care Unit. In that State co-operation between police and crisis care workers has been very effective.

When South Australian police are called in, they restore order on arrival and then give those present the option of help from the Crisis Care Unit. The unit is then contacted by phone or radio and a mobile worker attends and assists in the resolution of the problem or makes a referral to the most suitable agency.

Police involvement and time is thereby minimised, freeing officers for other duties, and families in dispute have access to sensitive and supportive help at a time when they most need it.

The establishment of this new service and the further support for existing services, along with changes in legislation, can, I believe, be seen as a statement by the community at large, that violence in personal relationships is not acceptable. We are now saying quite clearly that there is no expectation that women have to tolerate violent and damaging situations and that their retaining care of their children is dependent upon their remaining in a situation which engenders fear and anxiety.

The potential now exists in this State for an integrated and comprehensive service. It must be available to all people in need, men and women, and will lead to a minimising of traumatic situations for many children.

Research shows that one in five police deaths while on duty occurs in the attendance of domestic disputes. The benefits to the Police Force are therefore quite significant. Police officers will be able to pursue their role of law enforcement, and refer to workers with the skills to deal with the causes of the dispute. This in turn will reduce the numerous return calls and protect police from one of their most hazardous duties.

I turn now to electoral reform and the South-East Metropolitan Province. The constituents in South-East Metropolitan Province, along with other metropolitan electors, have been robbed of a fair and equitable vote. They are the losers in the electoral processes of this State. More particularly the electors in the district of Murdoch have a vote which is worth less than any other vote when it comes to electing their member for the other place. They have the highest enrolment for any seat in the State, with 18 616 on the roll at the State elections in February this year. By comparison, Kalamunda had 8 956 electors and Murchison-Eyre 3 213.

Electors are well aware that in the sector through the south-east corridor their vote is worth half that of their neighbours who live on the other side of Albany Highway. The highway is the boundary drawn by the previous Government to separate country voters from city voters. It was not drawn by an independent panel of Electoral Commissioners.

The boundary serves the purpose of containing large numbers of Labor voters in a smaller number of metropolitan seats. It has nothing to do with the problems of country voters as we can see when we look at seats like Darling Range and Kalamunda. The Opposition's argument is that distance and disadvantage apply to electors in Kalamunda and Lesmurdie who enjoy a double vote in their country-designated West Province.

There is no principled or logical argument which can justify this arrangement of representation. Parcels of votes are bundled together by squiggly lines on a map to ensure conservative domination of this State's two Legislatures. It is an appalling situation when one considers our cultural inclination to a "fair go" and our commitment to democratic principles.

Antiquated electoral laws prevented me from representing my electorate until 22 May this year, following the 19 February general election. Queen Victoria's birthday has been legally enshrined in our State's Constitution as the date which determines the fixed term for this House, regardless of when elections are held. The fact that this Chamber is unable to reflect the mood of the electorate says volumes about the previous Government's commitment to democracy.

The cartoonist Le Page depicted the gag on me, very well in the *Comment News* on 22 March 1983. The gag, however, still does apply, but in another form. The Government is faced with the fact that the majority of members in this House reflect a minority in the community. The mandate for this Government to govern is threatened by members who would have no right to their positions, if democratic principles applied.

I represent 69 605 electors, the fourth largest constituency in this House. There are 20 members sitting in this House who represent provinces with less than 30 000 electors. I repeat that in South-East Metropolitan Province there are almost 70 000 electors. It is an incredible fact that Lower North Province has less than 7 200 electors and is represented by two Legislative Councillors. It is one-tenth the size of the province represented by the Hon. Bob Hetherington and myself!

On one other account I make an observation of this Council and its claim to represent the people of Western Australia. Prior to 21 May there were three women members who represented 9.3 per cent of the Council. From 22 May when the latest boundaries and enlarged membership applied, a number of changes occurred in the occupancy of province seats. In this new Parliament there are again three women members, but they now represent only 8.8 per cent of the membership in this House.

There is a great discrepancy between the 8.8 per cent of women represented in this Chamber and the 51 per cent of women in the electorate.

It is quite clear that the system of electing the Senate at the Federal level is infinitely fairer and is in keeping with democratic practice. It would mean electors having votes of equal value. This system is fair and straightforward. It has never

applied to our State's Legislatures. Reforms have been introduced in other Australian States and are seen to be working in the interests of a more just means of representation. Both major political parties can win under this system provided they get a majority of votes.

The proposal to reduce the number of members in this House to 22 does not mean less representation for electors. If we divide the number of votes cast at the last election by 22, the number of electors per Legislative Councillor would be 30 500. My constituents at present have one member per 35 000 electors so the quality of their representation would immediately improve by almost 17 per cent. I know my constituents would see the significance of this improved situation.

The underlying philosophy of equality before the law is relevant to this argument. Equality in making the law also applies. It will be possible for Western Australians to lay claim to this only when a system of one-vote-one-value is the basis of our electoral processes. Until that time Western Australians will not enjoy the benefits of a society based on equality and the value of its individual members.

It is my hope, Mr President, that this Thirty-first Parliament will be the last to have its membership based on bias, in favour of the privileged, and that future members will reflect this nation's commitment to democratic principles.

Government members: Hear, hear!

THE HON. MARK NEVILL (South-East) [9.50 p.m.]: I support the motion. I thank the electors of South-East Province for their support and for making possible the privilege I have to represent them in this Chamber.

Firstly, I shall deal with electoral reform. Australia is a democracy and if Western Australia is to be a true democracy, the electoral reform of this House must be effected without further delay to make democracy a fact and not a mere pretence.

The present gerrymander has persisted in this House for the best part of a century. At the recent State elections the Australian Labor Party polled 51.3 per cent of the formal Legislative Council vote; yet, despite winning the majority vote of the people, the ALP won only seven of the 17 Legislative Council seats.

The present electoral laws of the Legislative Council are not consistent with democracy. They would be illegal in the national Parliament; they would be illegal in every Australian State, with the exception of Queensland. To earn public credibility and to make this House a useful and positive force in guiding the future of our State,

this House—and its members—must have the courage and honesty to reform itself. A permanent, impartial electoral commission should achieve this.

The electoral reforms proposed by the present Government have the support of the majority of Western Australians and they will put behind us the last 90 years of political manipulation.

In the South-East Province, which I represent, 20 per cent of those eligible to vote in the recent State election were not on the roll. The ridiculous enrolment requirements and the refusal to allow co-operation between State and Federal Electoral Departments by the Liberal Government then in office, were a deliberate policy to minimise enrolments; whereas democracy in Government implies that the final authority rests with the people themselves and that the will of the majority shall prevail. This can be achieved only with full enrolment.

The Burke Government's proposal to reduce the number of Legislative Councillors from 34 to 22 will increase the ratio of representation from one member of Parliament to 14 657, to one member of Parliament to 16 883. Under fair distribution, this ratio is still very favourable when compared with Queensland which has a ratio of one to 29 500 people.

Further, the proposal to introduce a State-wide system of proportional representation counters the gross imbalances, such as where 7 000 voters in one area are granted representation equal to 85 000 voters in another area—as occurs in North-East Metropolitan Province.

The Government will move to provide a mechanism for the resolution of deadlock situations between upper and lower Houses of State Parliament. The present situation of "power without accountability", where this House can send the Legislative Assembly back to the people without facing an election itself, should end.

It is most urgent, particularly in these critical times, that the elected Government govern without obstruction and that the Opposition should be effective rather than capricious.

I turn secondly to the alignment of upper and lower House terms. Under the present ridiculous system, an upper House member such as myself who was elected on 19 February of this year, did not become a member until 22 May, some three months later. Simultaneously, members who had been rejected by the electorate still voted on a Bill during the last sitting of this House.

The Government's proposal to align the upper and lower House terms, makes good sense. Under the proposal, upper House members will take

their seats at the same time as Lower House members; that is, at midnight on the night they are elected.

Thirdly, I shall deal with the alignment of upper House electorates. The Esperance area is currently represented by myself as member for South-East Province until 1989. It is represented also by the member for South Province whose term expires in 1986. This causes great confusion. Members elected in 1980 should represent the new boundaries for their provinces and not the old boundaries as at present. Under the current legislation a constitutional amendment would be required to achieve this sensible proposition.

My fourth point relates to sunset legislation which I support strongly also. Under the Government's proposed legislation, departmental boards and committees will lapse after a period unless legislation is introduced and passed specifically to extend their terms, bearing in mind that there are over 400 of them and many had served their purpose long ago.

Fifthly, I turn to my electorate of South-East Province which covers the eastern goldfields and Esperance region of this State.

Healthy, profitable mining and agricultural industries are essential to the economy of my electorate.

Mining is the main industry in the eastern goldfields part of South-East Province. During the last 10 years I have been privileged to work with a very talented and dedicated team with Western Mining Corporation under Roy Woodall, A.O., who is a man of exceptional leadership and ability. He is now director of exploration with that company.

Those 10 years were spent in mineral exploration throughout the State, working on operating gold and nickel mines in the eastern goldfields. Included in this period was five years' underground experience at Kambalda.

The outlook for the mining industry is good. The gold price is healthy and most, if not all, of the indicators point to upward pressure on gold prices in the medium to long term.

The nickel industry at Kambalda is slowly emerging from the worst price slump since the Depression and is still intact, which is a tremendous reflection of the resilience and skill of the mining industry workforce in the goldfields. They have survived when many mines around the world have closed down or had large production cutbacks.

The efforts and productivity of the workforce in the nickel and goldmining industries have helped keep those industries insulated from closure. The unions have shown commendable restraint during the recession. This restraint should not be taken for granted; management has faced up to its social responsibilities during the recession without resorting to widespread retrenchments.

There are a number of practical ways in which we can provide the framework for the mining industry in this great region to develop and expand employment.

I want now to touch on areas where effort and/or reforms will assist the development of the eastern goldfields region and help improve the economy of this State.

I turn now to freehold mineral rights. Firstly, we should end all existing freehold mineral rights. All minerals should belong to the Crown. In the eastern goldfields some 84 000 hectares of prime exploration ground are held freehold with mineral rights by Hampton Gold Mining Areas and Hampton Trust Ltd. in 19 separate locations. These mineral and timber rights were granted to the Hampton Pastoral Company in 1881.

On the foundation of the colony, the Crown became the owner of all the land and, therefore, also became the owner of all the minerals. When the Crown commenced alienating land in the colony, the base metals were not reserved to the Crown as they should have been. This position continued until 1 January 1899, after which, by Statute, all minerals became reserved to the Crown.

Because of this anachronistic situation, mining companies such as WMC have to pay nickel royalties to Hampton Areas when I believe they should be paid to the Crown; that is, to all Australians.

All other Australian States have abolished private mineral rights and resumed those minerals to the Crown. Our Mining Act 1978-82, did not redress the situation in this State. These vast areas, immensely attractive to other mining companies and prospectors, are close to existing milling facilities.

Three years ago I recall Hampton Areas attempted to negotiate the sale of its rights to nickel royalties to a major insurance company. The sale fell through. However, I believe it is wrong that rights to mineral royalties can be sold off or transferred from the freehold.

The existence of freehold mineral rights is anachronistic and the legislation should be brought into line with other States, and the practice ended, to open up these areas to other mining companies and prospectors. Australian minerals

should be owned by all Australians. We cannot allow these anachronistic private mineral rights to continue to exist.

The Mining Act 1978-82 in its present form is unsatisfactory. The current inquiry will address itself to the areas of concern and hopefully will find a workable compromise between the various competing interests.

The principal aim of the Mining Act is to ensure ground is explored to discover and evaluate mineral resources. The amendments to the Mining Act must ensure that the ground held under tenement is worked. Strict expenditure conditions only can ensure exploration is undertaken. The genuine prospector with limited capital must be protected also under the Mining Act.

A further matter which should be addressed is the need for uniformity within the mining Acts of different States. Much of the exploration in this State is undertaken by groups and companies which work throughout Australia. Much of the confusion resulting from the difference between State Acts could be eliminated by consultation between the various State Ministers.

Another practical way we can assist and stimulate the mining industry in the eastern goldfields is to upgrade the exploration data base. The eastern goldfields is one of the most intensively explored mineral provinces in Australia. Much high quality geological and geophysical information has been generated in recent years, and I believe it is an opportune time to compile and publish the existing data in a more detailed form to avoid costly duplication of exploration. A good published data base will encourage more effective exploration.

The State Government should consider extending the national topographic mapping to the eastern goldfields at a 1:100 000 scale. We should consider providing compilations of reprocessed aeromagnetic data at 1:50 000 scale and commence compilation of more detailed geological maps of the region also at 1:100 000 scale.

If this information is available publicly in a compiled form, it will stimulate exploration and reduce much of the duplication in exploration which is ineffective and wasteful. The Western Australian School of Mines has the expertise and the staff to assist in these programmes, which could be undertaken as a joint venture with the Geological Survey of Western Australia.

The inland regional centre of Kalgoorlie-Boulder is linked to the east, south, and west by rail and sealed roads. The remaining link needs to be developed; that is, the building of an all-weather road north from Kalgoorlie to the

Pilbara. This imaginary concept has been long championed by local members of Parliament, business, local government, and the Mayor of Kalgoorlie, Mr Ray Finlayson. An all-weather road link will improve the viability of many mineral deposits *en route* and will strengthen the role of Kalgoorlie-Boulder as a regional centre, and enhance its tourism potential.

I now turn to the other major and contrasting region of South-East Province, the Esperance mallee region, which is dominated by agriculture.

The Australian Labor Party has always been the "light on the hill" for agricultural industries. Most if not all the durable reforms and initiatives in agriculture such as the Snowy Mountains scheme, the Australian Wheat Board, the Australian Wool Corporation, the Lamb Marketing Board, and many others, are initiatives of the Australian Labor Party. I cannot think of one durable rural initiative of the "do nothing" Menzies and Fraser Governments.

The Australian Labor Party is the only party committed to orderly marketing. Farmers, by a big majority, support orderly marketing, yet both the Liberal Party and Country Party policies on orderly marketing, and farmer thinking on this issue, are characterised by a philosophical chasm. Although our political opponents oppose orderly marketing, they have never disbanded these great ALP initiatives, nor would the farmers allow them to be disbanded.

Within Western Australia the Esperance mallee area has the highest level of farm debt. We must remember that WA has the highest average on-farm debt of any State in Australia; a debt which now totals a staggering \$1.12 billion and has grown at an annual rate of 16.4 per cent during the last six years. It can be seen from those figures that the Esperance mallee farmers in my electorate are one of the groups worst hit.

It is essential that farmland values reflect the potential rate of return from production. The high land values of a few years ago are responsible for part of the current debt. Three and in some cases four poor or non-existent seasons have also caused the debt situation to deteriorate, particularly in the mallee area.

Part of the answer, I believe, to the rural debt problem is the need for access to an adequate supply of long-term bank finance over 15 to 20 years at market rates of interest. By that I mean the bank rate for loans of less than \$100 000.

Long-term loans would enable farmers to survive the drought cycle. The long-term finance must be made available for both operating finance as well as for development costs. Most farmers

now in trouble are both efficient farmers and good managers who are being crippled by a combination of a succession of poor seasons and high interest rates on relatively short-term loans.

It is essential that these owner-operators are kept in our rural industries, and I believe long-term finance is the only answer. If foreign banks are allowed to operate in Australia, they should have a statutory requirement to provide long-term farm loans to cover equipment and operating expenses.

Rural adjustment scheme funds have been increased by 90 per cent this year, from \$18.4 to \$35 million, by the present Federal Government. These funds are welcome but go only part of the way to alleviating the rural debt problems. I note here that, in contrast, the previous Federal Government cut rural adjustment scheme funds by two-thirds in 1979.

I refer now to absentee owners. High rural land values in recent years have not reflected the ability of the land to service the cost of capital. Much of the buying has been from overseas or metropolitan bases and has resulted in prices being forced to unrealistic levels. Such speculative buying must be discouraged. We need to adopt policies to reduce foreign ownership of farms and discourage absentee owners.

The St. George's Terrace investors provided much needed capital to develop new land in the 1950s and 1960s, but I believe this capital does not in most cases serve a useful purpose where it purchases developed farms and increases the amount of land held by absentee owners. We have to encourage the sale of these properties to capable young farmers, who are being excluded in increasing numbers from the opportunity to establish a family farm.

On the subject of new land releases, I welcome the Government's review. New land needs thorough appraisal before release. The land releases are being made in increasingly marginal areas and we need to be very circumspect if we are not to pay the price later. If they fail we will have a repetition of the bankruptcies and walk-offs which occurred during the depression in the Grass Patch-Salmon Gums areas. Do not be fooled, this could happen again!

The releases should be made after a thorough study and when viability is established. Both the present detail of soil mapping and botanical studies are inadequate and zoological studies are non-existent. Our current studies are rudimentary compared with the Victorian Government studies of its mallee areas, studies which were completed 10 years ago. Their reports on similar types of

country provide a factual basis on which decisions can be made on the alternative use of public lands.

I want to make the point that Crown land is public land and there is no such thing as vacant or unused Crown land. It already has a use.

In Western Australia native vegetation is a declining resource of increasing value. Our decisions on alternative use of Crown land should be based on factual evidence from research.

Now that the System 2 environmental study, which covers the goldfields area, is almost complete, I will be strongly urging the Government to commence the System 3 study next. The System 3 area covers a 60 kilometre-wide strip along the south coast. With the System 3 study finalised we would have a complete regional study to guide our land use decisions.

The conditions under which new land blocks are allocated once Crown land has been recommended for agricultural use, need to be reviewed. There have been many undesirable consequences of the current conditions which urgently need to be eliminated.

The Government must seriously focus on the problems of rehabilitating some of the land already cleared as a significant portion of our productive farmlands have become sterilised and unproductive due to soil erosion and degradation, soil acidity, and soil salinity.

Known soil conservation techniques and soil conservation programmes will greatly increase the productivity of existing farmland. Accepted dry land farming methods at the end of this decade will be greatly different from what they are today.

In conclusion I wish to pay tribute to my predecessor, the Hon. Ron Leeson, MLC, a man with a great feel for and knowledge of the goldfields who loyally represented South-East Province and the Australian Labor Party in both Government and Opposition for 12 years.

I thank the staff of Parliament House for their kind help, and finally I wish to thank again the electors of South-East Province for the confidence they have shown in me and the Australian Labor Party.

[Applause].

Debate adjourned, on motion by the Hon. R. J. L. Williams.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. D. K. DANS (South Metropolitan—Leader of the House) [10.11 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 2 August.

Question put and passed.

House adjourned at 10.12 p.m.

QUESTIONS ON NOTICE

EDUCATION: WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY

Debt Collection

5. The Hon. N. F. MOORE, to the Minister representing the Minister for Education:

- (1) Is it a fact that the Western Australian Institute of Technology has employed debt collecting agencies to recover services and amenities fees from students attending the institute?
- (2) If so—
 - (a) how many students have been served notices by the debt collecting agencies; and
 - (b) what are the names of the debt collecting agencies employed by the institute?

The Hon. J. M. BERINSON replied:

- (1) and (2) (a) and (b) In view of the time factor involved, the Minister for Education has answered this question in writing to the member.

EDUCATION: PRIMARY SCHOOL

Canning Vale: Replacement

6. The Hon. P. G. PENDAL, to the Minister representing the Minister for Education:

- (1) In view of the Minister's commitment to provide a replacement new school for Canning Vale, can he say when this will occur?
- (2) If not, can the Minister say what arrangements he favours for the replacing of Canning Vale School upon its intended closure this year?

The Hon. J. M. BERINSON replied:

- (1) and (2) In view of the time factor involved, the Minister for Education has answered this question in writing to the Member.

Point of Order

The Hon. G. E. MASTERS: I have a number of questions on the notice paper,

questions I consider to be of some importance. Would it not be a proper course of action to make sure the answers are recorded in *Hansard* by having the Minister read those answers? If the answers are not to be read out here, it would seem there is no purpose in reading out the questions. In addition, if any member were particularly interested in the matter, the answer should be read out so that he could make a comment.

The PRESIDENT: It is up to the Minister whether he answers the question in the House or in the form he decides to answer it. I rule that there is no point of order.

Questions (on notice) Resumed

INDUSTRIAL RELATIONS: AGREEMENT

Builders Labourers' Federation and Multiplex Constructions Pty. Ltd.

7. The Hon. G. E. MASTERS, to the Minister for Industrial Relations:

I refer to an agreement between the BLF and Multiplex regarding increased site allowances and reduction in working hours to a 36-hour working week.

The previous Government had arranged to take the matter before the State Industrial Commission believing the agreement contravened the terms of the wage freeze laid down by the Commission itself.

- (1) Does the State Government support a Wage Freeze?
- (2) Why did the State Government withdraw from the proceedings?
- (3) Do Multiplex and the BLF see the withdrawal of action as condoning the agreement?
- (4) Would support for the agreement lead to immense pressure by the BLF on other building companies for a similar agreement; i.e. a reduction to a 36-hour working week?
- (5) Why has the Government appeared to condone the agreement a few days after gaining power and then almost immediately condemned a 36 hour working week?

- (6) Would the Minister agree the Government's action is totally inconsistent?
- (7) Does the fact that a reduction in hours to a 36 hour working week with the building industry means a possible \$2 000 additional cost to an average home, concern the Government?
- (8) Did the State Government consult with—
 - (a) the TLC;
 - (b) the MBA;
 - (c) the Confederation of Industry, before deciding on such action?

The Hon. D. K. DANS replied:

Notwithstanding the fact that I have already written to the Hon. G. E. Masters about this matter, the answer is as follows—

- (1) Yes.
- (2) The State Government did not withdraw from the proceedings relating to Applications No. 86 of 1983 before the Western Australian Industrial Commission.
- (3) Not applicable.
- (4) to (6)
 The agreement between the BLF and Multiplex was reached as long ago as December 1981, when the previous Government was in office, and was presumably arrived at by the parties in good faith.
 The Government has discarded the previous Government's practice of seeking industrial confrontation for political purposes and will not be interfering in the normal processes of industrial relations.
- (7) The member's question appears to be based on ignorance as there is no evidence that the 36-hour week has been adopted in the home building industry.
- (8) No. The TLC, MBA, and the Confederation of WA Industry were not party to the proceedings before the State Industrial Commission so it was unnecessary to confer with them before seeking an adjournment.

TOWN PLANNING: SERVETUS STREET AND HOPE AVENUE

Metropolitan Region Planning Scheme: Amendments

8. The Hon. P. G. PENDAL, to the Minister representing the Minister for Employment and Administrative Services:
 - (1) Is it the Government's intention to seek Parliamentary approval for amendments to the Metropolitan Region Planning Scheme in relation to Servetus Street?
 - (2) If so, will the Government include in the proposed amendments a provision to delete from the scheme proposals for the Hope Avenue interchange in Manning?

The Hon. D. K. DANS replied:

- (1) If Government decides that alterations to the scheme in relation to Servetus Street are required, it will use the parliamentary process.
- (2) Deletion of the controlled access highway reservation for the Hope Avenue interchange from the metropolitan region scheme, is not related to the Servetus Street issue.

The Minister has received a deputation from the City of South Perth on this matter, and as a result technical investigations are currently under way with a view to early consideration of the matter by the Metropolitan Region Planning Authority.

LAND: CROWN

Mt. Margaret: Transfer

9. The Hon. N. F. MOORE, to the Minister representing the Minister for Lands and Surveys:
 - (1) Has Crown Lease No. 332/1997, Reserve No. 5175 (grazing lease at Mt. Margaret) been transferred from the United Aboriginal Mission to the Aboriginal Movement for Outback Survival (AMOS)?
 - (2) If so, will the Minister advise—
 - (a) the date of the transfer; and
 - (b) the signatories on behalf of AMOS?

The Hon. D. K. DANS replied:

- (1) and (2) Subsequent to the Minister for Lands and Surveys' advice to the member of 18 April 1983, a transfer dated 18

February 1983, conveying the interest of the United Aboriginal Mission to AMOS incorporated in lease 332/1997 was endorsed with my consent 29 April 1983.

A photocopy of the transfer, which is available on public record and in this instance held by Lands Department, is submitted for tabling for the member's information.

INDUSTRIAL RELATIONS: ALEXANDER LIBRARY

Concrete Pour

10. The Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Will the State Government compensate the company affected by the interruption to a concrete pour at the Alexander Library or simply allow it to be driven into bankruptcy (the stated intention of the BLF to any company which refuses to comply with its demands)?

The Hon. D. K. DANS replied:

State Government contracts do not provide for reimbursement of additional costs arising from delays unless the delay is caused by the principal or the principal could be held responsible for the delay.

However, the State Government contracts do allow for the contractor to apply for an extension of time when delays occur.

DEFENCE

Coastal Surveillance Force

11. The Hon. P. G. PENDAL, to the Minister for Inter-Governmental Relations and Defence Liaison:

- (1) Has the Minister's attention been drawn to Mr Hawke's remark in *The West Australian* of 7 March 1983 wherein Mr Hawke says, "We will be giving particular emphasis to the development of the coastal surveillance force"?
- (2) Is this force the same or similar to Mr Burke's policy document with reference to a patrol base in the North-West?
- (3) To what extent has the Minister represented the Western Australian Government policy to Mr Hawke in

order to have Western Australia considered instead of Nowra as the base?

The Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) No. The Prime Minister was referring to a coastal surveillance force, which may include an aerial section and a ground section as well as a seagoing section. The Premier was referring to the need for a patrol boat base in the north west—there is one established in Cairns and one recently commissioned in Darwin. There is urgent need for a base between Exmouth and Broome. Boats of the coastal surveillance force referred to by the Prime Minister would use the patrol boat referred to by the Premier.
- (3) Nowra is an inland defence air base, and while being available for the aerial section, would not be available for patrol boats. The Government has made appropriate representations.

ABORIGINES: ABORIGINAL LANDS TRUST

Mission Site 19837

12. The Hon. N. F. MOORE, to the Minister representing the Minister for Lands and Surveys:

- (1) Is Aboriginal Mission site 19837 vested in the Aboriginal Lands Trust?
- (2) If so, will the Minister advise—
 - (a) when this vesting was made;
 - (b) who held the title to the site prior to its being vested in the Aboriginal Lands Trust;
 - (c) whether the Aboriginal Lands Trust has the power to lease the site, and if so, has this been done, and to whom;
 - (d) who owns the buildings located on the site which were constructed prior to the vesting in the Aboriginal Lands Trust; and
 - (e) who owns the buildings located on the site which have been constructed since the vesting in the Aboriginal Lands Trust?
- (3) If not, who owns the site, or holds the lease for the site?

The Hon. D. K. DANS replied:

- (1) Yes
- (2) (a) 6 July 1973;

- (b) the area was set apart as a reserve for an "Aboriginal Mission" and was not vested;
 - (c) the vesting order conveyed the power to lease and any such leasing does not require my approval;
 - (d) ownership of any buildings erected prior to vesting passes to the Aboriginal Lands Trust by virtue of that vesting;
 - (e) buildings erected subsequent to vesting form part of the land under the control of the vestee.
- (3) Not applicable.

ROAD: CANNING HIGHWAY

Underpass/Overpass

13. The Hon. P. G. PENDAL, to the Minister representing the Minister for Transport and Regional Development:

- (1) Has the Main Roads Department an arrangement with the City of South Perth for the construction of an underpass or overpass on Canning Highway near the Hurlingham Hotel?
- (2) If so, could the Minister give details of likely cost and expected commencement date of construction?

The Hon. PETER DOWDING replied:

- (1) Yes.
- (2) Detailed estimates have not yet been prepared. However, preliminary estimates indicate the cost will be in the order of \$300 000.

Subject to property resumption, work on the underpass could commence in late August 1983.

GOVERNMENT ADMINISTRATION: APPOINTMENTS

Additional: Number and Conditions of Employment

14. The Hon. G. E. MASTERS, to the Minister representing the Premier:

- (1) Will the Premier supply a list of new appointments, permanent, part-time or temporary, since the Burke Government gained power—
 - (a) in Ministers' offices;
 - (b) in departments;

of people outside the Public Service?

- (2) Are some of these appointments on special contract arrangements?
- (3) Is it true that some of the new appointments are on more favourable terms than the normal Public Service appointments?
- (4) Could he supply details of the contracts and the estimated cost to the public to the end of June 1983?

The Hon. D. K. DANS replied:

- (1) to (4) In view of a similar question, No. 125, on 26 July 1983 in the Legislative Assembly, the Premier has indicated that he will make a statement to Parliament in the near future on the changes to the machinery of the Government since assuming office.

NOISE: ABATEMENT ACT

Review

15. The Hon. P. G. PENDAL, to the Minister representing the Minister for Health:

- (1) Will the review of the Noise Abatement Act initiated by the former Government last year be continued?
- (2) If so, will the Minister ensure that special attention is paid in the review to the problem of noise emanating from neighbours' properties from such sources as air-conditioners?
- (3) Would the Minister be prepared to have his officers consult with the Melville City Council over the problems faced by certain persons in Kardinya to ascertain whether the noise levels they complain of are more than what should be tolerable?

The Hon. J. M. BERINSON replied:

- (1) to (3) The information has been provided by letter to the member.

EDUCATION: PRIMARY SCHOOL

McKay Street: Staff Level

16. The Hon. P. G. PENDAL, to the Minister representing the Minister for Education:

I refer the Minister to the letter of 11 March 1983 sent to him by the President of the McKay Street Primary School P. & C. Association and ask if the Minister will give favourable consideration to the request for restoring the previous staff level in view of the fact that this school is now in the last

year of its life before it makes way for the National Police Training Academy?

The Hon. J. M. BERINSON replied:

In view of the time factor involved, the Minister for Education has answered this question in writing to the member.

HOSPITAL: MULLEWA DISTRICT

Renovation

17. The Hon. TOM McNEIL, to the Minister representing the Minister for Health:

Would the Minister advise whether kitchen renovation work at the Mullewa District Hospital is to be included in the 1983-84 Capital Works programme?

The Hon. J. M. BERINSON replied:

Yes. The kitchen renovation work at the Mullewa District Hospital is to be included in the 1983-84 capital works programme.

PRISONS: VEHICLES

Conversion

18. The Hon. TOM McNEIL, to the Minister representing the Minister for Health:

Would the Minister advise whether it is normal practice when prison vehicles are traded in that the new vehicle has its chassis shortened to accommodate the canopy which is removed from the old prison vehicle?

- (2) If "Yes", what is the cost to convert the new vehicle?
- (3) If "No", would he investigate why this has happened previously?

The Hon. PETER DOWDING replied:

- (1) No.
- (2) Not applicable.
- (3) One vehicle was shortened in order to accommodate an escort vehicle security cabin which was removed from a traded-in short wheel base vehicle. The replacement cost of a new security cabin for the vehicle in question was quoted at \$8 000. A substantial saving therefore resulted from shortening the wheel base and fitting the secondhand security cabin. The vehicle was inspected and licensed by police traffic authorities after the modifications had been carried out.

LOTTERIES: INSTANT

Turnover

19. The Hon. TOM McNEIL, to the Minister representing the Minister for Employment and Administrative Services:

- (1) Would the Minister advise what the total turnover of instant lottery sales has been since inception, and give a breakdown of those sales in months?
- (2) How do these sales relate to the sales in other States during their initial sales period?
- (3) Will the Lotteries Commission be taking steps to supply all agencies with instant lottery tickets?
- (4) If not, why not?

The Hon. D. K. DANS replied:

	\$ million
(1) December 1982	4.5
January 1983	5.5
February 1983	5.0
March 1983	5.5
April 1983	3.5
May 1983	4.5
June 1983	3.5

TOTAL	32
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- (2) Official figures are not readily available. Unconfirmed comparisons of sales indicate a higher *per capita* in Western Australia during the first six months of sales.
- (3) and (4) All existing agents as at 30 November 1982, were invited to include instant lottery tickets, not all accepted.

LOTTERIES: AGENCIES

Geraldton

20. The Hon. TOM McNEIL, to the Minister representing the Minister for Employment and Administrative Services:

- (1) Would the Minister advise the names of lottery agencies in the Geraldton region and the date on which licences were issued to them?
- (2) What criteria are used to determine the most suitable applicants?
- (3) Is it the Lotteries Commission's practice when granting licences to take into consideration whether agencies are capable of providing a weekend service to the public?

The Hon. D. K. DANS replied:

- | | |
|------------------------------|------|
| (1) Boans Limited | 1980 |
| Homewood News Agency | 1962 |
| G. Fiocco | 1944 |
| Connelly & Faugno | 1971 |
| GT's News (Northgate Centre) | 1983 |
| Wonthella Newsagency | 1968 |
| Mercantile Club | 1968 |
- (2) The type of business, the location and the potential.
- (3) Hours of business are a consideration and could be a deciding factor if all things are equal between applicants for an agency.

HOUSING: GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

Water Tanks

21. The Hon. TOM McNEIL, to the Minister representing the Minister for Housing:

- (1) Is it the practice of the PWD to hold discussions with the Education Department or school principal before siting water tanks at GEHA homes in country areas for use by school teachers?
- (2) Is ground compacting and testing carried out by the PWD before the water tanks are sited and filled?

The Hon. D. K. DANS replied:

- (1) It is not the practice of SHC supervisors to discuss siting of water tanks with the school principal though he may be consulted as to whether any existing similar installations are adequate in terms of capacity.
- (2) Testing of building sites is not normally carried out unless the ground is suspected of having problems. In the case of footings for domestic water tanks the area concerned is small and the ground normally even in compaction, so that when loaded any subsidence is evenly distributed and of negligible magnitude.

RAILWAYS: FREIGHT

Joint Venture: Rates

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

- (1) Is the Minister aware that an article sent through Total West to Geraldton costs \$3.00 freight if prepaid and \$9.00 to the recipient if not prepaid?

(2) If "Yes", why the massive difference in charges?

(3) If "No", what action does the Minister propose, to bring the charge to a more acceptable level?

The Hon. PETER DOWDING replied:

(1) The Minister is aware there is a cost difference, but the costs quoted appear to be inaccurate.

(2) Because the member has not given details of the size of the consignment or the freight mode employed (prepaid parcels, general freight or sprint express), the Minister is unable to give a specific answer.

However, charge differences are brought about mainly due to maintaining accounting and credit facilities and other such related charges.

(3) Not applicable.

NATURAL DISASTER: FLOOD

Corrigin: Mitigation Works

23. The Hon. H. W. GAYFER, to the Minister representing the Minister for Water Resources:

When is it expected that the proposed flood mitigation works at Corrigin will be presented to the Commonwealth Government for funding under the national resources programme?

The Hon. D. K. DANS replied:

A submission to the Commonwealth Government for the funding of this project was recently despatched.

EDUCATION: YORK

Headmaster's Residence

24. The Hon. H. W. GAYFER, to the Minister representing the Minister for Education:

(1) When is it proposed that a new headmaster's residence will be erected in York?

(2) On which block in which street is it proposed that such a residence is to be erected?

The Hon. J. M. BERINSON replied:

(1) A house has been included, with priority, in the 1983-84 building programme requirements submitted to the Government Employees' Housing Authority.

- (2) This will be determined when the funding provision for the 1983-84 financial year has been finalised.

EDUCATION: HIGH SCHOOL

York Junior: Transportable Classroom

25. The Hon. H. W. GAYFER, to the Minister representing the Minister for Education:

When is the fifth transportable classroom promised to the York Junior High School expected to arrive and be available for use?

The Hon. J. M. BERINSON replied:

Instructions have been given for the transfer of a classroom to York from a school where a building programme has just been completed. It is expected to be in position within three or four weeks.

EDUCATION: HIGH SCHOOL

York Junior: Transportable Classroom

26. The Hon. H. W. GAYFER, to the Minister representing the Minister for Education:

When is it proposed to replace the transportables, currently in use, with new permanent buildings at the York Junior High School site to house children and teachers in conditions that prevailed on the old site before the school was amalgamated in the new area?

The Hon. J. M. BERINSON replied:

Years six and seven primary classes were transferred to the newer site at York because two rooms at the older site were considered to be unsatisfactory.

There are no immediate plans to replace these rooms with permanent buildings but the long-term objective is to extend the York District High School in brick construction.

POLICE: STATIONS

Boyanup, Capel, and Dardanup

27. The Hon. V. J. FERRY, to the Minister representing the Minister for Police and Emergency Services:

- (1) In accordance with the election promise made by the Government in its Bunbury 2000 Concept, can the people of Boyanup, Capel, and Dardanup, expect to have the benefit of police stations this year?

- (2) If not, when will they be established?

- (3) In the event of police stations being established at Boyanup, Capel, or Dardanup, or all three, will the police complements at either Bunbury or Busselton be downgraded, or services now provided by these stations be lessened in any way?

The Hon. PETER DOWDING replied:

- (1) and (2) It is not possible to put a precise timetable on the establishment of these police stations at this time.

- (3) No.

MINERAL SANDS: INDUSTRY

Inquiry: Establishment

28. The Hon. V. J. FERRY, to the Minister representing the Minister for Health:

- (1) Is it a fact that the Government has, or intends to, set up an inquiry into the mineral sands industry?

- (2) If so—

- (a) what is the purpose of such an inquiry;
- (b) what date did, or will, the inquiry commence;
- (c) what are the terms of reference;
- (d) by what date is the inquiry expected to be completed; and
- (e) what are the names and qualifications of the members of the inquiry?

The Hon. PETER DOWDING replied:

- (1) The Government has agreed to commission an independent review to make recommendations upon the adequacy of, and compliance with, codes of practice, regulations and legislation regulating radiation protection in the mining, processing, and transport of heavy mineral sands and the disposal of tailings. The review will also consider whether any action need be taken in relation to the removal of materials from tailings dumps.

- (2) (a) See (1) above;
- (b) to be determined;
 - (c) see (1) above;
 - (d) unknown at this stage;
 - (e) not yet finalised.

QUESTIONS WITHOUT NOTICE

MINING: NOONKANBAH STATION

Agreement: Seismic Surveys

11. The Hon. N. F. MOORE, to the Minister for Mines:

A recent agreement between the Aboriginal community at Noonkanbah and the International Energy Development Corporation allows the IEDC to carry out seismic operations on EP 97 which occurs on the Noonkanbah lease. Would the Minister advise the House what part was played by him and the Minister for Community Services in negotiating for this agreement?

The Hon. PETER DOWDING replied:

The Government reversed the trend which was evident by the performance of the previous Government, of creating a situation of unhappiness and confrontation between mining and Aboriginal interests. The policy of the Government has been to ensure that where there are competing interests for land use or community interests that require careful handling, it does everything to facilitate that. With reference to this situation, I was not involved in negotiations. The matter has been raised with me by a number of people, on many occasions, in different places, and I gave what guidance I could to ensure that an amicable, sensible, and workable arrangement was achieved; and I believe one was.

MINING: NOONKANBAH STATION

Agreement: "Areas of Significance"

12. The Hon. N. F. MOORE, to the Minister for Mines:

Would he advise the House whether the agreement to which I referred in my previous question specifically excludes from drilling the so-called area of influence delineated by Peter Bindon in his report to the Museum in 1979?

The Hon. PETER DOWDING replied:

I am not aware that the arrangement between the IEDC and the community makes any reference to drilling. I understand, at this stage, that the work programme requires seismic work. As the member may know it is not necessary for drilling to occur during seismic work.

FUEL AND ENERGY: GAS

Pipeline: Extension to Kalgoorlie

13. The Hon. J. M. BROWN, to the Minister for Mines:

Has consideration been given to a possible gas pipeline extension to Kalgoorlie?

The Hon. PETER DOWDING replied:

A possible gas pipeline extension to Kalgoorlie is being studied.

The Kalgoorlie extension is part of a general investigation of pipeline laterals from the main Dampier-Wagerup line, including extensions to Bunbury, Worsley, Cape Lambert, and Geraldton.

Some of these have already been shown to be economically attractive, while others still require more study.

I do not want to raise false hopes in the eastern goldfields about the gas pipeline possibility.

Much further engineering, cost estimation, and market assessment work is required before we can take the matter a step further.

Consultants are presently assisting the State Energy Commission in looking at the possibility of an eight-inch diameter pipeline to the goldfields, which could take 12 to 18 months to construct.

Detailed investigations are not likely to be completed for several months.

The Kalgoorlie lateral would be the biggest of all and would involve significant financial commitment by the State Energy Commission.

Obviously such expenditure must be very carefully evaluated indeed, especially in view of the enormous gas project outlays already committed and, therefore, I urge caution before anyone assumes that the Kalgoorlie pipeline is a "goer".

INDUSTRIAL RELATIONS: AGREEMENTS

Acceptance by Parties

14. The Hon. A. A. LEWIS, to the Minister for Industrial Relations:

Does he believe that if both parties accept the decision of any wages or salary

tribunal, this decision should be adhered to until one or other of the parties approaches the tribunal for some change?

The Hon. D. K. DANS replied:

Yes.

JUSTICES OF THE PEACE

Members of Parliament: Appointment

15. The Hon. P. H. LOCKYER, to the Attorney General:

- (1) What reason did the Government have for offering the appointment as JPs to members of Parliament?
- (2) Will those members who have accepted this appointment be required to carry out court duties?
- (3) If so, will members be required to undertake a course conducted by the Crown Law Department for justices of the peace?

The Hon. J. M. BERINSON replied:

- (1) to (3) The former restrictions against the appointment of members of Parliament as justices of the peace was lifted because it was considered that members of Parliament were suitable persons for such appointment. They have a standing in the community which is appropriate for a justice of the peace. The location of their electoral offices makes them available to provide a service to members of the public. The standing of members is indicated by their election to this place and is sufficient to justify the confidence placed in them.

I would not expect members of Parliament to serve on the bench; certainly not in the normal course of events. There would be no requirement for them to do so as there are already adequate justices in all areas served by honourable members. My advice, for what it is worth, is that it would be preferable for members of Parliament to refrain from serving in that capacity.

JUSTICES OF THE PEACE

Passport Photographs: Witnessing

16. The Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is the Attorney General aware that justices of the peace, other than mem-

bers of Parliament, are unable to sign photographs for passports?

- (2) If "Yes" to (1), are steps being taken to alleviate the situation where people require photographs to be witnessed?

The Hon. J. M. BERINSON replied:

- (1) and (2) Yes, I am aware of the situation and steps have been taken, but have been unsuccessful. The background is that the decision imposing the restriction was taken by the Minister for Foreign Affairs. Following his decision I made representations to him to reinstate justices as proper persons to witness passport photographs. However, the Commonwealth Minister has replied in terms which indicate that there is no early likelihood of his reversing his decision.

MINISTERS OF THE CROWN

Letters to Newspapers: Responsibility

17. The Hon. A. A. LEWIS, to the Leader of the House:

Does he believe that any Minister writing to a newspaper should take responsibility for any letter that he writes?

The PRESIDENT: The honourable member is asking for an opinion, as was his first question which was, in fact, out of order, but I let that go. I urge all honourable members to read Standing Order No. 154.

QUESTIONS: WITHOUT NOTICE

Answers

18. The Hon. P. H. LOCKYER, to the Leader of the House:

Will he give an undertaking that, in keeping with the normal procedures of this House, questions without notice will be answered at the next day of sitting?

The Hon. D. K. DANS replied:

I am unable to give that assurance until such time as the matter of the sitting times of this House has been attended to.

INDUSTRIAL RELATIONS: AGREEMENT

Builders Labourers' Federation and Multiplex Constructions Pty. Ltd.

19. The Hon. G. E. MASTERS, to the Minister for Industrial Relations:

My question refers to question 7 on today's notice paper. Bearing in mind that the Minister read the answer that was sent to me in May 1983 in reply to a question asked in March 1983, does he wish to change the comments he made? He said, and I quote—

The Government will not be interfering in the normal processes of industrial relations.

I ask this question on the basis that there has been gross interference in relation to the MTT, the SEC, the Perth City Council, and the CSA.

Would the Minister like to change his mind and does he believe that the bodies I have quoted have been subjected to gross interference?

The Hon. D. K. DANS replied:

No, I do not think they were subjected to gross interference and I have no intention of changing the answer I gave the member in writing and which I had the courtesy to answer tonight in this Chamber.

INDUSTRIAL RELATIONS: WAGE INCREASES

Relativity with other States

20. The Hon. P. H. WELLS, to the Minister for Fuel and energy:

It was reported in *The West Australian* that the Minister recommended a rise be granted to 300 SEC workers and the Federated Drivers and Firemen's Union of Workers of Western Australia on the basis that they should receive the same wages as their counterparts in other States.

(1) Is that report correct?

(2) Has the Minister recommended other wage rises on a similar basis?

(3) If so, on what basis?

The Hon. PETER DOWDING replied:

- (1) to (3) The member will know that after the announcement of the wages freeze legislation a number of anomalies were

thrown up by the implementation of the legislation. It might be expected that with any major change of that sort anomalies will occur. A mechanism was built into the legislation by his party, when in Government, which enabled anomalies to be dealt with. I was involved in correcting some of those anomalies and the specific matter to which the member refers was one such anomaly. If he wants any further information about it I will consider giving it to him if he addresses a question to me in writing or places it on notice.

CHAIRMAN OF COMMITTEES

Vehicle

21. The Hon. P. H. LOCKYER, to the Leader of the House:

In keeping with the practice of the Legislative Assembly, is it the intention of the Government to supply the Chairman of Committees of the Legislative Council with a vehicle?

The Hon. D. K. DANS replied:

We are a generous Government in terms of conditions to members of Parliament; this can be traced back to the last time we were in Government. The matter is under consideration.

JUDGES AND PUBLIC SERVANTS

Private Housing: Provision

22. The Hon. R. J. L. WILLIAMS, to the Attorney General:

(1) Has an approach been made to the Attorney General for the provision of private housing or lodging for members of the judiciary when on circuit and possibly for other uses by peripatetic public servants?

(2) If not, would he consider such a request to help preserve the integrity and neutrality of the judiciary in particular?

The Hon. J. M. BERINSON replied:

(1) and (2) I have received no such request. In accordance with my usual practice, however, I would certainly consider any reasonable proposal. Naturally I reserve myself from any advance commitment in respect of conceding it.

AGRICULTURE PROTECTION BOARD

Starlings: Eradication

23. The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) How many Agriculture Protection Board officers or employees are involved either full time or part time in the eradication of starlings?
- (2) What numbers and brands of firearms are used from time to time by these officers?
- (3) Where have starlings been observed in this State, and in what numbers?

The PRESIDENT: Order! That question is out of order because it refers to a matter being dealt with in the other place.

MINING: NOONKANBAH STATION

Agreement: "Areas of Significance"

24. The Hon. N. F. MOORE, to the Minister for Mines:

Following my previous question to the Minister in respect of the agreement between IEDC and the Noonkanbah community I ask—

The IEDC company would have reasonable expectations that, in the event that its seismic work was to suggest drilling should take place, the agreement it now has would allow it to carry out drilling. In view of the fact the Government is in a position through the Aboriginal Heritage Act to declare certain areas as "areas of significance" and to prevent drilling from taking place, would the Minister advise whether the Government will use that Act to prevent any drilling from taking place on the so-called "area of influence" delineated by the Bindon report of 1979?

The Hon. PETER DOWDING replied:

I do not accept the assertions the member expressed in his question. I have already noted his tendency to try to inflame this situation.

The Hon. N. F. Moore: Rubbish! You ought to talk.

The Hon. P. G. Pendal: He wants to know why you have changed your mind.

The PRESIDENT: Order!

The Hon. P. G. Pendal: Why have you changed your mind?

The Hon. PETER DOWDING: I am aware of the member's propensity and apparent desire to inflame the situation; I note that from his Press statements on this issue.

I would have thought members of the Government would have the full support of members of the Opposition in seeking to work out a sensible agreement providing for proper exploration of an area of the State. However, for some reason the Hon. Norman Moore seems to find it necessary to suggest there is something odd about that desire of the Government. If from time to time further problems occur in any area of the State, they will be addressed. I do not believe that trying to whip up a bit of enthusiasm for problems by the asking of hypothetical questions is in the interests of the State. I have noted with some regret the way in which the Hon. Norman Moore has pursued this matter.

MINING: NOONKANBAH STATION

Agreement: "Areas of Significance"

25. The Hon. N. F. MOORE, to the Minister for Mines:

May I restate the previous question and hope to get an answer this time?

The PRESIDENT: Order! You cannot ask the same question again.

The Hon. N. F. MOORE: Will the Minister give an undertaking to this House that he will use his powers, or that his Government will use its powers to prevent drilling on the so-called "area of influence" delineated by Peter Bindon?

The Hon. PETER DOWDING replied:

I am not aware that that issue has arisen.

The Hon. N. F. Moore: It arose in 1979.

The Hon. PETER DOWDING: The Hon. Norman Moore knows it arose in 1979, to the great discredit of the then Government and to Western Australia. I certainly do not intend to repeat the behaviour of the previous Government.

The Hon. N. F. Moore: Answer the question.

The Hon. PETER DOWDING: I will not answer—nor, as the Hon. Norman Moore knows, am I obliged to

answer—a question about hypothetical matters. This is a hypothetical question, and I do not believe the answer should go beyond that which I have given.

The Hon. N. F. Moore: That is absolute nonsense! What a pathetic performance!

AGRICULTURAL MACHINERY

Height: Consultations

26. The Hon. A. A. LEWIS, to the Minister for Fuel and Energy:

With reference to questions without notice 4 to 8, has the Minister or his department obtained any more information relating to the height of agricultural machinery, or does he intend to—

The PRESIDENT: Order! The honourable member will need to be a little more explicit in regard to identifying his question.

The Hon. A. A. LEWIS: Certainly, Mr President. On 23 March 1983, I happened to ask the Minister questions about a letter he wrote to the *Sunday Independent* in which he made certain statements about farm machinery. On that day, I asked the Minister certain questions, none of which was answered. He would not give me an undertaking then—and he has not given me one since—that he or his department would check the accuracy of the statements made. I am now asking the Minister to check the accuracy of his letter and then to tell the House whether or not he misled the House, and to whom he spoke in regard to the height of agricultural machinery. All I got from the Minister in reply was, "You tell us". He is getting paid to administer this department and it is not up to me to obtain this information. The Minister has tried to get away from answering the question. Will he now answer it?

The Hon. PETER DOWDING replied:

I have no recollection of the Hon. A. A. Lewis asking me for any such undertaking since the Parliament rose in March. I recall not so long ago inviting the Hon. A. A. Lewis to my office to discuss a certain matter, and he raised no other issues with me. If, in his view, there exists some matter pressing for attention by me or my department, I invite him to raise it with me and it will be attended to immediately.

AGRICULTURAL MACHINERY

Height: Consultations

27. The Hon. A. A. LEWIS, to the Minister for Fuel and Energy:

In the first place, I asked the Minister to make some inquiries. It is on record in *Hansard*. It is not my job to provide this information to the Minister. Will he or will he not make the inquiries?

The Hon. PETER DOWDING replied:

I have not had the benefit of a long holiday as has the Hon. A. A. Lewis.

The Hon. G. E. Masters: You have been away a few times, have you not? How many times have you been overseas?

The Hon. PETER DOWDING: I trust this alleged failure on my part to supply him with information did not distress him during that holiday. I give the Hon. A. A. Lewis an undertaking that if he raises the matter with me, I will have it attended to.

The Hon. A. A. Lewis: I have just raised it.

MINING: NOONKANBAH STATION

Agreement: EP 97

28. The Hon. N. F. MOORE, to the Minister for Mines:

I appreciate the Minister's earlier response that he was not directly involved in the agreement, but I wish to ask a question in respect of that agreement

which he may be able to answer. Can he tell the House whether the agreement includes a clause which would allow drilling on EP 97 in the event the company wishes to do so?

The Hon. PETER DOWDING replied:

The agreement to which the Hon. N. F. Moore refers is one between the company and members of an Aboriginal community to facilitate the compliance

by the company with the terms of the Aboriginal Heritage Act. The Government was not a party to that agreement and in those circumstances I do not believe I have any right to disclose the basis of the arrangements privately entered into between the company and the community.
