Craig), the Member for Warren (Mr H. D. Evans), and the Member for Maylands (Mr Harman).

MR H. D. EVANS (Warren) [10.41 p.m.]: Firstly, there was no intimation before tonight that the Government proposed either to move for a Select Committee or to amend the motion appearing on the notice paper in any way. I believe this type of courtesy could be extended on some occasions. Secondly, we were given no intimation of the possible composition of the Select Committee.

I note it is suggested that the Select Committee be composed of five members. This point is also debatable as a Select Committee of five will be cumbersome. In my opinion three members would suffice. This committee will be required to travel considerable distances, I feel sure; it will have to take evidence in various places; it will be involved in fairly detailed study; and a Select Committee of three would be far better able to cope with these requirements. The time will come when a comment will be made about the Select Committee, "Well we told you so."

So I would ask for enlightenment, as I did earlier, in regard to the method of operation of the committee and also about what will happen when we run out of time at the end of the session.

Mr Hartrey: It will be an honorary Royal Commission.

Mr H. D. EVANS: That may be so. Has sufficient thought been given to the proposed composition of the committee, or is this something that has been scrambled together tonight?

Question put and passed.

MR CRANE (Moore) [10.44 p.m.]: I move—

> That the Committee have power to call for persons and papers, to sit on days over which the House stands adjourned, to move from place to place, and to report on Tuesday, 4th November, 1975.

Mr H. D. Evans: You have to be kidding.

MR H. D. EVANS (Warren) [10.45 p.m.]: I asked a number of questions and some of that enlightenment to which I referred is slowly coming forward now. I can only repeat my interjection, "You have to be kidding!"

MR HARMAN (Maylands) [10.46 p.m.]: I am not going to be in any way critical of the decision to appoint a Select Committee to inquire into this matter because on many occasions in this House I have been critical of the Premier for not allowing such committees to be established. Although I would have preferred to see a Royal Commission established to investigate such an important matter as the beef and sheep meat industry, I do not object to the appointment of a Select Committee.

However, I ask for an assurance from the Premier, having in mind the wide terms of reference allotted to this Select Committee and the fact that we would want to approach the investigation in the best possible way and obtain the best possible decision to enable us to make the most appropriate recommendations, that if the committee finds itself unable to complete its inquiry by the 4th November, he will give favourable consideration to an extension of time; or, if Parliament is in recess, that he will convert the committee to an Honorary Royal Commission.

SIR CHARLES COURT (Nedlands—Premier) [10.47 p.m.]: The honourable member has asked quite a reasonable question in the course of speaking to this motion. If the committee finds itself unable to complete its deliberations by the 4th November, and the House is sitting, I give a categorical assurance that the Government would agree to his request for an extension of time. With regard to the possible extension of the Select Committee into an Honorary Royal Commission, I would not be prepared to commit the Government without first referring the matter to Cabinet, which is the normal procedure.

Question put and passed.

House adjourned at 10.48 p.m.

Legislative Assembly

Thursday, the 4th September, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (35): ON NOTICE

1. ELECTRICITY SUPPLIES

Country Towns Assistance Scheme

Mr MAY, to the Minister for Fuel and Energy:

(1) How many towns have been assisted under the Country Towns Assistance Scheme since commencement of the scheme?

(2) When did the scheme commence?

(3) How many towns have been assisted since 4th April, 1974?

(4) Will he detail the towns concerned and the date assistance commenced?

Mr MENSAROS replied:

(1) 26 Towns. Negotiations are going on with two more towns and there are three more possible towns which could apply. This, then,

under prevailing conditions will exhaust the possible applicants for using the scheme.

(2) In October 1972.

(3) Seven towns.

(4) Ravensthorpe—1st May, 1974
Leonora—4th September, 1974
Kalbarri—9th April, 1975
Wittenoom—21st May, 1975
Kalannie—11th June, 1975
Lancelin—19th June, 1975
Wyndham—20th August, 1975

2. MUJA POWER STATION

Extensions

Mr MAY, to the Minister for Fuel and Energy:

(1) In connection with the proposed extension of the Muja power station has there been any departure in the programme for the first unit to be in service for the winter of 1980 and the second unit to be in service for the winter of 1981?

(2) If so, will he indicate the proposed alteration to the original programme?

Mr MENSAROS replied:

(1) and (2) No. However, there has been a significant reduction in the rate of growth of system demand, and consideration is being given to delaying the commissioning of these units by one year.

The final decision on this matter will be influenced by the recommendations which are made regarding the possible conversion of Kwinana units Nos. 5 and 6 to dual firing.

3. TECHNICAL EDUCATION CENTRE

Kwinana

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

(1) Has he not indicated both in correspondence and in answers to questions that, with respect to the future construction of a technical education centre, Kwinana was third in priority behind Geraldton and Kalgoorlie?

(2) Will he now confirm that the establishment of such a centre at Karratha (reference his answer to my question 52 of Wednesday, 27th August, 1975) will not be given precedence over the establishment of a technical education centre at Kwinana?

Mr GRAYDEN replied:

(1) and (2) The needs for technical education in both the Kwinana and Karratha areas are recognised. If both State and Federal finance is available, the needs in both areas can be met. If this is not the case, it will be necessary to decide priorities in terms of existing available facilities and potential growth.

4. LAND

Lake Kogolup Lots: Control

Mr TAYLOR, to the Minister for Lands:

Are any of the undermentioned lots, all of which are contiguous to Lake Kogolup, Jandakot, either—

(a) owned or under the control of his department or any other department or instrumentality; or

(b) known to be owned or under the control of either the Australian Government or any local authority—

Lots C.G. 751, C.G. 752, C.G. 753, C.G. 754, C.G. 755, C.G. 433, C.G. 764, C.G. 765, C.G. 766, C.G. 769, C.G. 770, C.G. 771?

Mr RIDGE replied:

Cockburn Sound location 433 is privately owned, and locations 751, 752, 753, 754, 755, 764, 765, 766, 769, 770 and 771 are owned by the State Housing Commission.

5. TRAFFIC

Wellard-Mandurah Roads and Office-Mandurah Roads Junctions

Mr TAYLOR, to the Minister for Transport:

(1) Have any traffic counts been taken with respect to the junctions of Wellard and Mandurah Roads, and Office and Mandurah Roads, Kwinana?

(2) If "Yes" will he provide details?

(3) Have accident statistics been compiled for these junctions?

(4) If "Yes" will he provide details?

(5) Is his department aware of the traffic conflict at these junctions, particularly in the early mornings and mid-afternoons during industry shift changes?

(6) What plans has his department for alleviating or overcoming any such vehicular conflict?

Mr O'CONNOR replied:

(1) Yes.

(2) I hereby table copies of the traffic recorder printouts.

(3) Yes.

(4) Over the last 12 months six accidents have been reported at the junction of Mandurah and Wellard Roads and one accident at the junction of Mandurah and Office Roads.

(5) The department is aware of the volumes of traffic using the intersections for each hour of the day from the recorder counts.

(6) There are no immediate plans for improvement of these junctions, since there are numerous other sites in the metropolitan area which have a higher priority. However, priorities are subject to annual review.

The recorder printouts were tabled (see paper No. 360).

6. INDUSTRIAL DEVELOPMENT

Land: Kwinana Beach Area

Mr TAYLOR, to the Minister for Industrial Development:

Will he table a copy of a plan of that section of the Kwinana Beach area which lies between CSBP and Office Road, the Western Mining Nickel Refinery and Cockburn Sound, and which delineates—

(a) that part in which—

(i) ILDA might be said to have some special interest;

(ii) the Fremantle Port Authority might be said to have some special interest;

(b) (i) those lots which are owned by ILDA;

(ii) those lots which are owned by the Fremantle Port Authority?

Mr MENSAROS replied:

Yes.

The plan is currently being prepared. However, since Office Road lies to the east of the area otherwise bounded by CSBP, Western Mining Nickel Refinery and Cockburn Sound, the plan will show land ownership and proposed usage for the latter area (bounded in the south by CBH) only.

7. USED CAR YARD

East Fremantle: Permit

Mr TAYLOR, to the Minister for Local Government:

(1) As suggested in an article in *The West Australian* of 1st August, has he yet been made aware by the Town of East Fremantle of complaints by residents with respect to the alleged granting of a permit for a used car yard?

(2) Has his attention been drawn to this matter by any other person or persons?

(3) If "Yes" has he taken any action with respect to such advices?

(4) Can he advise the lot and street number of the property concerned?

(5) Is there any suggestion, from the information conveyed to him that the local authority concerned had exceeded its mandate?

Mr RUSHTON replied:

(1) and (2) Yes.

(3) No. I am awaiting the outcome of further consideration by the council.

(4) Lots 183 and 184 Canning Highway (Street Nos. 231 and 233).

(5) Yes, such a suggestion has been made.

8. *This question was postponed.*

9. WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY

Open Learning Project

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

(1) Is it a fact that the "open learning" project being conducted by the W.A. Institute of Technology is in question because of a lack of finance?

(2) How many students are currently enrolled in the scheme in—

(a) metropolitan areas;

(b) rural areas?

(3) In the event of the open learning project being discontinued because of insufficient finance, what alternative courses are available to the students currently enrolled?

(4) Is it not a fact that the open learning scheme is a more economical method of education than the campus method because of the use of community resources, and ought therefore to be continued?

(5) Will the Minister give an assurance that in the interests of making tertiary education available to rural people he will make every effort to ensure that the open learning scheme is continued?

Mr GRAYDEN replied:

(1) The project was an experiment commencing in January 1974, partly supported by private funds no longer available. It is at present being evaluated. One of the vital considerations will be the finance available.

(2) The number of students presently enrolled—

Metropolitan—4
Rural—11

(3) The evaluation is assessing the level of achievement of the students. First indications imply that some 20% of the present student group could be accommodated in existing courses.

(4) It has not been possible to make such a judgment of comparative costs.

(5) WAIT will make every effort to maintain and extend its services to country students within the limits of finance available.

10. MUJA POWER STATION

Extensions

Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) Reverting to my question of 19th March, 1975, concerning the extensions to the Muja power house at Collie, will he advise if the programming still remains?

(2) If not, will he outline the altered employment figures and the dates involved?

Mr MENSAROS replied:

(1) and (2) Consideration is being given to possible change in programme for the Muja units.

The associated studies have not yet reached a stage where any altered employment figures are available.

If it is decided to defer the Muja units, a new expenditure and employment schedule will be made available.

11. POWER STATIONS

Commencement of Generation

Mr T. H. JONES, to the Minister for Fuel and Energy:

Will he advise the dates when the East Perth, South Fremantle, Bunbury, Muja and Kwinana power stations commenced to generate electric power?

Mr MENSAROS replied:

East Perth, December, 1916;
South Fremantle, May, 1951;
Bunbury, May, 1957;
Muja, July, 1965;
Kwinana, September, 1970.

12. KWINANA POWER STATION

Installation of Units

Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) What are the sizes of the units installed at the Kwinana powerhouse, and the date they commenced to operate?

(2) What units are at present being installed?

(3) What additional units are planned?

(4) Will the units at present being installed and those to be installed in the future be oil or coal burning units?

Mr MENSAROS replied:

(1) The first four generators at Kwinana power station are each of 120 MW capacity and they commenced commercial operation on the following days—

No. 1—11th September, 1970;
No. 2—26th March, 1972;
No. 3—31st October, 1972;
No. 4—7th December, 1973.

Also a gas turbine generator of 20 MW capacity was placed in service on 11th July, 1972.

(2) The additional generators now being installed are two units each of 200 MW capacity.

(3) The location of the seven units now in operation and under construction at Kwinana has been chosen so as to provide space on the site for further generators. However, no firm planning is now under way for the installation of further generators at Kwinana.

(4) The units now under construction at Kwinana—Nos. 5 and 6—each with a capacity of 200 MW—were designed for and currently are being constructed for oil firing.

Since the State Energy Commission came into being on the 1st July, 1975, it has been engaged in a comprehensive review of the costs and technical problems associated with conversion of these units to dual firing (coal and oil). Consideration has also been given to the problems of funding of the considerable expenditure which would be involved in the conversion.

The commission expects to make a formal recommendation regarding the future of these units within the next months.

13. SOUTH FREMANTLE AND EAST PERTH POWER STATIONS

Generation Output and Conversion

Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) What units of electricity have been produced at the South Fremantle and East Perth powerhouses on a monthly basis for the period 1st June, 1974, to 31st August, 1975, inclusive and the production costs per unit?

(2) When were these stations converted to coal burning stations?

Mr MENSAROS replied:

(1)—

	Units Generated (kWh)		Cost per Unit Gen. (c/kWh) (averages for 6 month period)	
	East Perth	South Fremantle	East Perth	South Fremantle
June 1974	2 000	82 000		
July 1974	94 500	490 000		
Aug. 1974	472 000	2 890 000		
Sept. 1974	5 781 000	11 652 000	2·878	1·864
Oct. 1974	10 541 000	19 844 000		
Nov. 1974	13 894 000	20 346 000		
Dec. 1974	12 638 000	19 835 000		
Jan. 1975	15 313 000	22 282 000		
Feb. 1975	14 987 000	24 164 000		
Mar. 1975	15 325 000	26 509 000	2·131	1·561
April 1975	10 907 000	29 700 000		
May 1975	18 799 999	34 761 000		
June 1975	19 279 000	35 168 000		
July 1975	19 291 000	40 213 000	Figures not yet available.	
Aug. 1975	18 329 000	34 378 000		

(2) The conversion to coal firing at East Perth was completed with the commissioning of No. 1 station transformer on 21st February, 1975.

The conversion of South Fremantle is still in progress as one boiler has not yet been recommissioned on coal. This boiler is expected to be completed in approximately two weeks' time.

The ability to burn coal at both East Perth and South Fremantle depended on several factors, namely—

(a) speed of conversion;

(b) ability of mining companies to produce the increased quantities of coal;

(c) ability of WAGR to handle the increased transport;

(d) availability of operating staff for recruitment to East Perth and South Fremantle, to bring staff levels up to the requirements of the increased loading patterns.

As can be seen from the monthly generation figures, this ability to burn coal has progressively increased over the months as the four elements involved made this possible.

14. NORTHAM HIGH SCHOOL

School of Music

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

(1) Has a decision been determined to have a specialised school of music established at the Northam Senior High School as requested by the high school's parents and citizens' association and strongly supported by many other organisations throughout the district?

(2) If the answer is "No" when will a decision be made?

(3) If the answer is "Yes" will the Minister outline the programming details?

(4) If a decision has been made not to establish the music school what are the reasons?

Mr GRAYDEN replied:

(1) A specialised school of music will not be established at Northam.

(2) and (3) Answered by (1).

(4) The fundamental reason is the overall lack of instrumental tutors of acceptable quality. This and other reasons have been explained in detail to the interested groups in the Northam district.

15. HOUSING

Northam

Mr McIVER, to the Minister for Housing:

(1) Would he advise the number of applicants listed in the undermentioned categories with the Northam SHC office—

(a) two bedroom;

(b) three bedroom?

(2) Does the Commission intend building two- or three-bedroom homes in Northam this financial year?

(3) If (2) is "Yes" how many will be constructed, where, and when will tenders be called?

Mr P. V. JONES replied:

(1) (a) Thirty-four outstanding applicants.

(b) Thirty-nine outstanding applicants.

(2) Priorities for building construction in country areas have yet to be determined.

(3) Answered by (2).

16. STATE HOUSING COMMISSION

Northam Office

Mr McIVER, to the Minister for Housing:

(1) What rental was paid by the State Housing Commission in Northam when it occupied its previous premises in Fitzgerald Street?

(2) What rental is being paid for the Housing Commission at present for its office in the TAB building in Fitzgerald Street?

(3) Is it the intention of the Commission to upgrade its Northam office this financial year having regard for the high temperatures experienced during the summer months in Northam?

(4) Has the commission purchased land in Robinson Street, Northam, at present vested with the Department of Public Health?

(5) If (4) is "Yes" would he give details of transfer and all details appertaining thereto?

Mr P. V. JONES replied:

(1) $10.00 per week.

(2) $222.00 per month.

(3) No, as the present office is modern, fully airconditioned and adequately furnished.

(4) No.

(5) Answered by (4).

17. ELECTORAL DISTRICTS AND PROVINCES

Areas

Mr SHALDERS, to the Minister representing the Minister for Justice:

Would the Minister please advise the area in both square miles and hectares of—

(a) all Legislative Assembly electorates;

(b) all Legislative Council provinces?

Mr O'NEIL replied:

I request that the answer to this question be tabled.

The answer was tabled (see paper No. 361).

18. HEALTH EDUCATION COUNCIL

Membership

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Who are currently members of the Health Education Council of Western Australia?

(2) Whom do they represent?

(3) When do their terms of office expire?

Mr RIDGE replied:

(1) Member	(2) Representing	(3) Expiry Date
Mr. H. Louden	Education Department	*Ex Officio*
Dr. J. C. McNulty	Commissioner of Public Health	*Ex Officio*
Dr. J. Woolcott	Public Health Department	*Ex Officio*
Mr. D. A. Coates	U.S. for Health nominee	*Ex Officio*
Mr. W. J. Lucas	Minister for Health	8/3/1977
Vacant	British Medical Association (W.A. Branch)	....
Professor W. McDonald	University of W.A.	8/3/1977
Mr. J. E. Deacon	Aust. Red Cross Society	8/3/1977
Vacant	Road Board Association of W.A.	....
Mr. P. J. Giles	W.A. Federation of Parents and Citizens Association	8/3/1977
Mrs. C. Martin	Perth Newspaper Proprietors' Association	8/3/1977
Vacant	Australian Broadcasting Commission	....
Mr. J. McGinty	Employees' representative—(Nominated by Minister for Health)	8/3/1976
Vacant	Aust. Federation of Commercial Broadcasting Stations (W.A. Division)	....
Mrs. J. Moore	Country Women's Association	8/3/1976
Mr. W. J. Brown	Employers representative (Nominated by Minister for Health)	8/3/1976
Dr. R. Peverill	Australian Dental Assoc.	8/3/1976
Mr. H. Stickland	Local Government Association of W.A.	8/3/1977

19. CHILD CARE CENTRES

Government Subsidy

Dr DADOUR, to the Minister representing the Minister for Community Welfare:

(1) Does the Minister intend to increase the subsidy per State ward and non-State ward in residential child care centres in the coming Budget?

(2) If so, what will be the new rates?

(3) If not, why not, bearing in mind that this is a State responsibility?

Mr RIDGE replied:

(1) to (3) Details of a coming Budget are confidential until introduced into Parliament.

20. MINERAL SANDS

Environmental Study: Geraldton Railway

Mr LAURANCE, to the Minister for Industrial Development:

Has consideration been given to the environmental impact on the town of Geraldton of the new railway built to carry mineral sands?

Mr MENSAROS replied:

The overall impact on the region of the transport of mineral sands to Geraldton was considered in the environmental impact study for the construction of the new railroad from Eneabba to Dongara. It was concluded that as far as possible it was desirable to use the railway for transport of bulk minerals.

21. TRAFFIC

Fatal Accidents: Geraldton

Mr LAURANCE, to the Minister for Transport:

(1) How many fatal accidents occurred in the Geraldton area—

(a) during 1974;

(b) during 1975 to date?

(2) Has the traffic manpower been increased to prevent this toll from growing?

Mr O'CONNOR replied:

(1) (a) During 1974 12 fatal accidents occurred in the Town of Geraldton and the Shires of Chapman Valley, Greenough, Irwin and Northampton. A total of 15 people died as a result of these accidents.

(b) During 1975 to date eight fatal accidents have occurred in the above five local government areas. A total of nine people died as a result of these accidents.

(2) While not necessarily relevant to the above position, the patrol strength in this area has been progressively increased from nine traffic inspectors to fifteen traffic patrolmen to give a more efficient service.

22. GOVERNOR STIRLING HIGH SCHOOL

Hostel Accommodation

Mr T. D. EVANS, to the Minister representing the Minister for Education:

Further to his answer to my question (6) of 2nd September, 1975, concerning children attending Governor Stirling Senior High School from certain areas, would he please arrange for the survey to be conducted as soon as possible after the school vacation, and supply me with the information sought by letter?

Mr GRAYDEN replied:

The school will be requested to provide the information.

23. MUNDARING WEIR CATCHMENT AREA

Prohibition on Entry

Mr MOILER, to the Minister for Water Supplies:

Further to my question 10 of Wednesday, 13th August, in which I sought a reply to correspondence forwarded to him on 10th June and to which he promised an interim reply—

(a) is the Minister aware that a further three weeks have elapsed and I still have not received the promised interim reply;

(b) (i) is he able to answer the questions raised in my correspondence;

(ii) if not, on what date can I anticipate a reply?

Mr O'NEIL replied:

I sincerely regret the delay in answering the Member's letter but I now have a reply which I now hand to him.

24. IRON ORE

Granting of Temporary Reserves

Mr MAY, to the Minister for Mines:

(1) Since March, 1974, on how many occasions has the iron ore Cabinet sub-committee met?

(2) Will he detail number of meetings and date which meetings have been held since March, 1974?

(3) What departmental officers are associated with the Cabinet subcommittee?

(4) Have departmental officers recommended allocation of iron ore temporary reserves to selected applicants?

(5) What are the reasons for the delay in allocating temporary reserves?

Mr MENSAROS replied:

(1) and (2) My earlier answer to a question on Thursday, 24th October, 1974, refers to formal and informal meetings in 1974.

During the balance of the period there have been continuing informal discussions from time to time.

(3) As previously quoted in *Hansard* volume 13, page 2621.

(4) Yes.

(5) The suggested allocation endeavours to give consideration to the competing interests of parties involved now or committed in due course to secondary and tertiary processing.

The longevity of existing and potential operations has been also considered.

However, the Cabinet sub-committee has felt that a decision on allocation should be deferred until the needs of a jumbo steel industry and the overseas consumers would be more clearly defined.

25. MINING TENEMENTS

Processing of Applications

Mr MAY, to the Minister for Mines:

What was the number of mining tenements waiting to be processed on the following dates—

February, 1971; March, 1974; August, 1975?

Mr MENSAROS replied:

The number of mining tenement applications being processed in the Mines Department, Perth, on 26th February, 1971, 29th March, 1974, and 29th August, 1975, was 60 133, 6 855 and 5 259 respectively.

26. TRAFFIC CONTROL

Takeover from Local Authorities

Mr T. H. JONES, to the Minister for Traffic:

(1) Has the Road Traffic Authority complete control in Western Australia or are some local authorities still controlling traffic?

(2) If some areas are still to be taken over, will he list the local authorities involved and when it is anticipated the Road Traffic Authority will take over?

Mr O'CONNOR replied:

(1) No. Traffic control in some areas is under the jurisdiction of local authorities.

(2) Boddington
Brookton
Denmark
Gingin
Northam
Tammin
Wandering
Williams

Northam and Tammin will be taken over on 1st October, 1975, the remainder on a date subject to negotiation.

27. TRAFFIC PATROLMEN

Training

Mr T. H. JONES, to the Minister for Traffic:

Where traffic patrolmen formerly engaged by local authorities are absorbed into the Road Traffic Authority, what special training do they receive, and what is the place of training and the duration of the school?

Mr O'CONNOR replied:

Traffic Inspectors inducted into the Road Traffic Authority are already experienced in traffic law enforcement and do not require any intensive training. To ensure uniformity and an understanding of the Road Traffic Authority's functions, a training section has been established which will visit various centres to give instruction to all Road Traffic Authority staff where a need is seen.

28. TOTALISATOR AGENCY BOARD

Dowerin Agency

Mr McPHARLIN, to the Minister for Police:

(1) Did the TAB agency at Dowerin show a profitable return prior to its closure in July of this year?

(2) Did the returns compare favourably with agencies in neighbouring centres?

(3) Where is the nearest centre where deposit betting can be carried out?

Mr O'CONNOR replied:

(1) Yes.

(2) In one case—yes.

(3) The nearest fulltime agency is Northam and the nearest restricted agency is located at Goomalling.

29. STATE SAWMILLS

Outstanding Sale Price

Mr DAVIES, to the Treasurer:

(1) What amount of money, if any, has yet to be paid in connection with the sale of the State Saw Mills?

(2) When is payment due to be completed?

(3) What interest rate is payable on the money?

(4) Who owes the money?

(5) Have they an office in Perth?

Sir CHARLES COURT replied:

(1) $1 103 758 at 30th June, 1975.

(2) 1st July, 1982. All payments of principal and interest have been met on time.

(3) 5% per annum.

(4) Hawker Siddeley Building Supplies Pty. Ltd.

(5) Yes.

30. WATER SUPPLIES

Rocky Gully and Frankland

Mr GREWAR, to the Minister for Water Supplies:

In reference to a Press release of 27th August, where mention was made of provision of water supplies for Rocky Gully and Frankland, could he advise—

(a) the number of services to be connected to the reticulated water supply at both centres;

(b) the total capacity of the proposed dams;

(c) the total cost of each scheme?

Mr O'NEIL replied:

As announced in the Press report of 27th August investigations and planning for water supplies for Rocky Gully and Frankland are well advanced. The number of services and costs are purely indicative at this stage.

(a) Frankland, 26 services;
Rocky Gully, 36 services.

(b) Frankland, 30 000 m^3;
Rocky Gully, 43 000 m^3.

(c) Frankland, estimated cost, $265 000;
Rocky Gully, estimated cost, $330 000.

1. COMMERCIAL AND INDUSTRIAL HOUSING AUTHORITY

Programmes

Mr GREWAR, to the Minister for Housing:

(1) How many homes were built through Commercial and Industrial Housing Authority in 1972-73, 1973-74 and 1974-75?

(2) In which towns were they built?

(3) How many applications were received in each of the three years?

(4) What number of homes does the authority intend building in 1975-76 and where?

(5) Does the authority discriminate against commercial personnel; if so, why?

(6) Bearing in mind the extreme difficulty of obtaining housing in the smaller country towns, does the authority plan to expand its activities significantly?

Mr P. V. JONES replied:

(1) 1972-73 Nil.
1973-74 Nil.
1974-75 2.
In addition 17 have been approved to commence as soon as can be arranged.

(2) Carnamah and Kalgoorlie. The additional approvals are at Kalgoorlie, Manjimup, Merredin and Carnamah.

(3) 1972-73 Nil.
1973-74 Nil.
1974-75 22.

(4) This depends on the funds to be allocated from the State loan fund.

(5) No.

(6) If funds are made available.

32. SWAN COASTAL PLAIN

Water Purity Tests

Mr TAYLOR, to the Minister for Water Supplies:

With regard to water purity tests on the Swan coastal plain, is he able to provide the results of the six-monthly tests referred to in part (2) of question 48 of Wednesday, 20th August, as from 1st January, 1971?

Mr O'NEIL replied:

With permission, I table the information requested. I wish to point out to the Member that figures are only available in tabulated form from September, 1971.

The information was tabled (see paper No. 362).

33. *This question was postponed.*

34. ALBANY SCHOOL

Classrooms

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

(1) Following the Minister's commitment to the Albany Primary School to provide two additional classrooms providing sufficient revenue is made available from

the Federal Government, is he yet in a position to advise if the classrooms will be built in the current financial year?

(2) If "Yes" is it intended to have the building completed in time for the commencement of the 1976 school year?

Mr GRAYDEN replied:

As I believe any commitment which may have been made would have been on the basis of total loan fund availability, a decision is not yet available.

35. INDUSTRIAL AWARDS

Average Male Wage

Mr H. D. EVANS, to the Minister for Labour and Industry:

(1) What is the range of award wages paid to workers in the timber industry?

(2) What is the average male wage in Western Australia?

(3) In what industries do employees receive the average male wage or higher?

(4) In what industries do employees receive less than the average male wage?

Mr GRAYDEN replied:

(1) The W.A. timber workers award No. 36 of 1950 provides a range of wages from $90.80 to $126.80 for adult timber workers and up to $131.50 for certain transport drivers.

(2) The Australian Bureau of Statistics weekly wage rate for adult males in Western Australia was $103.42 as at May, 1975.

(3) and (4) This information is contained in Australian Bureau of Statistics statement reference number 6.37—wage rates indexes —May, 1975 (preliminary).

QUESTIONS (8): WITHOUT NOTICE

1. STATE HOUSING COMMISSION

Northam Office

Mr McIVER, to the Minister for Housing:

Further to the answer given by the Minister to my question 16 on today's notice paper, wherein he said "Priorities for building construction in country areas have yet to be determined", could he not give some indication when this decision is likely to be made?

Mr P. V. JONES replied:

I cannot say exactly when the priorities will be determined. I can only say that I anticipate a determination will be made within the next month. As I announced last night, we are still waiting for the Federal Minister for Housing to agree to an allocation to the home builders account and until that is done we are unable to proceed with the allocation of priorities.

2. PROSTITUTION

Complaint against Detective Sergeant Johnson

Mr J. T. TONKIN, to the Minister for Police:

(1) Within a short time of his becoming Minister for Police was a complaint received against Det. Bernie Johnson that he had received money from a prostitute?

(2) Was an inquiry held and a decision made that the two persons who were involved in the complaint were not telling the truth and Detective Johnson was exonerated?

(3) If such an inquiry did take place on what date was it held and who conducted it?

Mr O'CONNOR replied:

I thank the Leader of the Opposition for some notice of this question. I have only just got back and have not had time to go through it properly. The answer is—

(1) to (3) Not to my knowledge.

However, an allegation was made by Superintendent Daniels, and an investigation was held but the allegation proved to be unfounded. Detective Sergeant Johnson was distressed at the information, as he considered Superintendent Daniels was a life-long friend who had suffered ill-health in recent times. Detective Sergeant Johnson was considering taking legal action against Superintendent Daniels, but would probably decide against doing so out of respect for Mrs Daniels and her five adult daughters, who are his close friends, and because he was not in a financial position to do so.

I might add also that this sort of question, put forward without any real foundation, is unfair and would cast a reflection on Detective Sergeant Johnson and his family for life, because some of the mud might stick.

3. STATE ELECTRICITY COMMISSION

Revenue, and Levy on Income

Mr CLARKO, to the Minister for Fuel and Energy:

Referring to question 16 of the 3rd September, could the Minister inform the House of the increased expenditure of the State Energy Commission during 1974-75 in operating costs, including appropriate servicing of loans, as against the increased revenue from tariff rises of $16.8 million?

Mr MENSAROS replied:

The increased operating costs during the financial year 1974-75, including financing charges, was $24.3 million. This contrasts with a total increase of revenue of $24.7 million which includes the $16.8 million derived from tariff increases and $7.9 million derived from normal growth in sales.

4. PORT OF ALBANY

Additional Cargoes

Mr WATT, to the Minister for Transport:

In view of the chronic shortage of labour on the waterfront as reported in newspapers, will the Minister instruct his departmental officials to carry out urgent investigations to see whether some of the cargoes can be redirected to the Port of Albany where waterside labour is not fully utilised, and to other regional ports where I assume the position is similar?

Mr O'CONNOR replied:

The honourable member saw me just before question time today, so I have not had much opportunity to investigate this matter. There is no way in which the Government can direct cargoes. Export and import cargoes are controlled by the consignee and consignor. In view of the honourable member's request I will ask the Director of Transport to see whether some relief can be given to the Port of Albany.

5. SENATE

Casual Vacancies: Filling

Mr CARR, to the Premier:

(1) Is it the policy of his Government to fill a casual Senate vacancy with a nominee from the same party as the retiring or deceased Senator?

(2) At the time the Premier of New South Wales announced his intention to appoint a non-Labor Senator to replace the then Senator Murphy, was he correctly reported in *The West Australian* that he would normally follow the traditional line in a matter such as the Murphy case, assuming there were no special circumstances?

Sir CHARLES COURT replied:

(1) As I understand the position this part of the question is supposititious.

Mr Carr: I am asking for the Government's policy.

Sir CHARLES COURT: I am answering the honourable member's question. Does he or does he not want an answer? To continue with my answer—

(2) What I was reported as saying is correct.

6. PROSTITUTION

Complaint against Detective Sergeant Johnson

Mr J. T. TONKIN, to the Minister for Police:

In view of the Minister's statement that he did not have a great deal of time to examine the records, and in consideration of the fact that the information conveyed to me is very definite—I would inform the Minister it did not come from Superintendent Daniels—will he have the records checked—the sum of money involved is $20—and advise the House on Tuesday next whether an inquiry did or did not take place?

Mr O'CONNOR replied:

I have been in touch with the department which advises me that it does not know of any inquiry or possess any details in that regard. However, I will have a further check made so as to ascertain the position.

Mr J. T. Tonkin: In the latter part of my question I asked the Minister to have the matter checked again, because my information is very definite. The fact that he has not had time to make a thorough inquiry is also very important. I believe that officers of the department have not had sufficient time to be certain of this, so I ask the Minister to check again and advise the House on Tuesday next.

Mr O'CONNOR: Yes, I will do that; if the honourable member will give me the names of the individuals who are involved it may help me to find the file or the details.

7. ARMADALE-KELMSCOTT HOSPITAL

Refusal of Treatment

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Is it a fact that local doctors will not treat patients at the Armadale-Kelmscott Memorial Hospital unless they are members of a hospital benefit fund?

(2) Are patients being advised at time of admission that they can have a bed but no doctor will treat them?

(3) Are patients without hospital benefit cover being forced to seek treatment elsewhere?

(4) What action is being taken to overcome this impasse?

Mr RIDGE replied:

(1) We have no definite information that this is so, but are aware that "hospital patients" have been treated.

(2) No. However, except in an emergency, admission to any hospital can be arranged only at the request of a doctor.

(3) I am advised that this has happened in some cases.

(4) Individual complaints are being investigated.

8. MINERAL SANDS

Environmental Study: Geraldton Railway

Mr CARR, to the Minister for Industrial Development:

My question arises out of question 20 on today's notice paper in which the member for Gascoyne raised the suggestion that the new mineral sands railway might cause environmental damage to Geraldton. Is the Minister aware that the nearest point of the new railway to Geraldton is, in fact, approximately 65 kilometres from Geraldton?

Mr MENSAROS replied:

I have not measured the distance with a tape or any other device. I suppose the honourable member is approximately right in saying it is 65 kilometres.

BILLS (2): INTRODUCTION AND FIRST READING

1. Beef Industry Committee Act Amendment Bill (No. 2).

Bill introduced, on motion by Mr Old (Minister for Agriculture), and read a first time.

2. Government Railways Act Amendment Bill.

Bill introduced, on motion by Mr O'Connor (Minister for Transport), and read a first time.

AUSTRALIAN CONSTITUTIONAL CONVENTION

Postponement and Review: Motion

SIR CHARLES COURT (Nedlands—Premier) [2.50 p.m.]: I move—

It is the opinion of this House that the Australian Constitution Convention is not proceeding in accordance with the original basic concepts of the Convention.

It is resolved that the Premier request the Chairman of the Convention to secure the postponement of the meetings convened for 24-26 September and arrange an early meeting of the Executive Committee to review the whole of the work of the Convention to date, and to re-assess whether it is fulfilling its original objectives, before a further meeting of the Convention is held.

It is further resolved that, if the postponement is not agreed to the delegation appointed by resolution of the Legislative Assembly on 20th August, 1974 and concurred in by the Legislative Council on 28th August, 1974 will not attend the Convention meetings convened for Melbourne 24-26 September, 1975, as delegates of this Parliament.

It is also resolved that the Legislative Council be acquainted with this resolution and its concurrence desired therewith.

The motion seeks to postpone the projected meetings of the Constitutional Convention of the 24th-26th September. It is this Government's view that the original concept of the convention has been lost.

Members should recall how the convention started. It was originally proposed by Sir Henry Bolte, then Premier of Victoria, that a Constitutional Convention be held, and this was passed by a motion of both Houses of the Victorian Parliament. Subsequently, other States came in and agreed to participate.

The original argument put up for the holding of the convention rested on the desire of the States to have a better system of sharing the revenues of the country so that they would have an assurance of funds with which to carry on their basic responsibilities and duties under the Constitution. The States still have the basic responsibilities and duties in most areas in spite of the inroads which have been made into them by the present Commonwealth Government.

Originally, the convention was to be a convention of States alone, but the Commonwealth Government was invited as an observer. This was thought to be prudent, because the Commonwealth Government alone can initiate proposals for referendums. I must admit I went along with this view at the time, but, with hindsight, I would say it was an unfortunate decision.

The McMahon Government was then in power in Canberra and it was agreed that the Commonwealth Parliament would join in the convention with the States. Subsequently, after the Whitlam Government came to power, the Commonwealth Parliament continued as a member of the convention on a full representative basis, and it was subsequently agreed that representatives of the Australian Capital Territory, the Northern Territory, and of local government, should also be invited to participate.

The first full session of the convention was held in September, 1973, in Sydney. One of the motions then on the agenda was to enable better provision to be made for State finances.

The following is the text of the agenda item (s.3)—

> The financial provisions of the Constitution, with particular reference to—
>
> (a) the legal and de facto limitations on the States' powers to tax (s.51 (ii), 90);
>
> (b) the financial agreement (s. 105A and the financial agreement);
>
> (c) the power and procedures in relation to the grant of financial assistance (s.96);
>
> (d) the taxation of the property and operations of the Commonwealth and States (s. 114); and
>
> (e) the position of local government in relation to Commonwealth and State taxation and immunities (s.114).

Following the arrangements agreed to at this convention, all agenda items were then referred to various subcommittees which proceeded to deal with them. The item concerning better financial provision as between the Commonwealth and States was referred to standing committee "A".

All committees met and most of the items which were referred to the committees were dealt with, but in the case of the finance motion standing committee "A", after considering it at one of two meetings, made no further progress or recommendation in respect of it. Those who attended those meetings of course will know why no progress was possible.

This was partly because the Prime Minister took the view that the Commonwealth would never sponsor a referendum proposal involving a change in section 96—the section which permits the Commonwealth to make "tied grants". Nor would the Commonwealth sponsor a referendum proposal involving the States' financial position to improve the certainty and the adequacy of the States' finance availability as part of the national income.

As far as the Prime Minister is concerned, this is, to quote his own words, "not negotiable".

A further plenary session of the convention was mooted to be held in Adelaide in 1974, but this was cancelled on short notice as a result of a disagreement between the House of Representatives and the Senate as to the Commonwealth delegation. The Commonwealth had been insisting on the appointment of the Independent Liberal Steele Hall as one of the Opposition representatives. This was not agreed to by the Senate.

In addition, the Queensland delegation was unable to be present as a result of the holding of a State election.

Several of the States desired that the convention resume, but the Commonwealth Government did not appear to be interested.

Finally, the Prime Minister decided that the Commonwealth Government would again be represented, provided the agenda was changed to insert one or two additional items in relation to local government which had not at that time been dealt with by standing committee "A".

These were then dealt with and placed on the agenda, but the item on financial provisions of the Constitution which had also not been dealt with by standing committee "A" was not considered and still remains in limbo.

The agenda for the proposed meeting in Melbourne now contains a large number of items put on at the request of the Commonwealth, which items have been given priority, and a certain number of items put forward by some of the States which appear last on the agenda. The question of the reconsideration of the financial provisions does not appear.

It is not considered reasonable for the States to be asked to give up further powers of a constitutional nature without adequate provision being made for their financial sustenance.

It is against the spirit of Federation not to make adequate provision for State finances. At least the matter should be discussed.

The position of this Government is that it wants the matter discussed at the convention, and wants the matter to be given proper priority. However, this Government has no wish to participate in a "political farce". We want the convention to be a serious attempt to bring the Constitution up to date in a way that suits the Federation of Australia in 1975.

Mr Jamieson: You genuinely face up to it on those words.

Sir CHARLES COURT: It is evident that it is proposed merely to use it as a vehicle for politicking.

Mr Jamieson: Now, now!

Mr Taylor: Who is using it?

Mr Jamieson: Read your speeches on this.

Sir CHARLES COURT: I would remind the Deputy Leader of the Opposition that the 1973 September convention was wrecked by the Prime Minister in his opening remarks. He made it clear that as far as he was concerned the convention was purely a vehicle for this own politicking, and he also made it clear—and I did not speak before him—that he had no intention of having a Federal system if he could get rid of the one we had.

Mr Jamieson: You know he has no chance or getting rid of that so, for God's sake, why fall for that bait—

Sir CHARLES COURT: The Deputy Leader of the Opposition does himself no credit as the deputy leader by using that sort of language. I am just telling the House that the Prime Minister went into the September, 1973, meeting with no other intention than to wreck it.

Mr Jamieson: You didn't improve things.

Sir CHARLES COURT: What does the Deputy Leader of the Opposition expect people to do when the Prime Minister of the country moves in, abuses privileges given to him, and tries to wreck the thing and further promote his idea of a republic and to get rid of the Federal system?

Mr Skidmore: I suggest a responsible Government would stay there and keep fighting to get its point of view recognised.

Sir CHARLES COURT: I repeat that we have no intention of being in a political farce.

Mr Bertram: You had better walk out of here, then.

Sir CHARLES COURT: If members opposite want to create a farce as they did last night that is their business.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: We do not see why further public money should be wasted on politicking.

We believe that the meeting should be postponed until such time as the executive committee of the convention has met again and reconsidered the basic concepts of the convention, and whether it is possible for the Commonwealth and States to come together on a realistic basis which will enable real constitutional change to be effected where necessary.

It is believed that the Commonwealth will not wish to participate in a genuine convention along the lines indicated, and that it will then become necessary for the States to decide whether they will meet together independently and frame the items which they believe should be considered by a Constitutional Convention—including changes in the Constitution which may be beneficial, even though in favour of the Commonwealth. This is the only way, from a practical point of view, that constitutional change can be genuinely brought about.

We would like to reiterate that we are in favour of genuine constitutional change where it can be shown that it is necessary, or desirable, but we are not prepared to participate in a meeting which is merely designed to sow further differences between the Commonwealth and the States; to create greater public disunity, and simply to act as a vehicle for the Prime Minister in his attempt to regain some of the political ground he has lost in recent months.

We hope that the chairman will postpone this meeting to enable a further meeting of the executive committee to be held to review where the convention is going before the next meeting is held.

We are prepared to give an assurance that we will co-operate and that, for our part, we will not withdraw our delegation provided the September meeting is postponed and a genuine attempt is made, through the executive committee, to formulate the subjects on which real basic agreement is possible without introducing other matters which have no chance of success and will merely provide a spectacle of disagreement and self-interest as an object of public ridicule.

I remind members that the Constitution grew out of negotiations between the States. The States created the Commonwealth and this seems to have been forgotten by many people, particularly those currently in power in Canberra.

I believe the time has arrived for the convention executive committee to have another look at the whole situation because we do find ourselves in the position where the Commonwealth has deliberately turned the convention into a forum for it to try to achieve some objectives of centralism and, eventually, the elimination of federalism.

I believe it is desirable for the States to get back to first base, where they started, and again do what they set out to do in the first place; that is, work out how they believe the Constitution should be brought up to date to meet the conditions of 1975. The situation, in my experience, is that the Constitution is not all that much out of date. It is out of date in the minds of some people who want an entirely different system of government. When one examines the Constitution in relation to the peculiarities of Australia, with its vast area and its great dispersion of population, one realises that our founding fathers were not quite as silly as some people believe they were.

If we can get back to what the States want, and then go to the Commonwealth Government and tell it what we think are sensible amendments, the Commonwealth

Government can react. Maybe out of that situation a genuine and mutual interest can be created, and the result presented to the people. At present, even if recommendations were bulldozed through the convention by a disciplined vote, they would have to still go to a referendum. The result could be negative because there would be so much disunity and feeling in the community.

We have to get back to first base and let the States examine the matter in greater detail and decide whether they want to change the Constitution, bearing in mind that the final decision will be up to the people of the country.

Mr O'NEIL: I formally second the motion.

Debate adjourned, on motion by Mr J. T. Tonkin (Leader of the Opposition).

AUCTION SALES ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [3.05 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Auction Sales Act to allow firms and corporations that have multiple auctioneers' licenses to advertise conjointly.

The Act provides that auctioneers' licenses when granted are valid for 12 months, and then may be renewed for similar periods. Applications for a license to carry on the business of an auctioneer or renewals of existing licenses are made to the Clerk of the Court of Petty Sessions nearest to the place of business. The clerk appoints a day for the hearing of the application. The applicant is then required to advertise his intention in a local newspaper. The purpose of advertising is to provide any prospective objectors with notice of the hearing date so they may be heard.

At present, to comply with the Act, a firm or corporation with a number of auctioneers' licenses must advertise intention to apply or renew each license in a separate advertisement. This is becoming an increasingly expensive procedure.

The amendment contained in this Bill will permit the Clerk of the Court of Petty Sessions to authorise firms and corporations where application is made on the same day to group the names of their auctioneers in one joint advertisement. Thus the objective of the Act will be achieved, but with a considerable reduction in costs to the business organisations concerned with a number of auctioneers' licenses.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Jamieson (Deputy Leader of the Opposition).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

MR RUSHTON (Dale—Minister for Local Government) [3.08 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for amendments to a number of provisions of the Local Government Act. With two exceptions, all the proposed amendments have been considered by the Local Government Association and the Country Shire Councils' Association and have received the support of each association. The two exceptions are the proposals contained in clauses 7 and 16, both of which are merely intended to correct anomalies in the drafting of previous amendments to the Act.

Clause 1 is the preliminary clause and contains the title and other relevant details.

Clause 2 provides for the proposed amendments to come into force from such date or dates as are determined by proclamation.

Clause 3: Subsection (6) of section 10 of the Act sets down when the annual election of a president shall take place. However, the provisions of this subsection are slightly inconsistent with those of paragraph (a) of section 73 which also deal with the timing of this election.

The former states that the election shall take place at the first meeting of the council held after "the fourth Saturday in May" whilst the latter provides for it to take place at the first meeting after "the annual election". Clause 6 therefore repeals subsection (6) of section 10 and leaves the matter to be dealt with in paragraph (a) of section 73.

For particular reasons, it is also desirable to amend the provisions of section 73. This is covered by clause 6 later in the Bill.

Clause 4: Sections 10 and 12 of the Act provide the Governor with certain powers to vary the number of members of a council or the number representing each ward of a council. Elsewhere, the Act provides that the number of members of a council retiring each year shall be one-third, or as near as practicable to one-third, of both the total membership of the council and the number of members representing each ward.

Because an alteration to the total number of members of a council can sometimes upset the principle that one-third should retire each year, the provisions of section 20 are available to permit the Governor, where necessary, to give directions specifying the dates on which the period of office of certain members shall expire.

Whilst the powers conferred by section 20 are quite adequate in dealing with variations to the total membership of a council, it is also desirable that similar powers

be available when a change is made to the number of members representing a particular ward or wards of a council and in 1974 the provisions of section 20 were in fact amended for this very purpose.

Recently, however, when it was proposed to apply the provisions of section 20 because of an alteration to the ward representation at a particular council, Crown Law advice was given that, despite the 1974 amendment, this section was still not capable of being applied in a case where only the ward membership was being adjusted. In short, the 1974 amendment did not achieve what was intended.

Clause 4 now proposes a further amendment to the provisions of section 20 to make it clear that they may be applied when a change has been made to either the total membership of a council or the membership of a ward or wards of a council.

Clause 5: During the procedures leading to the 1974 annual elections at a certain council, a candidate died during the period between the close of nominations and the annual election date. This subsequently highlighted deficiencies in some of the provisions of the Local Government Act which deal with such an occurrence. Clauses 5 and 6 of this Bill are intended to remove these deficiencies.

Subsection 2 of section 98 of the Act provides that, where a candidate for a municipal election dies during the period between the close of nominations and the declaration of the result of the election, the election is void and that the vacancies involved are to be filled by conducting an extraordinary election. What happens, therefore, is that the particular annual election for which the deceased person was a candidate is not held but an extraordinary election is subsequently held in its place.

Under the provisions of subsection 2 of section 41 the term of office of a member of a council who is elected at an annual municipal election commences on the day after the fourth Saturday in May. The fourth Saturday in May is set by the Act as the date for annual elections. They also provide that in the case of an extraordinary election, the term of office commences on the day immediately following the close of nominations—where the candidate is elected unopposed—or on the day following the taking of a poll—if the election is contested. Elsewhere the Act provides that the term of office of a member of a council is three years, except that where a member is elected at an extraordinary election his term of office concludes on the date on which his immediate predecessor would have retired had he remained in the office for the period for which he was elected.

These provisions obviously do not cater for the situation where a member is elected at an extraordinary election as a consequence of the invalidation of an annual election because of the death of a candidate. Accordingly, clause 5 provides that where a person is elected in these circumstances, he shall, for the purpose of determining the date on which his term of office expires, be deemed to have commenced his term on the Sunday following the previous fourth Saturday in May; that is, the annual election date.

Clause 6: Under the provisions of section 73 of the Local Government Act, where the mode of election of the mayor or president is by the council, the councillors are required to elect a mayor or president at the commencement of the first meeting of the council held after the annual election. These provisions presuppose that there will always be an annual election at every council. However, as was found to be the case at a particular council in 1974, no annual election whatever was held because members are elected to that council by the entire district—and not on the basis of individual wards—and the death of a candidate invalidated the entire annual election. The council then found that it was unable to elect a president because there was no such thing as a first meeting after the annual election.

Clause 6 is intended to remedy this anomaly by providing that the Minister shall appoint a date for the holding of a meeting to elect a mayor or president in a case where no annual election is held on account of the death of a candidate.

Clause 7: Prior to an amendment in 1973, section 174 of the Act expressly prohibited a person who had a direct or indirect pecuniary interest in a matter coming before a council, from taking part in the consideration or discussion of that matter or voting on it. The 1973 amendment completely rewrote the provisions but unfortunately it excluded the explicit prohibition on voting which had previously applied.

It is apparent that the omission of the prohibition on voting, which is basic to the whole principle involved in the pecuniary interests of council members, was an oversight at that time. As far as I am aware, council members still consider the prohibition on voting as being applicable even though it is not now clearly expressed in the Act. However, it is important for this prohibition to be clearly stated, and the provisions of clause 7 propose to do this.

Clause 8 proposes that councils be provided with power to make by-laws to prevent any nuisance which may be occasioned by the use of floodlighting or other exterior lighting. The Perth City Council, in particular, has had some experience of the problems which can be caused by the indiscriminate use of floodlighting but at present there is no power available to allow the council to exercise

any control. The proposal is also supported strongly by the Local Government Association.

Clause 9: Paragraph (o) of section 244 of the Local Government Act at present authorises councils to make by-laws to prohibit the leaving of animals or vehicles in a street or other public place so as to cause an obstruction, and to allow any such obstructing animals or vehicles to be seized and disposed of.

Draft model by-laws, made under these provisions in 1962, provide owners with the right to recover seized vehicles on payment of the council's costs in removing the vehicle and keeping it in custody. These by-laws also provide for the sale of unclaimed vehicles and the retention by the council from the sale proceeds of the costs associated with the seizure, custody, and sale.

However, the by-laws do not permit a council to recover from an owner any part of the cost of removal, custody, and sale which is not offset by the proceeds of the sale. The Perth City Council, which has had a good deal of experience in administering these by-laws, has found that in the majority of cases the costs involved exceed the amount recovered by sales.

The provisions of section 244, as they stand at present, do not authorise the making of a by-law giving councils the right to recover this shortfall in the sale proceeds, and advice from the Crown Law Department is that there is also considerable doubt as to whether some of the existing provisions of the draft model by-laws relating to the sale and recovery of seized vehicles are authorised by the present legislation. Clause 9 therefore proposes the re-enactment of paragraph (o) of section 244 to authorise clearly the provisions of the draft model by-laws and to provide the additional by-law making power with respect to the recovery of the difference between council costs and the sale proceeds from the owner.

Clause 10: Section 271 of the Local Government Act authorises a council to sell halls, buildings, plant, machinery, and materials for which it has no further use. If the asset is recorded in the council's inventory at a value of less than $200 it may be sold by private treaty but if the value is greater than $200 the sale must be arranged by public tender or auction.

The $200 limit on the sale of items by private treaty has been in the Act since its inception in 1960 and because of the change in money values since that time this limit is now considered to be inappropriate due to the inconvenience and cost of arranging the sale by tender or auction of relatively minor items having a value in excess of $200. It is considered that the limit on the value of assets which may be sold by private treaty should be increased to $500, and clause 10 proposes this amendment.

Clause 11: Section 274 of the Act provides that, except in cases of emergency, a council may not enter into a contract for the execution of work or supply of goods for an amount of $2 000 or more, unless it has first invited tenders by notice in a newspaper circulating in the district. The sum of $2 000 has been in force since 1967.

Again, changes in money values over recent years have made this $2 000 limit unrealistic and clause 10 proposes to increase the amount to $4 000.

Clause 12: Until a recent court decision, it had always been thought that the provisions of section 287 of the Local Government Act authorised the permanent closure of dedicated streets. Prior to the enactment of the present Local Government Act, 1960, this power was specifically provided in the previous Road Districts Act.

Although section 287 does deal with the permanent closure of streets, legal opinion now is that these provisions merely set down the procedures associated with such a closure but that these procedures cannot be implemented in the absence of a corresponding power. However, no such power is conferred by the Act.

It was obviously an oversight that power was not provided for permanent road closures in the current Local Government Act, or it was considered that the power was contained in this section. Clauses 12 and 13 of this Bill are intended to rectify this omission.

Clause 12 proposes the removal from section 287 of all reference to the permanent closure of streets, and in clause 13 new sections are created covering both the power and procedures for closures.

Clause 13: This clause provides for the inclusion of a new section 288A to provide the Governor with power, at the request of a council, to close a street permanently. The procedures set down in this new section are similar to those which have always been contained in section 287 and which were previously believed to authorise the action. The important difference is that the new section 288A confers the power as well as details the procedures.

Clause 13 also makes retrospectivity provisions in a new section 288B. This proposed section will validate the many closures which have been purported to be made under the existing provisions of section 287.

Clause 14: This clause provides for amendments to section 289 which become necessary as a consequence of the new section 288A covered by clause 13.

Section 289 currently authorises the Governor to make regulations to prescribe the manner in which requests may be made under the provisions of sections 287 and 288, and clause 14 simply includes proposed new section 288A within the scope of this regulation-making power.

Clause 15: Under the provisions of section 295 of the Act, land delineated and shown as a new street on a plan deposited in the Titles Office becomes dedicated as a street. However, there are no corresponding provisions with respect to land delineated and shown as a new street on a plan of subdivision of Crown land registered in the Department of Lands and Surveys. The majority of new towns in Western Australia are subdivided from Crown land.

It is considered desirable for new streets created by subdivision of Crown land to be automatically dedicated, in the same way as they are in private subdivisions. This amendment was requested by the Department of Lands and Surveys.

Clause 15 proposes a new section 294A to provide for this automatic dedication.

Clause 16: In 1974, paragraph (a) of subsection (1) of section 561 was re-enacted to provide that only pensioners who were eligible for medical benefits under the Commonwealth National Health Act could claim deferment of their municipal rates. This amendment has the effect of eliminating from the deferred rates concession persons who had become eligible for pensions under the tapered means test.

Unfortunately, this amendment did not also provide for the necessary consequential amendment of subsection (5) of section 561. This subsection still makes specific reference to the repealed provisions of paragraph (a) of subsection (1) of section 561 whereas it should of course refer to the re-enacted provisions.

Clause 16 provides for this consequential amendment. It also redrafts paragraph (a) of subsection (1) but only to facilitate the drafting of the consequential amendment to subsection (5).

This amendment does not in any way alter the principle on which the 1974 amendment was based.

Clause 17: Subsection (5) of section 626 of the Act makes certain provisions for safeguarding funds received by municipal councils. It requires—

> Firstly, for moneys collected to be paid into the council's bank within seven days;
>
> secondly, for council approval to be given prior to any payment from council funds; and
>
> thirdly, for all payments to be made by cheque signed by the mayor or president (or their deputies) and countersigned by the treasurer of the Council, or where there is no treasurer, by another member of the council as well as the council clerk.

Paragraph (d) of subsection (5) authorises the Minister to permit these requirements to be modified but only where he is of the opinion that the absence of banking facilities in a district renders a strict compliance impracticable.

Some councils in the more remote parts of the State have found difficulty in complying with these specific requirements. There are cases where council meetings are held at intervals of greater than one month, and many council members reside many miles from the council office. These councils consider it undesirable to delay all payments until they can be formally approved by council; for example, discounts allowed only if paid within a stipulated time. Likewise there are problems in obtaining the necessary signature on cheques. Although these circumstances create real difficulties, there is no authority at present for the system to be appropriately modified because the difficulties are not occasioned by the absence of banking facilities.

It is desirable that special arrangements be made where difficulties of this nature occur so that the problems can be overcome in some practical way whilst still maintaining adequate security and control of council funds.

Clause 17 proposes the re-enactment of paragraph (d) of subsection (5) of section 626 to allow the Minister greater discretion in permitting the modification of the specific requirements.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Taylor.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR MOILER (Mundaring) [3.28 p.m.]: At the outset I would like to indicate to the Minister who introduced the Bill that we on this side do not intend to oppose the legislation.

We have been in contact with representatives of the industry, who have indicated that generally the industry is in agreement with the proposals contained in the Bill. The original Bill to control the taxi industry within Western Australia was introduced in 1963 after an election at which the Leader of the Labor Party in his policy speech stated—

> We will set up a board of control for taxis in the metropolitan area with representation thereon for taxi owner-drivers.

Prior to 1963 there had been considerable disharmony in the industry. Following the election, the Liberal Government implemented the policy outlined by the Labor Party. Today a Government of a similar colour is in power, and it is only after

considerable prompting from the Opposition that it has decided to take this step.

I believe it is relevant to point out that the retired magistrate to whom the Minister referred (Mr H. G. Smith) who carried out the inquiry into the taxi industry was appointed to do so by the Tonkin Labor Government. So improvements made to the industry have, to a great degree, been brought about by the actions of the Labor Party in Western Australia. Whenever a need for improvement has become apparent it has been the Labor Party which has taken action to protect people in the industry and to improve the service in the interests of the public.

As the Minister indicated, this is quite a sizable Bill, but a great deal of it is machinery legislation. One amendment proposes to enable the election of a third industry member to the board so that the board will be truly representative of the whole industry. We believe this is a good move and we support it.

Another provision which we believe is in the interests of the public is that on occasions such as Royal Show Week or when major sporting events are held and a considerable number of people congregate in a certain area, and the demand for taxis is heavy, multiple hiring will be permitted. The Bill contains an amendment to empower the board to approve applications for multiple hiring on such occasions. We are in complete agreement with this provision because we feel it is an excellent move in the interests of the industry and of the public in particular.

The Bill also provides that the board must accept responsibility for matters directly associated wth the industry. It states specifically that the board shall have power to check the meters and other fixtures it may permit to be installed in taxis; but this does not detract from the power of the Road Traffic Authority with regard to roadworthiness of these vehicles. Again, we have no opposition to this.

The parent Act covering this industry has now been in operation for 12 years, and we believe the improvements contained in the Bill are warranted.

Finally, I would like to mention the amendment which will make it possible for an individual person to operate and own five taxis. In his second reading speech the Minister said it is considered that a person could reasonably operate five taxis, and it is unlikely he could operate successfully with less than five. So power is being given to the board to authorise a person to own five taxis.

I do not wish to delay the House. I conclude by saying that we welcome the amendments contained in the Bill. The taxi industry has experienced disturbances on occasions and any measures which ensure that the public are well catered for and that the people in the industry can earn a reasonable living by working a reasonable number of hours have our support.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [3.35 p.m.]: I thank the member for Mundaring for his comments in support of the Bill. It is good to see that recommendations contained in one report at least are being accepted and implemented by the Parliament. I think the taxi industry is proceeding along fairly well at the moment, and the Bill before us will add to the improvements made to the industry.

There is no need for me to make any further explanation because I explained the Bill when I introduced it, and the member for Mundaring further explained it when giving it his 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.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR McIVER (Avon) [3.39 p.m.]: I say at the outset that the Opposition is not opposed to the various clauses contained in the Bill before the House. However, I will take the opportunity to highlight some of the issues in respect of this legislation to refresh the minds of members.

Firstly, the license limit has been increased from $1 to $2, to keep pace with inflation and to bring it into line with fees charged in the commercial field. This fee has not been increased since 1933, and the commission has found it difficult to operate within the terms of the present charge.

It has also been found necessary to control the operation of charter omnibuses to protect not only individual members of the public but also the tourist industry of Western Australia. Most members would agree that Western Australia has only scratched the surface of its tourist potential and in the north-west of the State, particularly in the Ord River-Kununurra areas, people who have entered the field of hiring buses have found the enterprise to be not as profitable as originally expected. So, to protect them and the public—because so many operators have gone down the drain—the amendments have been found necessary.

From time to time the commission has found it necessary to appear before the courts, and magistrates have strongly criticised the commission for allowing drivers to give their address as post office box numbers. In future, they will be required

to give the address of their place of abode, and I am sure members would agree with this proposal.

The Transport Commission is no different from other bodies; it is restricted financially by the Treasury and where money is not spent in any financial year, it must revert to the Treasury. However, it has been found that extra finance sometimes is needed to meet emergency situations quickly. We have the recent example of the Darwin disaster and the Laverton floods, where the roads were blocked for weeks.

To cope with such emergencies, the Transport Commission will have a reserve fund, controlled by the Treasury; I am sure no member would quarrel with this concept. It will not be a "lay down misere"; the commission will not just write cheques willy-nilly, but must have Treasury approval for the expenditure. With those comments, I reiterate that the Opposition does not oppose any aspect of the Bill.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [3.44 p.m.]: It is quite obvious from the remarks of the honourable member that he has undertaken a substantial study of this legislation; I thank him for his comments in support of the legislation. I should also like to thank the Deputy Chairman of Committees (Mr Crane) for the speed with which he put the last measure through. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Sitting suspended from 3.48 to 4.07 p.m.

Quorum

Mr JAMIESON: Mr Speaker, I draw attention to the state of the House.

The SPEAKER: I have counted the House and find 17 members present.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 2nd September.

MR MOILER (Mundaring) [4.08 p.m.]: The purpose of this Bill is to reconstitute the Motor Vehicle Insurance Trust. Under the Act at present the trust comprises members of a body known as the Fire and Accident Underwriters' Association. This body has now gone out of existence. Therefore, it has become necessary to reconstitute the membership of the Motor Vehicle Insurance Trust, and that is what the Bill seeks to do.

Under the definitions laid down in the parent Act the Bill seeks to include the definition of "nominated member". Another amendment in the Bill seeks to amend section 3A by deleting paragraphs (b) and (c) of subsection (3) and substituting the following paragraph—

> (b) four shall be nominated by participating approved insurers other than the State Government Insurance Office; and

As I have said, the sole purpose of the Bill is to correct the anomaly that has been created by the Fire and Accident Underwriters' Association going out of existence and, therefore, we on this side of the House have no opposition to the measure.

MR RUSHTON (Dale—Minister for Local Government) [4.10 p.m.]: Obviously the member for Mundaring understands what the Bill seeks to achieve. I appreciate his understanding and his presentation of it. I would like to advise the House that the trust is carrying out its functions creditably. I thank the honourable member for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd September.

MR TAYLOR (Cockburn) [4.13 p.m.]: To begin with I would like to assure the Minister that in taking the adjournment of the second reading debate I am just as fully informed on the contents of this Bill as the member for Mundaring was fully informed of the contents of the last Bill. The fact that the resumption of the second reading debate is taking place only two days after the introduction of the second reading by the Minister brings my words into context.

However, I make no criticism of this fact, and the Opposition must expect these things to happen. Certainly we are given some warning the day before when items appear on the notice paper, but during this session of Parliament it has not been usual to have legislation brought forward in this way. I hope this practice will not happen too often.

The Bill before us contains two provisions. In respect of the first the Opposition raises no objection because it will enable a local authority to recover the costs of advertising an amendment to its town planning scheme where the amendment has been made at the specific request of a landowner.

That is a reasonable proposition. From time to time this sort of thing happens, and it will happen increasingly as development stretches out from the centre of the metropolitan area, and large tracts of land contiguous to the metropolitan area are developed. In these circumstances there is need for town planning schemes.

The fact that the provision in proposed subsection (2a) of section 9 uses the word "may" instead of the word "shall" enables the Opposition to agree to it. The provision states—

> . . . regulations made under that subsection with regard to the variation of a scheme may require the payment by the owner of land . . .

For that reason the Opposition raises no objection to this amendment in the Bill. because with the use of the word "may" a discretion is provided.

As the Minister stated in his second reading speech, the second part of the Bill is to give validity to certain town planning schemes. From the Minister's speech notes it appears this matter was brought to the attention of the Minister or his department as a result of a problem which arose out of the West Perth town planning scheme. This scheme was challenged, because it was suggested that the requirement to advertise the scheme for three months had not been complied with. In fact, the period was one day short of three months. It is easy to understand how this could happen, and in the case of the West Perth town planning scheme it did happen. I think it is reasonable that no blame—this word requires qualification—should be laid against those concerned just because of a technical error.

I understand why the Minister has moved in this way, otherwise instances which occurred some time ago could be resurrected at this stage, and as a consequence considerable litigation could ensue with a great waste of public as well as private resources.

The objection of the Opposition is that the second amendment in the Bill goes too far. Had the Opposition been given more time to examine the position it would have asked whether there were other examples known to the Minister. The West Perth example is understood, but we wonder whether there are others. It would help the Opposition to make up its mind to determine whether or not the amendment is reasonable if it could be given this information. To give validity to actions unknown is not a process this Parliament should enter into lightly.

When the Minister replies to the second reading debate I would like him to give us an assurance that he knows of no other instances where the statutory period of three months had not been met. That would enable us to be on the right track in voting on this amendment.

From the remarks of the Minister one could question whether there is any real need for this amendment. The West Perth instance is well known and certain action had to be taken, but the second amendment in the Bill does not help that situation at all.

Is the Minister moving the amendment to cover what might happen in the future? Could such a situation be dealt with in another way, instead of giving the Minister a blanket approach? Can the Minister tell us why this provision in the clause does not cover just the one instance to which he referred in his second reading speech? In fact, this amendment appears to give a blanket coverage for any period of time.

An example comes to mind; because of misinterpretation in the reading of a regulation instances could have arisen in the past where the statutory period for advertising fell one day short. However, this amendment in the Bill does not cover just instances where the advertisement was one day short of the statutory period. It covers any period of time.

Portion of proposed new subsection (4) (a) reads—

> . . . , the date specified by the Board as the date on or before which such objections could be made was a date earlier than the earliest date . . .

That is all. So, although the regulation now refers to three months, and although the Minister says there are some examples, but gives an example of only one which advertised for only one day less, we are to amend this legislation so that no matter how short a time the amendment was advertised it will be validated. That does not seem to be good enough. If it is three months, it should be three months. If it is one or two days short, perhaps we could consider it, but not if it is 10 to 20 days or two months short. I do not think the Act should be amended in that way.

The same argument applies to paragraph (b) of the same proposed subsection, portion of which reads—

> (b) that the responsible authority did not accept for consideration an objection to that town planning scheme or amendment to a town planning scheme . . .

Again, if an objection was lodged on the last day and it was rejected because of a misinterpretation of the regulation involving the length of the statutory period, the Opposition can see that there is a case. However, if an objection was lodged days or weeks beforehand and was rejected at that time, though still within the statutory period, it does not seem proper that at this time we should retrospectively validate the position.

The Opposition would prefer, rather than grant validity to such actions as laid out in paragraphs (a) and (b) both in respect of the length of the period of

advertisement and of the rejection of objections, the clause to be deleted and substituted by a provision which would give a power of discretion to the Minister.

Let me make the point. This Bill proposes to validate certain actions of the past as at the day the Bill becomes part of the Act. Whatever has occurred previously will be acceptable. This could lead to some real problems. While we concede that there could be a case for the one-day situation, we consider that if the power of discretion were afforded the Minister he could take the appropriate action. This would be far preferable to the provisions in the Bill.

These are the three points on which we would like some comment. We would like to know why, when examples are given of there being only one day short of the statutory requirement for advertising, the Bill is extended to give a blanket provision for a more lengthy period of time.

We would also like to know why the Bill will apply to situations to this present date instead of applying to those of two or three months ago, because in later situations there would still be an opportunity to readvertise. Thirdly, we would like the Minister to give consideration to replacing the suggested clauses with the provision of a power of discretion so that should an example of an anomaly come before him he would have the opportunity to examine it in the light of the circumstances rather than the compulsion under the provisions in the Bill.

We support the theme of the amendments, but we object to the terms in which they are expressed.

MR RUSHTON (Dale—Minister for Urban Development and Town Planning) [4.25 p.m.]: I appreciate the remarks of the member for Cockburn. If he has been inconvenienced because of the short period between the introduction of the Bill and the resumption of the debate, I apologise to him.

He mentioned briefly planning schemes, the modifications to the procedures, and the department's ability to grapple with today's problems. I can assure him we are using every means at our disposal to grapple with the problems associated with the development of urban land. We are endeavouring, through various schemes, to get more land onto the market.

It is interesting to note at this stage that we have advanced considerably in the methods we use for this purpose and we are very close to the stage of advertising the first total integrated development scheme through local government. All parties will know where they stand and I am looking forward to the development being successful.

Also I wish to say that I am very pleased with the co-operation I have received from the local authorities; in this case the Shire of Wanneroo is involved and it has co-operated fully.

Mr Taylor: Could you explain where the Shire of Wanneroo comes in?

Mr RUSHTON: I am referring to schemes generally.

Mr Taylor: I see. I am with you.

Mr RUSHTON: I am indicating that we are developing these schemes and it will not be very long now before we ascertain how successful they are. A period of time is necessary before we will be able to assess their success or failure. The results are really what counts.

The main point mentioned by the member for Cockburn concerned the validation of the period of advertisement. He accepts that in the case of West Perth this was reasonable, and the other cases to which he referred are in the same position. Prior to legal opinion being received from the Crown Law Department the advertising period included that one day and therefore the schemes were illegal.

Mr Taylor: Would they have to readvertise the whole scheme?

Mr RUSHTON: Yes; that is what this is about.

Mr Taylor: Yes, but I am asking whether they have had to do it. This Bill will not validate this past action. It does not unscramble the egg.

Mr RUSHTON: No. It is now being reconsidered. I have given my approval to the next step in the West Perth scheme. The situation did not arise through any intention to do anything wrong or because of any negligence. It was merely as a result of a misunderstanding of the legal position. I understand that because those responsible were working on this basis, there could be a considerable number.

Mr Taylor: Could you indicate how many there are of real importance?

Mr RUSHTON: Every plan is important.

Mr Taylor: I am referring to the degree of importance.

Mr RUSHTON: There is no intention to mislead. I do not think the public were misled because they understood the date to be Saturday, the 31st, although it should have been Sunday the 1st as far as the legal requirements are concerned.

The provisions in the Bill are merely to validate the position. We all understand that if schemes were to be thrown out because of the one day, it would be very costly because many years' work have gone into them. As I explained in my second reading speech, there could be litigation here, there, and everywhere relating to the inaccuracy or, rather, inadequacy. We are asking the House to validate the situation.

I know of no cases where the period has been longer than one day. The point is that the proposal is not for the future, but to cover what has occurred in the past.

The facts are now known and in the future there will be no validation of any scheme which does not allow the correct period of time.

In the case of zoning, the Minister has the power to reduce the period for advertising, but one has to be very careful. Once a period of time has been advertised it cannot be changed. For instance, shire councils have come to me after the time for objection has been gazetted and asked for a change, but there has been nothing I could do. I have power to make modifications, but at the moment we are seeking to cover a situation which has occurred in the past.

Mr Taylor: The Minister is quite satisfied with the cases about which he knows?

Mr RUSHTON: Yes. There are no others that I am aware of.

Mr Taylor: I accept that assurance.

Mr RUSHTON: I hope I have answered the point raised by the member for Cockburn.

Mr Taylor: The point which the Minister has not covered is why should the period be extended indefinitely? Why should it not be extended for just one day? The only instances mentioned by the Minister have been for a period of one day.

Mr RUSHTON: The cases I have mentioned have been for a period of one day, but it cannot be known for sure unless every scheme is checked out.

Mr Taylor: Would not the Minister agree it is dangerous to validate all periods when the only ones he is aware of have been periods of one day? I hope the Minister will agree that this Bill covers only those periods of one day which are known to him, and that it does not cover other periods which could be up to three months, and which have not been brought to the attention of the Minister.

Mr RUSHTON: I accept the point which has been raised by the member for Cockburn. In the case of the West Perth scheme, because of the conflict and the animosity which occurred, this weakness was discovered. Had it not been for the disagreement with regard to the West Perth scheme this point would not have been tested in law. It was discovered and the scheme was thrown out.

Mr Taylor: In the case of the West Perth scheme, if the period had been for a month, rather than a day, what would have been your attitude?

Mr RUSHTON: In the case of the Cockburn town planning scheme, if the shire advertised over a period of two months and 20 days and it turned out there was an error of 10 days in the period during which objections could be lodged—

Mr Taylor: That happened three or four years ago.

Mr RUSHTON: And it was dealt with.

Mr Taylor: Yes.

Mr RUSHTON: The public knew the exact date on which the time allowed for objections would expire. I am able to reduce the period from 60 days to 30 days. I usually impose the condition that adjacent owners be advised by letter of any changed zoning. If the omission in days happened to cover a period of two days I do not think that should invalidate a scheme. It would not be necessary to throw out a scheme under those conditions because there would be no attempt to mislead the public. I hope the member for Cockburn will accept my reply in that spirit.

Mr Taylor: But the Minister does not know. Once the Bill is passed it will not matter what the Minister thinks.

Mr RUSHTON: What is the fear the member for Cockburn has in relation to this point? The Bill deals with a named period. I put this query to the department and I have been advised there have been no cases other than those covering the period of one day. If any further information is made available to me I will pass it on to the honourable member.

In the hypothetical case of Cockburn, the closing date was a few days out but the public would have understood that objections had to be in by a certain date. The people would not have been concerned because they would not have been misled. The public is entitled to a period of three months during which to lodge objections. This is accepted.

I hope I have answered the point to the satisfaction of the member for Cockburn. If he has any other queries I will be quite happy to look into the matter further. Basically, the purpose of the amendment, is to cover the one-day situation. I have explained that the period during which the public has been able to lodge objections has been short by one day, in some cases, and I do not think the discrepancy should invalidate those schemes affected. The amendment will not cover the future: it will cover only what has occurred in the past. The experience of the West Perth scheme highlights the problem. As a result of that scheme the Crown Law Department discovered the interpretation was wrong. I understand there have been quite a number of one-day discrepancies because of the misinterpretation.

I thank the member for Cockburn for his remarks, and his understanding. I hope I have answered his queries to his satisfaction, but I will be pleased to supply any further information thought necessary.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Rushton (Minister for Town Planning and Urban Development) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 9 amended—

Mr TAYLOR: Members who listened to the cross-Chamber debate between the Minister and myself may have been able to discern the point I was attempting to make to the Minister, and the request I made to him. The Minister replied and said he felt the present Bill adequately covered the situation. However, I do not think that it does cover the situation.

The Minister, in attempting to answer my query, reiterated the information he had given previously. In order to make the situation clearer, I point out that there is a regulation which states that a town planning scheme should be advertised for three months. There is also a regulation which allows people to lodge objections at any time during that period of three months.

The Minister has given examples, and he said he knows of no other instances where, because of a misinterpretation, the required period has been less than three months by more than one day. The Minister quoted an example of which he had knowledge and said that the department had been able to ascertain there were other cases also affected by the period of one day.

The Opposition accepts that point because we are aware these things can happen. We also accept the assurance that the Minister is not trying to conceal any other instances. However, that is the very point. The Minister has quoted only the instances about which he knows. As the Opposition, we are saying that the Minister, in putting forward a Bill to cover the instances about which he knows, is providing a blanket cover for all those instances about which he does not know.

The Minister knows of instances where, because of a wrong interpretation, the proposals have been advertised for a period which was short of the statutory period by one day, and this has prevented people from lodging objections. But it is the cases of which he does not know that we worry about. We do not think it is right that this Bill should go through giving a blanket coverage for all previous occasions, whatever the period may have been, whether it was by accident or design, or whatever objections may or may not have been rejected because of allegedly being out of the stipulated time. That is not on.

I appreciate the Minister's point that it is hard to conceive of any malicious intent to mislead on the part of any person but that does not mean a thing. People must be protected and we would much prefer the Minister to have discretion when considering matters which may be drawn to his attention in the future. It does not seem right to give a blanket coverage for all past actions and let the matter go at that.

To cover the points raised by the Opposition, I move an amendment—

Page 3, line 24—Add after the word "displayed" the folowing passage—

provided that such shorter period is no greater than one day less than the required period.

I reiterate that the Minister knows of examples where the statutory period has been reduced by one day. We accept that point but we do not want the Bill to cover the period of time which is not within his knowledge.

Mr RUSHTON: I seek the member for Cockburn's consideration of my suggestion. We acknowledge there is no intention to mislead anybody in relation to these schemes. The fact is that because of a wrong interpretation a day has made a scheme illegal. It has been a very costly result in the West Perth scheme and has disadvantaged people considerably. We also understand that schemes are required to be reviewed within the five-year period. Some schemes may have been going for four years five months and may have been one or two days short.

Mr Taylor: They might be two months short.

Mr RUSHTON: They could not be. They go to public advertisement and the public participates. I would like the honourable member to consider and accept my suggestion that I have his point examined to see whether we can accept it, then in the third reading I could give him advice about it and if there is something I do not know about, which could be accepted, I will be happy to have it attended to in another place.

I appreciate that the honourable member does not want people to be disadvantaged; nor do I. The reason the legislation is before the Chamber is to ensure people are not disadvantaged. If I believed for one moment anybody was hiding behind any scheme which was wrongfully drawn up, I would not be presenting the Bill, for a start. I do not see how the Minister could have discretion to weigh up the situation. If the period happened to be three days the honourable member would say that was all right, but if it happened to be six days he would say that was no good.

I will be happy to check that it is not more than one day, but I suggest that I reply in more detail at the third reading stage, and if we find there is some basis for the argument the amendment could be made in another place.

Mr Jamieson: It is more than you would do for me, with your gyrations and goings-on during the course of the Bill.

Mr RUSHTON: I wonder whether the member for Cockburn will accept that proposition. I will review his request. The people are protected in the schemes

through the necessity of a review of the scheme within a five-year period. Most of the schemes have been under way for a considerable time now.

Mr TAYLOR: I have listened to the Minister's explanation but the Opposition is not prepared to withdraw its amendment. The Minister has now occupied his position for almost two-thirds of the Government's term and he should be able to act as a Minister. If he wants others to re-examine his own case for him, to see whether other instances exist and possibly have an amendment made in another place, the answer is "No". We feel the Minister should be able to assess his own legislation. In the case he has presented to the Chamber he has given us information. We have asked him to qualify it and he has not done so but has repeated what he said originally; that he knows of only certain cases which applied over a one-day period.

We concede that, but we are not prepared to give a blanket coverage for all past actions, whatever they may be. They are unknown, as the Minister admitted when he said he could not give any further explanations. But he cannot make up his mind to accept this amendment. The only reason he would refuse or decline to make it here and now is that he has doubts whether there are other cases of people being disadvantaged by more than one day. If he has any doubts that there are instances of the period being longer than one day he should withdraw the Bill. On the case presented there is no reason in the world why the Minister cannot accept the amendment as it stands.

Mr RUSHTON: I have no hesitation in making up my mind.

Mr Taylor: Tell us "Yes" or "No".

Mr RUSHTON: I am doing all I can to assist the member for Cockburn. This matter was raised by Crown Law and results from Crown Law's findings. I have no objection to the honourable member's amendment but I reject it at this stage because I want to have a look at it.

Amendment put and a division taken with the folowing result—

Ayes—17

Mr Barnett	Mr Hartrey
Mr Bateman	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bryce	Mr Skidmore
Mr B. T. Burke	Mr Taylor
Mr T. J. Burke	Mr A. R. Tonkin
Mr Carr	Mr J. T. Tonkin
Mr. Fletcher	Mr Moller
Mr Harman	*(Teller)*

Noes—21

Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sibson
Mr Laurance	Mr Sodeman
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr T. D. Evans	Mrs Craig
Mr May	Mr Cowan
Mr H. D. Evans	Mr Stephens
Mr T. H. Jones	Mr Thompson
Mr Davies	Mr P. V. Jones

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd September.

MR TAYLOR (Cockburn) [4.55 p.m.]: This is a small Bill containing four provisions which the Minister has explained to the House. Just in passing I mention that this compliments in part the Town Planning and Development Act Amendment Bill which we have just debated, but I will say more on that in a moment.

The first matter covered by the Minister in his second reading speech was one he chose to describe as procedural and which made necessary amendments of a technical nature because of changes to other sections of the Act. We have no objection to these amendments.

The second point the Minister raised was the validation of local government planning schemes and amendments. This provision is complementary to those we debated just a few moments ago. On this occasion I do not intend to move an amendment, but simply to limit my comments to a request for an assurance from the Minister. I am sure this will be forthcoming, as the Minister is fairly good at this. Almost every time he handles a Bill he assures us that he will look at it before it is presented in another place.

Mr Jamieson: The greatest "assurer" we have ever had!

Mr TAYLOR: The assurance I seek from the Minister is that he will look again at the time limitations. In this instance we were given the same argument in regard to the West Perth Town Planning Scheme. I am asking the Minister to consider this matter again, and if he sees fit, to arrange for the necessary amendment in another place.

The third matter covers agreements with landowners under improvement plans. The Minister explained that certain activities had been carried out in the recent past whereby owners of land in particular areas had entered into agreements with the Metropolitan Region Planning Authority for certain reasons. This

Act seeks to validate any existing agreements, remove any uncertainties, and specify the matter or matters covered by such agreements.

In general again there is no objection to this. The arrangements allow for orderly development, and any improvement in that direction is worth while. The interests of individuals must be preserved, but when it is the individuals themselves who desire to co-operate with one another, then the action proposed must be worth while.

One hesitates really to endorse a proposition in a Bill which seeks to validate past actions. However, it appears that as these actions are of recent origin, and there has been no cause for complaints, perhaps it is acceptable. One hopes, however, that this principle does not creep into legislation too often. The Government could say, "While there is no mandate to do this, we will validate it and what has been done will be quite lawful." The circumstances in this case are not such as to warrant an objection here.

The next matter relates to public representation on local government planning schemes and amendments. Again these appear to be worth-while amendments, although I believe some comment should be made about them.

To assist members to understand this, it is proposed that not only should people who object to a scheme have the right to lodge an objection to it, but also those who approve of the scheme should have the right to register their approval. We say this is a good thing and is deserving of support.

One wonders, however, whether it really goes far enough, and I would like to elaborate a little on this matter. The situation with respect to town planning matters has improved immeasurably in recent times as more appreciation is shown of the problems experienced by the public. The proposal in respect of West Coast Highway is an example of this. Local residents have been able to express opinions and discuss the matter at first hand with the planning authority; and they have been able to put forward possible alternatives. This is indeed very commendable.

Mr Mensaros: The problem is that not only local residents become involved, but all and sundry come into it.

Mr TAYLOR: That is so, but as the Minister for Industrial Development would realise, either we have too many objections or we deny people the right to object. Probably it is one of those things we have to bear with. This is a worth-while exercise and it will mean the final decision will be easier rather than harder to make because at least the opposition to the proposal will be known and there will be a chance to ascertain the answers and to correct the problems.

The same procedure has occurred in respect of Lake Carine. This should be encouraged and, no doubt, it will be.

However, taking it from that point, objections may be lodged within a statutory period of three months, and those people who are in favour of the proposal are entitled to indicate their acceptance of it. Perhaps it is unfortunate that once the Minister considers the objections and makes a determination—and presumably notifies those who have indicated their interest in the matter—if the plan is changed in a major way the people who have indicated their support of it have no opportunity to object to the change.

The provision simply provides that a limited number of people will be told what the major change is. I know that re-advertising would stretch the procedure, and the question is, "How far should we go?" Should we re-advertise the scheme and, after receiving further objections to it, advertise it again a third and fourth time? It seems to me there is at least some case for making provision for a second period to enable those who indicated their approval of the original scheme—only to find the scheme has been changed—to lodge an objection against the change, because they originally approved of something and it has subsequently been changed.

Perhaps the Minister would also comment on section 31 (f) (iii) of the schedule contained in clause 10, which states that where a submission is made by a group of persons the group shall appoint one person to represent the group and only he shall be heard. One wonders whether this is good legislation. Understand the thinking behind this provision, because only one voice need be heard instead of a large number. However, I wonder whether this provision might lead to the destruction of the principle the Bill sets up.

Whereas people previously got together in a group in order to present a joint case, the tendency now may be for each person to register his own objection, and rather than 20 people being represented by three or four persons each person may as well lodge his objection and make comment individually. Also, it does not seem quite right that if a major change is involved —such as in the case of the extension of the Kwinana Freeway—only one person of a substantial group should be able to come forward. I wonder also whether this provision will preclude that person from presenting his own personal objection to one small section, as well as presenting the total objection of the whole group to the scheme. If such a person represents a group, will he automatically be precluded from presenting his own personal objection? In other words, does he represent the group or himself, or both? It seems to me the provision is self-defeating. There may be good reason to reconsider this provision, and perhaps delete it before the Bill leaves the Parliament.

We give limited support to the Bill.

MR RUSHTON (Dale—Minister for Urban Development and Town Planning) [5.05 p.m.]: I appreciate the contribution of the member for Cockburn and his acceptance, even though limited, of the Bill.

He referred to four matters. He referred to the matter of validation, and expressed his point of view. We agree in other schemes this provision has tended to work against the individual in the past, and the modification in the Bill will allow a little more flexibility in respect of voluntary schemes. As the honourable member is aware, the original provision was designed purely in respect of compulsory acquisition, and the amendments will allow more flexibility in the case of voluntary schemes. I take the point of the member for Cockburn in respect of the third matter, and I will consider it along with my previous undertaking.

The member also referred to public participation in planning. This is a matter to which I have applied myself strenuously, and I think we are making significant progress in it. To give a couple of examples: The member for Cockburn would know that we are conducting a review of planning aspects involving land use, etc., between Mandurah and Bunbury, and we are holding seminars and finding all sorts of ways to enable the public to participate in the planning process. Another example is the West Coast Highway proposal, and the member for Cockburn has already commented on what is being done in respect of that.

We must accept that we will always be open to challenge regarding the number of times a scheme is advertised, because every time we make a decision it will go against one person or another. The Minister must be conscious of the feelings of all concerned whenever he makes a decision.

Mr Jamieson: You are lucky you haven't got a television license, because it would be suspended as a result of too much advertising.

Mr RUSHTON: It is very necessary to give full attention to the point of view of everyone concerned.

With regard to the issue raised by the member for Cockburn in respect of section 31(f)(iii) of the schedule, I am sure he will appreciate that the provision purely gives a group of people—be it 200, 100, or 10—the right to have a spokesman. I think we would agree such a group should have a spokesman, but if any member of the group wishes to make a personal presentation he may do so.

I trust my explanation has answered the points raised by the member for Cockburn, and I thank him for his contribution to the debate.

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.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

MR BERTRAM (Mt. Hawthorn) [5.12 p.m.]: The Opposition has considered this Bill and the Minister's remarks in respect of it, and supports the measure, but believes it does not go far enough and can be improved upon. I propose to comment briefly about the Bill and to indicate why we believe it should be amended in the manner set forth on today's notice paper.

The SPEAKER: You will do so in a general way, I hope, and not in Committee form.

Mr BERTRAM: Yes, I certainly will, Mr Speaker. One should immediately say and put on the record that this legislative step is long overdue, as are so many pieces of legislation which come before this Parliament. It does not reflect any great credit on the Parliament that these things should come along so belatedly.

The Bill seeks to amend the Evidence Act to establish for the first time statutory law setting forth amounts of fees and expenses which are to be paid to witnesses and interpreters called by the Crown and bodies analogous to the Crown in criminal proceedings and petty sessional cases and at inquests held by a coroner. In other words, it will be noticed that the measure is confined to a very narrow area; namely, to what could be described generally as criminal or analogous proceedings.

For example, it does not cover witnesses' fees in proceedings in a civil jurisdiction. I do not think the Evidence Act itself could be described as a codification of the law of evidence, because there are huge areas of the law of evidence not embraced by the Evidence Act. But as a lawyer recently told me, what it does do is to deal with certain aspects of the law of evidence generally, and not purely to do with criminal proceedings. One might say, speaking generally, that the Evidence Act touches the whole spectrum of legal proceedings, without covering the entire area of the aspects of evidence because there is a great deal of law of evidence not touched upon by the Evidence Act. The position is that this Bill seeks to touch upon only a very narrow area—that of witnesses.

Furthermore, the Bill intends to treat payments to interpreters in a different manner. It appears that previously, such witnesses in criminal proceedings were treated administratively as professional persons and not separately as interpreters; however, they are now to be treated specifically as interpreters.

This Bill also will be of considerable value to Government departments, local government bodies, and the like because up till now to an extent they have been operating in the dark and working out their own deals with witnesses in respect of fees. Probably, there has been little consistency in the fees paid and one could reasonably say that probably the results would be less than satisfactory, particularly so far as witnesses are concerned and very often so far as local government authorities and other bodies are concerned.

Since the Evidence Act touches on aspects of all civil and criminal legal proceedings, our view is that witnesses' fees and expenses can most conveniently be dealt with through the Evidence Act by laws set forth in that Act when this Bill is passed.

If this Bill is passed in its present form, a witness will be obliged to look up the Evidence Act to ascertain what his witness fee will be. The next day that same person may have to appear in a civil action in the Supreme Court and so he will have to look at the Supreme Court Act and rules to ascertain what witness fees and expenses he is entitled to for giving evidence in the Supreme Court. The next day he may have to appear in the District Court, and so he would have to check the rules of the District Court to ascertain what fees are applicable to him after appearing as a witness in that court.

Shortly afterwards he may appear as a witness in the Local Court and so he would have to come to grips with the Local Court rules to find out what scale of witness fees applies to him when appearing in that court. Afterwards he appears before the Workers' Compensation Court, perhaps on a subpoena, and in order to find out what scale of fees he is entitled to, having attended the court and been put to inconvenience, it becomes necessary for him to look up some rules to find out the scale of witness fees applicable to him after appearing in that court as a witness. We are still not finished, because he may then find himself appearing before the Industrial Court and he is then obliged to look up the rules that apply under the relevant Act to find out what fees he is entitled to.

Mr O'Neil: By the time he has done all that he should sit for a Bar examination.

Mr BERTRAM: I am indebted to the Minister for making that interjection, because it is obvious that by this time that is the step he should take. According to the views of Opposition members that is not a fair situation. I think we can do better.

Under the Mining Act apparently someone has seen the light because the Minister simply says, "To fix the scale of fees under this Act we will adopt the scale of fees that applies under the Local Courts Act." Therefore, to find out what scale of fees he is entitled to a witness will have to look up the Local Courts Act. I suggest that is not fair, reasonable, or a situation that is sufficient.

My line of argument is supported already by the fact that I think, for example, the District Court judges have taken similar initiative to that to which I have just referred in relation to the Mining Act. Under the Mining Act they say, "We will not go to the trouble of drawing up regulations; have a look at the Local Court rules and obtain the scale of fees set out there." I think it will be found that the District Court judges have done the same in respect of listing the scale of fees for various classifications of witnesses. A witness would, therefore, be obliged to look up the scale of fees set down by the District Court Act and, having done that, he would then have to refer to the rules laid down under the Supreme Court Act. If he persisted in following this course he would then find out the scale of fees to which he is entitled.

I think it is worth quoting the following taken from the District Court of Western Australia rules—

> PURSUANT to the powers conferred by the District Court of Western Australia Act, 1969-1972, and all other powers hereunto enabling and with the concurrence of the Treasurer of the State of Western Australia we Judges of the District Court hereby make the following Rules:—
>
> 1. The amendment to the Supreme Court Rules, 1971, relating to fees, as made by Their Honours the Judges of the Supreme Court on the 30th day of August, 1973, and published in *Government Gazette* Number 71 and dated 10th day of September, 1973, apply (so far as relevant and practicable and with any necessary modifications and adaptations) in respect of the District Court and proceedings therein as from and including its date of operation in the Supreme Court.

It continues on from there. That bears the date of the 20th September, 1973.

What we say in a nutshell is simply that, to the Opposition, the Evidence Act appears to be the obvious Act to contain all the statutory provisions necessary in relation to witnesses—and witnesses are most relevant to evidence—and since we are now going to contain under the Evidence Act and regulations a small segment of witnesses who at the moment come under the jurisdiction of the courts, we believe we should take an extra step to enable the Minister, from time to time, to make regulations under the Evidence Act which will cover the scale of all witness fees applicable to all courts. There is nothing difficult about that.

That seems to be a fairly straightforward situation which will not embarrass anybody. It is not a tidy sort of an arrangement to amend the Supreme Court Act by the Evidence Act. Also it would mean an amendment to the Local Courts Act, and it would not exclude the need for other Acts to be amended in due course. But it could be organised in such a way here that our proposed amendments to this Bill would not operate to veto or to transcend other rules until a regulation was framed. Once the regulation was made under this Bill only at that stage would it supersede or transcend all the other relevant Acts and regulations. It would mean, would it not, that people who are not lawyers could, more readily, cheaply, and conveniently, find out what they are entitled to? It is not much use a person having an entitlement if he has to be Speed Gordon or a Queen's counsel to find out his entitlement.

These days we are going out of our way to provide legal representation to all types of people. We are giving legal representation to people who, for many years, have been denied justice because they have not had the means to compete with somebody in litigation. Another way to achieve the same result is to make the law more accessible and easier for people to comprehend.

We believe the amendments we have on the notice paper—without entering into any details on them—will do the public a very good turn. All we are saying is that we like the amendment the Government has introduced to cover by Statute an area that has not been covered previously; a situation which I believe has been most unsatisfactory for many years, because probably, on balance, it would work far more to the disadvantage of witnesses than anybody else.

So we go along with that idea. We simply want to take the opportunity to extend the operation of the amendment. Prima facie it is an irresistible case, but every case has a habit of having at least two sides to it, and we will be interested to hear what the Minister has to say when he replies to the debate. However, I believe that in the course of the remarks I have made, we have indicated at least a prima facie case and unless there are some real objections to it, it should be given a trial. It will not upset anything immediately. Under our amendments the existing regulations would not be upset and those persons in administrative positions would have plenty of time to consider the situation because it is not as though they would be taken by surprise. I think justices and all those who fix the scale of fees would be delighted and would not take umbrage; in fact, they would be thoroughly happy with the prospect of not having to fiddle around with witnesses' fees.

If a study were made of the position I think it would be found that the scales of witness fees are becoming more and more similar. I think it would be true to say that years ago, if a person gave evidence in a Local Court on a particular question, he was entitled to one scale of fees, and it may well be found that if he gave identical evidence on the same day in the Supreme Court he would receive a witness fee that would be much higher or, in any event, a fee different from that which he received in the Local Court.

I do not quite understand why that was the case, because the witness would give the same evidence, and the amount of inconvenience caused would be substantially the same. There are not only half a dozen Acts or so containing scales of fees, but when we examine the scales in them we find they are becoming somewhat similar. Why is there a need to lay down the same scale in six different Acts instead of in one Act? I would like the Minister to explain that when he replies. He may be able to produce an adequate case to show why that should be done.

Prima facie we are making hard work for some people for years ahead in respect of a simple matter of fixing witness fees. The Government is now proposing to do something about the matter, and the Opposition would like the job to be done properly as we see it. We believe that we should not fiddle with the matter, and in 10 years' time introduce six different Bills to effect adjustments. We could remedy this in a few minutes in this Parliament.

Basically we are trying to introduce a more flexible scale, and to eliminate a finicky aspect of the present scheme. We go along with the proposition of bringing about a more flexible scale; that is, instead of a periodic process and almost always belatedly going through the rigmarole of promulgating a regulation, having it printed, and tabling it in Parliament, the Opposition contends that we should fix a scale which henceforth will be a self-adjustable scale.

How can we back up such a proposal? The Opposition contends that the scale should be geared to a percentage of the minimum wage, as fixed from time to time by the Industrial Commission, and that would be a scale with an in-built adjustment. The minimum wage itself is not a significant factor at all, because we can build into the regulations the percentage we desire to set. For example, if the Minister desires to fix the amount at X dollars per day for a witness, he can set the percentage at a level which will give him the figure he is aiming at.

As the minimum wage rises the percentage in the scale will be the same. The witness fees will go up or down as the case may be, without the need for an endless paper war and red tape about which, so far as I am aware, no member is happy. We have no desire at all to fix all witness fees at the same figure;

that is not our intention. We are simply putting forward a suggestion that witness fees may be increased or decreased automatically, so that witnesses are not disadvantaged just because someone in authority does not have the time to get hold of the regulation and increase the figure to offset the effect of inflation.

We on this side support the Bill. Our only concern is that it is not good enough. We believe a prima facie case has been made out to show that we have a plethora of legislation which quite unnecessarily and quite unfairly disadvantages the general public.

Our proposal will simply mean that the staff of local authorities in the country, for example, will not have to sit down and plough through the regulations from time to time looking for new scales of witness fees. These people are aware of the new scales now appearing in the *Government Gazette* from time to time.

When the clerk of a local authority is confronted by a witness on any given date he could readily determine the classification of the witness. If the witness says "I have attended such-and-such a court as a witness, and I want my witness fee" the clerk can easily ascertain the fee from the scale, and without delay hand over a cheque. It will be quite simple to do that under our proposal. Such a system would prove to be a boon not only to witnesses, but also to other people who have to pay out witnesses' fees from time to time.

MR O'NEIL (East Melville—Minister for Works) [5.36 p.m.]: I thank the member for Mt. Hawthorn for his support of the principle contained in the Bill. He mentioned—and I suppose it has been mentioned often—that this move is long overdue. It is a pity I have only part of a file relating to this matter, but from that it is known the Under-Secretary for Law made representations to the Minister for Justice on the 25th March this year for witness fees to be reviewed.

In order to create a better system of fees it was decided to give the determination of witness fees some legislative backing, and to provide regulation-making power for this to be done. That is the purpose of the Bill before us.

In introducing the second reading I added to the prepared comments. It should be remembered that I only represent the Minister for Justice. I did that, because I knew the member for Mt. Hawthorn has a very inquiring mind and has a somewhat inquisitive nature. He certainly would have extracted that information from me by a series of questions before the second reading debate was resumed.

Rather than retain that shot in my rifle for my reply to the second reading debate I thought it was better to give the information when introducing the second reading. I am thankful the honourable member appreciates that fact. An indication of the intention of the regulations which will be promulgated if the Bill becomes law has been given.

I thank the member for Mt. Hawthorn for bringing forward what he believes to be the shortcomings in this legislation, and at your suggestion, Mr Speaker, he said he would develop this theme in the Committee stage. The honourable member has made reference to what he believes to be the shortcomings. I trust that my attempt to give him the proper answers will shorten the Committee stage. For example he made a comment that it appeared possible to introduce a system to provide automatic adjustments by regulation.

In this regard a couple of factors worry me. In these days it is the "in" thing to adopt the term "indexation". People want wages and taxes to be indexed; and now we have a move to have witness fees indexed. However, the honourable member has overlooked a very important principle. It has been traditional in this Parliament, and I presume in other Parliaments also, for members of the Opposition to object to government by regulation. We often hear it said that the Government should bring before Parliament all matters concerned with the governing of the State, and that it should not attempt by way of regulation to alter the laws or rules of society.

Oppositions always take that point of view; Governments do not. I wonder whether, if it is a fact that Parliament does not believe in the principle of government by regulation, it would go even further still and agree to government by automatic variable regulation. A number of attempts have been made to index—if that is the word—certain monetary provisions in respect of many items; parliamentary superannuation is one and I think that the family benefits and superannuation fund of public servants is another. Attempts have been made to write into the legislation some formula which will automatically vary the emolument applicable to certain people under it in order that the odium of bringing the matter here for adjustment will be taken away. However, such a procedure lasts for only a short time.

Mr Jamieson: Not only the odium.

Mr Skidmore: It is for sheer simplicity.

Mr O'NEIL: Unfortunately, no matter how many people try to make it simple and fair, it seems that none of these moves lasts more than three or four years, because something occurs to put things out of kilter and someone else has another go.

I am simply saying that the suggestion of the member for Mt. Hawthorn, that we ought to have witness fees set by regulation with automatic adjustment subject to some form of indexation, extends the principle of government by regulation into yet another dimension and, in my view, it would not work.

However, it is a thought, probably motivated by the fact that indexing seems to be the "in" thing these days. It certainly is in respect of SHC rents because it is proposed that the board of the SHC, when considering the annual rent review, must have regard for movement in wages. So there is an attempt to build into that sphere the principle of indexation. It is not direct in that case, but certainly consideration must be given to it.

When any regulations are prepared the current value of money, if that is the expression to use, is taken into account. Fines and penalties are increased under legislation because they have not been increased since 1920 or so, but the value of money has changed to such an extent that all we do is restore the nominal value of the fine. As I have said, it seems that because it is the "in" thing we have indexation applying everywhere. I do not believe that I can go along in principle with what the member for Mt. Hawthorn has suggested.

With reference to the proposal to include other courts, the advice from the Crown Law to the Government is that this is not advisable.

Mr Hartrey: Why?

Mr O'NEIL: It has never been done and it would create problems.

Do not laugh at me. Members opposite are laughing before I have developed my argument.

Mr Jamieson: We had our rough night last night.

Mr Bertram: Everyone is happy today.

Mr O'NEIL: The Speaker has suggested to the member for Mt. Hawthorn that he should leave the detail until Committee. I was rather hopeful that we could deal with it fairly extensively now and thus perhaps save a lengthy Committee debate. I can see that is not to be.

I simply say that there are difficulties of administration which have been pointed out by officers of the Crown Law Department. It has been indicated that this has never been done before and that also witness fees are often subject to negotiation between parties in a civil action. While the fact that it has never been done before might not be a warrant for our not doing it now, it has been pointed out to me by people who know more than I do about the subject, that it would create difficulties for which there would be no accurate supervision by the people responsible for the cases being covered in the circumstances.

I thank the member for Mt. Hawthorn for his support of the principles in the legislation, but will leave the balance of the argument until the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 119 added—

Mr BERTRAM: I move an amendment—

Page 3, lines 4 to 6—Delete all words with a view to substituting the following paragraphs—

(b) witnesses and interpreters in civil proceedings held under any of the following Acts—

(i) The Supreme Court Act, 1935;

(ii) The District Court of Western Australia Act, 1969;

(iii) The Local Courts Act, 1904;

(iv) The Workers' Compensation Act, 1912;

(v) The Industrial Arbitration Act, 1912; and

(vi) The Mining Act, 1904; and

(c) witnesses and interpreters at inquests held under the Coroners Act, 1920.

The purpose of the amendment is to enable the Minister to fix witness fees and expenses under the various Acts listed. The Opposition's case is not only prima facie, but also overwhelming. I listened to the Minister when he replied to the second reading debate, because I thought that as he was not in favour of my proposal something very obvious must have escaped me. However, it was evident from his remarks that nothing obvious or important escaped me at all.

We are as much concerned as the Minister, with the question of over-regulation. The proposition which we have put to the Committee would involve less regulation, so I cannot see the point raised by the Minister. Instead of having eight regulations governing the one question, our amendment will reduce the number of regulations to one.

I believe we would be doing a good turn for the ordinary people in this State. The law should not be made any more complex than is necessary, and it is complex enough now. People who have to pay witness fees will have to buy only one booklet containing all the regulations instead of buying eight booklets. Shire clerks in remote areas of the State would find the amendment to their advantage, because a number of shire councils have to pay witness fees, not only in respect of quasi criminal-type actions, but also civil actions and cases involving workers' compensation.

In the past there may have been attempts which have not succeeded to build in sliding scales; I do not know. However, my proposal is worth a trial. The public will be disadvantaged unless we

include the proposed scale. We have increased fines in the Police Act from $100 to $1 000, which is a public acknowledgment of the fact that we are $900 behind and that represents many years of inefficiency. Simplicity is the key to my amendment.

Mr SKIDMORE: It seems to me to be evident from the presentation by the member for Mt. Hawthorn, that the sheer simplicity of what is proposed should be accepted, not only by those people who receive fees, but also by those who have to work out losses sustained by witnesses. I cannot accept the attitude of the Minister because the amendment will not create any problems. It will, in fact, create less work.

Mr O'Neil: The member forgets that this Bill covers witness fees paid by the Crown. He is moving into the field where witness fees are paid by other people. Does he want the Crown to supervise the whole area?

Mr SKIDMORE: Negotiation between parties, on the question of witness fees, is something which enters this area. The Minister said he was advised that the proposal set out in the amendment would not work. The amendment proposes that the exercise of working out fees will have to be done only once, instead of seven or eight times.

Mr O'Neil: My advisers tell me that witness fees for civil matters have never been set down. They are worked out by negotiation.

Mr SKIDMORE: I am not raising that point. The Minister said that his advisers considered the proposed amendment would create problems but I am suggesting the simplicity of the amendment will remove the problems. The matter of actual fees is a different argument.

The Minister challenged us, on this side, as being a party which has said that government should not be by regulation.

Mr O'Neil: I said that Opposition always criticise government by regulation.

Mr SKIDMORE: I agree that Oppositions generally do as the Minister has suggested. I accept the Minister's remarks that Oppositions claim government should not be by regulation, but that is drawing a long bow.

Mr O'Neil: I can, now that I am on this side.

Mr SKIDMORE: Surely the Minister does not suggest the proposed amendment will mean government by regulation. The amendment will establish by regulation, the fee to be paid to people, as distinct from government by regulation.

Mr O'Neil: I am talking about the principle.

Mr SKIDMORE: That is right. I think the Minister drew the long bow.

We are suggesting this amendment clears the way for the making up of income to people who lose money by virtue of being witnesses in certain courts. We say if loss is to be sustained the same loss should apply to all people. The sheer simplicity of the amendment proposed does away with the types of witnesses and ensures that witnesses in those other jurisdictions get the same amount by way of fee.

Mr O'Neil: Would your proposal mean the same percentage fee to everybody?

Mr SKIDMORE: No. The two types of witness—the professional and the ordinary witness—would be on different scales. I suggest the amendment will not be difficult to implement. I would have to agree this has never been done before, but surely we can be a little innovative and give justice to people with our innovations. That is what our amendment would do, and surely any Government would give consideration to it. Witnesses have sustained a tremendous loss because the fees have not been increased for a long time. I put this forward in a preliminary way with a view to suggesting the Minister accept the amendment.

Progress

Progress reported and leave given to sit again, on motion by Mr O'Neil (Minister for Works).

House adjourned at 6.04 p.m.

Legislative Council

Tuesday, the 9th September, 1975

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

QUESTIONS (11): ON NOTICE

1. EDUCATION

Schools Commission: Grants

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

(1) Would the Minister advise the grants allocated to this State from the Schools Commission in the following categories—

(a) general buildings;

(b) libraries—primary and secondary;

(c) disadvantaged schools; and

(d) special schools?

(2) Would the Minister further advise the amounts claimed in each category, and the final date by which all amounts must be claimed?