

## Legislative Council

Thursday, 15 September 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

### ANIMALS: DOG ACT

#### *Review: Petition*

On motions by the Hon. Graham Edwards, the following petition bearing the signatures of 39 persons was received, read, and ordered to lie upon the Table of the House—

To the Honourable members in Parliament assembled,

We, the undersigned, wish to draw your attention to the fact that the recommendations put to the Minister by the Dog Act Review Committee, May 83 are a serious menace to our civil rights and accordingly hereby request that you reject, in its entirety, the reported recommendations of this committee and as your humble petitioners shall ever pray.

(See paper No. 259.)

### ADDRESS-IN-REPLY: NINTH DAY

#### *Motion*

Debate resumed from 14 September.

**HON. D. J. WORDSWORTH** (South) [2.31 p.m.]: The Address-in-Reply motion is traditionally addressed to the Governor in response to his opening day Speech. In his address, which was written for him by the Government, no mention was made of his term of office. Since opening day, we have heard an announcement by the Premier that the Government had refused Sir Richard's offer to extend his period in office. I believe Mr Burke used the occasion for political point scoring, in particularly bad taste. In turning down Sir Richard's offer of extended public service, the issue was made public rather than kept private. Obviously the Premier was trying to gain political kudos for his party by saying that he would replace the present Governor with a Western Australian. If I remember correctly, either the trade union movement or the Fremantle City Council suggested the replacement should be an Aboriginal.

We have been very fortunate in this State to have someone of Sir Richard's calibre so willing to take on this post. Like so many other Western Australians, I was very disgusted to see the

Governor slighted in this manner. Those of us who have been in Government would realise that the allowances provided to the occupant of this position are not considerable. A person taking on the responsibilities does not even have his expenses covered, let alone expect to be confronted by a salary reduction of 10 per cent. It is very sad to see a person in such a public position, without the ability to respond, attacked in this way, particularly for political purposes.

Anyone who reaches the position that Sir Richard has, whether that person be black, white, or brindle, must be a very suitable person for the post. I understand that as a youth Sir Richard left home—a small farm in England—and joined the Navy as a midshipman. He ended up a Rear Admiral of a fleet of the size and tradition of the Royal Navy. He is obviously a very capable person. To be chosen by the Queen to captain *Britannia* is an outstanding achievement.

Unfortunately, our armed forces, by their very size, do not provide us with people coming up through the ranks with the sort of experience gained by Sir Richard. The training gained in the armed forces, the ability to accept command and responsibility, and the ability to lead and set an example, together with the ability to mix with people, makes a person from the armed services ideal to fill the post of Governor.

Above all, people such as Sir Richard have come to us without any political bias; this is very important when we consider the position of Governor. This is important because our political system brings forth problems at times which cannot be solved by Parliament and which become the responsibility of the Governor. While I agree that a Western Australian could be found with the ability to fill the duties of Governor, I would be concerned that such a person's appointment could set a precedent, particularly as there are very few people within the appropriate age bracket, without political associations, who would be able to fill this post. Most people living in a State or country have some sort of political affiliation, so we have had an advantage in being able to call on someone from outside this country to fill the post of Governor. These people have not been involved in the politics of the State.

I sometimes wonder whether this rejection of the idea of having someone British as Governor of our State is not part of our growing up. I wonder whether to a lesser degree we have a similar hangup with the plantings of our public gardens. Until perhaps 50 years ago, one saw our parks and gardens planted with the best available trees, those considered to be the most suitable. Of recent times, it has almost been insisted that

plantings be entirely of native stock, the argument being that they obviously suit the climate and the soil.

This is not really so, because one often finds that Australian native plants are doing so well overseas. It is possible to find Australian eucalypts growing madly in places overseas, in the same way that trees and shrubs from other countries often seem to do better here than in their homelands. I wonder whether we do not sometimes forget one of the reasons Captain Cook sailed for Australia with botanists from Kew Gardens on board, men such as Joseph Banks. These people had been all around the world collecting the best suited plants.

So, when we have gone along with this idea of throwing out our English gardens we have in fact thrown out what were undoubtedly the best of trees and shrubs available throughout the world. In throwing off our colonial shackles, whether it be in the appointment of English Governors or in the planting of foreign gardens, we seem to be rejecting everything but that which is Western Australian born.

I had this forced upon my attention when talking to a friend in Esperance in whose garden a wattle had died. He seemed quite annoyed, because it was a native Western Australian plant. He could not understand why it should have died, considering that it was a native. But our entire bushland has been developed on the basis that a certain number of plants and shrubs die off. In this way material is formed which is burnt periodically, thus enabling our flora to develop. Of course, the last thing we want near our homes is a bushfire.

I have drawn this analogy between rejecting someone British for our Governor and rejecting foreign plantings for our gardens to show that, by disregarding these people and plants in this way, we are limiting our opportunities and choices.

I take this opportunity to congratulate you, Mr President, on again being elected President of the Legislative Council. It is a position which you obviously hold with the dignity and balance of judgment and sense of fair play which is so necessary for the Chair. I thank the House for expressing confidence in me by electing me to the position of Deputy President and Chairman of Committees. I am fully aware of the responsibilities of this position and hope that I can reflect the confidence which has been shown in me. I can see at times the position can be very difficult when one is making quick decisions and I hope that members will bear with me. I also con-

gratulate the new Ministers of this House and the leader, the Hon. Des Dans.

When one sits on this side of the House one does not see things in the same way, and I can well understand that. Now that some members opposite are Ministers I am sure that they will see that some of the things they used to criticise from this side of the House were not so bad after all; but they have taken on a very difficult position. There is no doubt about it; a lot of responsibility is placed on a member of the Executive Council, but it is a very satisfying task. As Malcolm Fraser was noted as saying, life was not meant to be easy. No doubt the new Ministers will not find it easy, either. Nevertheless, I am sure that they will make a good contribution and in spite of the fact that we appear to have the numbers of this side, we will not be a hostile Opposition; rather we will endeavour to be responsible.

I also congratulate the new members on their election to office. Perhaps they have been told that this Chamber has little use, but they will find that they can make a contribution while in the Legislative Council.

I enjoyed hearing the various maiden speeches and aspirations of the new members. I hope they are able to fulfil their wishes and that they will be able to make a contribution to the communities that have elected them to the Parliament.

It gives me great pleasure to agree to this motion.

**HON. MARGARET McALEER** (Upper West) [2.43 p.m.]: Since we resumed sitting in July time has gone on much more quickly than the Address-in-Reply so it is only now that I have really had the opportunity to congratulate you, Mr President, on your re-election to the high office of President of the Legislative Council and to congratulate the Leader of the House and his colleagues, the Hon. Joe Berinson and the Hon. Peter Dowding, on their election to the front bench. In the same way I congratulate all who have been elected to office in this House. I congratulate the Chairman of Committees, the Hon. David Wordsworth; the Deputy Chairmen of Committees; and, of course, my colleague opposite, the Hon. Fred McKenzie. We have all heard with interest and pleasure the contributions of the new members and I hope they will find satisfaction in their parliamentary work.

I take the opportunity of the Address-in-Reply to raise some matters of concern in my province. The first concerns a problem which has arisen in Geraldton.

Last month I received a telephone call from one of my constituents to say that he had consulted a general practitioner who had advised him to take his small boy to an eye specialist. My constituent phoned the Geraldton regional health centre to make an appointment with one of the visiting eye specialists and was told that he could not have an appointment for 12 months. Faced with this long delay, he then made an appointment with an ophthalmologist in Perth and was able to get an appointment within six weeks. While this was very satisfactory, it meant that either he or his wife had to travel to Perth to accompany the small boy during the 300-mile trip. He was faced also with the prospect of spending at least one night in Perth. I checked with the Geraldton regional health centre to see that there was no mistake and was told that no appointments were available until next year. That at least sounded as though an appointment could be had within six months.

When I pressed, I was told that 12 months was in fact the waiting period to see one of the two visiting ophthalmologists who attend Geraldton every five weeks. It so happens that they are fully booked for that period. I appreciate that this is not a direct Government responsibility. The Government does provide specialist services from Carnarvon northwards which include ophthalmologists. The visiting specialists who come to Geraldton do so by private arrangement, but it really does seem ridiculous and, worse, a real hardship for people to have to undergo the expense and inconvenience of travelling 300 miles to Perth in order to obtain an appointment within a 12-month period, more so because there are many ophthalmologists in Perth. I feel that if the situation in Geraldton were more widely known, other specialists would go there. I wonder whether it is possible for the Department of Public Health to make some assessment of the situation and perhaps spread the word in an unofficial way. In any case, I hope that by my raising the matter here, some improvement in the situation may occur.

I turn now to another area of my province, which includes the Shires of Gingin and Dandaragan. In 1979 the problem caused by wingless grasshoppers became so severe in the Gingin Shire that a committee was formed to see whether something could be done about it. This committee presented a submission to the then Minister for Agriculture setting out the extent of the problem and asking for help to overcome it.

The wingless grasshopper hatches in August. It is sufficiently developed by spring to cause a loss of green pasture and then it decimates the best of the dry pasture in summer. It is believed that the

grasshoppers chew off ripening barley crops, and dockages of up to \$20 per tonne have been charged on barley contaminated by grasshoppers on delivery.

These grasshoppers devastate shade trees and prevent young trees from growing so that it is hard, if not impossible, to maintain or grow shelter belts.

The problem is certainly not confined to the Gingin or Dandaragan areas, and it is an important one for farmers on the south coast, particularly around Esperance. Perhaps the Hon. David Wordsworth is familiar with this problem.

Gingin and Dandaragan are, of course, the areas which especially concern me and, moreover, the farmers around that area were supported in particular by the Gingin Shire Council which endeavoured to get things done in the first place. This area has contributed most in the way of funds.

The Department of Agriculture has developed recommendations for the chemical control of wingless grasshoppers. The department is satisfied that those control methods are very effective. They have been used by growers of high value crops, but the economics of their use on broadacre pastures is very doubtful indeed.

Since 1979 the entomology branch of the Department of Agriculture has been working on a full scale biological programme which culminated this season in an aerial baiting scheme in the Gingin region with the co-operation of one of the Lancelin farmers, Mr Jem Woods. While the experiment up to date has been very successful, it is still not known whether the disease—the biological control—will persist in the field and further trials are needed.

Already \$180 000 has been spent on the programme since 1979. The original submission of the Gingin committee attracted a \$20 000 contribution from the Reserve Bank but now it is difficult to obtain funds from outside industry sources, mainly, I believe, because it has been hard to establish the crop loss situation or the State-wide insecticide bill. Therefore, shortage of funds threatens the continuation of this project at present.

However, the Gingin committee, with funds from local farmers, some Dandaragan farmers, and the Gingin Shire Council, is able to contribute a total of \$11 430. A further \$1 000 has come from Esperance and \$7 000 from the barley growers research fund. If a similar contribution were made by the Government, it would enable the programme to continue.

It is not a great sum of money in itself—\$20 000—and if the programme were successful it would be of very great value. If the experiments being carried out at present prove unsatisfactory, the department can follow up various other lines of biological control. So I hope the Government will be able to find the necessary funds to continue this programme.

For many years I have spoken in this House about the water problems that exist in the Upper West Province. I am glad to say over the years one by one these problems have, for the most part, been solved. Of course there are still some areas where the problems have proved intractable. One of these is the little town and district of Bindi Bindi—probably the single most waterless township in the whole province. The primary school is provided with underground tanks—two of which hold water and the third of which does not. The water is supplied at Government expense. The water is brought into the town from Moora by a contractor.

The area has a very small population and the people must pay for the water to be brought in. The district which surrounds the township, while being in a good rainfall area, is still very water deficient. It has a salinity problem; there is very little potable underground water for the stock. The holding quality of the country is bad, and this fact, taken in conjunction with the salinity, means that dams are very hard to build successfully.

Prior to the proposal for the Agaton water scheme, it was hoped by the people of Bindi Bindi and of the Moora Shire which was supporting them, that the extension of the Mundaring scheme could be arranged. The pipeline from this scheme stops only 13 miles outside the town. However it was considered by the Government, on the advice of the Public Works Department water supply division, that the Mundaring scheme was extended already to its furthest capacity and that it would be extremely unwise to continue the scheme 13 miles to Bindi Bindi.

So when the possibility of the Agaton water supply was raised, the residents of the town, together with those of Miling—also within the Shire of Moora and within the province—pinned all their hopes on the Agaton scheme. My colleague, the Hon. Gordon Atkinson, has explained very clearly to the House the great need for this scheme, not just throughout the Moora and Dalwallinu districts, but throughout all of Mt. Marshall. Probably every member of the House now knows very well about the great shortage of water in these districts and the history of the Agaton scheme up to this time.

The people of Mt. Marshall felt—as the Hon. Gordon Atkinson reminded us—that they had received a firm promise from the present Government when it was campaigning prior to the election. This promise was made by the Hon. David Parker, as spokesman on water resources. The Hon. Des Dans replied to a question about this matter by the Hon. Gordon Atkinson, and that answer is not one which the people of the districts will find really acceptable.

Since this Government came to office, its Ministers have been in the habit of saying that now they are better informed, there are a number of matters of policy that they might have to change or qualify, and that they might have to repudiate some of their commitments.

Hon. P. G. Pandal: Mostly repudiate.

Hon. D. K. Dans: Do you know what happens when you tell lies? You get blisters on your tongue.

Hon. MARGARET McALEER: But some promises are more important than others. To promise people who have been without water for so long that they have a real possibility of getting water seems to me to be a promise of a more serious nature than any of the other promises which were made. The reply which the Minister for Water Resources made to the people of the district in answer to all their queries, and to the rural water council which represents their interest in this matter, is just not acceptable to the people. I ask the Government to reconsider the stand it has taken and to make a genuine effort to meet its commitment on this matter.

I believe I would have the support of the Hon. Jim Brown in making this request to the Government. The honourable member, equally in good faith, committed himself to the proposition that water should be supplied to the Mt. Marshall area and all the intervening areas, and that he believed the Government, even though frustrated in one direction, should be making a genuine and serious effort to find other ways to provide that water.

I support the motion.

HON. J. M. BROWN (South-East) [2.58 p.m.]: It is with a great deal of respect that I acknowledge the contribution made by the Hon. Robert Hetherington in moving the Address-in-Reply, and I certainly support the motion. In doing so, Mr President, let me congratulate you on being re-elected to your very important position within this Chamber. I feel sure you will continue to show the impartiality and good sense that has prevailed in the past. We certainly look forward to a very harmonious situation in Parliament.

Likewise, I would like to congratulate the Hon. Des Dans on being appointed the Leader of the Government and the Minister for Industrial Relations. I would like to congratulate also the Attorney General (Hon. J. M. Berinson) and the Minister for Mines and Minister for Fuel and Energy (Hon. Peter Dowding).

I am mindful of the contributions which have been made by the new members of the Chamber; that is, the four members of the Australian Labor Party. I refer here to my colleague, the Hon. Sam Piantadosi, from the North Central Metropolitan Province. The contribution he made in the debate was unique. The commonsense which prevailed and which allowed him to conclude his remarks in Italian, because it was a special occasion, signified the commonsense we trust will continue to exist in the Chamber.

The new member for South-East Metropolitan Province, the Hon. Kay Hallahan, clearly demonstrated to the Chamber that she has much to contribute. I am sure as time progresses we shall acknowledge the contributions she makes. The Hon. Graham Edwards, a personality who has been elected to the North Metropolitan Province, has clearly demonstrated to the Chamber his capabilities, as have his colleagues who represent the ALP in the metropolitan area. I feel sure the Hon. Graham Edwards will display good commonsense and will make a worthwhile contribution on behalf of the electors who elected him, and also to the Parliament of Western Australia.

I refer finally to my colleague who represents the South-East Province, the Hon. Mark Nevill. We represent different areas, but we certainly have a very common interest in the goldfields and Esperance regions. It is a loss to the agricultural region of the eastern wheatbelt that we will not have the benefit of Mark's industry and knowledge. Even in the short time he has been in this place, he has displayed the commonsense which country people will learn to enjoy.

Likewise I acknowledge the contribution made by the new Opposition members and I wish them well in their stay in the Parliament. I would be remiss if I did not pay tribute to the Chairman of Committees and Deputy President, the Hon. David Wordsworth. I am sure that, as Chairman of Committees, within the Chamber, he will display an impartiality which we will recognise in the deliberations which take place.

Several members were re-elected to the Chamber and I refer here to the Hon. Tom Stephens, the Hon. Fred McKenzie, and the Hon. Lyla Elliott. There is no doubt in my mind the example set by those members in the past and the

assistance they have been able to give to their colleagues will continue. It certainly looks as though we are in for a very interesting session.

I reiterate my strong conviction that I feel sure, you, Sir, will continue to show your unbiased attitude as the President of this Chamber. You displayed it to me very vividly when we celebrated the 150th anniversary of the establishment of this Chamber, and you predicted then that changes would occur. Of course, there will be changes—I am quite confident of that—and, without labouring the point, I indicate that we shall see innovations and progress within this Chamber under the chairmanship of the Hon. Clive Griffiths, President of the Legislative Council.

Another reason I rise to my feet is to refer to the operations of the Grants Commission in Western Australia. As members would be aware, the commission was established in 1978 under the Local Government Grants Act, to recommend the allocation of funds provided by the Commonwealth under the provisions of the Commonwealth Act.

In no way do I reflect on the integrity of the members of the commission, but they certainly have done a grave disservice to what I consider to be a very important feature of our State; that is, country local authorities.

We were advised that the Grants Commission was to receive additional income over the previous year of 8.2 per cent. This has been proved to be the case. The 139 local authorities in Western Australia will have received their cheques already and the money is probably in their bank accounts earning interest or being used to meet previous commitments. These are untied contributions from the Commonwealth to the States, which are covered by section 9(1)(a) of the Local Government Grants Act, which reads as follows—

the amount that is to be allocated amongst municipalities in that financial year on the basis referred to in paragraph (a) of subsection (2) of section 6 of the Commonwealth Act . . . .

Paragraph (b) refers to the allocation of the funds for element B under paragraph (b) of subsection (2) of section 6 of the Commonwealth Act.

Nothing in subsection 2 authorises the Minister to determine that the element A funds shall comprise less than thirty per centum of the total amount of the Commonwealth funds to which the State is entitled.

That means that element A, which is arrived at on a per capita basis, cannot be less than 30 per cent

of the Commonwealth funds. Previous allocations have been made on the basis of 70 per cent for element A and 30 per cent for element B. The Grants Commission, through the authority of the Minister, has reversed that procedure and now element A is at the level of 30 per cent and not 70 per cent, and element B, which is on a needs basis, is at 70 per cent.

An 8.2 per cent increase in funds has occurred. In a media statement by the Minister for Local Government issued on 9 September 1983, the following point was made—

No Council would receive less than last year. Most would receive around the 8 per cent or so increase, with some receiving up to 15 per cent more.

Local government bulletins intimated to councils that they could expect to receive an increase in the region of nine per cent. On the surface it would appear this is very satisfactory, but unfortunately that is not the case.

Only one local authority in the metropolitan area did not receive a sum similar to that received last year. With one exception, all other local authorities in the metropolitan and outer metropolitan areas, including Armadale, Gosnells, Mundaring and Wanneroo, received amounts above those they received last year. The exception was Peppermint Grove, which in 1983-84 received \$43 108, which was the same as it received the previous year.

I would like you, Sir, to bear in mind that every other metropolitan or outer metropolitan local authority, as defined in the Grants Commission's report, received in excess of its previous year's amount. Unfortunately, when it came to country areas, that was not the case.

Indeed, the 8.2 per cent increase in funds from the Commonwealth to the States did not reflect a similar increase to many of our local authorities, despite inflation for the previous year being in double digit figures.

Local authorities when preparing their budgets must be mindful of the contributions they expect to receive as a result of the Grants Commission recommendations. The commission travels the length and breadth of the State to prepare its submissions to the Minister for final ratification before the distribution of funds. I would not like members in this House to think that the commission makes unilateral decisions; its recommendations must have the imprimatur of the Minister for Local Government.

The Shire of Boulder and the Town of Kalgoorlie received the same contribution for 1982-83 as they received for 1983-84. My re-

search indicates that the Shires of Dardanup, Leonora, Narrogin, Port Hedland, Roebourne, Upper Gascoyne, and Wiluna will also receive the same contributions for some reason or other. I understand that the administrators of local authorities endeavour to put to the Grants Commission the needs and requirements of their councils.

As I have said, in the metropolitan area only the Shire of Peppermint Grove did not receive an increase in the contribution for 1983-84, but many shires in country areas did not receive an increase. The question is: Why did those country shires receive the same amount? Were they perhaps treated generously in the previous allocation? Have their needs diminished?

As members would understand, the basis of distribution has been changed from per capita to needs. When one reviews the amounts received by country local authorities and realises that many of those authorities have received the same contribution, this begs the question: Why did the goldfields Town of Kalgoorlie and Shire of Boulder receive the same amount in 1983-84 as they did in the previous year, especially when one considers the development that is taking place in those areas? I could go on to refer to what has happened in the eastern goldfields, such as in the Shire of Leonora, which has received this year the same contribution as it received last year. As I have said, in the Shires of Port Hedland, Roebourne, Upper Gascoyne, and Wiluna, the same situation applies. No increase in allocation will take place, despite inflation being in double digit figures for the last year, and despite the 8.2 per cent increase in allocations from the Commonwealth to the States. Why have these contributions to local authorities remained static from 1982-83 to 1983-84?

Members can imagine the concern felt by the administrators of these local authorities when trying to balance their budgets, which is a requirement under the Local Government Act.

In regard to the goldfields, one can refer to the Shire of Dundas, which will receive an increase of only slightly in excess of two per cent. The Shire of Esperance is in a similar situation. The demands and needs of these local authorities require a much more sympathetic consideration of their position, or a greater understanding, by the Grants Commission of the local authorities. The contributions should be in line with the inflation rate.

The contributions to these local authorities are not in conformity with the development taking place in those areas. I am concerned indeed. The

representatives of those shires have shown responsibility, whether they be in Dardanup, Leonora, Kalgoorlie, or Wiluna. Demands will be placed on members of the Parliament to assist in picking up the shortfall, or the shortfall will rest on the ratepayers. Perhaps the shires will not be able to complete their works programmes, or their budgets will show a deficit at the end of the year. Perhaps the latter would make the Grants Commission understand that these local authorities need a more equitable contribution. The situation is serious, particularly in the eastern goldfields and south to the Shires of Dundas and Esperance.

I appreciate the dedication of the members of the Grants Commission, who have been in those positions for many years, but no increase whatsoever has been given to many country shires. Anybody preparing a budget knows that unless special circumstances exist, each year the financial needs of an area are greater than they were in the previous year. Every local authority would recognise the great benefit derived from the two per cent of income tax given directly to local authorities by the Commonwealth, which allows local authorities to effectively carry out their responsibilities. However, the fact remains that for 1983-84 many country local authorities received the same contribution as they did last year. They must exercise budget control, and their hopes for the expansion of their communities have been stopped, which is a severe blow to many country local authorities. I regret I have not had time to fully investigate the overall percentages, but I do know that the contributions in the recent allocations were approximately \$300 000 less than they were for metropolitan shires.

An allocation of \$25 531 114 was made to country shires, compared with the allocation to metropolitan shires of \$17 599 108, which was a total allocation of \$43 130 222. It must be recognised that the allocation was only \$1.5 million more for country areas this year, despite the vast size of their budgets, as against a \$1.8 million increase to metropolitan shires. In no way have I tried to differentiate between the metropolitan allocation and the country allocation, because it is quite clearly demonstrated if reference is made to 1980-81 that the metropolitan areas received \$11 136 931 as against country areas, \$17 105 963, out of a total Commonwealth allocation of \$28 242 894. If the \$28 million for 1980-81 is related to the \$43 million for 1983-84 it can be clearly recognised that country areas have not received a greater increase than metropolitan areas.

This increase might not be in accordance with the percentage that starts at the base figure for

1980-81, but to obtain a comparison we must refer to when the grants system was first instituted to obtain a comparison. Of course, comparisons can be odious, and I do not wish to make such comparisons. I point to the disadvantages to those local authorities which have received only a two per cent increase or the same distribution as in the previous year, and compare that to the 8.2 per cent increase in funds from the Commonwealth to the States in 1983-84 as against that amount in 1982-83. It is a very serious situation.

I trust some recognition will be given to the great problem which exists for local government as far as the Grants Commission is concerned. In no way do I decry the Grants Commission; I applaud it. It probably is one of the greatest breakthroughs made by local government and local authorities, inasmuch as the Commonwealth finally makes a direct contribution to those areas. Local authorities had fought for that for more than a decade before 1972 when the Commonwealth decision was made.

I want to briefly discuss water supplies. This topic has been outlined by previous speakers, including the Hon. Margaret McAleer who referred to it in her comments in the Address-in-Reply debate. I support the remarks of members who called for an extension of water supplies throughout the State, and not just for the Agaton scheme. I have wholeheartedly supported that scheme. Some criticism has been levelled at the Hon. David Parker who as shadow Minister for Water Resources made a commitment to people in the Mt. Marshall region that we would give that scheme top priority when he became Minister.

I was one of the motivators who encouraged him to make such a decision. He went to the area and had a look at it and he understood the proposition. Prior to that he had attended a meeting at Dalwallinu at which Sir Charles Court was also present, and the proposition was put to the people. Ultimately, the proposition turned out to be unacceptable and far from satisfactory. No-one in this Chamber would want to support it. It was most unfair when one took into account the way the Public Works Department, which then handled water supplies, had carried out its operations in the last half of this century.

The Agaton scheme originally was costed at \$55 million and it was proposed to use the underground aquifers to irrigate a large area of land. It would have been very beneficial. Anyone would recognise the social value to people in the area. However, that is only one area of the State that will receive consideration—favourable consideration, I hope.

Similarly, the Westonia-Mt. Hampton area, and areas in the Salmon Gums-Esperance region, suffer from copious supplies of water. The Hon. David Wordsworth would be able to tell us about the water supplies necessary to grow crops. I hope that situation has been rectified by now.

We do not want a "Yes, Minister" situation to arise in respect of water supplies so that the Minister makes a courageous decision and is then defeated at the next election. We want common-sense to prevail; if this State is to continue to tick, we must apply common sense so that the social and financial benefits to the State are maintained and the land itself is preserved. I am referring to the erosion and degradation of land that is foremost in the minds of people at present. It has been the subject of much comment in Federal and State Parliaments and by people generally in this State. I feel sure it will continue to remain foremost in their minds.

The type of decision we need in relation to water resources is not one of courage, but of common sense. We must implement a timetable but we cannot do that if we are not prepared to make a start.

Grave concern exists within the goldfields as to the quantity of water that can be made available. Serious reservations have been expressed as to its quality. When the Public Works Department had responsibility for water supplies it set up a programme of shedding the open storages. That was an indication of the concern that existed about the quality of the water.

Large sums of money must be injected for the maintenance and upgrading of that "great, great" water supply, the O'Connor pipeline from Mundaring to Kalgoorlie. I said "great, great" because there is a tablet in Kalgoorlie to commemorate C. Y. O'Connor as engineer-in-charge of that "great, great" water supply. That is how people acknowledged that system some 60 years ago.

When one correlates the expansion of our water supply with the cost of the 1946 comprehensive scheme one sees that the costs in 1983 are similar. In other words it will not cost any more in 1983-84 than it did in 1946-47. The Government must make a start on extensions of the water supply in our State, and not just in isolated areas such as the Agaton region. This will enable us to endeavour to progress and to live a normal social life and to prevent land degradation.

We must also consider the great generation of job opportunities that will occur. I mention that aspect last, but the water supplies available now were not built for nothing; nor will they be built

for nothing in future. Workmen and women are involved with the pick and shovel in the early stages, and they are used now for the repair of breaks in the line. Of course much of the work now is carried out by mechanical equipment. Men and women take a great pride in the job they do. I urge the Government sincerely to take a long view and look at long-term projects for the extension of the scheme.

This area has been neglected for the past decade, and it is probably more important than any other matter. Whether it was a question of not being able to see the wood for the trees I do not know, but it has been an area of neglect. I trust something will be done and I know many colleagues on both sides of the Chamber have a similar view.

We are certainly enjoying a much better season in South-East Province, which I represent, for graingrowing and raising stock, and the enthusiasm and confidence of the people is remarkable. That applies also to the goldfields region.

The confidence that the people in those areas have in the State is absolutely tremendous. The State Government, under Brian Burke and his Ministry, has a tremendous responsibility to the people of Western Australia. The enthusiasm of the people I represent in the South-East Province should give confidence for the State to go on from strength to strength.

I support the motion.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [3.31 p.m.]: It is indeed an honour I acknowledge to stand in this place with the realisation that, in my role as Leader of the House, I am following in the steps of many worthy and distinguished predecessors.

I thank the Leader of Opposition, the Hon. Ian Medcalf, along with other members, who have extended congratulations during this debate on my appointment to this position; not forgetting, of course, the electors of this State for their vote of confidence in the Burke Government at the February general elections, who gave me this opportunity in the first place.

I know the Hon. Ian Medcalf will agree with me, at least on this occasion, that the job of Leader of the House carries with it a mantle of responsibility which I trust I can wear in a somewhat similar exemplary manner to that which he demonstrated during the preceding three years. At the same time I suppose it must be appreciated that his job was made that much easier by the presence of a large majority and a co-operative Opposition on most occasions. I look forward to a

continuation of that co-operative spirit during my term.

One of my greatest assets, of course, is the able assistance I know will be forthcoming from my party colleagues and, in particular, my two ministerial colleagues in this Chamber, the Hon. Joe Berinson and the Hon. Peter Dowding. On their behalf I also thank those members who have extended congratulations on their elevation to Cabinet ranks.

During the course of this debate we have been treated to several maiden speeches by our new members and I have been suitably impressed at the standard displayed by them, to the extent that I am sure we can expect some lively debates during the session. I thank all members who have contributed to this debate and, in doing so, would like to make the point so often promised by previous Leaders of the House, that I intend to progressively prune my contribution.

The Hon. Graham MacKinnon may recall his words of wisdom when closing the Address-in-Reply debate on 25 August, 1977 when he said—

As many members well know, previous Leaders of this House, in closing the debate on the motion, answered practically every single item raised in the debate. It reached the stage when it became almost traditional, and over the years the reply to the motion became a very arduous burden indeed and one which probably served little purpose. Perhaps a query raised by Mr Tozer would be of no interest to Mr Dans—

I am not sure how I became involved at that time but my views on this debate are well recorded in *Hansard*. However, to continue the quote—

—and although probably such debates furthered our education, a great deal of time is wasted. I see no point being served in continuing this custom. One very eminent predecessor of mine, on the occasion of closing the debate for the 12th consecutive time said—

It may not be a bad idea if the custom is changed next year.

That was the late Sir Arthur Griffith.

While it has always been the custom for the leader to conclude the debate it is not necessarily his prerogative and, according to Standing Orders, in all cases the reply of the mover of the original question shall close the debate.

The Hon. John Williams gave an interesting speech on the need for reform in the conduct of business and general procedures in this House and I go along with most of the things he had to say. A lot of these desirable reforms are often raised

but never seem to eventuate, as has been mentioned in a recent debate which took place in this Chamber concerning the appointment of Select Committees.

The Address-in-Reply debate is one area that definitely needs putting on the rails, as it appears to have wandered as far away from its proper destination as some of the wanderings we are taken on through members' electorates. In recent years the Leader of the Government has taken it upon himself to refer all matters raised by speakers to the motion—which require an answer—to the appropriate Ministers for attention, thus alleviating the doubtful necessity to respond at length.

I have often wondered why this procedure has been carried out by the Leader of the Government as it is virtually a case of being a messenger boy relaying electoral problems on behalf of members, when possibly they should be making direct representations on these matters to the Ministers concerned. While I have no intention of filling that role, I undertake to refer any constructive suggestions or criticisms relating to Government policy for the information of the Ministers. In this regard and for the benefit of the Leader of the Opposition, I mention that he did address himself to some areas of the ministerial statement on Government policy, and due note has been taken of his comments both by myself and the Attorney General, to whom they were referred.

One matter raised by the Hon. Ian Medcalf referred to the constitutional question raised by the decision of the High Court in the Tasmanian dams case. I would like to make a brief comment in response. The State Government recognises that recent decisions of the High Court have the potential to fundamentally change the balance of the federation. It does not help to criticise or abuse the present judges of the High Court. Nor are the emerging problems likely to be solved by the Opposition's proposal that the States have a role in future High Court appointments.

What really emerges is the need for a conscious effort by the Commonwealth and the States to determine and re-define their respective roles. This will require close and constructive consultation in appropriate forums, such as the Standing Committee of Attorneys General, and the Constitutional Convention and its standing committees. The State Government will urge and actively participate in that process.

In concluding my remarks, members may be interested in Erskine May's comments on the subject of the Address-in-Reply in his book, *Parliamentary Practice*, in which he indicates that the debate on the address is used for a review of

Government policy, especially in relation to the contents of the Queen's Speech, or in this particular instance, the ministerial statement. He further states that in practice the House devotes five or six days to the debate on the address, the average time spent being of the order of 35 hours. Of course, that relates to the House of Commons.

While we each may have differing views on the real purpose of the Address-in-Reply and the manner in which we contribute to the debate, it has one redeeming feature in that it does provide a breathing space at the beginning of a session for the introduction of Government business and to enable members to carry out research in that regard. Whether we should convene daily for the sake of justifying the Address-in-Reply debate is itself debatable, but that is something for the House to decide and I do not intend to pursue the matter at this time.

I support the motion.

Question put and passed; the Address-in-Reply thus adopted.

#### *Presentation to Governor*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [3.38 p.m.]: I move—

That the Address-in-Reply be presented to His Excellency the Governor by the President and such members as may desire to accompany him.

Question put and passed.

#### **QUESTIONS**

Questions were taken at this stage.

*Sitting suspended from 3.48 to 4.01 p.m.*

#### **HIGHWAYS (LIABILITY FOR STRAYING ANIMALS) BILL**

##### *Second Reading*

Debate resumed from 4 August.

**HON. V. J. FERRY** (South-West) [4.13 p.m.]: This is an interesting subject and it is well to remind ourselves of one or two facets of its history. In view of the fact the Bill was introduced some time ago, I may need to refresh the memories of members regarding one or two items as to its background.

The law in question originated in England some two centuries ago and is commonly referred to as "the rule in *Searle v. Wallbank*". The effect of the rule is that owners and occupiers of land adjoining a highway are under no duty to take reasonable care to prevent their animals from straying onto the highway. It followed that

owners were not liable for any damage or injury caused by such animals.

This question has been a vexing one for some time, and it remains so today. I have no doubt that during the course of this debate a number of points of view will be canvassed about the effect of the rule as it is referred to, and the possible effect of the legislation as it is proposed.

At the present time, as a result of a Supreme Court decision, it is considered in this State that the rule is unsatisfactory. It is also considered by a number of people that the rule should continue to apply. However, the Government has taken the step of introducing legislation which is breaking new ground in trying to establish what should be the actual legal situation in this State. It takes its strength from the report on the liability for stock straying onto the highway, project No. 11, as prepared by the Law Reform Commission of Western Australia, dated 23 June 1981.

I was aware of the result of the work of the commission, and the publication of its report shortly after that date. I took a personal interest in the findings of the commission and the recommendations flowing from its examination of this very complex matter. As a result, some two years ago I asked certain questions in this House. I also took it upon myself to notify the recommendations to a number of people in rural areas who would be interested in this type of legislation, to obtain their reaction. Associated with that, there was quite a degree of coverage in the Press and in farmers' journals of the fact that the report was available. All of the recommendations were mentioned, and some were commented on quite considerably.

Some two years having passed, negotiations and discussions continue as to what best to do under the circumstances. Perhaps at this point I should quote from page 6 of the report of the Law Reform Commission where it refers to the rule in Western Australia. The rule is an ancient one, and it is known in England—

**Hon. J. M. Berinson:** The rule in *Searle v. Wallbank*.

**Hon. V. J. FERRY:** Thank you. At paragraph 109, the report of the commission reads as follows—

In 1976 the Full Court of the Supreme Court of Western Australia in *Thomson v. Nix*, after reviewing the history of legislation in Western Australia concerned with fencing land in farming areas and the establishment and maintenance of roads, concluded that almost since the foundation of Western Australia conditions in the State had been very

different from those which in England had given rise to the Rule. As a result the Court decided the Rule did not apply in Western Australia and was not therefore part of State law. The Full Court said that instead, liability for injury or damage caused by stock straying on to the highway should be governed by the law of negligence . . .

It then goes on to say—

. . . so that there is the ordinary duty imposed upon a person who has animals in his charge to take care that his animals are not so placed or used or allowed to roam or stray so as to be likely to injure his neighbour. . .

This is the background of the situation we have to consider. The Supreme Court decided that some degree of responsibility should be placed on the owners of straying stock. It has been said to me that the law does not need changing; it should remain as it is. If that is the case, and if the case is supported by some other information I have here and which I will make known to the Chamber in a moment, the situation as I understand it is that the owner of any stock which may stray onto the highway—and I note there is no definition of the word “highway” in the Bill and there is probably good reason for that—is likely to be liable in the event of a claim for damages. That is the situation; the owner of livestock can be liable at this moment whether or not we have this particular legislation.

Under this Bill, the Government is proposing that the situation should be clarified so that, if not legally completely clear, it will be very much clearer than it is at the present time. That is the background of this legislation.

It is interesting to note the incidence of accidents that have occurred in Western Australia from stock straying onto highways. The Police Department has supplied statistics to me for the three years, 1980, 1981, and 1982. I have combined the figures to give an indication to the House of the extent of such accidents. Over the three-year period, 110 accidents have been caused by sheep, 368 by cattle, 125 by horses, and 135 by domestic animals. That is a total of 738 accidents caused by animals—an average of 246 accidents per year. That works out to 4.7 accidents per week—almost five accidents caused by animals in each and every week of the year.

Hon. D. J. Wordsworth: Have you any idea of the number of accidents caused by kangaroos?

Hon. V. J. FERRY: Indeed I have, but, of course, kangaroos do not come under the descrip-

tion of straying stock. The figures relating to kangaroos are horrific. Over the same three-year period, a total of 672 accidents were caused by kangaroos. It is interesting to note that 41 of these accidents occurred in the Perth statistical area; that is, the city area and some of the local authority areas surrounding the city. In the rest of the State, 631 accidents were caused by kangaroos in a three-year period. Of course, I am relating the figures of the reported accidents, accidents which supposedly caused damage of \$300 or more. My guess is that many more accidents were caused by kangaroos but were never reported. I suggest my figures are extremely conservative.

I have some details of the accidents, but I am unable to say whether the accidents were caused by kangaroos, sheep, cattle, or other animals. In the period referred to, there were four fatal accidents, a total of 63 injuries necessitated hospital attention, and in 122 accidents, victims were injured and required some medical attention. In total, 1 255 accidents involving major damage occurred. So we are not dealing with a situation which causes two or three accidents a year—it is in the order of five accidents a week. The House must have regard for the magnitude of the problem.

I mentioned earlier that the Bill does not contain a definition of the word “highway”. Members will be interested to note that the Road Traffic Act has a definition of the word “road” although not a definition of the word “highway”. This definition reads as follows—

“Road” means any highway, road or street, open to or used by the public and includes every carriageway, footway, reservation, median strip, and traffic island thereon.

Obviously that definition is included to assist the operation of that particular Act. However, as I mentioned, there is no definition of the word “highway” in the Bill before us. My research on this subject demonstrates to me that it is very difficult to spell out in precise words just what a highway might be. There are plenty of definitions of the word by learned people, and I would like to quote one from the book *Words and Phrases Legally Defined*, second edition, 1969. It reads as follows—

A highway is a way over which all members of the public are entitled to pass and re-pass; and, conversely every piece of land which is subject to that public right of passage is a highway or part of a highway.

Probably that is a reasonable enough definition. One could come up with all sorts of other words

to use in a definition, as indeed all sorts of people have done. However, I believe a good definition can be basically summed up by saying that a highway is a place where people are entitled to pass and repass. Therefore, the proposed piece of legislation will have effect on every piece of land coming into that category. That is important because accidents happen in all places, as we all know. During his summation, I would like the Attorney General to comment on the reason that there is no definition of the word in the Bill. Probably such a definition would create more difficulties, but I would appreciate his experience and opinion of that matter at a later stage.

Arising from the Road Traffic Act, we have some regulations regarding livestock. It is pertinent to the whole exercise for me to quote regulation 1702, which reads as follows—

(1) A person in charge of stock shall not—

- (a) allow it to stray onto a road; or
- (b) having taken stock onto a road, allow it to remain there unattended, or inadequately attended.

(2) It is a defence to a complaint under subregulation (1) of this regulation, of allowing stock to stray onto a road, that all reasonable precautions were taken to prevent the stock from straying onto the road.

(3) Any stock that is straying on, unattended on or obstructing any portion of, a road, may be seized by a patrolman or an officer of the local authority of the district and placed in a public pound.

Regulation 1702A states—

A person shall not drive stock along or across a road unless he—

- (a) takes all reasonable precautions to warn approaching traffic of the presence of the stock; and
- (b) arranges the driving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

As I said earlier, those regulations flow from the Road Traffic Act, and, as members heard, they refer to stock in the charge of persons or stock which should be in the charge of persons while being driven on a road. In that case the stock would not be straying. I make this point because during the debate reference will be made to the Road Traffic Act and perhaps to the Local Government Act, which also contains provisions

relating to stock, although in a different context. I do not propose to quote them now, but there are some such provisions in that Act. One I can think of relates to the impounding of stock under certain conditions, and also the release of stock from the pound and other activities involved in that.

I took it upon myself to contact a number of organisations that represent the owners of livestock to obtain their reaction to the proposed legislation. I sent these organisations a copy of the Bill, plus a copy of the Minister's second reading speech. I would like to briefly go through the replies.

The Primary Industry Association of Western Australia believes that the Bill really only clarifies the current position, so, therefore, it indicated to me that it is content with the Bill in general principle.

The Pastoralists and Graziers Association of WA (Inc.) says, in part, that it has accepted the recommendations made by the Law Reform Commission, so it seems to be generally content with the position. It refers to one or two points, one of which relates to the use of the word "may" in the text of one part of the Bill and it says it would prefer the use of the word "shall". Perhaps I could deal with that matter in Committee. I do not believe the association's intention is necessarily right, because under the law, the word "may" may well be appropriate.

The other point raised by the association is in regard to an upper limit being determined in the event of insurance being taken out by owners of livestock. In line with the recommendations of the commission, the association suggests an upper limit of \$500 000 be set.

Members will be aware I have given notice that I intend to move an amendment in relation to that measure, and that amendment appears on the Notice Paper.

The Royal Automobile Club of WA (Inc.) says, "We are in support of the Bill introduced in the Parliament by the Attorney General". It mentions other matters virtually touching on the history of negotiations and discussions, but says it is in agreement with the Bill in principle.

The Country Shire Councils Association of WA has written to me in this regard; it referred also to the use of the term "may" and would prefer the word "shall"; but I shall deal with that a little later. The association agrees with the general provisions of the Bill and it refers to the insurance aspect.

I have a letter from a legal representative of the Local Government Association of WA which

says, "In general terms I consider the Bill to be satisfactory and a worthwhile reform measure". It also makes one or two comments to which I can probably either refer now or in Committee, but, in general terms, the association agrees with the proposed Bill.

I have had a letter—I am sure the Attorney would have received one in similar terms, as other members may have—from the Law Society of WA which reads, in part, as follows—

In summary, the Bill is welcomed with reservations with respect to clause 3(4), particularly (e). It might be best to delete clause 3(4) entirely. It gives rise to a danger that, particularly in the lower courts, the stated criteria might receive undue attention to the exclusion of others having relevance in the circumstances of a particular case.

The Law Society of WA made some further comments in an attachment to the letter and, for the sake of accuracy, it might be helpful if I were to read those comments. They read as follows—

However, the fact that with the law at present, judgments need to be dissected and distinctions drawn points in itself to there being doubts as to how the law may be interpreted in the future. Hence, the policy behind the legislation should be welcomed by the profession. It will mean that advice can be given more confidently in this area without the need to attach qualifications as is the present situation, those qualifications being due to the possibility of *Thomson v Nix* being overturned on appeal to the High Court.

With the need for legislative reform established, the proposed legislation adopts the approach that the rule in *Searle v Wallbank* should not apply in Western Australia and that liability for animals straying onto highways should be governed by the law of negligence, or intentional acts, or omissions. This approach reflects *Thomson v Nix* and would seem to be in line with current thinking, evidenced by views from the textbook writers such as John Fleming, and the fact that many other jurisdictions have leaned this way as is indicated in the Law Reform Commission of Western Australia's report on this matter. It should also be noted that there are even comments in *SGIC v Trigwell* recommending that the rule be abolished.

It appears the society favours this. In conclusion, it says—

... it is recommended that the profession welcome the policy and thrust of the proposed legislation. Reservations however

might be expressed in respect to some confusion that may arise from the application of the directions given to the Court to consider in negligence actions to which the Act applies. Also, the amendments to the Dog Act may be in need of some further consideration where a person is injured as a result of a dog attack although not actually wounded by the dog itself.

This Bill does not cover the situation of dog attacks because that is dealt with by another Bill which is before the House; therefore, I will not refer to that measure.

I turn now to insurance. The Bill makes no provision whatsoever for any limitation on the awarding of damages which may occur from any action arising from the provisions of this Bill should it become law. The Law Reform Commission along with other organisations certainly recommended a limit be set and, from my discussions with a number of people who are interested in the matter and from my own judgment, I am convinced that, if this Bill is to become law, a limit should be placed on the amount of damages that can be awarded in the case of litigation. I agree with the recommendation of the commission that the limit should be \$500 000 and I shall deal with that in the Committee stage.

A school of thought exists that this measure will impose an impost on the owners of livestock and, if they wish to protect themselves adequately, they should take out appropriate insurance cover and pay the appropriate premium, whatever it may be. It is not easy to obtain an accurate estimate of what a premium of this nature would be, because it depends entirely on the circumstances of the owner of the stock, along with a number of other factors. Suffice to say the appropriate premium, like any other insurance premium, must be paid if owners of livestock wish to protect themselves adequately.

Having said that, I emphasise it will not be compulsory for the owner of livestock to take out insurance cover. My advice is that it would be very wise so to do; but if owners of livestock choose not to do so and, therefore, do not pay the premiums and, if they are lucky enough not to have an action taken against them with regard to straying stock which is under their superintendence, they would not have anything to worry about.

The same situation applies at the moment. If the owner of livestock does not carry appropriate insurance cover, he can be liable immediately, as he was yesterday and is today; so there is nothing

new about that. Provision should be contained in the Bill to limit any damages in the event of litigation.

The Bill refers to retrospectivity but, of course, it is a little different from some retrospective legislation we have seen from time to time. However, from my reading of it, the measure protects any actions which may be pending under existing circumstances in Western Australia with regard to straying stock. I believe that is a reasonable provision to be in the Bill, and it should be in the Statute.

Another interesting point is that the Bill does not provide any avenue for regulations to be drawn up, and that is to be commended. We hear many members from time to time and for good reason criticise Acts of Parliament for containing provision to allow regulations to flow from those Statutes. Regulations can be subject to disallowance in either House of Parliament, but there is no provision in this Bill for regulations to be drawn up, and I believe that will please honourable members. In other words, what one sees is what one gets. If this Bill is passed, what is contained in it will be the lie of the land and regulations will not flow from it.

One matter which concerns me is that which relates to the determination of liability in tort for negligence. A number of guidelines are listed in the Bill, including the cost of fencing or taking measures to ascertain the circumstances of fencing. I am inclined to agree with some people who are of the opinion that this could cause undue complications and inconsistencies in cases which may come before courts in the future for determination.

In the fullness of time in this debate, I should like the Attorney General to give some further thought to that provision. I refer especially to clause 3(4)(c).

In a legal sense, that is one provision which may cause some problems and, indeed, could cause some heartburn among the people who are involved in litigation, because inconsistencies could arise in determining what is a reasonable situation.

The provision of the Bill which allows for a tort to take into consideration the general nature of the locality and the area where the highway is situated in the case of an accident involving injury or death of a person arising from straying stock, is a reasonable one.

We could argue for a long time on the nature of the locality, but when one looks at it, I do not know how one could otherwise describe where an accident may occur in any way other than as a lo-

cality and one has to have regard for all the facts relating to that area. I have given much thought to that and I cannot come up with any better suggestion than the provision in the Bill; but I believe, in some cases, it will engender quite a deal of legal argument and discussion among the public.

I commend the provision which sets out guidelines in respect of the "usual nature of the territory", and bearing in mind that we have large tracts of pastoral country where fences are few and far between, if any, and livestock range—to use an American expression—or roam through that territory, as members well know, it is usual to meet livestock in that situation. Therefore, as I understand it, those circumstances will still apply and there will be little chance of a judgment being brought against the owners of livestock on those pastoral leases where a public road traverses the lease, because that is the usual situation of livestock thereon.

All sorts of other situations could arise. This measure will affect not only pastoral and agricultural properties, but also metropolitan areas and townships. It would not matter whether the area was a public street, a cul-de-sac, or a walkway, it need only be a place that people were able to pass along. If a person were injured in an accident caused by an animal on that street or cul-de-sac this provision would apply. It would apply also to owners of livestock held near urban areas. Someone may have a pony for his son or daughter, or some other domestic animal may be maintained. These people would be subject to the same conditions as a pastoralist or farmer. This provision will apply if livestock strays into a public place and an accident occurs.

As members realise, the Bill is designed to allow for damage to be claimed if the death of a person or an injury to a person is proven to have been caused by an animal; the provision does not apply to damage by material things such as motor vehicles. I would appreciate the Attorney's opinion on one point. I understand that the legislation cannot be overridden by other Statutes or local authority regulations. Some Statutes give protection to people in many ways, and I expect those Statutes would not be able to be overridden. This Bill should not interfere with litigation arising from another situation. It has been suggested to me that this Bill might interfere with or override existing Statutes in cases where people are able to take legal action against others for some reason.

I said earlier that the Bill is likely to engender quite a deal of debate. I repeat that the present law in Western Australia is unclear and that the

Law Reform Commission carried out an exhaustive examination of the whole question. Since the commission's report has been available, it has been examined by this Government and a great number of people in organisations interested in this matter. It seems to me that the legislation has general support, and at this stage I intend to support it. Some parts could be improved, and I look forward to the debate that will follow.

**HON. C. J. BELL** (Lower West) [4.49 p.m.]: I rise to oppose this Bill because of the many questionable aspects within its framework. I do not dispute the intention of the Bill; but I will point out some of its unsatisfactory provisions.

The intent is to place the blame on owners of livestock for injury caused by their livestock. That is fair enough. The Minister in his second reading speech said that whereas a person has deliberately refrained from preventing his stock from creating a danger on the highway, the hope that he may be protected by some archaic law is little deserving of sympathy. I agree with that comment, but we need to consider the implications of the proposal.

The assumption within the Bill is that only commercial farmers have livestock. We have heard that the primary producer organisations believe that farmers can live with this legislation because they believe it will clarify the existing situation. Formerly I was an executive member of the PIA, and I was a party to discussions when the Law Reform Commission report was discussed in 1978 or thereabouts. It was quite clear that the producer organisations saw this legislation as removing the existing doubts surrounding the situation of straying livestock. However, one must consider that the Bill imposes no limit on the liability. The Law Reform Commission suggested that if a limit were imposed it should be in line with the general awards handed down by courts. That recommendation causes me concern as well, because such a provision would still have no upper limit.

I understand that 125 accidents last year were caused by horses. I strongly suggest that the majority of those accidents were caused by children with horses in urban areas. It has been suggested that an insurance policy for \$500 000 will cost approximately \$150. For a number of years I was the president of a pony club, and I can inform members that many of the horses kept by children are agisted on urban blocks or small rural blocks.

**Hon. J. M. Berinson:** Are they fenced?

**Hon. C. J. BELL:** They are fenced, but the question is whether the fences are adequate or as set down by a local authority. The question of

negligence arises also. A child may take his horse to a friend's place but tie the horse inadequately. A motor vehicle may go past the horse and frighten it, and the horse may wander onto the road. Will the child be regarded as negligent for not adequately ensuring that the horse could not run onto the road? Should the child have known that a motor vehicle could have proceeded down the road and frightened the horse?

Sometimes parents reluctantly allow their children to have horses, but I am sure they will be more reluctant when they realise they will have to pay a \$150 premium for public liability cover for injury that may be caused by the horse. A substantial number of children will be told that they cannot have a pony, because the parent will not fork out the additional amount needed each year for the insurance premium. Children will be forced back to playing video machines in parlours around the towns.

I have spent a number of years with children in pony clubs. This activity involves them in groups, and they learn responsibility in the care of their animals. They generally become better individuals as a result of the involvement in these community groups. Our community will be worse off if this legislation is passed in its present form. I hope this matter will be examined further because at present the Bill does not define that it applies merely to commercial owners of livestock.

There ought to be uniformity throughout Australia in provisions of this kind. It is ridiculous that in South Australia and Victoria the *Searle v. Wallbank* rule applies. In this State we are not sure, and in New South Wales that rule has disappeared. This matter is one that the Standing Committee of Attorneys General ought to consider to try to achieve some sort of uniformity. Australians in Victoria are no different from Western Australians.

The position of local authorities must be considered. I was a member of a small committee of farmers which discussed this matter when it was first raised. We considered it in a reasonable fashion to determine how it would affect farmers in country areas. I will refer to some of the comments that were made at that time.

One of the members of the committee was a former Speaker of this Parliament. The question of fencing was raised, and it was realised that local authorities would move towards establishing a normal practice for adequate fencing in their areas. It is clear that the courts would call on the determination of local authorities. When the Law Reform Commission report was released two adjacent local authorities proclaimed standard fenc-

ing for their areas, but each standard was different. The standard was set, however, because the local authorities did not want a court determining whether a fence through which an animal might stray was adequate, or complied with the practice in the area.

Farmers require a definition of what would be a satisfactory fence; the specifications and general condition of such a fence would be important because in a court case to determine negligence this matter would become important.

Hon. J. M. Berinson: The courts are determining those things every day without any help from legislation.

Hon. C. J. BELL: It is obvious that throughout the State local authorities will set down regulations to govern construction of fences.

Hon. J. M. Berinson: Who has led you to believe that a local authority would be called on to give evidence on local practice? Anyone could be called.

Hon. C. J. BELL: It is logical that the local authority as the representative of the local community would be able to indicate the general consensus of opinion. If I were to ask my neighbours what is the general standard of fence, they might be biased. Inevitably the question would turn to the local authority, and local authorities will move towards defining the standard of fences. As I have said, two local authorities adjoining one another have imposed standards which are vastly different from each other.

Even if a fence complies with a by-law, what will constitute adequate and proper maintenance? That question will be raised in regard to negligence?

As I have said, no limit of liability is provided, and producers believe there should be a limit. They are firmly of the opinion that the Parliament ought not to abdicate its responsibility for reviewing such a limit, if it needs reviewing in the future.

The provisions in this Bill are unclear, and various positions have been taken throughout the nation. I hope the Bill will be reviewed in the light of the comments I have made.

Another aspect of this problem is the matter of definition. Is a kangaroo or an emu farm to be considered to be running domestic animals or livestock? If a large vehicle ploughs into an emu straying onto the highway from an emu farm, what is the legal situation?

I do not oppose this Bill idly. I make the comment that my mother was the unfortunate victim of a nasty traffic accident, in which she sustained

substantial physical injuries, as a result of ploughing into an animal on the highway. I can assure members that, as a prominent sportswoman, she found the whole situation very distressing. Nevertheless, the factors I have mentioned need to be borne in mind at some future time when we consider the matter of negligence.

Because these areas are so unclear, I oppose the Bill.

**HON. W. N. STRETCH** (Lower Central) [5.02 p.m.]: I rise to speak on this Bill, admittedly with mixed feelings. However, I do come down on the side of the original Searle v. Wallbank rule. The general assumption in many cases seems to be that if a thing is old—and this rule is almost two centuries old—it should necessarily be changed or abolished. I do not make that reference only with regard to the matter of straying stock.

We admit changes have taken place in our society and it is necessary in many cases to bring the law up to date to conform with modern practice and technology, and to acknowledge the speed of modern transport. However, that does not alter the fact—and nothing to this stage has—that despite the technological marvels of this century, the basic wealth of our country is still generated from the land, and our animals. Members may laugh and make all sorts of comments about that, but basically, it is true. Therefore, I view with great distrust any move likely to add to the burden of producing this export earning income.

It has been said so many times that it hardly needs repeating at this stage of the debate, that our export earnings underpin the wealth of the country, and if we take action which will make more difficult the production of that wealth, we are making even harder the task of creating prosperity not just for farmers but also for every member of our community. Members all know that when the country areas have a good season, everybody smiles and flourishes.

One of the problems in this area is that most farmers are also motorists, who do high mileages each year. Indeed, these days probably they spend as much time in their vehicles of one sort or another as they spend on their farms. So, in effect, we have a situation where the producer is also the consumer when one comes to the question of liability for damage caused on the roads.

However, the greatest problem in this area is: Where do we set the standards? My colleague, the Hon. C. J. Bell, very correctly pointed out that it is difficult when in court to assess negligence or otherwise. It is difficult to assess whether a farmer has done enough to contain his stock.

My colleague also mentioned the matter of local government becoming involved. I think it was proper to bring this matter to the attention of this House because when it was examined some years ago the most concerned people in our community proved to be the shire councillors, because they felt that when we move into an area which is outside the expertise of the legal profession, and which requires informed opinion on what shall be the standard for a particular district, we should rely on local opinion. As the Hon. Colin Bell rightly said, when one wants local opinion, one goes to the senior and district citizens of an area.

However, all this does not reduce the amount of damage done to vehicles. Of course, damage to vehicles is the major factor in this type of accident. The Hon. Vic Ferry has assured me that in the time he has received, only four fatalities have occurred as a result of straying stock. Of course, the loss of one life is too many, but the loss of only four lives when compared with the slaughter which occurs as a result of other accidents is a minimal number. I do not have a breakdown of costs resulting from serious injuries arising from this type of accident, but I can give an account of my own experience. Over the last six or eight weeks, I think I have wiped off over \$1 000 as a result of colliding with Her Majesty's kangaroos.

Hon. P. H. Wells: Did you charge it to Her Majesty?

Hon. W. N. STRETCH: No.

Hon. J. M. Brown: Perhaps you should send the bill to the conservationists.

Hon. W. N. STRETCH: No, even the greenies would not pick up the tab. I hope Mr Brown will bring this matter up at the next ALP conference, because members opposite seem to have any number of greenies there.

Hon. A. A. Lewis: You are on their side, Mr Brown; you are probably closer to them than we are.

Hon. J. M. Brown: You do not know what you are talking about.

Hon. A. A. Lewis: You are not on their side? Mr Bartholomaeus will have your seat.

Hon. Kay Hallahan: Be careful he doesn't have yours.

Hon. A. A. Lewis: Send him down to me. I would like to campaign against him; he's a two-time loser.

Hon. W. N. STRETCH: I think I have the floor, Mr President. The damage to vehicles is by far the greatest component of damage caused by straying stock and animals of all types. I must

admit it does not do too much to help the courts to revert to the previous rule. I am very doubtful whether parliamentary legislation such as this—which breaks new ground—will do a great deal to clarify the situation. However, I find it difficult to fully understand the following comment in the Attorney General's second reading speech—

The first part states that the rules of the common law relating to this matter shall be considered never to have formed part of the law in this State. Accordingly, the Bill is retrospective in its effect. However, this is not open to the normal arguments against retrospectivity.

To lay people it seems difficult to say, "We are going to pass a law of Parliament to say that this never has been part of the law of this State" when cases have been brought and presumably dismissed under the practice of the old rule.

Hon. J. M. Berinson: Any cases which have been disposed of would not be affected by the retrospective aspect of the Bill.

Hon. W. N. STRETCH: I thank the Attorney General.

I agree also that farmers should be protected against liability. Indeed, very few farmers would run the risk of not having a public liability insurance policy covering their property. So, in that case, I do not agree with the following paragraph from the Minister's second reading speech—

Moreover, a person who has deliberately refrained from preventing his stock creating a danger on the highway, in the hope that he may be protected by some archaic law, is little deserving of sympathy.

I do not believe there would be a significant number of such persons and those who do probably stand by the old adage of my grandfather, who lived in the Kimberley; namely, "It is a dangerous thing to be alive". We cannot protect everyone against everything.

I have severe reservations about replacing the law of common practice with a law of Parliament. This is ground which has been covered before. Some would say the matter was dropped through lack of courage, but I hope it was more than that; I hope that in the balance, it was decided there would be no benefit in replacing the existing situation.

This area is full of uncertainty, as are many facets of the law, and I am yet to be convinced that this legislation will do anything to clear the muddy waters. Indeed, I believe it will be equivalent

ent to throwing a bucket of clay on top of the muddy waters.

I sum up by admitting there are risks wherever we go and in whatever we do. Farmers recognise such risks exist and take out public liability insurance policies to protect themselves. I am concerned that the standards to be set, which will govern the laws of negligence, defining what is negligence and what is not, will take us into a very grey area. Of course, I acknowledge this is also the case under the present rule. However, nothing in this debate so far has convinced me that this legislation will do much to clarify the laws of this State.

I do, however, support the foreshadowed amendment of the Hon. Vic Ferry. If we are to have such laws, we must consider applying a limit of liability. All members acknowledge that of recent times, awards handed out by some courts have been virtually insupportable. If working in a certain industry carries with it an extreme risk, the employer must now insure to such an extent that the financial burden of insuring against that risk becomes insupportable.

The classic example, of course, is the matter of workers' compensation in my industry. I know the matter is under review all the time. However, probably the principal difficulty in this area is the extraordinarily high awards which sometimes are handed out. Members all know the lengths to which some people go, and the anomalies which occur. To give members an illustration, one of our employees sustained a minor injury which caused him to lose two hours' shearing time while two stitches were inserted into his arm. He was given a day off work to rest his arm and when he went back to the doctor the next day he was told, "You had better take three or four days off work, and make sure this accident is fully recorded and documented, because one of these days you might get arthritis in that arm, and it might well be related back to this injury". I do not want the liability for that coming back on me or my farm operations.

These are the sorts of ridiculous lengths to which people are prepared to go. If we must have awards for damages, these must be related to the amount of damages accorded to the general operations of the community and business, keeping in mind the whole ship must stay afloat. There is a risk involved in keeping in mind this aspect of it. There is no point in torpedoing it for the sake of getting one survivor ashore!

Hon. Kay Hallahan: What about the worker's pay?

Hon. W. N. STRETCH: What about the worker's pay? We need a responsible attitude in

all sectors of the community. I am sure members know people who are on workers' compensation payments and who could well be working. We should look very hard at the number of people who are employed, because one of the major problems in the cost of compensation is employing extra people. This is one of the many costs which, added to the others, make it difficult to employ more people. It is a question of a little extra for one person doing somebody else out of his right to a job.

A member interjected.

Hon. W. N. STRETCH: I do not draw a distinction. The whole community is at fault. Everybody is greedy. Therefore, I will support the amendment proposed by Mr Ferry. At least that will bring a measure of common sense into the legislation.

I urge caution on the Bill. Far be it from me, a humble farmer, to advise someone as learned and respected as the Attorney General; but I live in the country and the people who live in the country live with the risk all the time. We are faced with having to make a judgment. The people in our industry would like the Attorney General to consider carefully the points I have mentioned.

Debate adjourned, on motion by the Hon. P. H. Wells.

## DOG AMENDMENT BILL

### *Second Reading*

Debate resumed from 4 August.

HON. P. G. PENDAL (South Central Metropolitan) [5.19 p.m.]: As members would know, the Bill to amend the Dog Act is consequential upon the Bill before the House a few moments ago—the Highways (Liability for Straying Animals) Bill. I guess the comments I had intended to make, depending on the fate of that Bill, will still apply.

When the Attorney General introduced the legislation some weeks ago, he made reference in his second reading speech to the intent of the Government, with which the Opposition agrees generally, that the amendment to the Dog Act should be consequential upon the previous legislation, in order to make the provisions of the Dog Act, in these circumstances, supreme. The Attorney General referred, in particular, to the amendment to section 46 of the Dog Act.

The intention is to allow that section of the Dog Act to remain the strongest or the best redress against dog attacks. Therefore, the Dog Act will be superior to the proposed highways Act that has

been dealt with by other members. The Opposition supports the intent of the Government.

However, I ask the Attorney General whether, in fact, in the way in which the Bill is worded it does not do precisely the reverse of what he intends. Before I read the specific clause in the Bill—

Hon. Peter Dowding: All of it?

Hon. P. G. PENDAL: I will read all of it because the Attorney General may find that it does precisely the opposite to what he mentioned in his second reading speech. In that speech, the Attorney General said—

As dogs are covered by the Highways (Liability for Straying Animals) Bill it has been necessary to legislate to avoid the situation in which a person who is bitten by a dog that has strayed onto a highway would find it more difficult to obtain redress from the owner of the dog than would those who are bitten at places away from a highway.

He continued—

This means that, regardless of the locality where a dog causes direct injury or damage to clothing—that is, directly attacks the person—action for redress may be taken under section 46 of the Dog Act.

The Attorney General's final comment was as follows—

This will retain the existing stricter liability of the owner of the dog, which that section imposes.

However, clause 3 (2) reads—

(2) Subject to subsection (3) of this section, this Act applies subject to the Highways (Liability for Straying Animals) Act 1983, so that, where a provision of that Act is inconsistent with a provision of this Act, the provision of that Act prevails

I hope the Attorney General understands what I am trying to say. The Opposition is not opposing the Bill. We support the Government's intention, but I suggest that the intention expressed in the second reading speech is the reverse of the way that the Bill is written. It may be a drafting error, or I concede it may be a misreading on my part. Again, I hope the Attorney General sees the point—while we are supporting the intent, I question whether clause 3(2) brings out that intent.

I want to raise only one other point. In the debate which Mr Ferry led for the Opposition on the previous Bill, Mr Ferry mentioned the comments made by the Law Society. Similar speakers have made similar references. I would be

interested to hear the Attorney General's opinion in regard to the Law Society's comments on this Bill. In part, the Law Society's comments read as follows—

In the new sub-section 3 of Section 6 of the Dog Act, the Highways (Liability for Straying Animals) Act is not to apply where in the course of attacking a person, bodily injury is caused by the dog wounding the person. Firstly, this would seem not to apply to a situation where a person in the course of an attack becomes injured by moving out of the way.

Nonetheless, the Law Society said that in general terms it could see nothing terribly amiss, although it suggested that, probably, we will see the need for a subsequent amendment.

Although I am sure that the Law Society offered its advice in good faith, it reminds me of the comments I made only a few weeks ago when I quoted Lord Denning of the United Kingdom. He was critical of the lawmakers and parliamentary draftsmen for trying to put too many details into legislation. I think his words were "trying to cover all sorts of contingencies, both real or imagined". I confess that the criticism offered in good faith by the Law Society might in fact be guilty of the charge that Lord Denning makes—that for the sake of simplicity, we ought not try to cover every single contingency which, in fact, is what we would be trying to do if we were to take the advice of the Law Society and apply it.

I would be interested to hear the Attorney General's comments on the Law Society's assertions. Therefore, I finish at the point at which I started: I suggest that if the Bill is left the way it is, the Attorney's intent will be destroyed. It may be a drafting error—probably it is—but it is our job to review legislation.

If this Bill is to be delayed with the other one, I hope the Attorney General gives consideration to what I have said.

I give the Opposition's provisional support. We will support the second reading, but certainly we require some answers on the points I have made when we reach the Committee stage.

Debate adjourned, on motion by the Hon. S. M. Piantadosi.

## PETROLEUM PIPELINES AMENDMENT BILL

### *Second Reading*

Debate resumed from 4 August.

HON. N. F. MOORE (Lower North)  
[5.28 p.m.]: The Opposition does not oppose this

legislation, which amends the Petroleum Pipelines Act 1969 to provide for an increase in the various fees charged under the Act.

While this Bill is only a small one, for a time it caused controversy in view of a decision of the High Court with respect to similar legislation in Victoria. The High Court ruled that the Victorian legislation was invalid as it was an excise. Therefore the companies involved in Victoria, having paid the fees, are now demanding refunds from the Victorian Government. Of course, the amount involved is many millions of dollars.

Western Australia does not have the same sort of pipeline setup that Victoria has.

Hon. Peter Dowding: We do not carry as much oil.

Hon. N. F. MOORE: Regrettably. Perhaps that will be changed in due course when some of the companies around Barrow Island find some decent oil deposits.

There is some doubt as to whether the legislation in Western Australia is the same as that in Victoria, and whether a High Court challenge in respect of the Western Australian legislation would have the success of the challenge to the Victorian legislation.

An article in the *Sunday Times* on 4 September 1983 referred to Wapet, the company which operates the pipeline from Dongara to the metropolitan area, and indicated that it was considering the possibility of a challenge to the High Court over this matter. The amount of money involved is really quite small.

Hon. Peter Dowding: Not even a silk's fee.

Hon. N. F. MOORE: Sometimes people are prepared to take things to court on matters of principle rather than worrying about any money involved.

Similarly, I asked a question of the President some time ago as to whether this legislation was in order, in view of the High Court decision, and the President ruled that the Government was entitled to introduce the legislation here because this was not a taxing measure, which would otherwise have to be introduced in the other place. So one could draw the conclusion that the President's decision differs from that of the High Court.

Hon. Peter Dowding: A very erudite man, notwithstanding.

Hon. N. F. MOORE: The President's decision is a very sensible one when compared with some of the judgments handed down by the High Court in recent times.

The Bill before us simply relates to an increase in charges. The Minister advised us that these

charges have not been increased since 1969, when the measure was first introduced. He has therefore used that as the reasonable explanation, I suppose, for the increase of these charges to three times the present amount.

I wonder whether in his response the Minister could indicate whether this will apply to the SEC's pipeline from Dampier to Wagerup and whether he could give an indication of the revenue the Government would expect to receive from the SEC if the fees in this legislation were applied to the SEC pipeline.

I support the legislation.

**HON. PETER DOWDING** (North—Minister for Mines) [5.32 p.m.]: This Bill to amend the Petroleum Pipelines Act introduces a provision that is very different from the facts of the Hematite Petroleum Pty. Ltd. versus the Victorian Government case. There the increases were specifically in relation to the Bass Strait oil only, and the increases were to provide a fee of \$10 million for the licence to operate that pipeline.

The High Court found by its majority that the impact of that legislation could not be said to be acting as a licence to operate a pipeline and in fact was an attempt to impose a tax on the Bass Strait production. I do not necessarily have the same view as their Honours the Justices of the High Court, but I can see in that particular case in Victoria there were strong arguments to suggest that it was not simply a licensing procedure.

That is not the case here, and for those reasons it is not thought by our advisers that this measure is caught by the provisions of that decision.

I thank the Opposition for its support.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

**HON. PETER DOWDING** (North—Minister for Mines) [5.35 p.m.]: I move—

That the Bill be now read a third time.

In answer to the question raised by the Hon. Norman Moore in his second reading speech, I indicate that under section 4(e), which is the definition of "pipeline", we find that pipes constructed or to be constructed by a public authority

are specifically excluded from the definition of "pipeline". So this will not apply to the SEC.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

### ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.36 p.m.]: I move—

That the House do now adjourn.

#### *Mundaring By-election: "Dirty Tricks" Campaign*

HON. A. A. LEWIS (Lower Central) [5.37 p.m.]: I would not keep the House unless I thought a matter was urgent. It has been brought to my attention that the electors of Mundaring are being unfairly bombarded, as I am sure members will agree, with telephone calls from people claiming to be members of *The West Australian* newspaper or of Telecom, asking questions of them such as, "Do you agree that Mr Burke has a tough job to do after the previous Government left him in a financial mess?" and, "Do you see Mr Troy's actions in flying to Canberra to represent the grape growers regarding the wine tax as an indication of his concern for the electors of Mundaring?"

Hon. Fred McKenzie: Yes.

HON. A. A. LEWIS: This is pure politics. Who do members think would have been asking those questions? Do they imagine staff of *The West Australian* or of Telecom would be asking those questions? Of course, this is all part of the ALP's dirty tricks campaign again.

Hon. Peter Dowding: Rubbish!

HON. A. A. LEWIS: Let us go on and follow this campaign right through to the finish and sheet it home to this corruptible Government, this Government whose Ministers will not answer questions and who will not give the House the truth when questions are asked of them.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order! The Hon. A. A. Lewis has the floor.

Hon. Tom Stephens: Unfortunately.

The DEPUTY PRESIDENT: I warn the Hon. Tom Stephens that I regard that comment as a reflection upon the Chair. I call the Hon. A. A. Lewis.

Hon. Peter Dowding: That is a disgraceful allegation to make without any evidence.

HON. A. A. LEWIS: That is the sort of remark we have come to expect from the Minister for Mines. Twice this week we saw him throw a tantrum because he was not getting his own way. We who have been here for a while are used to his tantrums. If he listens quietly to what I have to say he will learn something, and blush, I hope; I hope he will have the goodness to blush, because he will find out just how poorly his Government is answering questions.

Hon. Garry Kelly: Oh, yes.

Hon. Peter Dowding: Come on; grow up.

HON. A. A. LEWIS: The Hon. Garry Kelly and the Hon. Peter Dowding say, "Oh".

Hon. Peter Dowding: I said, "grow up".

HON. A. A. LEWIS: Did the Minister? Throw another tantrum, little man.

Hon. Robert Hetherington: What a childish remark.

HON. A. A. LEWIS: The Deputy Premier was asked, "Is the Deputy Premier using any staff or facilities of his office or department or the Premier's office or department to assist in campaigning for the ALP candidate in the Mundaring by-election?"

Hon. Peter Dowding: You have some temerity. What did Mr Pike do for months before the last election? You didn't criticise him. Our Government is not doing that, and it should be censured if it were.

The DEPUTY PRESIDENT: Order! I remind honourable members that I will allow just one member to speak at a time. There is adequate provision in our Standing Orders for a rebuttal of any member's speech during the adjournment debate.

HON. A. A. LEWIS: The same will happen to Mr Troy as happened to Mr Pike.

Hon. Peter Dowding: Of course it won't.

HON. A. A. LEWIS: That is interesting. Members will have heard—

Hon. Peter Dowding: Politicking in here.

HON. A. A. LEWIS: I am trying not to hold up the House and have members come back after dinner, but if the Minister for Mines wants to challenge me, we will be back after dinner.

Hon. D. K. Dans: You should stop those threats or we will be here after dinner.

HON. A. A. LEWIS: That does not worry me.

Hon. D. K. Dans: And we will be here tomorrow, too.

HON. A. A. LEWIS: And it will be on Mr Dans' sore head that this will happen.

Hon. D. K. Dans: All this bluster and cant.

Hon. A. A. LEWIS: We have seen how well the ALP can get its numbers this week—

*Point of Order*

Hon. PETER DOWDING: Under Standing Order No. 84, the member is reflecting on a debate in another place.

The DEPUTY PRESIDENT (Hon. John Williams): As far as I understand he has not been reflecting on a debate; he has been reflecting on numbers.

*Debate Resumed*

Hon. A. A. LEWIS: Let us see what has been going out to the people of the Mundaring electorate. Perhaps these letterheads have fallen from the back of a truck and someone else is printing these letters. The heading indicates the letter is from the Deputy Premier of Western Australia and it starts, "Dear elector". Yet the Deputy Premier said that he did not know of any of his staff who were helping in this campaign. That was the reply from the Deputy Premier to a question by the Leader of the Opposition.

Hon. Robert Hetherington interjected.

Hon. A. A. LEWIS: I thought I should let the gaggle of geese go with their comments, and Mr Hetherington came in like the trout the Premier caught from a bucket in Pemberton.

Several members interjected.

Hon. A. A. LEWIS: The photo in the Press showed the Premier catching a trout, but the trout was put in the bucket for him to hold up. I really do not mind his getting his publicity that way, but I am talking about something that is far more serious. I am talking about the dirty tricks campaign of the ALP which is trying to mislead the people of Mundaring.

Several members interjected.

The DEPUTY PRESIDENT: Order! This is the last time I will remind members that we are governed by our Standing Orders and that I intend to enforce those Standing Orders. There are far too many interjections, and the member should not be making so many provocative remarks.

Hon. A. A. LEWIS: I am sorry to make provocative remarks, but I am only reading what this Government has said; I am reading from a letter, with a letterhead indicating it is from the Deputy Premier, saying "Dear elector, When Gavin Troy first stood as your representative..." and then it goes on with a lot of nonsense and talks about water rates. Imagine the Government talking to

the electors of Mundaring about water rates! I will not bore the House; I am not trying to con the public.

Hon. Tom Stephens: You are.

Hon. A. A. LEWIS: Obviously I am not boring Mr Stephens, otherwise he would be fast asleep, although he looks as if he is asleep most of the time. The Deputy Premier says he has no knowledge of any of his staff or any of the Premier's staff helping Mr Troy's campaign.

Hon. Neil Oliver: Who signed it—an adviser?

Hon. A. A. LEWIS: Wait a minute, Mr Oliver. A breakfast will be held for members of the business community—and my old mate Jim Moiler will be there—at the John Forrest National Park Tavern. Jim Moiler is an unbiased character who represented a seat in the hills. I used to go home with him at night. He was a fine member and I do not mind his making a buck out of a breakfast even if it is organised for the Labor Party. The letter continues—

This letter serves not only to keep you up to date with what is happening, but also as a personal invitation to you to attend this special breakfast meeting.

A charge of \$10 will be made to cover costs.

Please telephone 325 8152 (Maxine Henderson) by 10 a.m. Monday, September 19 to reserve your place at this meeting (after hours 322 6258 message only).

Hon. Graham Edwards: Can you give me that first number again. I think I might go.

Hon. A. A. LEWIS: The number is 325 8152, but I think all the places will have been knocked off by now. Perhaps the member should ring the second number because the first is that of a ministerial office.

This is for a Labor Party campaign. Mr Dowding can sneer as much as he likes. He thinks this is what the public expect. That is his standard because nobody else in this House would say in answer to a question "Not to my knowledge" or "I know nothing about it" if such a letter had gone out in his name. Either the Deputy Premier misled the House, or he lied to the House. There is no middle ground.

Hon. Peter Dowding: O'Connor wrote to every elector in the North Province by-election. Who paid for the postage?

Hon. A. A. LEWIS: The Hon. Ray O'Connor paid for it and we can prove it.

Hon. Peter Dowding: You would want to.

Hon. A. A. LEWIS: If the Minister wants to buy into that he should go outside and make that statement. He should also hand in his resignation as a Minister.

Hon. Peter Dowding: Don't threaten me.

Hon. A. A. LEWIS: The Minister would not last two days even under the Burke Government. Is the Minister game to make that statement outside? Of course not, it is a slander. The Minister is operating in the way he always does.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order! I have already warned members and I do so now for the last time. Members will force me to take an action I do not want to take, if there are any further interjections from either side.

Hon. A. A. LEWIS: It is obvious we have the Government on the run. Government members know they are in the wrong.

I will give those telephone numbers again. The letter says to telephone 325 8152 (Maxine Henderson) or 322 6258 (message only).

Hon. Kay Hallahan: I hope no Liberals ring.

Hon. A. A. LEWIS: That is the attitude of the ALP. This letter was written to electors of Mundaring asking them to a breakfast. I thought that with the Government's policy of not increasing prices it would want to have Liberals along to the breakfast to explain why the Minister for Fuel and Energy has put up energy charges, and why he is cutting the amount of coal coming out of Collic. If the Government does not want Liberals to attend the breakfast I will try to get around and tell as many Liberals as I can not to go.

The letter is signed by Mal Bryce, Deputy Premier and Minister for Economic Development and Technology and is dated 12 September. Are members opposite telling me the Minister did not know he signed the letter? Silence is golden! Is it not amazing that Government members are not interjecting? Perhaps they would like a photostat copy of the letter and the envelope, which has the words "Minister for Economic Development and Technology" on it and the Government crest.

This Government is not prepared to fight fair. Not only does it run a dirty tricks campaign on the phone but it writes letters and uses the Public Service staff—perhaps it used its advisers—to send out these letters and to take phone calls.

Hon. P. G. Pendal: It is Government stationery.

Hon. Peter Dowding: How do you know?

Hon. A. A. LEWIS: I love the long bow the Minister draws. He is in a corner; he will start a tantrum in a minute.

Hon. Kay Hallahan: Invite him to do so.

Hon. A. A. LEWIS: One does not need to invite this Minister; he is the gate crashing type.

Hon. Graham Edwards: I am surprised at you; I think panic has set in. You are worried about losing the by-election.

Hon. A. A. LEWIS: For a couple of days the Minister for Mines has been trying to give me answers about coal because I represent the coalminers' union, and the member talks about panic. The only people panicking under this Government are the workers, not the Liberal Party, because we are prepared to go to an election any time the Government likes. It only has to open its mouth and arrange it. Two of the three electorates in my province are held by Labor, and the ALP has not been able to knock me off yet. Any time the Government wants to lift its voice in joyful song, I do not mind.

Hon. Robert Hetherington interjected.

Hon. A. A. LEWIS: That is nonsense.

Hon. Robert Hetherington: You are good at cheap slurs; I have not noticed you are good at anything else.

Hon. A. A. LEWIS: Academics do not notice what practical good there is in anyone else.

Hon. Robert Hetherington: I would not lower myself to make the sort of remarks you have made in this House. I think they are disgusting.

Hon. A. A. LEWIS: It is not much wonder that few people from Mr Hetherington's classes are good at politics.

Hon. Peter Dowding: When will you get to the point?

The DEPUTY PRESIDENT (Hon. John Williams): Order! I ask for the co-operation of honourable members, and I ask the Hon. A. A. Lewis to bring his remarks to a conclusion.

Hon. A. A. LEWIS: The Labor Party is proving to be the master of dirty tricks in the Mundaring campaign, and if anyone wants further information I will be pleased to give it to him. If members want copies of Mr Bryce's letter, or Mr Stephens wants it tabled, I will do so. He

probably wrote the letter with the help of ministerial staff.

I thought this should be brought before the House in the interests of the electors of Mundaring. It is obvious I was correct in doing so because I have hit a tender nerve in the Labor Party's belly.

Question put and passed.

*House adjourned at 5.55 p.m.*

## QUESTIONS ON NOTICE

### MEMBERS OF PARLIAMENT

#### *Treasury Notification Service*

374. Hon. P. H. WELLS, to the Leader of the House representing the Premier:

In relation to the statement made in a letter from the Premier to all parliamentary members, dated 5 September 1983, that the Treasury, due to costs involved, will cease its long-standing practice of advising members of loans approved for local government authorities, could the Premier please advise—

- (1) How many Treasury notification letters to members are involved each year?
- (2) What was the cost of the notification service for the year ended 30 June 1983 for—
  - (a) postage;
  - (b) other?
- (3) Will the Premier consider providing interested members with regular issues of the *Government Gazette* so they may be informed of loans approved, subordinate legislation, and other matters related to their electorates and the laws of the State?

Hon. D. K. DANS replied:

- (1) An average of nearly 1 700 per year over the last three years.
- (2) Estimated cost—
  - (a) \$400;
  - (b) \$6 500, including the cost of stationery, typing, and clerical time; however, the important issue is that the Treasury staff time involved is required for more pressing work.
- (3) I believe that it is the personal responsibility of each member of Parliament to obtain information relating to his electorate and, as proposed local authority borrowings are advertised in the *Government Gazette* and local newspapers, it is not difficult for members to obtain this information. The *Government Gazette* is readily available to members through the Parliamentary Library.

## LAND

### *Capel: Coachwood Subdivision*

382. Hon. V. J. FERRY, to the Attorney General representing the Minister for Education:

- (1) Is it correct that land designated as a primary school site in the Coachwood subdivision at Gelorup in the Capel Shire is to be used for other purposes?
- (2) If so, what will be the future use of this land?
- (3) In view of the anticipated population increase in the Gelorup area associated with the growth of the Bunbury region, what assurance can be given as to the adequate provision for primary education for children of this area?

Hon. J. M. BERINSON replied:

- (1) The location of a school site in Gelorup is being changed from its previous position to one which will be more convenient for the whole subdivision.
- (2) Redesignation of land use as part of the relocation of the school site is the responsibility of the developers.
- (3) The action being taken retains a primary school site at Gelorup.

### MEMBERS OF PARLIAMENT: FEDERAL

#### *Number: Increase*

383. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Parliamentary and Electoral Reform:

- (1) Is it correct that the Minister has today telephoned the Federal Special Minister of State protesting about proposals to increase the size of the Federal Parliament by 36 members?
- (2) Is it also correct that he expressed to the Federal Minister his embarrassment that such proposals for increasing the Federal Parliament were released at a time when the Burke Government is trying to decrease the numbers in the State Parliament?

Hon. J. M. BERINSON replied:

- (1) No. But it is certainly my view that Australia as a whole and Western Australia in particular should not be increasing the number of politicians.
- (2) Answered by (1).

## RECREATION

*Western Australian Sports Federation:  
Referendum*

384. Hon. TOM McNEIL, to the Minister for Mines representing the Minister for Sport and Recreation:

- (1) What sports are covered by the WA Sports Federation and what is the playing membership of those sports?
- (2) Has a referendum been conducted within the WA Sports Federation's members as to the merits or otherwise of a ban being imposed on tobacco company sponsorship in—
  - (a) all sport;
  - (b) selective sports?

Hon. PETER DOWDING replied:

- (1) 82 amateur and professional State sporting associations are affiliated to the Western Australian Sports Federation. The playing membership of those associations is in the vicinity of 360 000.
- (2) (a) and (b) In June 1979 the WA Sports Federation voted overwhelmingly to support the banning of cigarette advertising. No association voted against the motion and there were five abstentions.

The principle of an advertising ban was again endorsed in July 1982 when the federation called for a joint State-Commonwealth Government inquiry into cigarette advertising in an endeavour to clarify the position of both Governments.

The previous State Government rejected this request.

It is the WA Sports Federation's practice to refer notices of motion to State sporting associations for consideration prior to discussions at federation council meetings.

## BOATS: PASSENGER FERRIES

*Rottneet Island: Price Rises*

385. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Consumer Affairs:

- (1) Has the investigation of price rises on the Rottneet ferries begun?
- (2) If so, has a decision been made to make the fares the subject of an order under the Prevention of Excessive Prices Act?

(3) What price increases have the ferries been responsible for in the past three years?

(4) What price increases have MTT buses been responsible for in the same period?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) No. Decisions of this nature are not made until a complete study of all the facts has been made.
- (3) and (4) This comparison does not really appear very relevant as the MTT is a public utility providing a public service while the ferries are a private organisation operated on the profit motive.

Fares are as follows—

## FERRIES

1981	1982	1983	
13.00	15.50	17.00	Adult same day ex Perth
5.00	6.00	6.50	Child
8.00	10.00	11.00	Student return
9.00	11.00	12.00	Student extended ex Fremantle
10.00	12.00	13.00	Student extended ex Perth
13.00	15.50	17.50	Adult extended ex Fremantle
15.00	17.50	19.00	Adult extended ex Perth
10.00	12.00	13.00	Adult same day ex Fremantle

\*MTT—adult cash fare

Zone	1981	1982	1983
1	.70	.80	.80
2	.70	.80	1.00
3	.80	.90	1.10
4	.80	.90	1.20
5	1.10	1.30	1.50
6	1.10	1.30	1.70
7	1.40	1.60	2.00
8	1.80	2.00	2.30

\* Excluding 10 per cent discount Multirider introduced September 1981.

Children and pensioner concessions.

## LOTTERIES

*Percentage Return*

386. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Employment and Administrative Services:

- (1) What is the percentage return to the punter in relation to—
  - (a) sports instant lottery;
  - (b) State lotteries; and
  - (c) Lotto?
- (2) What is the percentage return to the Government in the above categories?

Hon. D. K. DANS replied:

- (1) (a) 60 per cent.
- (b) 60 per cent.
- (c) 60 per cent.

- (2) (a) 20 per cent.
- (b) 20 per cent.
- (c) 20 per cent.

In addition to the 20 per cent return to the Government in each category, approximately 6 per cent is available for distribution to charitable organisations.

### ROTTNEST ISLAND

*Manager: Administrative Staff*

387. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) What administrative staff are provided to assist the Manager of the Rottne Island Board?
- (2) Is it intended to increase this number of staff?
- (3) If so, by how much?

Hon. D. K. DANS replied:

- (1) Administrative staff who may assist the manager in the course of their duties comprises six, as follows—
  - 1 Accountant
  - 1 Clerk
  - 4 Clerks (bookings, reservations, public and counter inquiries).
- (2) No such proposals exist at present.
- (3) Refer (2) above.

### TAXATION

*Withholding Tax*

388. Hon. NEIL OLIVER, to the Minister for Mines representing the Minister for Housing:

- (1) Is the State Housing Commission acting as a collecting agency for the Taxation Department by withholding 10 per cent of payment to contractors for payments exceeding \$10 000?
- (2) If so, has there been any reduction in the number of builders competing in recent tenders?
- (3) If the answer to (1) and (2) is "Yes", is the Government investigating any proposals to alleviate the hardship that may preclude small business from tendering on State Housing Commission contracts in the future?

Hon. PETER DOWDING replied:

- (1) For all payments on contracts valued \$10 000 or more, the commission is re-

quired to deduct withholding tax at the rate determined by the Taxation Department, unless the contractor has obtained exemption.

- (2) In view of the short period since the introduction of the tax, the effect cannot be assessed.

There is no noticeable reduction in tenderers in recent tenders called.

- (3) Not applicable.

### EDUCATION: HIGH SCHOOL

*Northampton District: Demountable Classrooms*

389. Hon. TOM McNEIL, to the Attorney General representing the Minister for Education:

- (1) What was the all-up cost of installing four demountable classrooms at the Northampton District High School for use during renovations to the school?
- (2) What was the cost of—
  - (a) painting;
  - (b) electrical wiring; and
  - (c) transporting the buildings?
- (3) Would the Minister confirm that the buildings will remain at the school site until the renovations to the school buildings have been carried out?

Hon. J. M. BERINSON replied:

- (1) and (2) These requests should be directed to the Minister for Works.
- (3) Temporary rooms are not normally placed at a school at which renovations only are being carried out. At Northampton, upgrading, which will require vacating some parts of the school for lengthy periods, will also be undertaken.

As soon as students can be moved back into permanent accommodation the temporary rooms will be removed.

### STATE FORESTS: PINE

*Boyup Brook and Cranbrook*

390. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Forests:

Further to question 217 of 23 August 1983, is it the intention of the Government to extend the studies by—

- (a) Dr Manea's committee; or
- (b) the Centre for Applied Business Research

into the Shires of Boyup Brook or Cranbrook in order to evaluate their potential for the planting of pine forests on private land?

Hon. D. K. DANS replied:

The future role of Dr Manea's committee and the Centre for Applied Business Research will be reviewed after they complete the initial phase of their respective studies.

### FIRES: FIRE BRIGADES

#### *False Alarms*

391. Hon. P. H. WELLS, to the Minister for Mines representing the Minister for Police and Emergency Services:

- (1) What number of false alarm calls has the Fire Brigade attended in each month during the last year due to—
  - (a) improperly maintained automatic fire alarm systems;
  - (b) bogus calls; and
  - (c) others?
- (2) What is the estimated cost of attending false alarm calls?
- (3) What charges are made for Fire Brigade attendance at false alarm calls resulting from improperly maintained alarm systems?

Hon. PETER DOWDING replied:

- (1) The total number of calls in 1982-83 was 8 308, of which 3 266 were false alarms in the following categories—
  - (a) There were 1 979 false alarms on Direct Brigade Alarm (DBA) systems, but it is not possible to identify how many of these resulted from improperly maintained systems: where a pattern of false alarms occurs, say three in one month, letters are written to the building owner;
  - (b) 321 malicious or bogus calls;
  - (c) 966 others: these are regarded as genuine false alarms.
- (2) The average cost in 1982-83 for attendance at false alarms was \$32.01 for first response vehicles only. As a standard response is a minimum of two ve-

hicles—and more to higher risk buildings—an average cost of \$65 should be applied. Therefore the total cost involved in financial year 1982-83 was—

- (a) DBA systems calls—1 979 x \$65 = \$128 635;
  - (b) Malicious calls—321 x \$65 = \$20 865;
  - (c) 966 x \$65 (valid costs) = \$62 790.
- (3) No charges, but the redrafting of the Fire Brigades Act currently being undertaken will include proposals to include a system of charges for malicious calls and those resulting from poorly maintained equipment.

### WORKERS' COMPENSATION: ACT

#### *Prescribed Payment*

392. Hon. NEIL OLIVER, to the Minister for Industrial Relations:

As the Workers' Compensation Act allows a prescribed amount of \$67 730 to meet claimants costs, particularly those directly associated with medical treatment, and as this prescribed amount can be increased on compassionate grounds where medical expenses exceed that amount, while claimants are waiting final judgment—

- (1) Does the Government believe that recent payments under clause 62 are an abuse of the prescribed sum?
- (2) What is the highest claim granted in 1983 under this provision?
- (3) What does the Government propose to do in order to ensure that the legislation is administered compassionately and in the manner in which it was intended?
- (4) What effect have these payments had or will they have on annual premiums?
- (5) Will these new or proposed rates have any effect upon employment or result in any redundancies?

Hon. D. K. DANS replied:

- (1) Section 62 of the Workers' Compensation and Assistance Act 1981 provides the Workers' Compensation Board with a discretionary power to review weekly payments of compensation, and on such review payments may be ended, diminished, or increased.

- (2) \$507 817.90.
- (3) The Government is currently reviewing the Act and the honourable member's question will form part of that review.
- (4) and (5) As part of its review, the Government will be examining the possible impact payments of this nature have on premiums and employment.

#### EDUCATION: ABORIGINES

##### *Teacher Training*

393. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

- (1) Does the Government plan to train Aborigines in remote areas as school teachers?
- (2) What are the details of the proposed training programme?
- (3) Will the Aboriginal teacher programme provide training of the same standard as that currently required for other teachers?

Hon. J. M. BERINSON replied:

- (1) and (2) The Government is not directly involved in teacher education. However, the Government acknowledges that there is a need for a training programme to prepare traditional Aborigines to teach in remote traditional communities. At the present time the only initiative in this field is the remote area diploma of teaching (RADOT) programme which is being conducted in Broome by the Western Australian College of Advanced Education for selected students from Kimberley towns and communities.
- (3) The RADOT programme is expected to produce teachers of the same standard as those in other fields.

#### ROTTNEST ISLAND: MANAGER

##### *Advertisement: Interstate and Overseas*

394. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Has the post of Island Manager, Rottneest Island Board, been advertised outside Western Australia?
- (2) If so, in what publications?
- (3) If not, was any consideration given to interstate and overseas advertising of this important position?

Hon. D. K. DANS replied:

- (1) No.
- (2) See (1) above.
- (3) It is proposed initially to advertise the position only within Western Australia.

#### TRANSPORT: ROAD

##### *Regulations: Kojonup*

395. Hon. W. N. STRETCH, to the Minister for Mines representing the Minister for Transport:

In order to simplify the administration of road transport regulations following the closure of the Boyup Brook-Katanning railway line, will the Minister adopt the Shire of Kojonup's northern and southern boundaries as the boundaries of the deregulated transport area?

Hon. PETER DOWDING replied:

The member will appreciate that many implications are involved in changing transport boundaries.

The Minister will have the matter fully investigated and let him have an answer as quickly as possible.

#### ELECTORAL: VOTING

##### *Weighting*

396. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Parliamentary and Electoral Reform:

- (1) Is it correct that material is to be circulated drawing attention to the 11:1 ratio in upper House voting in Western Australia?
- (2) Is it correct that in the Senate, a weighting of 11:1 exists so far as NSW and Tasmania are concerned?
- (3) If so, is it correct that the Minister has advocated to his Federal ministerial counterpart the abolition of his Senate weighting so that the less-populous States will get fewer Senators under proposed electoral changes announced in Canberra yesterday?

Hon. J. M. BERINSON replied:

- (1) It is nonsense to try to compare a Federal system, in which a price of entry in the 19th century was to give the quality of representation to less populous colonies, with an appropriate electoral system

for a single State in 1983, but I will attempt to relieve the member of his obvious confusion.

Those people in Western Australia who believe that each elector is equally important and should therefore have an equal say in the election of his or her representatives in Parliament, have been publicising the grotesque imbalances in enrolments here for years now. Material is now being circulated which shows that the ratio between the province with the highest enrolment and the province with the lowest enrolment is in fact worse than 11:1; it is now approaching 12:1. As soon as some electorates have a larger enrolment than other electorates, the possibility of rule by a minority exists. In this Chamber a majority of 18 out of 34 members need represent only 28.1 per cent of the electors of this State. This is a disgrace. A majority of members must represent a majority of the electors in a democracy.

- (2) and (3) A cursory reading of the Australian Constitution by the member could have clarified this point. In the Federal system uniting the Australian States into the Commonwealth of Australia, States are represented equally in the Senate. Unlike the House of Representatives, population and enrolment are not taken into consideration when setting the representation in the Senate for each State.

While this feature of State representation to the Senate is compatible with a Federal system, I am far from certain that it has worked to the electoral advantage of less populous States. Senators seem more inclined to take a national or a party perspective in their decision making today.

The member must appreciate the difference between the representation of individual States within a federation and the representation of people within a single State.

Senate elections within Western Australia embody democratic principles which are strongly supported by this Government. Because of the widespread community acceptance of the Senate election system the Government proposes that our Legislative Councillors be elected by the same system. Neither the member who asked this question, nor

anyone else to my knowledge, has been critical of the fairness of the recent WA Senate elections.

## CULTURAL AFFAIRS

### *Ministerial Conferences*

397. Hon. P. H. WELLS, to the Attorney General representing the Minister for the Arts:

- (1) What are the dates and locations of State Arts Ministers' meetings held since the Government came to power?
- (2) Did the Minister attend each of these meetings?
- (3) Who else from Western Australia attended each meeting with the Minister, and in what capacity?
- (4) What discussions took place at these meetings?
- (5) Did the Minister consult with any member of the WA Arts Council regarding issues which should have been raised at these meetings?
- (6) If so, which members of the Arts Council did the Minister consult?
- (7) If "No" to (5), why not?
- (8) Has the Government's appointment of an adviser on the arts replaced the advisory role of the WA Arts Council?

Hon. J. M. BERINSON replied:

- (1) 24 June 1983—Melbourne.
- (2) Yes.
- (3) Bruce Lawson—ministerial officer.
- (4) A broad range of policy issues touching the areas of museums, art galleries, libraries, heritage, education in the arts, children's television, Australia-New Zealand cultural relations Government film libraries, job creation programmes in the arts and some matters concerning the Western Australian Arts Council.
- (5) and (6) The Acting Director of the Western Australian Arts Council was asked for suggested items for the agenda as were heads of other departments under my control. Several items and supporting evidence were submitted.
- (7) Not applicable.
- (8) No, the Arts Council's advice is considered to be as valuable as in the past.

## COUNTRY AREAS WATER SUPPLY ACT

*Compensation*

398. Hon. W. N. STRETCH, to the Leader of the House representing the Premier:

Will the present Government stand by the previous Government's undertaking that fair and adequate compensation will be paid to people who suffered loss under the provision of the Country Areas Water Supply Act, bearing in mind that the aforementioned Act was then supported by the Labor Party in the Parliament?

Hon. D. K. DANS replied:

Yes. The Premier gave this assurance to a deputation consisting of Mr Winston Crane and Mr Richard Gargett which he received this morning.

## ROTTNEST ISLAND

*Manager: Salary*

399. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

What is the current salary of the Manager, Rottnest Island Board, and how does this compare with the salary range being offered in the advertisement appearing in *The West Australian* on Saturday, 10 September 1983?

Hon. D. K. DANS replied:

The current salary of the manager is \$37 698—reduced to \$33 928 by the recent salary reduction legislation.

In the advertisement a salary of \$35 000-\$40 000 was quoted.

## EDUCATION: POST-SECONDARY

*Wanneroo*

400. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

- (1) Has the Minister received a letter and report from the Shire of Wanneroo regarding post-secondary education facilities for the shire area?

- (2) If so, has the Minister noted clause 2.3 in the report which, in part, states—

In view of the location of the existing post-secondary institutions adjacent to the North-West Corridor, in particular the technical colleges at Balga and Carine and the

college of advanced education at Churchlands, it seems appropriate that the next major development in the North Sector should be located at Joondalup?

- (3) What is the Minister's reply to the shire's suggestion?

Hon. J. M. BERINSON replied:

- (1) Yes.  
(2) Yes.  
(3) The WA Post Secondary Education Commission has been asked to examine the shire's suggestion in the context of State-wide planning for the 1985-87 triennium and to report back to the Minister.

## ROTTNEST ISLAND: MANAGER

*Advertisement: "Other Benefits"*

401. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

I refer to the advertisement calling for applications for the post of Island Manager at Rottnest, and ask—

- (1) What are the "other benefits" that will be discussed with applicants at interview?  
(2) Is there any reason why these benefits have not been specified in the advertisement?

Hon. D. K. DANS replied:

- (1) "Other benefits" are—  
(a) Manager's allowance of \$800 per annum for entertainment;  
(b) free house in which he is required to entertain official visitors;  
(c) car fully serviced with unrestricted use on the island;  
(d) free local telephone calls.  
(2) No, apart from the desire to restrict the size and cost of the advertisement accordingly.

## EDUCATION: TEACHERS

*Travelling Expenses*

402. Hon. W. N. STRETCH, to the Attorney General representing the Minister for Education:

As many senior teaching staff have suffered salary cuts under this Govern-

ment's recent legislation, will the Minister now consider reimbursing such staff for their travelling costs, particularly those in country and outer metropolitan areas?

Hon. J. M. BERINSON replied:

No.

#### TOURISM: DEPARTMENT

##### *Loss of Marketing Opportunities*

403. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

I refer to the Minister's announcement on 29 August 1983 on proposals for a new tourism commission and ask—

- (1) Specifically, what new marketing opportunities have been lost in Western Australia by having a Department of Tourism having to observe Public Service requirements and procedures?
- (2) Specifically, what are the offending Public Service requirements and procedures?

Hon. D. K. DANS replied:

- (1) A lack of resources in the past, due to the previous Government's attitude of neglect of the tourism industry, has inhibited the department in many ways.
- (2) As a marketing organisation, the proposed commission operating as an independent statutory body will possess many advantages not currently possible.

#### EDUCATION

##### *Primary School: Creaney*

404. Hon. P. H. WELLS, to the Attorney General representing the Minister for Education:

When does the department plan to commence the next stage of building additions to the Creaney Primary School?

Hon. J. M. BERINSON replied:

Enrolments at the Creaney Primary School, which opened in February 1983, will be monitored during 1984 to determine when the next stage of building can be justified.

#### HOUSING: ABORIGINES

##### *Aboriginal Grant Homes: Rentals*

405. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

- (1) How is the economic rent on Aboriginal grant homes assessed?
- (2) Do Aboriginal grant homes have floor coverings and heating provided?
- (3) What is the income limit an Aboriginal family can earn before they are required to pay the full economic rent on an Aboriginal grant home?
- (4) How many Aboriginal families are currently paying the full economic rent on their Aboriginal grant homes?
- (5) Is Lot 297, Chisolm Street, Cue, to be up-graded?
- (6) If so—
  - (a) when is the up-grading to take place; and
  - (b) will this up-grading result in a further increase in the rent payable by the occupants?
- (7) Are rentals for Aboriginal grant homes determined by the joint income of married tenants?
- (8) Are rents paid by GEHA tenants assessed on a joint family income basis?

Hon. PETER DOWDING replied:

- (1) to (8) The information requested will require collection and collation, and I will advise the member by letter.

#### WATER RESOURCES: EASTERN GOLD-FIELDS

##### *Goldmining Companies*

406. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Water Resources:

- (1) What steps is the Government taking to ensure that an adequate water supply is made available to gold mining companies in the eastern goldfields?
- (2) Is the Minister aware of any gold mining companies in the eastern goldfields which are either—
  - (a) unable to commence operations; or
  - (b) unable to expand their operations; due to a lack of an adequate or suitable water supply?

Hon. D. K. DANS replied:

- (1) The Public Works Department has a long-term programme of works designed to upgrade the goldfields water supply scheme to meet any reasonable increase in water demands. Demand projections are reviewed regularly at least once a year and priorities for improvements to the scheme are adjusted accordingly. In addition, technical assistance is given to mining companies in their search for water for local supplies.
- (2) (a) and (b) Every assistance is given to goldmining companies and none is known to have been unable to commence operations or expand its operations because of the lack of a suitable water supply.

#### HOUSING: GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

##### *Rentals: Investigation*

407. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

- (1) Is it correct that Government Employees' Housing Authority rentals are presently subject to a Cabinet subcommittee investigation?
- (2) If so, will the Minister explain the reasons for this investigation?

Hon. PETER DOWDING replied:

- (1) and (2) Rentals charged for accommodation provided to Government employees were under review by the previous Government and this review is continuing.

#### TOURISM: BILL

##### *Introduction*

408. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Upon what date does the Minister expect to introduce the proposed tourist Bill into the present session?
- (2) Is it intended to circulate draft copies of the Bill to—
  - (a) the industry; and
  - (b) the Opposition;
 before it is introduced into the Parliament?

Hon. D. K. DANS replied:

- (1) It is proposed to introduce the Western Australian Tourism Commission Bill in the current session of Parliament.
- (2) (a) The industry has been widely consulted on this matter and will continue to be kept well informed;
- (b) the Opposition will be kept informed regarding the proposed Bill.

#### LAND: NATIONAL PARKS

##### *Tree Removal*

409. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Forests:

Does the Government acknowledge the need to remove some trees from some national parks in the interest of—

- (a) safety;
- (b) fire protection;
- (c) good prudent management; and
- (d) regeneration of native species?

Hon. D. K. DANS replied:

I am advised that the prime purpose of national parks is "to provide for the conservation of the natural environment, and the preservation and enhancement of natural beauty" so that the community can enjoy the beauty of the natural environment.

Where warranted by specific circumstances, removal of some trees in a manner compatible with the above may be necessary for the purposes listed.

#### TOURISM: COMMISSION

##### *Objectives*

410. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

I refer to the proposals for a tourism commission outlined on 29 August 1983 to assist with the direction, management and development of regional tourism, and ask what will the commission be able to achieve in this regard which the Department of Tourism was not able to achieve?

Hon. D. K. DANS replied:

Regional tourism is a vital element in the future development of the industry. The tourism commission will address re-

gional development with a high priority from a resource allocation viewpoint.

# COMMUNITY WELFARE

*Reserve: Leonora*

411. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Youth and Community Services:

- (1) Has a meeting been held in Leonora to discuss the future of the Community Welfare Reserve at Leonora?
- (2) If so—
  - (a) who convened the meeting, and why;
  - (b) who attended the meeting; and
  - (c) were any decisions made with respect to the future of the reserve?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) (a) and (b) The meeting was convened between appropriate departmental officers and representatives invited by the Leonora Aboriginal movement to discuss issues arising from the future arrangement of the Aboriginal camping reserve land;
- (c) I am awaiting advice concerning the outcome of the meeting.

# QUESTION WITHOUT NOTICE

## PUBLIC SERVICE: PUBLIC SERVANTS

*The Hon. N. F. Moore: Comments*

119. Hon. TOM STEPHENS, to the Leader of the House:

- (1) Is the Minister aware that the Hon. Norman Moore said in this House—

So this legislation has provided a nice employment area for bureaucrats to carry out the sordid activities we all know bureaucrats are involved in such as making life difficult for people and ensuring everything takes twice as long as it should.

- (2) Is it the policy of the State Government that this is a proper description of the role of the Public Service?

Hon. D. K. DANS replied:

I thank the member for some prior notice of his question, the answer to which is as follows—

- (1) and (2) I am very disappointed that the Hon. Norman Moore should have cast such a slur on the character and integrity of the Public Service.

Hon. N. F. Moore interjected.

Hon. Peter Dowding: You are a disgrace, Moore. You listen to the answer.

Hon. N. F. Moore: You talk about your concern for the Public Service, yet you are prepared to cut their salaries.

Hon. D. K. DANS: I recollect the Hon. Norman Moore voted for that legislation.

Hon. N. F. Moore: No, I did not; have a look at *Hansard*.

Hon. D. K. DANS: To continue—

As a member representing an area with a number of public servants it is a slur particularly on his own constituents.