

Legislative Council

Tuesday, the 20th August, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

JOINT PRINTING COMMITTEE

Report: Tabling

THE PRESIDENT: I wish to lay upon the Table of the House the report of the Joint Printing Committee for the year ended the 30th June, 1974.

The report was tabled (see paper No. 168).

QUESTIONS (12): ON NOTICE

1. TECHNICAL EDUCATION

Allowances: Remote Areas

The Hon. Clive Griffiths for the Hon. G. W. BERRY, to the Minister for Education:

What allowances, if any, are payable from the—

(a) State; and

(b) Commonwealth;

for students from remote areas attending a technical college?

The Hon. G. C. MacKINNON replied:

(a) The State pays travel costs for apprentices undertaking correspondence tuition to enable them to attend the intensive courses conducted for them in technical colleges.

(b) Students enrolled in recognised full-time courses in technical colleges are eligible for Commonwealth tertiary education allowances.

2. ROTTNEST ISLAND

Additional Cottages

The Hon. R. F. CLAUGHTON, to the Minister for Health:

With reference to the proposals announced by the Hon. H. D. Evans on the 23rd March, 1974, for Geordie Bay, Rottnest, on how many cottages has work commenced?

The Hon. N. E. BAXTER replied:

None. Because of the board's borrowing limit and rapid escalation of costs, the project was deferred as announced in *The West Australian* of 4th July, 1974.

3.

HOUSING

Rental Homes: Identification

The Hon. R. J. L. WILLIAMS, to the Minister for Justice:

Further to my question on Wednesday, the 8th September, 1971, regarding the painting of the initial "C" on fascia boards on State Housing Commission rental homes, will the Minister consider either—

(a) obliterating these; or

(b) putting them in a concealed place to safeguard the privacy of occupants?

The Hon. N. McNEILL replied:

For convenience of identification on maintenance calls, properties were identified with house and lot number and the letter "C" was used to identify Commonwealth funded rental homes.

As the use of the letter "C" was discontinued some years ago there would be no objection to tenants covering this.

As to house and lot numbers these are considered necessary for convenient identification for contractors on maintenance calls.

To locate this aid to identification in a "concealed place" would be to completely nullify the purpose.

4.

ROAD TRANSPORT

Perth-Carnarvon: Licenses

The Hon. S. J. DELLAR, to the Minister for Health:

(1) On what date did the Government grant the Carnarvon road transport contract to Gascoyne Trading Pty. Ltd. and Bell Bros. Pty. Ltd.?

(2) (a) Was the Carnarvon Transport Advisory Committee consulted before the contract was let;

(b) if not, why not?

(3) On what date, and by what method, was the decision conveyed to the committee?

(4) Does the Government consider that it has enforced the contract in view of its allowing Bell Bros. Pty. Ltd. to withdraw its service as from the 1st September, 1974?

(5) Are any Government departments using other than the licensed contractor for the cartage of goods to Carnarvon, other than by the rail-road system?

- (6) Are any other cartage contractors operating to Carnarvon other than by the rail-road system?
- (7) On what basis did the Government agree to the increased cartage rates, by the licensed contractors, which were approved from the 8th July, 1974?

The Hon. N. E. BAXTER replied:

- (1) No contract has been entered into with the companies named but both were granted licenses in February, 1971. The position was reviewed when the Minister for Transport held discussions in Carnarvon on the 10th April, 1974, with shire councillors, and representatives of growers, pastoralists, Chamber of Commerce and carriers and subsequently in Perth with Bell Bros Pty Ltd and Gascoyne Trading Pty Ltd.

Following these discussions the Carnarvon Transport Advisory Committee met on the 3rd May, 1974, and agreed to a proposal that the Minister negotiate with Bell Bros Pty Ltd and Gascoyne Trading Pty Ltd for the most favourable cartage rates based on the two companies being granted the sole franchise to carry all loading between Perth and Carnarvon, including a 20 kilometre radius, and with the right to operate road trains as far south as Muchea.

Negotiations proceeded accordingly and on the 12th May, 1974, the issue of licenses to Bell Bros Pty Ltd and Gascoyne Trading Pty Ltd was approved.

- (2) Answered by (1).
- (3) Through the member for Gascoyne who attended a meeting of the committee on the 17th May, 1974.
- (4) There has been no contract in existence between the Government and the two operators. Each company has been licensed in accordance with the Transport Commission Act. The Act does not debar a licensee from surrendering his license at any time.
- (5) There is no evidence of this on hand.
- (6) Licenses are in force to authorise the transport of furniture and the operation of a fast-transit service by Comet Overnight Transport.
- (7) On the basis of a 12% increase found necessary to meet higher operating costs higher freight rates were approved to take effect from the 22nd July, 1974.

HEALTH

Travel Concessions: Isolated Areas

The Hon. R. T. LEESON, to the Minister for Health:

- (1) Why does a distinction exist between the care of patients by the Public Health Department for residents in the north-west, and that of the Department of Community Welfare for residents in other country areas?
- (2) As there would be some centres in parts of the State that would be more remote from access to specialist medical attention in the metropolitan area than some areas within the north-west (e.g. Reid on the trans-Australian railway line compared with Carnarvon) how does he justify the imposition of a means test on residents in remote areas other than the north-west?
- (3) Will he give early and earnest consideration to removing the means test completely for all country residents requiring specialist medical attention in the metropolitan area?

The Hon. N. E. BAXTER replied:

- (1) Travel concessions for necessary specialist medical treatment were extended, without the application of a means test, to persons living in the north of the State not only because of their extreme remoteness from such services but also because of the greater travelling costs generally involved in obtaining such treatment and the comparatively high cost of living in these areas.

The comparative cost of travel in the southern part of the State is generally much less severe; therefore eligibility for assistance is not extended to persons living in either metropolitan or southern country areas unless it is established that the cost of travel for specialist treatment is causing financial hardship.

I would stress, however, that in applying the means test recognition has been given to the especially difficult position of persons living in the more remote areas in the south of the State and appropriate help has been extended for travel when such cases are presented.

- (2) Answered by (1).
- (3) Earnest consideration is continually being given to travel assistance for disadvantaged persons living in remote areas. When and where possible action will be taken

to extend the travel concessions at present operating in the north of the State to other areas.

6. TRAFFIC

Woodlands Area

The Hon. R. F. CLAUGHTON, to the Minister for Health:

Will the Minister advise what Government assistance will be provided to the City of Stirling in overcoming traffic problems in Woodlands?

The Hon. N. E. BAXTER replied:

The Main Roads Department has been providing technical advice to the City of Stirling and will continue to do so as and when requested by the council.

7. POLICE STATION

Warburton Range

The Hon. S. J. DELLAR, to the Minister for Health:

Further to the reply to part (4) of my question 8 on the 1st August, 1974, relating to police in the Warburton Range area, will the Minister make available to me the information requested when it has been compiled?

The Hon. N. E. BAXTER replied:

Yes, 38 special visits were made.

8. EDUCATION

Remote Areas: Assistance

The Hon. R. F. CLAUGHTON, to the Minister for Education:

Since assuming office, what aid additional to that provided by the previous Government, has the present Government provided for the education of children in remote areas?

The Hon. G. C. MacKINNON replied:

Hostel subsidies have been increased by 100 per cent or more dependent on location, and visits by guidance officers have been extended to remote areas.

9. LOCAL GOVERNMENT

Ermouth: Appointment of Council

The Hon. S. J. DELLAR, to the Minister for Justice:

- (1) Has the Government considered the appointment of an elected council for the Shire of Ermouth?
- (2) If not, will the Government give early consideration to such an appointment?

The Hon. N. McNEILL replied:

- (1) No.
- (2) Yes, when evidence is available that a change is in the best interests of the district.

10. LOCAL GOVERNMENT

Powers: Investigating Committee

The Hon. R. F. CLAUGHTON, to the Minister for Justice:

What are the terms of reference of the committee appointed to examine local government powers?

The Hon. N. McNEILL replied:

If this question relates to the Local Government Liaison Committee, no specific terms of reference have been prepared. The scope of the committee is unlimited.

11. FLOOD DAMAGE

Carnarvon

The Hon. S. J. DELLAR, to the Minister for Justice:

In view of the serious damage suffered by some plantation owners at Carnarvon following the recent flow of the Gascoyne River, will the Government give urgent consideration to allowing these planters to re-establish on new properties in the McGlades Road area?

The Hon. N. McNEILL replied:

The Public Works Department and the Department of Agriculture have completed an assessment of the erosion and crop damage caused by the recent flooding of the Gascoyne River.

Consideration will be given to the vulnerability of certain plantations to flooding but no decision will be made until the assessment has been appraised by the Government.

12. ROAD TRANSPORT

Perth-Carnarvon: Tonnages

The Hon. Clive Griffiths for the Hon. G. W. BERRY, to the Minister for Health:

What tonnages per month were carted by road from Perth to Carnarvon for the years 1968, 1969, 1970, 1971, 1972 and 1973?

The Hon. N. E. BAXTER replied:

1968	Tonnages
January	781
February	990
March	952
April	1 011
May	1 411
June	1 460
July	1 359
August	1 190
September	1 285
October	1 538
November	1 342
December	1 166

1969	Tonnages
January	1 023
February	1 167
March	1 212
April	1 014
May	1 327
June	1 368
July	1 102
August	1 130
September	1 139
October	1 412
November	1 536
December	1 545
1970	Tonnages
January	986
February	952
March	1 259
April	1 421
May	1 093
June	1 089
July	1 275
August	1 377
September	1 159
October	1 323
November	1 292
December	1 570
1971	Tonnages
January	961
February	1 159
March	1 055
April	920
May	830
June	1 087
July	1 436
August	944
September	1 086
October	1 115
November	1 374
December	868
1972	Tonnages
January	927
February	1 151
March	1 172
April	1 187
May	1 047
June	958
July	1 032
August	1 360
September	1 484
October	1 241
November	1 250
December	1 313
1973	Tonnages
January	990
February	1 541
March	2 106
April	1 617
May	2 084
June	1 596
July	1 210
August	1 803
September	1 116
October	1 497
November	1 260
December	1 427
Total tonnages January, 1968 to December, 1973 = 89 440.	

EVIDENCE ACT AMENDMENT BILL**Second Reading**

Debate resumed from the 13th August.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [4.50 p.m.]: As pointed out by the Minister for Justice when he introduced the Bill, it is the result of consideration given by the Standing Committee of Attorneys-General when agreement was reached by all States, the Commonwealth, and New Zealand in 1972 to enable courts of equal status to take evidence. A protection is provided inasmuch as if civil action or anything of an indictable nature is involved, and the defendant thinks it necessary for the witness to be in attendance, he can weigh up the cost factor and decide whether or not the witness should be brought from where he is to give evidence. If it is considered that the evidence would be just as easily obtained with little expense in a court of equal status elsewhere, then that would be quite okay.

I am sure that under the legislation the costs will be far less than has been the case in the past. The litigant will merely have to apply to the presiding officer to obtain evidence whilst the witness is out of the State, or possibly he could apply to have the evidence taken before a witness leaves a State.

I can find nothing at all wrong with the legislation. It is worth while and in some cases it will greatly reduce the costs.

The only question I would ask is whether the other States and New Zealand have entered into a reciprocal agreement and have introduced similar legislation. If they have not, does the Minister know whether such legislation will be introduced in the near future? I support the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.52 p.m.]: I wish to thank the Leader of the Opposition for his support of the Bill and for his brief comments. I do not think I need canvass the matter at any great length in replying to his remarks.

However, Mr Thompson has asked whether similar legislation has been enacted in all the other States and in New Zealand. I am not in a position immediately to answer that query for him, but I certainly can do some further checking and can make the information available to him, perhaps at the third reading. This will enable us to make progress on the Bill today. If that is acceptable to Mr Thompson I will not enlarge on the subject any further, but will merely commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: New Sections 109 to 118 added—

The Hon. R. THOMPSON: I wish to raise a point concerning proposed new section 118. If it is reciprocal legislation, I trust that when the regulations are drafted there will be some uniformity of charges from State to State.

The Hon. N. McNEILL: The point raised by the Leader of the Opposition is perfectly reasonable. It is appreciated that this Bill has been the subject of a co-operative effort by those comprising the Standing Committee of Attorneys-General, and there has been considerable liaison concerning all its aspects. Under these circumstances it is not unreasonable to suggest that the scale of fees to be prescribed by regulation might also be the subject of liaison, and that thus uniformity will be achieved. Although I am not in a position to guarantee that this will be so, I will certainly liaise towards this end.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

REGISTRATION OF DEEDS ORDINANCE AMENDMENT BILL

Second Reading

Debate resumed from the 13th August.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [4.59 p.m.]: I intend to support this Bill also, because, as the Minister for Justice rightly stated when he introduced the measure, it involves one of the Bills we had on our legislative programme last year and which, because of the heavy session, was not proceeded with.

The Minister said that if anyone could avail himself of the opportunity to obtain a copy of the Ordinance and the various Acts involved, he would find them interesting reading. I have availed myself of this opportunity, and have read them.

It was time-consuming but rather interesting to note the changes that have taken place in the written laws since that time. An Ordinance to consolidate and amend Laws relating to the Registration of Deeds, Wills, Judgments and Conveyances affecting Real Property was assented to on the 14th July, 1856, and it included a scale of fees to be charged which has not been amended since that year. The fee for the registration of a title by the Registrar of Titles under the Transfer of Land Act has been increased from \$1 to \$10.

It is interesting to note the fees set out in the Ordinance, which are still charged. They are—

	£	s.	d.
For every search, each name	0	2	6
For registering every memorial	0	10	0
For producing a memorial for examination	0	1	0
For registering and recording every certificate of satisfaction	0	10	0
For enrolling any instrument, for every folio of seventy-two words	0	1	0
For receiving any instrument deposited	0	10	0
For giving out the same	0	10	0
For every office copy or certified extract, for every folio of seventy-two words	0	1	0
For cancelling or amending a registration by order of the Court	0	2	6

It can be seen that even with modern equipment, such as a photostat machine, copies of documents could not be produced at those costs today.

The best thing we can say about the legislation now before us is that it consolidates an Ordinance and converts it into an Act. It leaves no doubt that the Registrar of Titles is the responsible person.

Approximately 100 registrations are made annually, and the number is diminishing; so the legislation is not of any great significance except that the new scale of charges will be introduced by regulation and they will be in keeping with the fees charged for other functions performed by the Registrar of Titles.

As the Minister has said, Act No. 36 of 1909 is truly a homeless Act. It is interesting to read these old Acts for historical reasons but they serve very little purpose in present-day business transactions, and the earlier we get them into a neat, easily understood, consolidated form, rather than having to deal with three pieces of legislation, the better it will be. I support the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.04 p.m.]: I thank the Leader of the Opposition for his support of the Bill. As he has observed, it is not, in itself, of tremendous consequence. If we want to be nostalgic, I suppose in one sense we could express a degree of regret that an historical piece of legislation is to be consolidated. Perhaps another reason for regret is that it has been found necessary to increase the fees. However, the increased fees expressed in this Bill will not have an unreasonably "inflationary" effect.

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.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.07 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 27th August.

Question put and passed.

ADJOURNMENT OF THE HOUSE

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.08 p.m.]: I move—

That the House do now adjourn.

Ermolenko: Political Asylum

THE HON. I. G. MEDCALF (Metropolitan) [5.09 p.m.]: I desire to make a brief statement concerning some of the facts which came to my knowledge last week during the unfortunate affair in which the young Russian violinist, Georgi Ermolenko, was involved.

I became involved in the affair on Sunday, the 11th August, when I was a participant in a number of telephone calls with members of St. George's College and other people attending the ISME Conference, who put to me the situation in which Ermolenko found himself. The information was first conveyed to me by the Reverend Lance Johnston, the Subwarden of St. George's College. I suppose one reason he contacted me was that, as a member of the council of St. George's College, I had been closely connected with him and knew him quite well.

In addition, I spoke to Mr Badger, Director of the Melba Conservatorium of Music in Melbourne, who was attending the ISME Conference and who during the week preceding these events stayed at St. George's College in a room opposite that occupied by Mr Ermolenko.

I say that by way of preamble because I believe it should be clearly understood that both Mr Johnston and Mr Badger are people who have no political inclination. In fact, I would say they both come into the category of politically neutral people. Neither of them has any interest in politics or any axe to grind in relation to communism or any other political belief.

I have known Mr Johnston for some time, and although I had met Mr Badger only during that week I came to the conclusion that, like Mr Johnston, he is a man of complete integrity. I can say without reservation that the Reverend Johnston is a man of absolute honesty and complete and undoubted integrity. I would stake my reputation on that. Any implication or suggestion to the contrary by any people, I would refute most strongly. I was therefore very impressed

by the information which they passed on to me concerning Mr Ermolenko's intentions and what had occurred.

It should be appreciated that Mr Badger had spoken to Mr Ermolenko every day during the week preceding the events, and he got to know him rather well. On each occasion Mr Ermolenko had indicated to Mr Badger that he wished to stay in Australia. The term "defect" has been used but I understand that technically it refers to a diplomat who leaves his position and resides in another country. In the case of Mr Ermolenko, he wished to stay in Australia; in other words, he wished to become an Australian citizen. He made this perfectly clear, beyond any doubt, to Mr Badger.

Mr Badger and Mr Johnston were subsequently joined, at a very lengthy discussion with Mr Ermolenko on the Sunday morning, by Father Richard Borthwick, a tutor in philosophy at the university who also, I understand, lives at St. George's College. I do not know him other than through speaking to him on the telephone. It was quite clear to these gentlemen that Mr Ermolenko desired to remain in Australia, and they had spent some time talking to him in an endeavour to persuade him to change his mind and return to Russia. They felt the Australian Government might not be well disposed to Mr Ermolenko's proposal, that he might not succeed, and that he might upset his chances and prejudice his position in Soviet eyes. For that reason they tried to talk him into leaving.

Mr Ermolenko, however, remained quite adamant about his wish to remain in Australia, and he indicated this quite clearly to the three gentlemen. I am informed—and again I have no reason to doubt it—that Mr Ermolenko speaks tolerably good English and in fact has no difficulty in making himself understood or in understanding what is said to him. Of course, he conversed with the gentlemen in English during the entire week.

It is quite clear to me that on several occasions during the week of his stay at St. George's College Mr Ermolenko had expressed his desire and wish to remain in Australia and not to return to Russia. His Australian friends tried to talk him into returning to Russia. Mr Ermolenko was aware that his application might not be acceptable to the Commonwealth Government or the Australian authorities. He clearly did not act on a sudden whim at the airport.

The Commonwealth Police were approached by Mr Ermolenko and they made a room available to him at the airport. He was told to report to the Commonwealth Immigration Department in Wapet House on the following morning.

The Foreign Affairs Department of the Commonwealth Government and other appropriate authorities were notified

immediately the defection occurred. It seems likely that the first public report of the defection emanated from official sources either in Canberra or in Perth.

Senator Willesee was in Perth at the time and the report in *The West Australian* on the following Monday morning—the 12th August—indicated that he was aware that Ermolenko had made known his desire to remain here. Ermolenko's intentions were apparently confirmed at the interview with the Immigration Department on the Monday morning, according to a report which appeared in the *Daily News* on Friday last.

No Commonwealth department or officer did anything to afford Ermolenko any opportunity to independently review his situation. Mr Badger was asked to persuade Ermolenko to present himself to Professor Kabalevsky—the Russian composer—on the promise made by Kabalevsky that he merely wished to satisfy himself as to his intentions, and would release him immediately if Ermolenko said he wished to remain in Australia. The Reverend Johnston and Mr Badger state that Ermolenko had to be persuaded to see Kabalevsky, but that he absolutely refused to see Alexandrov, the Russian cultural attache to the ISME conference. They also said that Ermolenko was able to make himself understood and that he did, himself, understand English tolerably well.

The Foreign Affairs Department of the Commonwealth Government consistently accepted the Russian version of Ermolenko's intentions. The statements he made to various people from time to time thereafter followed his close confinement with the Russians. An indication that Ermolenko was under some kind of coercion is substantiated by the incorrect answers he gave to a number of questions by various interrogators; in particular, that he himself had expressed a wish to see Kabalevsky—which is the direct opposite to the statement made by the Reverend Johnston and Mr Badger; that he wished to see Alexandrov—when he had said that he had absolutely no wish to see Alexandrov; and that he did not know the English language—when he had been talking to them in English all the week.

Ermolenko also evaded the question as to whether any pressures had been put on him in relation to his family; and at all the interviews either a Russian or Russians were present—or people identified as being in the Russian camp.

The Minister for Foreign Affairs and his officers unhesitatingly accepted the version put out by Ermolenko whilst he was under Russian control and consistently refused to insist that he be given the opportunity to again confer with his former friends, Mr Badger and the Reverend Johnston.

It has been said that members of the KGB were operating in Perth from a suite in the Parmelia Hotel while Ermolenko was there. It has also been suggested that one of them attended the ISME conference. None of this has been denied in official quarters. It is a frightening thought that such people could be in our midst and be able to carry on their activities without surveillance and, indeed, under the protection of Commonwealth officials.

The Commonwealth Government's handling of this affair is a blot on the Australian public conscience. So much for its zeal for human rights and civil liberties.

Question put and passed.

House adjourned at 5.19 p.m.

Legislative Assembly

Tuesday, the 20th August, 1974

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

QUESTIONS (54): ON NOTICE

1. HILLMAN SCHOOL

Completion

Mr BARNETT, to the Minister representing the Minister for Education:

In the light of the former Government's decision to erect Hillman primary school and have it completed, ready for the beginning of 1975 school year, will he give an undertaking to have this school constructed and ready for occupation at the beginning of the first term in 1975?

Mr MENSAROS replied:

The answer given to this question last week still stands; namely, it is impossible to advise on completion dates at this time.

2. INSURANCE COMPANIES

Returns to Companies Office

Mr B. T. BURKE, to the Minister representing the Minister for Justice:

- (1) Are tariff insurance company returns lodged with the Companies Office?
- (2) If "Yes" will he please provide details of the before and after-tax profits of the five biggest tariff insurance companies involved in insuring Western Australian home owners against fire damage?

Mr O'NEIL replied:

- (1) I am advised that "tariff" insurance companies are those which are members of the Fire Accident