

Legislative Assembly

Thursday, 17 July 1986

THE SPEAKER (Mr Barnett) took the Chair at 10.45 a.m., and read prayers.

LEAVE OF ABSENCE

On motion by Mr Spriggs, leave of absence for 10 days was granted to Mr Williams (Clontarf) on the ground of ill-health.

IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION AMENDMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [10.50 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to ratify an amendment agreement dated 14 July 1986 between the State and Hancock Mining Limited.

The amendment agreement will facilitate the development by Hancock Mining Limited of an iron ore mining and export operation under the iron ore (McCamey's Monster) authorization agreement. The previous joint ventures under the McCamey's agreement have assigned all of their rights and obligations to Hancock Mining Limited.

As a result of the assignment Hancock Mining Limited will retain under the McCamey's agreement temporary reserve 4326H only—the area coloured red on the plan marked "B"—while exploration licences 52/170, 52/171, and 52/172 which were formally temporary reserves 4194H, 5004H, and 5006H respectively have been transferred from the McCamey's Monster agreement to Renison Limited and Utah Development Company Limited to be jointly held pursuant to the provisions of the Mining Act 1978.

I now table the amendment agreement plan marked "B"—TR4326H—together with plan "X" which will serve to show the House the location of TR4326H in relation to former agreement temporary reserves 4194H, 5004H and 5006H.

(See paper No. 285.)

Mr PARKER: Hancock Mining Limited intends to develop a new mining project under the McCamey's Monster agreement and has entered into a contract with the Romanian Government for the supply of 53 million

tonnes of iron ore over a period of 15 years commencing January 1988. To facilitate the new project certain amendments to the agreement scheduled to the Iron Ore (McCamey's Monster) Authorization Agreement Act 1972 are necessary.

The amendment agreement before the House provides for—

the sale of iron ore on a "barter basis" but with provision that where sales are to countries which constitute major traditional markets for Western Australian iron ore such as Japan, the Republic of Korea, and major Western European markets, the prior consent of the Minister must be obtained if the consideration for any such sales is other than monetary;

variation of royalties payable under the agreement;

a definition of "f.o.b. revenue" for bartered iron ore products;

Revised definition of the location of the mine townsite for the project with provision for construction of temporary single accommodation on or near the mining area during the development phase;

the company to carry out a continuous programme of investigation and research on mine rehabilitation and environmental matters including regular reporting on these matters;

access by third parties to the company's railway;

water conservation by the company;

revision of the electricity supply provision to comply with current practice;

the use of local labour, consultants, contractors, supplies, plant, and equipment where practicable and consistent with barter sales' arrangements, with provisions for the company to submit regular reports on its implementation of local preference requirements; and

other minor adjustments to update certain provisions consistent with current State agreement Acts and requirements.

I now turn to the provisions of the amendment agreement scheduled to the Bill before the House. Clause 3(2)(a)(v) serves to redefine "f.o.b. revenue" to provide that where the Minister is not satisfied that the price amount value or other consideration paid by the purchaser or the transferee represents a fair and reasonable market price or value then the amount will be as agreed between the joint venturers and the

Minister or, failing this, within three months after lodgement of the relevant royalty return, as determined by the Minister.

Clause 3(2)(a)(vii) provides that the mine townsite will be the Town of Newman or such other townsite as may be approved by the Minister to be established by the joint venturers.

Clause 3(6)(a) and (b) of the amendment agreement varies the provision of clause 7(1) and 7(2) of the principle agreement requiring that detailed proposals shall be submitted to the Minister by 31 March 1987 and 30 June 1987 respectively or such later date as may be approved by the Minister.

Clause 3(6)(b)(iii) requires that detailed proposals submitted in relation to housing will include, where the townsite is to be Newman, the provision of temporary accommodation on or near the mining areas for the joint venturers' work force, but not their dependants, during the development phase of the project.

The joint venturers' ongoing responsibility toward protection and management of the environment has been addressed in clause 3(7) by the introduction of a new clause 9A to the principal agreement. Under the new clause the joint venturers are required to carry out a continuous programme of investigation and research including monitoring and the study of sample areas to ascertain the effectiveness of measures taken pursuant to approved proposals for rehabilitation and management of the environment.

The joint venturers are required to submit to the Minister annual interim reports concerning the investigation and research carried out, and three-yearly detailed reports on the result of the investigation and research during the previous three years.

Upon receipt of the three-yearly report the Minister may seek additional detailed proposals in respect of the report and such other matters as he may require.

Clause 3(9)(d) introduces to the principal agreement a new clause 11(8) which ensures that the joint venturers will not, without the prior consent of the Minister, sell or otherwise dispose of iron ore products to Japan, the Republic of Korea, the Federal Republic of Germany, the United Kingdom, France, or Italy for a consideration other than money.

In clause 3(10) of the amendment agreement the State has undertaken to make serviced lots of land in Newman available at prices to be fixed by the State for purchase by the joint

venturers in accordance with their approved proposals.

Clause 3(12) of the amendment agreement varies clause 18 of the principal agreement to provide that the joint venturers will, within two years from the date on which the detailed proposals have been approved or such later date as the Minister may approve, do all things necessary to enable them to mine, rail, and ship ore from the mineral lease in commercial quantities at not less than three million tonnes per annum.

The joint venturers' requirement to carry iron ore or iron ore products of third parties on their railway is addressed in clause 3(13) of the amendment agreement. The clause provides that carriage of third-party iron ore or iron ore products on the joint venturers' railway will be in accordance with arrangements to be entered into between the joint venturers and the State. Such arrangements will include provision for payment of charges by the third party. The clause further provides that the joint venturers will not enter into any agreement or arrangement for the use of or the carriage of their iron ore products over any railway not established by them under this agreement without the prior approval of the State. This is consistent with the State's wish to develop uniform railway arrangements in the Pilbara.

Clause 3(14)(b) places an obligation on the joint venturers to use their best endeavours to minimise the consumption of water by themselves and their employees and agents in both the mining operations and the mine town. This clause has been inserted to highlight the importance of conserving valuable underground water supplies.

Clause 3(18) amends clause 31 of the principal agreement to make the royalty payable on direct shipping ore, fine ore, and fines $7\frac{1}{2}$ per cent of the f.o.b. revenue, and $3\frac{3}{4}$ per cent of the f.o.b. revenue on all other iron ore products. The amendment further provides that where the manner of assessing royalty or rates of royalty under the agreement becomes substantially different from those applicable to like products under other State agreements, the Minister may, after consultation with the joint venturers, determine an alternative manner of assessing such royalty in order to maintain consistency with the majority of other iron ore producers. The amendment agreement also provides for the Minister to have access to all books, records, accounts, and other documents to assist in his determination of the value, for royalty purposes, of the iron ore or iron ore

products produced from the mineral lease. To assist further in this regard the Minister may from time to time require the joint venturers to install and thereafter maintain in good working order and condition meters for measuring movements of iron ore products at such places as he may require.

The remaining provisions of the amendment agreement are common to other State agreements of this nature between the State and other resource developers, and I believe they are understood by members of the House.

The amendment agreement also provides for exemption of stamp duties on the transfers of the exploration licences and the assignment of the McCamey's agreement to Hancock Mining Limited to which I referred at the beginning of my speech.

The amendment agreement which I have outlined provides for the early development of a new iron ore project in Western Australia primarily to service the growing markets of Eastern Europe. These markets have been made more accessible by the recent construction of a major canal linking the Danube with the new Black Sea port of Constanza Sud. It is most important that this new market opportunity be taken so that Western Australia is well positioned to share in future market growth in Eastern Europe. The Government believes that the project will be of substantial value to the State in general and the Pilbara region in particular through its effect on employment and revenue generation.

For all these reasons it deserves the support of Parliament and I commend the Bill to the House.

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

ARCHITECTS AMENDMENT BILL

Second Reading

MR PEARCE (Armadale—Leader of the House) [10.59 a.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to amend the Architects Act which establishes the criteria under which architects may practice architecture in Western Australia.

The amendments set out in the Bill were recommended to the Government by the Architects' Board of Western Australia, which is responsible for the registration and conduct of members of the profession.

Pursuant to the Architects Act, the board, as a professional governing body, is vested with the obligation to prescribe the standards for admission to the practice of architecture of individuals, firms, and corporations. Through the board, the Government is advised as to methods for better administration of the profession of architect.

Briefly, the amendments of this Bill provide for—

The deletion of reference to registration as an architect of persons passing examinations conducted by the board;

recovery by the board of disbursements incurred in conducting necessary investigations associated with preliminary applications for registration as an architect;

the amendment from two to five-yearly reviews by the board's committee of architectural education;

extending the responsibility for the payment of annual subscriptions to include practising corporations and practising firms.

The Architects Act presently provides that an acceptable academic qualification may be obtained by passing examinations conducted by the Architects' Board. This provision is a relic of the articulated pupil training process and is no longer considered to be adequate with today's technological requirements. In an effort to upgrade and strengthen the educational provisions which have remained unchanged since 1921, this Bill aims to make the acceptable academic requirement relevant to present conditions.

With the deletion of the existing board examinations candidates will continue to be evaluated on completed courses of studies determined by the board at approved educational institutions.

Another amendment of this Bill addresses the registration procedures. Authorisation is sought to charge a fee, other than the registration fee itself, to cover costs incurred by the board in assessing preliminary applications for registration. In particular, corporation bodies and practising firms may make a preliminary application to the board in an endeavour to determine if they are acceptable for registration. Some such applications require the board, at its own expense, to make extensive investigations, often with a negative outcome, to determine the applicant's acceptability for registration. So as to cover the cost borne by the board in the assessment of these appli-

cations for registration, it is proposed that such applicants be charged a fee of not less than the actual expenses incurred.

At present, the Act stipulates that reports on the standard of courses in architecture in Western Australia be made to the Architects' Board at two-yearly intervals by the committee of architectural education. This is inconsistent with the practices throughout Australia. The Royal Australian Institute of Architecture conducts similar reviews every five years throughout Australia. It is therefore proposed that this common system be adopted in Western Australia with reports to be presented by the committee of architectural education at five-yearly intervals.

The final amendment purely extends the by-laws to encompass payment of the annual subscriptions by registered architects, practising corporations, and practising firms. At present the Act merely refers to "Fixing the amount of annual subscription payable by architects . . .". With the deletion of "architects" comes the introduction of the broader and correct referral to "registered architects, practising architects, and practising firms".

I commend the Bill to the House.

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

FREMANTLE PORT AUTHORITY AMENDMENT BILL

Second Reading

MR TROY (Mundaring—Minister for Transport) [11.02 a.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to amend the Fremantle Port Authority Act 1902.

Recent incidents of hijacking of vessels throughout the world have caused major port authorities to review port security measures regarding visiting overseas vessels, particularly passenger vessels. Albeit stringent security is applied, so far as is possible, if such an incident occurred, depending on the factual circumstances, claims arising may, in monetary terms, be of quite a substantial nature. Amendment of section 65 will enable the port authority to regulate limiting or exempting itself from liability for damage or loss suffered by any person in consequence of unlawful seizure of or control of persons, vessels, vehicles, or property.

Amendment of section 66 is complementary to the new section 66B. The insertion of a new section 66B will enable the port authority to arrange for and cause to be issued, when a person commits an alleged offence against the Fremantle Port Authority Act, an infringement notice giving the alleged offender an option of paying a prescribed modified penalty rather than being summarily dealt with through the appropriate court.

Section 70A provides that the harbour master may control the entry and departure of vessels into and from the port. Amendment of that section will also enable the harbour master to control the movement of vessels in or about the port.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Laurance.

EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

Second Reading

Debate resumed from 17 June.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [11.06 a.m.]: This is a small but important amendment. It is similar—

Mr Read: An adjustment or an amendment?

Mr MacKINNON: This is an amendment, not an adjustment. It is similar to the recent amendment made to the State Energy Commission Act, and while that amendment was only a small part of that Bill, it was similar to this.

Mr Parker: It is not really similar. It is much more acceptable, because it says they can assert something happened. If someone disagrees, he has to prove it. It does not change the onus in the same way as the SEC Act.

Mr MacKINNON: Let us examine that. Perhaps that may be the position if the Minister says so, but it does not seem to me to read that way. It seems to indicate that the onus is different. We are not going to oppose the clause in any event, but we want to examine the amendment closely. If one reads the amendment—it is only a one-clause Bill—it indicates that in a prosecution for an offence against this Act, proof that a container was at a particular time labelled, branded, or marked as containing particular explosives or dangerous goods shall be deemed to be proof also, unless the contrary is proved, that the container contained those explosives or dangerous goods at that time.

That would appear to me to be pretty similar to saying that if a container is so labelled, that is proof enough that its contents were according to the label, and it is up to the individual to prove otherwise.

If there was no problem with the proof of what is in the container, obviously this amendment would not be before the Parliament. As I understand it, the difficulty which the Mines Department has indicated to the Minister has resulted in the amendment before the Parliament. As I indicated when we were debating the State Energy Commission Bill, if it is difficult for the Government in cases like this, it is equally difficult for an individual.

When one looks at the track record of cases involving this section, it is easy to see that in some cases those individuals will be in a far weaker position than the Mines Department in trying to prove their innocence. For example, since this regulation came into effect in January 1984, there have been 43 accidents involving the transport of dangerous goods. Of those 43, only five have resulted in the initiation of prosecutions. Of those five, only one has succeeded.

Interestingly enough, the one which succeeded did not have to rely on this section for its success. Of the five, two involved owner drivers and one a small company. So when one changes an Act to say one is guilty unless the contrary is proved—

Mr Parker: That is not the position.

Mr MacKINNON: The Minister can explain that to me later, but it seems to me to read like this quite clearly and explicitly.

I have had some separate advice to that effect. When one considers that the penalties involved are substantial, the matter should not be looked at lightly.

The Minister has indicated that this legislation in its entirety is supported by industry. I indicate to the Parliament that this is not the case. I have consulted with the Western Australian Transport Association, individual companies, the Transport Workers Union and the Fuel Agents Association, all of which oppose the amendment. On the other hand, other individual companies which I have contacted support the amendment. The oil industry in particular has no objection to it.

When one looks at the Explosives and Dangerous Goods Act, some overriding principles must always be kept in mind. In fact the Act exists for just that purpose—to protect the public from ill-adventure in the transport of

explosive and dangerous goods. For that reason the Opposition has some concerns about the wording of the Bill, and in particular this clause.

The Opposition will not oppose the Bill, but I ask the Minister whether he believes I am on the wrong tack. I am not being pedantic in this regard; I am open to being convinced that the contrary is the case. I will be very interested to hear what the Minister has to say, but the Opposition still expresses its concern that a mistaken principle of law appears in the Bill. This principle is one which has been debated recently, yet it appears that it will be contravened by this amendment.

MR LAURANCE (Gascoyne) [11.13 a.m.]: I wish to refer briefly to this Bill because it impinges on the transport industry of this State.

The transport of dangerous goods is a problem for the people who are manufacturing, producing, and selling them. It is also a problem for those people who must take delivery of them because of the dangerous nature of the goods and the way in which they need to be handled. However, transporting such goods from the seller to a buyer is a problem for the transport companies involved. Even though this Bill is being handled by the Minister for Minerals and Energy, the requirements in this legislation impinge very heavily upon the transport industry, so it has been responded to by the Opposition spokesman responsible for that area.

On behalf of the transport industry, I wish to make it plain that it is not really the transport industry's problem. The transport companies carry many goods, some of which are more dangerous than others. Most of the regulations seem to impinge on the transport area. The transport industry is really asking for a fair go in ensuring that those people who should take responsibility for these dangerous goods, actually do so. The manufacturers and buyers of these goods must shoulder some responsibility. Most of these regulations impact on the transport industry companies. For example, the arrangements for effectively advising both the carrier and the public of what is contained and how dangerous it is, how it should be treated and so on should be the problem of the manufacturer, not the transport company involved.

Someone must take the responsibility. I am not saying that the transport industry wants to duck its responsibilities, but it does want a fair apportionment between the people who produce these dangerous goods and the people

who just happen to be the agent for transporting them from point A to point B. I think that is an important point to make on behalf of the transport companies, because they believe they have been forced to shoulder an unfair burden in this respect. I know it is very important to transport these goods safely. Some years ago I happened to be in Europe when a tanker overturned and exploded in a caravan park on the Franco-Spanish border. It was during the holiday period and many people died. It was a disaster which brought home to me the seriousness of this matter. In Europe the media was full of what had happened and although it was reported here in Australia, it perhaps did not have the same impact. However, there could be a catastrophe here one day. Recently a fuel tanker overturned in Bassendean and this highlighted the fact that this problem does not occur only overseas, but can occur closer to home. On that occasion, fortunately there were no deaths but it could have been a disaster.

The transport industry appreciates that it has a very important role to play in the transport of these dangerous goods. However, it is but one part of the process and it wants to bear only a portion of the regulations. That is a fact which should be recognised, and I think it is appropriate to make that point on behalf of the transport industry while this measure is before the Parliament.

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.15 a.m.]: I thank the Opposition for its support of the Bill, and I would make some comments by way of explanation.

Firstly this Bill is what is known as an averment; that is, it is not a reversal of the onus of proof. The current position is that the inspectors of the explosives and dangerous goods division of the Department of Mines in the course of a prosecution, in alleging an offence has occurred, have to prove not only the various elements of the offence—that is, that the person concerned was not transporting dangerous goods carefully and safely—but also prove that the goods concerned were indeed explosive or dangerous. It is not sufficient for them to say that it was labelled as something or other; they must go out and prove that it was indeed dangerous or explosive by taking samples and so on. Instead of simply saying, "Well, on the back of this truck there are cannisters of cyanide going to the goldfields", the inspectors must actually take samples of the cyanide, and must obtain a certificate from the Government

Chemical Laboratories to prove that the substance is actually cyanide. The inspectors must go through this rigmarole, which is very expensive and time consuming, and really does not go to the heart of the prosecution because the prosecution is really about whether the particular transport company involved was in fact abiding by the regulations in terms of having its gates up and so on.

That is the critical aspect of this matter. This legislation is not intended to change any onuses in relation to those elements. The department will still have a requirement to prove to the prosecution that a particular freight operator was not abiding by the law in this respect. This Bill removes the necessity of proving accurate labelling. For example, if someone comes along and says, "Yes, the can on the back of my truck is labelled cyanide, but for the last two years I have been using it to cart something else", they do not have to prove that. They can make an averment that what in fact is revealed by the placarding on the bulk container or by the signs on the cannisters refers to something else altogether.

When the Deputy Leader of the Opposition and I were discussing the question of the onus of proof in the State Energy Commission matter, the point was made that there is a difference between that and an averment. In fact the first thing that the explosives and dangerous goods division asked for was exactly what the Deputy Leader of the Opposition took exception to then. The Government sent it back to the division and said, "No, we don't want you to have that; we want you to have the lesser averment". This still enables a person to say, "Well, it's all very well for you to say that, but in fact there were not dangerous goods in those terms". It is quite different.

I was surprised to hear the comments of the Deputy Leader of the Opposition regarding the degree of industry support. My understanding is the Western Australian Road Transport Association, which is the body the Government mainly deals with in these matters—and with which I have developed a very good working relationship in respect of explosives and dangerous goods over the last couple of years—supports this measure. The Australian Chemical Industry Council supports it, too.

I think it is also important to consider the comments of the member for Gascoyne in this light: Everyone who is involved in the chain of dealing with dangerous goods has a major responsibility. I made the point to the ACIC that I regard it as being primarily responsible be-

cause it will ultimately get the blame if something goes wrong with chemicals. It is the ACIC's chemicals that someone will want to ban if something does go wrong. I have suggested to the council that it has an obligation to make sure its freight forwarders are the proper people to deal with the transport of these chemicals. I have suggested that the council should not use small subcontractors to transport dangerous goods, but rather, it should use the major freight companies such as Sadleirs Pty Ltd, Brambles Manford and Bell Freightlines Pty Ltd. It is simply too difficult and too dangerous to play around with these sorts of goods.

There has been more cooperation, much better observance of the regulations and fewer accidents in recent times. I think the way in which the Government has developed these things has actually operated quite successfully. I do not see any problem with this Bill. I am not aware of the fuel agents' point of view or the TWU's point of view, but the major parties in the industry certainly support the Bill. As has been said by the Opposition, it is important from a regulatory point of view.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Minerals and Energy), and transmitted to the Council.

STRATA TITLES AMENDMENT BILL

Second Reading

Debate resumed from 26 June.

MR LAURANCE (Gascoyne) [11.23 a.m.]: The Opposition supports this legislation to amend the Strata Titles Act. This is a new Act; in fact, it had a major rewrite only last year. However, even in the first few months of the operation of that new legislation some difficulties were experienced by the developers of strata-titled units. This Bill seeks to amend the Strata Titles Act in order to clear up two or three areas. A certain provision has been affect-

ing developers and two other machinery type amendments of no great consequence are proposed, and the Opposition is quite happy to see them pass through the Parliament.

I want to discuss briefly the matter of protecting purchasers in cases where strata units are presold—that is, sold before the strata plan is registered. It is often very important in the building development industry for people to be able to offer units for sale before they are actually constructed—"buying off the plan" is the term commonly used. That is pretty important to the developer because if he can have several units presold, of course, it gives him an element of confidence to continue with the development of the units. It is also important to the financiers who would be far happier about financing a particular development if they were aware that several units had been sold prior to development.

Currently the Act requires these strata title plans to be registered within a period of six months from the time a person contracts to purchase a property, and for various reasons that time scale has proved to be inadequate. Even in the short time since the Act was passed in 1985 it has been demonstrated that people cannot comply with that time scale, for various reasons, one of course being industrial disruption. Delays can occur which are not programmed for because of such industrial action on building sites. I do not want to weary the House with a description of what has been well-documented in the Parliament in recent times about the amount of industrial disruption on building sites, but it is well-known. This makes it much more difficult for people to be able to plan developments because they just do not know how long the developments will remain in the construction phase because of the industrial blackmail and standover tactics that have been adopted in the building industry.

Other machinery reasons exist which prevent these plans from being registered within the six-month time scale, and the situation has had an impact on the confidence of the developers and financiers. Of course, if these were the only vagaries of the system people could learn to live with them; but when we consider interest rates and other disincentives to development we understand and appreciate why we have the highest number of rent-payers in Australia, or the lowest level of availability of rental units of any capital city in Australia.

Rents have gone through the roof in Western Australia by 12 per cent on average in recent months, and we lay the blame for this squarely

at the feet of the Government. The Federal and State Governments cannot take action against the building industry and against developers without their action having some damaging effect on the industry; so we have had a chain reaction. First, in, I think, September 1984 the Government removed the negative gearing provisions from units. Since that time, losses on real estate have not been able to be offset against income, and that had a very negative influence on the building and construction industry.

The other disincentive, of course, was the imposition of a capital gains tax on new constructions and it is only reasonable that people would not want to invest in strata-titled units or rental units of any sort.

Interest rates are now the highest they have ever been in our nation's history and they are levied against developers of units or rental accommodation. I repeat that the whole question of industrial disruption to which I referred earlier is another reason for people deciding to invest in another area.

When all of those factors are added together people have decided not to construct units. That has led to a serious situation in the rental accommodation market of Western Australia.

Mr Wilson: There are many other factors to be considered, too.

Mr LAURANCE: I think those are the important ones.

Mr Wilson: There are many other important ones which you have not mentioned.

Mr LAURANCE: It all comes back to Government policy of one type or another.

Mr Wilson: Not all of them.

Mr LAURANCE: They must be very minor ones, then.

Mr Wilson: You should talk to people in the industry. I do not deny what you have said, but I think there are many other factors to be considered as well.

Mr LAURANCE: I have not mentioned all of the disincentives. I picked out the major ones that have affected people who, in better times and under better Governments, would be attracted to putting investment funds into the building of units for rental or sale.

There is no point in our having a Strata Titles Act which restricts people even further. Developers, purchasers, and financiers are running into problems with the requirement that the deal must be legitimised within six months because it has not been possible for people to

have units registered in that time. This amendment stretches that period and will now assist the people I have just mentioned.

Two other items contained in the legislation include the remittal of proceedings before the referee to the District Court and transitional provisions relating to the registration of plans prepared under the former Act but not yet registered. Both of those matters are technical matters. I believe they were put into the 1985 Act because they were included in the legislation in either New South Wales or Victoria and it was appropriate, in the circumstances, that they be included here. However, practice has shown that these provisions are not appropriate in the legislation in Western Australia and have caused some problems. This legislation now seeks to amend those provisions in a way that will ease the situation in the future and overcome many problems. We believe the amendments are sensible and of benefit to the industry.

The Opposition, therefore, supports the legislation.

MR LEWIS (East Melville) [11.34 a.m.]: I support the comments of the member for Gascoyne. The amendments are worthy ones. Notwithstanding that, I believe the Act is still in a transitional stage; it is still emerging. It is comprehensive. I feel that more amendments will evolve over the next 12 months to further streamline the legislation.

I turn now to the two principal amendments contained in the legislation. The first amendment refers to the lifting of that six-month embargo, otherwise sales are voided. As I said, that amendment is welcomed. In his second reading speech, the Minister spoke about the problem of obtaining finance under the legislation as it existed. I do not see it that way. I see the six-month period putting developers into very severe financial positions. We all know that most developments take about 12 months from go to whoa. Quite often in the boom and bust scenario that occurs in the construction industry from time to time, when things are going well developers are building madly, and when things are slow, they are very reluctant to construct anything. There is not much that can be done about these highs and lows. However, this legislation will facilitate the ability of developers to level out the highs and lows a little because developers have been afraid of writing sales two months into a development. The strata plan could not be registered within the six-month period, therefore the financial climate could change. In other words,

because the intending purchaser could void his sale, he could place the developer in a very precarious position. I therefore see that amendment as being very useful.

I notice also that it must have the agreement of both the vendor and the purchaser. I think that is fair and reasonable. If there were a downturn in the industry—knowing the industry as I do—the people selling would ensure that certain procedures were taken so that the sale was not voided.

The other important amendment refers to the remittal of an application to the court. I always thought that was somewhat unnecessary. I did not see it as the court's position to inquire into the ins and outs of a strata duplex or whatever. I believe it is proper that in future a referee will deal with these matters.

The final important amendment to schedule 3 allows for a transition from the 1968 Act to the 1985 Act. Unfortunately, when the 1985 Act was proclaimed only a six-week period remained out of the 12 months allowed under the Act. In other words, the public had only six weeks in which to register their strata plans. They had to obtain a certificate from their local authority signed within 12 months of the appropriate date.

The Parliament may not understand that people have strata subdivisions carried out and take them through all the processes, including submissions to local authorities and approvals from town planning authorities. Before the 1985 Act, those strata titles could sit in the Titles Office for ever and a day. It was a statutory document which could be acted upon notwithstanding how long it had sat in the Titles Office. That meant that the public could live happily in a duplex or a triplex which had not been divided because the titles had never legally been issued. The 1985 Act allowed only a period of six weeks to 1 July last year for all strata titles to be registered. Many of those titles had been sitting in the Titles Office for two or three years. Many people could have been overseas, or had some sort of legal impediment preventing them from registering the title. The industry and the public were up in arms about what they saw as an impropriety.

Clause 12 amends the Act and gives people a period of 24 months in which to register their titles. The only problem is that many people, under the previous legislation, could have taken other action to comply with the legislation at great cost to themselves, not realising,

of course, that this legislation would be introduced.

The industry approached the Attorney General at the time about this problem. However, the Attorney did not seem to understand the problem and many people were disfranchised. They now have another 12 months in which to overcome their problems.

The Opposition supports the Bill.

MR TAYLOR (Kalgoorlie—Minister for Lands) [11.39 a.m.]: I thank both members of the Opposition for their support of the Bill. The legislation was required by the industry. It has been approved by the Law Society of Western Australia. It is appropriate legislation given the nature of the difficulties faced as a result of previous amendments to the Act.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Burkett) in the Chair; Mr Taylor (Minister for Lands) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Schedule 3 amended—

Mr LEWIS: As I mentioned during the second reading debate, my only concern is that the public and the industry generally hitherto were given only about six weeks' notification of the 1985 Act and the effects of that legislation flowed through to the industry and concerned many property owners in strata situations. I am afraid that people will not be adequately notified of the amendments to transitional clauses and will believe that the strata plans still sitting in the Titles Office are void, although they are not now void.

It is incumbent upon the Government of the day of whatever political persuasion to ensure that legislation that is enacted in this House is made known to parties concerned. Strata legislation affects a great many people. It is very important that the public be made aware of this amendment to the transitional provisions which now allow those hitherto cancelled strata plans to be reinstated for a further 12 months. I ask the Minister to accept my suggestions and to make the appropriate Press statements so that people in the industry and those who have strata plans that they thought were cancelled, but which now are not cancelled, will know what it is all about.

Mr TAYLOR: I will take into account the comments made by the member for East Melville. They were quite wise comments. I will ensure that when this Bill has passed both Houses of the Parliament and has been proclaimed, Press statements will be issued to make sure that people are aware of the situation. I will also get in touch with the Titles Office to see whether there is any possibility of making those people in the situation described by the member aware of the fact that their obligations may be less onerous than they were before.

Mr LEWIS: It may be appropriate for the Titles Office to write to those people with strata plans that hitherto were cancelled, but which now are not.

Mr Taylor: If that is possible, I will consider it.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Taylor (Minister for Lands), and transmitted to the Council.

WESTERN AUSTRALIAN ARTS COUNCIL REPEAL BILL

Second Reading

Debate resumed from 26 June.

MR LAURANCE (Gascoyne) [11.47 a.m.]: The Opposition spokesman on the arts is Hon. Phillip Pandal, MLC. He has asked me to handle the Bill on his behalf in this Chamber. I do not pretend to know as much about the subject as he does or to be as intimately involved in it as he is.

Mr Parker: I thought you would be a great connoisseur of the arts.

Mr LAURANCE: Oh no, I am not and do not pretend to be.

Mr Burkett: I believe that you have the charm to take it in your stride.

Mr LAURANCE: I thank the member for Scarborough. His remarks are appreciated. Tomorrow when I see his brother in Exmouth,

I will tell him that the member still says nice things about me in the Parliament.

The Bill is a simple one. That is borne out by the very brief second reading speech that the Minister gave to indicate that the function, purposes, and powers of the Western Australian Arts Council will be transferred to a new Department for the Arts. We are prepared to acknowledge that this may be a better way to proceed. I think that both major parties have found, when in Government, that the arts world is a difficult one to finance properly and to encourage because it is so diverse.

In any community, the arts world is a very important one. It would be fair to say that no society is complete without having an arts world, people who spend a lot of time, money and effort bringing the finer things of life to it.

I am not the right person to speak about this; it is not a high priority in my life.

Mr Parker: If you are to become the Leader of the Opposition you will have to remedy that difficulty.

Mr LAURANCE: The Minister would know more about those things than I do. When I entered the Parliament for a remote north-west electorate I very quickly discovered what the most important things for my constituents were. Within a few months it was obvious that my files on transport and communications were by far the biggest, and that has continued to be the case. Perhaps now housing is catching up.

That generally reflected my priorities, because those were the priorities in my area. It is a remote area, and moving people and the goods they require up there means that transport has always been one of the first priorities. The other is communications.

There is the business of education in the bush and providing telephone services. Those things were and are very important. I have spent a lot of time on those sorts of things, so I have not had time to develop an appreciation for the arts in view of the nature of the job I am doing representing my area in the Parliament.

Mr Parker: We have organised the WA Ballet Company to perform in Carnarvon.

Mr LAURANCE: Governments have been giving an increasing amount of importance to getting the arts to the country and providing access to them, because country people appreciate that sort of thing. Just as their priorities lie in fairly practical things, they also

require access to the arts; to some of the finer things in life.

Life in the country is fairly basic. People come to the city to appreciate most of the art world, which is centred in the capital city. I am not complaining; that is as it must be, because one is dealing with the majority of the public and the facilities are in the city. Those who contribute to the arts are largely in the city. However, country people require access to the arts, because it is important to be able to give them some of those finer things in life.

The movement of population in our State has generally been from the rural to the city areas. That is largely because of employment opportunities for young people. Often a country family will move to the city when the children finish education and cannot find satisfactory employment in the country areas. That will be a powerful influence on people moving to the city.

Mr Crane: That brings an infusion of good blood.

Mr LAURANCE: I was thinking more of the other side of the question. It is difficult to build up country centres; the normal process is that they tend to decline as people move to the cities. One of the reasons country people feel life in the city is better is that they will have access to the arts. There are compensating factors. It is better to bring up children in the country rather than in the city. Nevertheless, some pretty powerful forces tempt people to leave the country and move to the city.

I think of the life that my wife has had to live over the last few years. She has a far greater appreciation of the arts than I have, particularly of music, but she has been denied that as the wife of a member of Parliament. As a Minister I was required to attend many arts functions, and I appreciated that. As a Minister I had some contact with people involved with the arts, and that gave my wife an opportunity to further her appreciation, even though it was part of our formal duties.

In the last three years, of course, that opportunity has not been available. I often hear people say they have seen a good film recently. I cannot remember the last time I took my wife to see a film. Many country members on both sides of the House spend most evenings in the Chamber when it is sitting, and at weekends they are usually away. The member for Kimberley will probably see my point of view. I shall probably see him at the airport.

Mr Bridge: I shall be at Geraldton.

Mr LAURANCE: I am going to Exmouth.

Mr Bridge: I have seen *Crocodile Dundee* and I recommend everybody see it. That is part of art.

Mr LAURANCE: I am making the point that I do not have the opportunity to see these things through force of circumstances, and my family, particularly my wife, are deprived of the opportunity.

Mr Parker: Can she not go on her own and take the kids or something?

Mr LAURANCE: Eventually she gets round to that because if she waits for me she will have to wait a long time.

Mr Parker: Give her a bit more money.

Mr LAURANCE: Members have commitments in the bush at weekends and their evenings are taken up in the Parliament.

Having said that, I believe that arts have an important part to play in our society. It will always be difficult for Governments to decide the relevant level of funding for the various art forms in our community.

Whether it is based upon an Arts Council or a Department of the Arts is a moot point. Only performance will determine whether one is necessarily better than the other, so we will be looking to see the performance of the new department, because that is the only way to decide whether what we are doing in the Parliament today is appropriate. I indicate to the Minister it is not necessarily going to be a good thing—it may well be—but some criteria must be adopted on which we can judge the performance of the new department.

We need to look at what the Arts Council was set up for and what it has attempted to achieve. I believe that the Western Australian Arts Council was set up so that it would be more or less an organisation at arms-length from the Government, and therefore having some independence. This arms-length organisation would bring together the various branches of the arts so that they could negotiate with one another about funding for various art forms or branches of the arts, and then go to the Government with some acknowledgement that the various interests had been attended to; that there had been perhaps a cooperative stance.

That had benefits for the arts world in that the various branches were able to be represented on the Arts Council. It also had advantages for the Government, because the Government could be seen to be at arms

length, and therefore it could be a little more independent and neutral. That was the reason for the setting up of the Arts Council, and that would apply to Governments, whether of Liberal or Labor persuasion.

However, regardless of the system established, it really gets down to the personalities of the people involved. Then, allegations are made that Governments have manipulated the personalities in some way; that Governments of the day have seen fit to place people on that body, as they do on all bodies, who are likely to be favourable to the Government. That is not true in 100 per cent of the cases but it is a general trend. While we were in Government we were accused of that, although there are some pretty good demonstrations that we also put on the Arts Council people who are not of our political persuasion. That can be easily demonstrated.

There have been some accusations that the present Government is responsible for politicising the Arts Council, although again I do not believe that is so to a total extent. I am sure the Government can demonstrate that some people on the Arts Council do not have the same political view as the Government.

Mr Rushton: About 95 per cent!

Mr LAURANCE: My colleague indicates that the figure would be about 95 per cent. I emphasise that we do not claim the figure to be 100 per cent, and I am sure the Minister can point to people on the council who do not have the political leanings of the present Government. Nevertheless, that has been seen to discredit the Arts Council. There are plenty of reasons for people to say the Arts Council has not worked for one reason or another. I am sure it could work and that the Government could make it an effective body once again; but it has decided in its wisdom to set up a department.

I have not had the opportunity to check with the people involved in the Arts Council and the arts world as to their feelings on this matter. The information I do have is that some of them think it is a good thing and some think it is a bad thing. I am not sure whether the Minister has come down with the numbers on his side. Presumably he has or, if not, he must have decided it was worth toughing out because he believes in what he is doing. I am sure he does, and I only hope he has greater numbers on his side than the Minister for Health has in Gnowangerup.

Mr Parker: I received an ovation when I spoke at the arts alliance rally in the Perth Town Hall.

An Opposition member: You have not got the majority of people wanting this, that is for sure.

Mr Parker: There is well and truly a majority.

Mr LAURANCE: It probably beats the response received by the Minister for Health, but I guess even the people who applauded the Minister are looking to see what the performance of the new department will be. The majority might very well take the stance I do—that really we are forced to suck it and see. It will depend on what the Minister does with that department, how he runs it, and the people who are involved in it.

Mr Parker: That is the same for any Government department.

Mr LAURANCE: The Minister indicates acknowledgment for the point I am making. It is the Opposition's view that it must wait and watch to see what this department achieves and how it is set up. Although I said I had not had the opportunity before dealing with this Bill to canvass as fully as I would like the attitudes of the people involved in the arts, my colleague has; and when the measure comes before another place he will be speaking in a fuller way of the reactions of people in the arts world.

Another point is that the former Government instituted a programme wherein regular funding was made available to the arts world from Instant Lottery funds. The funds were divided equally between sport and culture. We thought it was an appropriate method of funding that could be given to this area of Government activity and that hopefully it would grow as the take from that lottery increased. However, the present Government, in its wisdom, decided to put a ceiling on funding to both culture and sport, and then hived off the balance of the lottery funds to Consolidated Revenue. We thought that was inappropriate and against the spirit of the legislation we put in place. However, we acknowledged that the Government was the Government of the day and was entitled to do that, although we believed it short-changed the arts by doing so.

It is interesting to note that the take this year may not be much above the ceiling, because I understand the sale of Instant Lottery tickets has declined and the take to the Government has decreased. Nevertheless what the Govern-

ment has done takes away from what the former Government did for funding of the arts. I feel it is appropriate to make that point while we are debating this measure.

Mr Wilson: That is true, if you do not take into account other contributions made by Government to the arts.

Mr LAURANCE: I cannot argue with the Minister but can only hear his point of view because I am not sufficiently well versed in this matter to be able to know that. The Minister makes the point and I have no reason to dispute it with him.

Another concern the Opposition has relates to the fact that, generally, people see a department as being a centralised organisation and very much a part of Government. It is the reverse side of one of the advantages I indicated earlier: The Arts Council could be seen to be at least some distance from the Government and perhaps a little more independent. A department would seem to be a very centralised body, and we think that could have some disadvantages. Perhaps the Minister could comment on that point in his response.

We are also concerned that this move will bring funding more directly under the Minister, and arts funding may be seen to be more political, coming as it will directly from the Minister via a department. We will watch that very closely because it is of general concern. It could apply to other areas of activity as well, but we think it is appropriate to raise it while dealing with this legislation.

It is fair to say when the Opposition went to the recent State election it had a fair arts policy.

Mr Parker: You did not release your arts policy.

Mr LAURANCE: The Opposition had an arts policy.

Mr Parker: You might have had one, but you did not release it.

Mr LAURANCE: Perhaps I will leave that to my colleague who will follow me in speaking on this matter. When Governments get elected they say they have a mandate to do certain things, and usually they say that mandate reflects their policy. We went to the election with a printed document which included our policy on the arts, so what the Minister said is a mischievous technical point. Had we been elected to Government, I am sure plenty of people would have held out the document and said, "This is your arts policy", because it was in fact

in print. Time did not allow us to deal with it in the manner we would have liked, but I am sure the member for Dale will deal with it in greater detail when he speaks.

We had a very clear commitment to take arts and culture back to the people. We said that in Government we would give members of the arts community direct access to the Minister. We intended to reorganise the Western Australian Arts Council and restore the arms-length funding principle. In fact we might have been seen to be going directly the other way from the course the Government is taking. We wanted to introduce better accountability procedures to ensure taxpayers' money was not wasted. We wanted to encourage young people's participation and foster talent amongst the young. We wanted to ensure that exhibitions and performances were part and parcel of country life, and we have referred to that already this morning. We wanted to complete the Perth Cultural Centre—something started by the former Liberal Government.

Mr Parker: Different bits of it were started at different times. Both the Tonkin and Brand Governments would have had a bit to do with that.

Mr LAURANCE: That may well be the case. I am sure the Minister is correct. However, in the term of the premiership of Sir Charles Court a tremendous amount was done in the field of arts. Certainly more was done then than at any other time. I pay tribute to that Government, and particularly to the leader of the day, because frequently he has been criticised for not giving enough to the cultural side of life. We hear comments about "bulldozer Charlie Court", that he concentrated purely on major resource development, and so on. However, history will record that a tremendous amount was done for the cultural life of this State, particularly of its capital city, during the time Sir Charles Court was Premier, and that is to his everlasting credit.

Other aspects of our arts policy released during the last election campaign were the commitment to promote the construction of regional cultural centres and to encourage private enterprise involvement in the development of those centres. We wanted to review the rolling triennium for arts funding and to liaise with arts authorities to ensure appropriate teaching resources were available to talented individuals at primary, secondary, and tertiary levels. We wanted to involve industry and unions in maximising the use of technology as a means of

spreading the benefit of the arts to the community.

Those were some of the major points of our arts policy at the election. They are very appropriate and we still have a commitment to them. We shall now adopt a watching brief until the next election to see what happens in this area and whether it will be appropriate to change direction then. This Government has just started to develop a bit of a wobble which is becoming a stagger. As that stagger develops over the next couple of years and it becomes obvious to the people of this State that they want a change, when they get it in 1989, we will have to ascertain whether we want to continue with the Minister's department, and we shall discuss with the people involved in the arts whether we should change direction once again. That is the position of the Opposition.

Finally I refer to funding. There is every reason to question where the funds have gone under this Government. We realise that much of the funds allocated to the arts by the Government has been used appropriately. The Government has supported most major areas of activity in the arts. However, some questionable peripheral groups have been funded. Under the guise of the America's Cup some very questionable grants have been made to people associated closely with this Government, particularly in and around the Fremantle area. Concern must exist in that the Minister who has just taken over responsibility for this area is now setting up a department which will mean he will be in a position to give much grace and favour to people who are ostensibly in the arts world in the Fremantle area. That is also something we shall be watching very closely, because already there is room for considerable criticism in that regard. We shall be watching to see how the Minister performs, because it is not appropriate to allocate taxpayers' funds to dubious causes in the name of the arts. It is something which an Opposition should properly bring to the attention of the people of Western Australia, and it should ask questions in the Parliament, as is its right, and it shall continue to do that.

We shall be increasing our surveillance of that area, because we have not been happy with it recently. It could be cause for even greater concern that a department is being set up under the mantle of this Minister bearing in mind that he represents Fremantle. We ask the Minister to ensure that he is circumspect in his use of public moneys for grants to people involved in the arts world.

With those comments, I indicate on behalf of the Opposition that it does not intend to oppose the legislation.

MR RUSHTON (Dale) [12.15 p.m.]: The old saying that we cannot live by bread alone is still true in respect of the arts. By way of interjection the Minister prompted me to set out some of the background of my involvement in the arts over a period of time. Generally Liberals have not sought a high enough profile in the arts. As many Liberals, if not more, are involved in the arts as are members of any other political party, but they have never sought a high profile in that field. However, the Liberal Party should pay greater attention to the arts in the future than it has in the past, because nearly everybody in society is involved in that field.

On a permanent basis, the proposals in the Bill represent a retrograde step and I shall set out my reasons for saying that. Under the Liberal Party's commitment, it would have reviewed the present WA Arts Council with a view to restructuring it, appointing to it people of proved ability. We would have attempted to remove the party political commitment of the council's present structuring.

The Minister said that the Liberal Party did not release an arts policy during the last election, but circulated only extracts of it. When I took over responsibility as shadow spokesman on the arts, along with other matters, our policy was not advanced adequately, so I devoted a great deal of my time to communicating with those in the arts world. Previously I had been involved fully in local government, transport, and other matters. The arts are unique and I found this area very interesting. My wife was very interested in it, so it was a pleasure for me to become involved also. I come from the country and I have always respected what has been achieved in the arts and I realise the advantages to a community which is involved in that field.

When I became Opposition spokesman for the arts the first piece of literature I received from my predecessor was a couple of pages containing a suggested policy. That was not satisfactory to me. It was suggested also that the future administration of this portfolio should be based on departmentalising the arts and abolishing the Arts Council. The policy was being developed in that way, because it was clear that the Arts Council was being politicised and, as a result of the activities of the Burke Government and the previous Minister, arts were in a shemuzzle.

The previous Minister had much goodwill. An interesting aspect was that when I went to a number of functions I found him at only a couple, but people said what a wonderful man he was and that he always attended everything. However, he only attended two of the first 18 functions I went to. That indicates his ability to convey a perception which stood the test of time.

I shall indicate to the House and the Minister some of the background of the present policy of this party. Extracts of that policy were released at election time, but the policy was not circulated in a final, printed form.

It is clear that those in our party who are involved in the arts presently need to review our policy and reconfirm their commitment to what has been set out already. It is possible for them now to observe the results of the change in Ministers and the effect of the Government's policy to departmentalise the arts.

I have met with many good people in the arts world including the flagship people and what one might call the "individual". I have spoken to many earnest people in this area and many of them are apolitical. However, a very small section of them are devoted to party politics and that is why I resist the present Arts Council.

They seem to have found themselves involved in party politics to a great extent in that area. I pay a tribute to the present chairman, Mr Harry Bluck; he obviously has a different political persuasion from mine, but the arts was the dominant factor in his administration. He indicated to me he would prefer to have an Arts Council and he would want to see it at arms length from the political patronage that goes on. We will have to observe and see what is the bottom line in this area over a period of time.

I outline to the House now the general Liberal philosophy relating to the arts. It states—

The Liberal belief is based on absolute respect for the individual—their gifts and talents. We believe the aspirations and achievements of the individual enhance the society in which we live. Quality and excellence are destroyed when the objectives of the State supersede those of the individual.

I hope those words stand for all time. To continue—

Creative freedom is crucial in achieving artistic excellence. The great artists whose works live on through generations attained

the standards that attracted this lasting recognition by their talent, labour and discipline, it is these qualities we must encourage.

That takes it out of the political arena, and most artists would agree with that as an objective. To continue—

It is the Arts which infuse quality into the lives of Western Australians and the opportunity should be there for all to both participate and appreciate.

It is our artistic monuments by which we will be judged both now and in generations to come.

Excellence in the Arts should be encouraged and recognised across the colourful spectrum of music, dance, literature and the fine arts.

In this age of high technology it is through the Arts that the individual is able to create and enjoy the highest levels of personal achievement. The Liberal Party believes those opportunities should be open equally to the young and not so young, the rich and not so rich, the talented and the triers.

It is significant that throughout history the Arts have survived the ravages of political dominance. Certainly the Arts have reflected political change but the Liberal Party believes they should be allowed to flourish without party political influence or interference.

I put those thoughts forward in the party policy; I stand by those words. It should be our objective to follow that line. I hope the Liberal Party will pursue that objective in the future, and I hope the present Minister for The Arts sees a sound philosophy in those remarks and one that will enhance the arts and not take it into a more commercial or politicised form.

It was generally accepted that when the Burke Government came to power it would follow a line which was accepted in the arts world. The current crisis in the arts commenced in 1984. There was great expectation in 1983 in relation to what the Government said it would do. The Premier in his election platform in 1983 promised to increase the funds for the various flagship companies which present popular, well-attended performances in ballet, opera, and theatre. People in the arts had great expectations, but they went sour when there was a change in direction as a result of the limitation of funds.

Mr Parker: We fulfilled our promise; we said we would double the funds, and we did.

Mr RUSHTON: The Government did not do it in other ways; I have graphs to show that. It is no good arguing this point today. The Government's performance changed when it changed direction in 1984.

Mr Parker: We did double the funding.

Mr RUSHTON: The Minister may believe that, but I can produce figures to show it is not so. The Government started well—

Mr Parker: We did not keep doubling it every year.

Mr RUSHTON: The Government cut back on other things.

Mr Parker: No, we did not.

Mr RUSHTON: The expectations raised by the Government's commitment in 1983 were not achieved, and that can be easily proved.

The Minister was interested in the basis of our policy, and I will outline to him some of the recommendations that were included in the policy document. The first recommendation was that a Liberal Government would amend the instant lotteries legislation and restore ILDAC funding so that all moneys were made available to arts and sport. We had messages at election time that the Government was going to do something about it but I do not believe it did. The arts have been sold short by many millions of dollars through the Government's actions. If one looks at the details of funding to the arts under the Burke Government in the first three years, one sees that the Government started by keeping its commitment, but the whole thing then went sour and the commitment was not achieved.

The second recommendation was as follows—

review and restructure the Western Australian Arts Council to ensure that the 'arms length' principle of funding is preserved, and review the statutory authority of the Western Australian Arts Council and the role of the Minister to ensure that the Liberal Party's philosophy and objectives are achieved;

I mentioned the philosophy just a moment ago. The third recommendation stated—

ensure that public funds are not wasted by instituting proper procedures for accountability by the Western Australian Arts

Council and recipients of Government monies;

Obviously the present Minister will have that responsibility as well under the departmental arrangements. The fourth recommendation states—

encourage incentives for Private sponsorship of the Arts and for the development of public appreciation. Encourage the Federal Government to introduce a suitable tax legislation to encourage Private sponsorship;

I think the Government put forward an item recently reaching towards that objective, which is worthy of continuation. The recommendations go on as follows—

5. encourage opportunities of participation and appreciation of the Arts among young people. We will foster Western Australian talent by ensuring that appropriate assistance is available to provide scholarships, bursaries and travel opportunities;
6. foster the use and foster the expansion of facilities in country centres for exhibitions, master classes and performances;
7. encourage and maintain the highest standards of excellence;
8. provide maximum access to cultural activities by ensuring that entrance prices are kept at the lowest possible levels;
9. acknowledge the importance of the Arts by appointing a Senior Minister as Minister for the Arts;
10. encourage all aspects of arts and crafts development.
11. encourage the concept of "Artist in Residence" in order to respond to the needs of the community in country and metropolitan areas;
12. establish procedures to ensure regular consultation with Federal and State Funding authorities for the Arts;
13. complete the Perth Cultural Centre and promote the construction of regional cultural centres;
14. pursue investigations into funding of the Arts on a rolling triennium basis;

That was introduced by the Government this year although it has not quite settled down. The recommendations go on as follows—

15. liaise with Education authorities to ensure that the highest standards of teaching are available to talented individuals at—

Tertiary institutions

Secondary schools—public and private

Primary schools—public and private

16. liaise with Unions and the Industry to maximise the use of the latest technology for the dissemination of the Arts to our widely spread community.

That has great prospects, and it is something which can be attended to.

I make a few final comments in relation to arts funding. Our document goes on to state—

Arts funding has, in recent years, been curtailed due to the amendments made to the Instant Lotteries Act by the Burke Labor Government.

We will revoke those amendments and restore the Instant Lotteries Act to its original form so that ALL funds raised from the Instant Lottery will flow into sport and culture.

Such funds together with general revenue allocations will ensure that major arts institutions in the metropolitan area and country regions are properly maintained and that the grass roots community projects will be adequately funded.

This has been lost under the present Government's decisions, and of course the Government will be on trial on this point for the next three years.

The Minister is taking the action of establishing a new department in order that the Western Australian Arts Council will not be responsible for direct decision-making. The performance of the Arts Council was totally unsatisfactory and perhaps the decision to form a new department has been forced on the Minister. He does not have an understanding about how the council operates, especially the work that is undertaken on a voluntary basis. The Minister for Health has already informed this House that he is not in favour of voluntary work in Government departments. It is not the philosophy of this Government to work with volunteers because it wants to make the decisions and tell people what to do, and this is what this legislation is leading to.

The Arts Council should have been restructured and should not be abolished. I would agree to its being closed down for a short while to allow the Minister time to ascertain what should be done.

The Government should develop a distributing body in order that it can earn the respect and confidence of the arts community. The department will do nothing but make people feel uncomfortable. Generally speaking, artists are apolitical and wish to pursue their interests in whatever form of art they desire.

The Arts Council does not enjoy a good reputation. Many of the people appointed to the council did not know the arts, but took a great interest in politics, and their influences were very strong indeed.

I ask the Minister in his reply to advise how many staff members from the Arts Council will be appointed as his advisers or will take up a position in the proposed new department. I ask also how many councillors from the Arts Council remain in the Government's employ and will advise the Minister.

I have already made the point that if there had been a change in Government the Liberal Party's policy was to restructure the Arts Council in an attempt to attract those people who were proven in the arts in order that they could administer an important segment of community life.

My hope is that the Liberal Party will take a higher profile in the arts in the future. I suggest to the Labor Party that it assess its present policy and take more interest in the arts area and keep abreast with its activities.

My understanding is that the Minister is proceeding to establish the proposed department against the wishes of the majority of artists and those people interested in the arts.

If the Government were to conduct a referendum among the artists—from the flagship operators to the individual artists—it will learn that it should restructure the Arts Council without political patronage being predominant. The philosophy of the Liberal Party would reflect very closely the wishes of the people involved in the arts community through their dedication to the arts.

I have become very close to the arts community, which I respect, and I hope it will be in a position to continue with its work and that funds are made available to it. Time will tell whether the Minister will be in a position to handle all the difficulties that will arise. One cannot hope to satisfy all the people concerned

and he should only be fair and do what is best for those involved.

The Government should not spread its funds too far because it will result in the incentive of individuals being reduced. The individual needs a challenge to undertake whatever form of art in which he is interested without major subsidy, but we are all mindful that we need to continue to assist the arts.

I will be interested to observe the results of this legislation and, of course, I will receive feedback from the arts world and will be given up-to-date information.

MR LEWIS (East Melville) [12.38 p.m.]: I must admit that there is a little disquiet in the community about the arts being taken over by the bureaucracy. I am not sure how the department will function, but I presume the Minister will appoint advisers who will advise him on the broad spectrum of the arts.

The arts covers a wide area—from dramatic art to fine art. Although I am not aligned to dramatic art I have an appreciation of fine art. I am concerned that the heads of the proposed department may pursue a particular direction along the line of art they appreciate.

It is necessary for the Minister to inform the Opposition and the public about how he intends to structure this department and how it will be advised about the many forms of art. This question is of concern to the public and to me, and needs to be answered.

The other point I will mention concerns the burgeoning bureaucracy. It appears that this could happen with the Department for the Arts and it may find itself in a similar situation to that of the Library Board of Western Australia. The Library Board was set up to put in place libraries throughout various local authorities, and 75 per cent of the funds provided to it were channelled into the bureaucracy, with only 25 per cent of the funds being used to purchase books and the like. The Minister should watch closely to ensure that the funds appropriated to the department are channelled to the encouragement of the arts, and not to supporting the administration.

The people involved in the arts are, in the main, *prima donnas* and are very creative. They have wills and minds of their own and, being creative people, they like to do their own thing. In this regard it is imperative that the new administration take account of these things and that it take the necessary steps to carry out its function to encourage the public

and formally manage the arts in terms of this State.

I also comment on the somewhat improper dismissal of the previous director of the Art Gallery of Western Australia. I believe it is an indictment of the Minister, who renewed the contract of the director two years ago for a five-year period, and who then summarily dismissed the director leaving three years of the contract to run. The Minister may well have had very valid reasons for that dismissal but I do not believe it is proper for a highly paid officer such as the director to attend his office on Monday morning and receive a telephone call asking whether he has read in the newspaper that he has been dismissed during the weekend. That is not the right way for departments and agencies of the Government to be managed, and this sort of thing should be done with a great deal more skill in administration and management. Certainly it would be right and proper for the person involved to be informed correctly and advised of his future before reading about it in a newspaper. I am trying to be kind to the Minister, but the public were concerned about the handling of this matter and it behoves the Minister to take that advice.

Mr Laurance: It is a sign of an arrogant and callous Government.

Mr LEWIS: I would not go quite that far because I understand there may have been reasons for the dismissal. However, it was not done with any finesse or subtlety.

I do not fully understand the various factors of the administration of the arts, but I understand that the arts need to be encouraged and fostered and certain grants have to be made in specific directions. As I said before, it is very important that the bias does not focus on one particular aspect, leaving the others in the cold. In this regard it would be appropriate for the Minister to set up a body of advisers, people proficient in and knowing about the various art forms, to counsel the Minister on the direction of funding. That would be preferable to such decisions being made by a departmental head who could arbitrarily dish out funds where he thought fit or where he thought they were needed notwithstanding the opinions of people in the arts community.

With those few comments, the Opposition supports the Bill.

MR PARKER (Fremantle—Minister for The Arts) [12.44 p.m.]: I thank the Opposition for its support of the Bill. I guess this is one of the

more extraordinary debates on any matters of policy in which two of the three Opposition speakers confessed that they did not know what they were talking about. Nevertheless I thank them for their contributions. I also thank the member for Dale, who did know what he was talking about, for his contribution.

In response to the debate, I have a couple of comments to make although I do not want to canvass all the issues raised. There are essentially two potential models for administration of Government response to the arts in Australia, and probably throughout the world. One is the so-called arm's length funding model which is best exemplified in Australia by the Australia Council. The other is the departmental model which exists in Victoria, New South Wales, and South Australia, in one case instituted by a Liberal Government and in the other cases by Labor Governments. This system also operates in France and, in fact, I am told that the Victorian department was modelled almost exactly on the department introduced in France when Giscard d'Estaing was President of France. Both models have their advantages and disadvantages.

Many phrases are used in the arts, such as "arm's length funding" and "peer group assessment". The truth of the matter is, as the member for Gascoyne said, the operation of the system and whether it is successful depends on the individuals operating it. In my view it is not possible to have arm's length funding in the true sense of the word unless the body concerned has its own source of revenue. For example, the BBC in the United Kingdom operates very much on an arm's length funding basis because it raises its revenue through licence fees. Only a very small proportion of its revenue comes from Government grants and, although it is a statutory authority, it certainly operates on an arm's length funding basis. However, that does not apply to the ABC in Australia, let alone to any other bodies. In the final analysis it is not an arm's length funding situation unless the Government is involved only in setting up the mechanism and in no other way.

In the short period of time that I have held the portfolio, and from my observations when Hon. Ron Davies held the portfolio, my experience has been that if people do not get what they want from the arm's length funding body their immediate response is to go to the Government and ask it for the money. It is only an arm's length funding situation to the extent that they want it to be at arm's length. That will

inevitably be the situation. In my view it is not possible to have arm's length funding in the true sense of the word if Government funding is involved. That is very evident at the moment in the controversy surrounding the Australia Council where the Australian Opera believes it has been badly treated by the council and it is approaching the Government asking it to provide the funds that the Australia Council has not granted.

We have to try to achieve a system in which we do not have direct political involvement in decision-making processes but at the same time Government priorities—Liberal Party, Labor Party or whatever—are taken into account in the generality. The priorities taken in the arts are usually apolitical, as the member for Dale said, and I agree that most arts people do not think in terms of whether there is a Labor or Liberal bias; they think in terms of their art form.

I guess it is a moot point as to which group is better represented in the arts, but it is not terribly important because I do not see the arts as an area in which the Labor Party will introduce its philosophy in terms of insisting or hoping that everybody in the arts will become Labor-orientated any more than I imagine the Liberal Party would hope the reverse. I hope that our philosophy will enable us to promote arts activity in a range of different areas and to assist the people initiating the arts activity. I have deliberately called it the Department for the Arts and not the Department of the Arts, because the department does not generate the arts, it is the Government's response to the needs of the people in the arts community.

One important point, which I do not think was present in the Arts Council under any of its administrations, is the principle of peer group assessment. In the early period of the Arts Council quite reputable and respectable people were involved; but there were not many peers in the true sense of the word. In most cases they were not actively involved in the arts themselves although there were a few exceptions. Certainly, there was also some political involvement by both parties. I recall that when Bob Pike was Minister for Cultural Affairs, in one fell swoop he appointed the entirety of the Liberal Party arts committee to the Arts Council.

Mr Laurance: He was exercising political overview which was very fair and impartial.

Mr PARKER: That may be the case; those members just happened to be there. Of course, I must acknowledge that some of the members of the ALP arts committee became members of the Arts Council during the time of my predecessor.

There is no question that if Governments do not have an ability to deal with them in one way, they should try to deal with them in another way.

Mr Rushton: I think the arts got into a big mess with the process that went on.

Mr PARKER: It was started by that.

Mr Laurance: It was probably before that.

Mr PARKER: It may have been before that.

Mr Crane: Maybe he was better at it.

Mr PARKER: Who was?

Mr Crane: The honourable member to whom you referred.

Mr PARKER: Bob Pike?

Mr Crane: Better at appointing those people.

Mr PARKER: There is no doubt he was good at that. But there were people such as Frank Calloway, the first Chairman of the Arts Council and a man of tremendous integrity. I do not know what his politics are, and they do not matter. We know what Harry Bluck's politics are, but he is also a man of integrity.

But as the member for Gascoyne observed, it is difficult to do anything which has the overall support of the arts community. It is by its very nature a disparate community with many different views. It is extraordinary how active the arts community is in disagreeing with each other; in fact, someone suggested that those people get much more creative about their disagreements than does anybody else.

There is no doubt that it is almost impossible to get a consensus on anything in the arts community. I do not know whether the consultation by the member for Dale with the arts community was held before or after the election. If it was before, he may be a little out of date because at the moment there is overwhelming hope and support for the Department for the Arts, and the restructuring. That applies to the flagship companies, each of which took the trouble to write to me congratulating me on my decision and supporting it. Subsequently, in conversation with me and elsewhere, and in some cases publicly—on the radio and so on—they have supported what is happening. Equally, the Community Arts network people are happy with the general thrust

of what is happening. Obviously they will wait and see, as the member for Gascoyne said. It is the same for any other area of Government administration—people will watch how the Government operates.

One thing on which I will give an undertaking to introduce with the Department for the Arts is, as happens in Victoria, peer groups to look at the assessment of particular art forms. This point was made by the member for East Melbourne as well. For example, we will have a peer group panel for the visual arts, the plastic arts, and the fine arts. We will have a panel for the dramatic arts, and one for music, one for film, and so on.

It is in my interests, and those of the Government, that the people appointed to these panels be highly regarded in their fields—that they be genuine peers involved in those art forms. In a community the size of Perth, and Western Australia generally, given the small populations of the city and State, it will be difficult to find people who are both active in the area and are at the same time respected and not directly involved. It will be a problem, especially with the very small community, and arts community, that we have. It would be very hard to balance those things, but we can try to move in that direction. Already there are many people of great integrity who are held in high regard throughout the arts community and I hope their involvement will ensure over time that people realise we are operating this department for the benefit of the general community.

Mr Rushton: How many people do you intend to take from the present Arts Council?

Mr PARKER: The Arts Council represents a disparate group of people and I do not have any particular intention with regard to any of them. Some of those people are prominent in their fields, and no doubt they will be part of the subsequent ongoing involvement in their art forms—not in overall policy, but in the peer group organisation for their particular art forms. For example, Peter Woodward is the Secretary of the Musicians Union and obviously he should be involved in the body that looks at music; and so on. Those sorts of people ought to and will be involved, and were involved when Harry Bluck was Secretary of the Musicians Union. When the Opposition was in Government, he was involved in the things it was doing.

Mr Rushton: I thought we appointed him.

Mr PARKER: I think he was initially appointed by the Tonkin Government, because it set up the Arts Council in its current form. He certainly served under Governments of all different colours, and the Opposition may well have reappointed him when his term expired.

A point was made in relation to the funds available from Instant Lotteries. It is the case that the Government decided to limit the funds from Instant Lotteries to \$3 million, as pointed out by the Minister for Sport and Recreation. If members read the second reading speech made by Hon. R. G. Pike when he introduced that Bill, they will see that the expectation at that time was that there would be about \$1.25 million each for sport and culture out of that procedure. However, the Instant Lottery was so fantastically successful and beyond anyone's expectations that suddenly it raised huge amounts of money in excess of that figure, and the Government decided to limit it.

However, we agree in general terms that insufficient funds are devoted to the arts in this State. We have quite a low proportion, certainly by South Australian standards, although not bad by Victorian or New South Wales standards, especially when taken on a per capita basis. I believe we should try to get more funds for the arts; and whether those moneys come from Instant Lotteries or some other source, they are all Government funds.

I would hope that over time, although not especially now when we have substantial problems with funding, we will be able to increase it, and I hope that the greater discipline applied to the allocation of grants will mean there is a better utilisation of those grants. Even in the current environment, in which it would be difficult for me to get increases for overall funding of the arts, I believe that some organisations within the arts community will receive more funds simply because of the much more disciplined approach I am following. I have said to companies such as the Theatre Company that I believe we will be able to provide them with more funds, and I believe we should, even though overall the global amount of funds for the arts will not be as great as we would hope.

I refer now to the point made about my electorate. All Ministers are conscious of the potential conflicts of interest they face, whatever their portfolios. It applies in a wide range of areas. The member for Dale would no doubt have found that in a growing region such as his own when he was the Minister for Urban Development and Town Planning. It is a tremen-

dous problem for a Minister. As we know, Fremantle is an area with a very active arts community. By no means are they all Labor voters although it is a Labor-voting electorate. There is no question that it is an area which has attracted considerable funds for the arts, no matter who was in Government and who was the Minister. I am conscious of the need for it to be the case and to be seen to be the case, that no undue favouritism is given to Fremantle, and since I have been the Minister no specific funds have been allocated to Fremantle. The Fremantle Arts Foundation funds were allocated when Ron Davies was the Minister.

I would like to make a point about Ron Davies. Everywhere I go in the arts community I am amazed at the high regard in which Ron Davies was held. A concert was held for him just before he left for London. I do not think any other member in this House would be fortunate enough to be honoured by a concert where 400 or 500 people come to the Octagon Theatre to honour a retiring Minister for The Arts. I am sure it was very touching for him and a sign of the high regard in which he was held.

I make the point that we honoured every one of the promises we made to the arts community in 1983. We did double the funding for all those major flagship companies. It varied from company to company, but no less than full indexation of that doubled funding was then applied to each of those companies.

Mr Rushton: Bob Pike made it easier for Ron Davies, who followed him.

Mr PARKER: I think the member is probably right.

Mr Rushton: In terms of funding.

Mr PARKER: I thought the member meant in terms of how Ron was regarded after the experience of Bob Pike!

I also believe that there do need to be proper procedures for accountability, and there will be. That is one of the first things the Government is introducing with this legislation. The Australia Council is becoming very keen on that, so far as its own funding is concerned. Our own Western Australian groups will not get the money unless they fulfil those responsibilities and I believe there is strong support for what we are doing in this area in the arts community—as strong as we will ever get for any course of action.

The Government has put in place all the measures which are needed to ensure that there is no political influence in the sense of the Min-

ister deciding that because someone is a mate he, rather than someone else, should receive a grant. I believe the Bill deserves the support of the House.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Sitting suspended from 1.02 to 2.15 p.m.

In Committee

The Deputy Chairman of Committees (Mr Thomas) in the Chair; Mr Parker (Minister for The Arts) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Vesting of property and obligations—

Mr LAURANCE: I have a question to the Minister dealing with this clause, which deals with the vesting of property and obligations. What obligations is it intended the department will take over? I assume that there will be an amalgamation of other responsibilities, not just the taking over of the WA Arts Council. What is the Government's intention in this area?

Mr PARKER: Firstly, the Censorship Office, which is currently a separate office housed in the Merlin building, will become part of the department so that the three Public Service officers who comprise that department will immediately move in. At the moment the department is being housed in Ventnor Avenue in the same place as the Arts Council, but that is a private commercial tenancy which has only a very short time left to run.

As members would probably know, the Government is in the process of reorganising some of the major departments, for example, the Department of Health is moving into Dumas House and so on. Precisely where this particular department will be housed in the long term is yet to be determined. The corporate side of the Perth Theatre Trust, as opposed to the management of the particular theatres, will probably move in with it as well.

The obligations which are referred to are principally obligations of a contractual nature because the Arts Council, for example, has obligations for country tours, for loans to artists and sometimes there are obligations to the Arts Council to pay certain sustenance fees to these artists over a period of time. Those are the obligations which are referred to and it is simply intended to transfer them through the department over to me, as the Minister for The Arts.

The department will be ultimately responsible for coordinating this. The principal reason I decided to move this to the department was that the department could better co-ordinate a whole range of authorities in the arts, ranging from the Perth Theatre Trust, the Art Gallery Board, the Museum and various bodies of that sort. These bodies will retain their statutory independence but there will be more of a coordinating role, as there was when the member for Gascoyne took over the Transport portfolio in the previous Government, to try to maximise the benefit to the State of those disparate bodies.

Mr LAURANCE: Has the Government outlined what the structure of the department will be?

Mr PARKER: No, not precisely because it is intended that, to some degree, it will evolve. We have created the three senior positions which have been advertised. Those are the positions of executive director, director of policy, and director of finance and administration. Those advertisements closed about a month ago, interviews are proceeding with the Public Service Board at the moment, and once a new corporate hierarchy is in place, it is intended that there will be interaction with the arts community. We have some ideas, but they are not much more than that, as to precisely how it will operate.

Clause put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Transfer of staff—

Mr LAURANCE: This clause refers to the transfer of staff. Can the Minister tell the House the position of the staff? Presumably at the moment they are not public servants under the Public Service Act, but they will become so.

There is often a difficulty when staff are transferred from the Public Service Board to a commission. For example, there was a little anxiety on the part of the staff of the Tourism Department when the WA Tourism Commission was established. They were somewhat reluctant to leave the conditions they enjoyed under the Public Service Act when they transferred to the commission. That is really the reverse of what is happening here. I admit that, in this case, if anything, the conditions of the staff will be better as a result of the change. However, I ask for a reassurance from the Minister as to what will happen to the staff.

Mr PARKER: Although the staff of the Arts Council are not public servants, they were covered by the CSA. Under the terms of the agreement arrived at some years ago between

the Arts Council and the CSA, the conditions of employment of the staff were identical to those in the Public Service. Therefore, they were permanent, in the sense that they were permanently with the Arts Council previously, but they were not permanent with the Public Service; so to that extent their position will be bettered, because they will now become permanent public servants with all the conditions that implies, including the ability to transfer to other Government operations should they so desire. Therefore, their position will be bettered to that extent.

Obviously with any change there is a slight concern at first, but everyone is happy and they have all been told they will not lose any salary, although whether their precise status and titles will be the same is another matter. Everyone will be employed on a permanent Public Service basis on at least the same rate of pay they were getting when they were in the Arts Council.

Clause put and passed.

Clauses 10 and 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for The Arts), and transmitted to the Council.

IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION AMENDMENT BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

PORT HEDLAND PORT AUTHORITY AMENDMENT BILL

Second Reading

Debate resumed from 26 June.

MR LAURANCE (Gascoyne) [2.27 p.m.]: The Opposition is happy to support this legislation. We understand it is necessary in order that the pilotage area of the Port Hedland Port Authority may be increased without extending the port area. The reason for doing that is that

it will give control, from a pilotage point of view, without incurring any additional expense for that port authority and therefore for the State by having to take over some of the responsibilities which are currently those of the Commonwealth.

We do not want to be responsible for incurring unnecessary expense and removing the responsibility from the Commonwealth, thus transferring it to the State. Therefore, we do not want to impede the progress of the Bill through the House.

While supporting the move, I indicate the Opposition acknowledges the work that has been done by the private sector in deepening and widening the channel at the Port Hedland Port. The work cost approximately \$100 million and is of great value to the State. In fact the Port of Port Hedland is one of the busiest ports in the world in terms of tonnage. I believe greater tonnage passes through it than passes through the Port of London. It might not have anywhere near the number of ships that pass through the Port of London, because of the huge tonnages carried by each ship, but it is certainly one of the world's busiest ports in terms of the tonnage it handles.

It was wonderful for the Pilbara, and indeed for the State, when the decision was made by the iron ore companies in that area to make that massive expenditure to improve the port facilities. We commend them on their initiative, enterprise, and foresight in making that expenditure.

We believe it is a wonderful thing for the State. I would also like to acknowledge the fine work done by the Port Hedland Port Authority. It is two years or so since I visited the port in an official capacity. The last time I did so I was extremely well looked after; I was there as a member of the Opposition with responsibility for transport. Not all bodies decide they will be cooperative, particularly to members of the Opposition, but it is inherent in having good government that one must also have a good Opposition. That means an informed Opposition.

Mr Peter Dowding: Have or are going to have?

Mr LAURANCE: We certainly have a good and informed Opposition. Look at the way the Government has been on the back foot this session. I remind the Minister that I have unlimited time.

Mr Peter Dowding: Sorry!

Mr LAURANCE: If he wants me to speak to the Bill I will confine my remarks to saying that I appreciate the briefing I was given at the time. It gave me an understanding of the people involved and the work they do. It is an important job when one takes into account the enormous tonnages and the throughput involved.

They showed me the channel, although there were no ships going out at the time, and they flew me by helicopter along the channel so I could see it at the level of a bridge on an ore carrier. It was very thoughtful of them, and it gave me an appreciation of the port; it helps when one comes to discuss legislation like this. For that reason, if for no other, we are happy to support this legislation.

MR TROY (Mundaring—Minister for Transport) [2.32 p.m.]: I certainly do not wish to hold up proceedings unnecessarily. I thank the Opposition for its support of this Bill. I add to the comments made by the member for Gascoyne in relation to the private sector's effort that it has been unquestionably a significant one in Port Hedland. However, there must also be due recognition of the Government sector effort; it shows that with a combination of both sectors and all parties working in a constructive way a situation can be reached in the major export industries to the benefit of this nation.

Those members who have not fully familiarised themselves with what is happening at the Port Hedland channel entrance perhaps do not realise it is unique because of the tidal effects and the length of this channel. One only has to think of the size of the vessels that will shortly be operating and to realise that the pilotage control must take account of the receding tide which gives vessels in the channel less than half a metre clearance. Members will realise the cost involved if one wants to increase that clearance. So the whole Bill is crucial and the role and effort of pilots in bringing that size of craft into the port to maximise the chance of shipping out those tonnages is a very significant achievement. I hope the balance of this Bill will proceed in a similar manner.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Troy (Minister for Transport), and transmitted to the Council.

ACTS AMENDMENT (TRUSTEE COMPANIES) BILL

Cognate Debate

MR PETER DOWDING (Maylands—Minister for Employment and Training) [2.37 p.m.]: Orders of the Day numbers 10 to 14 deal with administrative matters which come under the aegis of the Attorney General and are complementary to each other. I seek leave under Standing Order No. 256 for the Bill, and the Bills of Sale Amendment Bill, the Administration Amendment Bill, the Supreme Court Amendment Bill, and the Public Trustee Amendment Bill to be dealt with in a cognate debate.

Leave granted.

Second Reading

Debate resumed from 26 June.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.38 p.m.]: It seems a good idea that we should deal with these five Bills together because, as the Minister said, they are in a sense a group of administrative Bills related to the administration of justice.

Some questions were raised on one or two of these Bills in the upper House, but I have satisfied myself that those issues have been dealt with, so I will not raise those questions again.

The first Bill is the Acts Amendment (Trustee Companies) Bill, the basic purpose of which is to clarify the power of the two private trustee companies, West Australian Trustees Ltd and Perpetual Trustees WA Ltd, to pass on to their customers the financial institutions duty tax which is charged on transactions relating to the affairs of those people for whom those trustee companies act. Given that the Government is aware of our opposition to the existence of the FID tax that is not really the issue here, it is whether it should be able to be passed on when it is charged against people holding money in a position of trust or as agent, and we have no quarrel with that principle.

The Bills of Sale Amendment Bill will do away with the requirement of a notice of intention to register a bill of sale being given be-

tween seven and 14 days before registration is effected. Originally, the notice was intended to give pre-warning to interested persons who wished to lodge a caveat against it. The system has not worked in that way in practice.

According to the Attorney General—we have no reason to doubt him—during the last 29 months 88 175 notices were registered and only 22 caveats were lodged. It is not a substantive right that is being taken away. The provision saves money for the finance industry as well as the Government.

The operation of the securities law in relation to chattels is different from the operations of the securities law in relation to land, and this provision is one that is out of date and the Opposition supports the amendment.

The third of the Bills, the Administration Amendment Bill, will clarify the right of beneficiaries of an intestate estate to claim letters of administration. When a person dies leaving a will it is usual for the will to include a nominated executor and, therefore, the person entitled to administer the estate is clear. When a person dies without leaving a will, the person is said to die intestate and the law determines who is entitled to administer the estate and who is entitled to receive the benefit of the distribution of the estate.

In making some changes to the specifications of beneficiaries, the previous amendment appeared to have inadvertently affected the status of those entitled to obtain letters of administration. This Bill is intended to clarify that matter and again it has the Opposition's support.

The fourth of the Bills is the Supreme Court Amendment Bill. A number of questions of a technical nature in relation to this Bill were raised by my colleague, Hon. John Williams, in the Legislative Council, and they were answered to the satisfaction of that House by the Attorney General. I do not intend to raise them again, although I do have a full note of them. I believe that they have been dealt with by the Parliament and that there is no need to repeat them. In any event the Bill had the support of the Opposition in the upper House and it has the support of the Opposition in this House.

I refer now to the fifth Bill which is the Public Trustee Amendment Bill. This Bill relates to the requirements for the Public Trustee to advertise in relation to unclaimed money. A lengthy debate took place in the Legislative Council and it centred around two points. Firstly, the upper House debated the level of

funds at which an advertisement would or would not be required—whether it would be \$100 or \$250 as is indicated now, or whether it would be some other figure. It was also debated whether an advertisement should be published in the *Government Gazette* or other media.

This Bill is a practical administration measure relating to small amounts of unclaimed money and it is not designed, nor will it work, to take away anyone's substantive right and, therefore, it has the Opposition's support.

These pieces of legislation are of a common nature and are designed to streamline the operations of the relevant Acts. So far as we are aware they do not represent any concern and therefore are supported by the Opposition.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [2.45 p.m.]: I thank the Opposition for its support of these Bills and for its cooperation in the management of the debate in this way.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and passed.

BILLS OF SALE AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of debate from 26 June.

Question put and passed.

Bill read a second time

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and passed.

ADMINISTRATION AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of debate from 1 July.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and passed.

SUPREME COURT AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of debate from 1 July.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and passed.

PUBLIC TRUSTEE AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of debate from 1 July.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and passed.

JETTIES AMENDMENT BILL

Second Reading

Debate resumed from 26 June.

MR LAURANCE (Gascoyne) [2.59 p.m.]: The Opposition has some concern with regard to this measure. We will not oppose the Bill but we want to indicate that we are not entirely pleased with it. It deals with a number of items, most of which bring the Act up to date. I understand that the Act has not been changed dramatically since its introduction in 1926. Therefore, no doubt some of the provisions are out of date.

One clause deals with the delegation of powers from the Minister to the departmental head. I can understand why this power is required because obviously under this definition there must be many of these structures around the State and it causes an administrative bottleneck if each document must be signed by the Minister.

I can understand the wish for the power of delegation to a departmental head. That is fairly typical of most pieces of legislation these days. In my own experience as Minister for Lands I wished more delegation powers had been given. Although the Minister for Lands is not here at the moment—he has other things to think about within his Health portfolio—I am sure he would agree with me when he has to sit up at night and sign thousands of Crown grants. I am sure he wishes for the power to delegate that responsibility.

Ministers are required to deal with many administrative matters, and wherever possible they should have the power to delegate. That is sensible. However, in this case we are talking about a licence. The Minister wants to delegate the power to approve the issue of a licence, and to execute that licence, from the Minister to the departmental head. It sounds fairly innocuous when one says that it is just a licence, but in fact it is more than that—it is really a contract. I understand that the document is several pages long and really amounts to a contract between the Minister and the person who owns the jetty or structure which comes under that definition.

We have been informed it is for that reason that people who enter into the contract are happy about the fact that at the moment it must be signed by the Minister. We are concerned about the proposed change, particularly because the contract gives to the people who are administering this Act right of entry to private property to inspect private jetties and slipways. I refer especially to slipways because generally they are almost entirely on a person's private property, as distinct from a jetty which obviously protrudes out into the water. People are very sensitive about this.

I have heard many arguments in my time in the Parliament about the right of entry to all sorts of things. I can remember the classic argument here about the fruit-fly inspectors, and other people who have the right to go onto properties. As the old saying goes, "A man's home is his castle", or perhaps these days we should say, "A man's or a woman's home is his or her castle". People are very concerned about the right of any Government official to go onto their property without a warrant.

Unfortunately, because of the needs of modern society, these sorts of conditions are contained in many Acts of Parliament; and certainly they are in this contract between the Minister for Transport and the person who takes out a licence for a private jetty.

On the other hand, I must say that another clause in the Bill provides that once the power of delegation is approved, a person is allowed an appeal to the Minister. Therefore any person who is dissatisfied with the decision of a permanent departmental head with respect to the terms of a licence or the refusal to issue it will have the right to appeal to the Minister. That offsets the power of delegation, but that contract does contain what many people consider to be fairly onerous conditions—especially the one relating to right of entry.

The Bill also gives the Minister power to remove any private jetty which is unlicensed. We believe it is appropriate that the Minister have that power. I indicate the Opposition's thanks to the Minister for setting up a briefing with an officer of the Marine and Harbours Department. We appreciate that. In a discussion with an officer of that department we found that by regulation under the Waterways Act there is the power to control derelict jetties that need to be removed for one reason or another. I indicated to the officer that I had to administer such a situation through the Peel Inlet Management Authority some time ago, when I was Minister for Conservation and the Environment. In that

instance the people involved had a right to appeal to the Minister and used it, so I had to deal with the matter personally and it became a very controversial issue.

Although those people were not using the jetty they did not want it removed from the property to which it was attached. I realise that is a contradiction in terms because a jetty licence attaches to an individual and not a property. However, their property was being sold and they wanted the incoming purchaser to have the right to that jetty. It became a very difficult problem.

I understand that power has never been contained within the Jetties Act, and that it is sought to be placed there now. I would hope that this power is used sensitively by the people entrusted with its authority.

Mr Stephens interjected.

Mr LAURANCE: I would hope that they do not bludgeon people into submission, as they do in Gnowangerup.

Mr Taylor: A little knowledge is dangerous.

An Opposition member: You demonstrated that.

Mr LAURANCE: As the Minister has interjected, I think I should tell him the old story about the new Minister and the three envelopes. When he got into hot water he opened the first one, which read "Blame your predecessor." When he got into trouble again he opened the second one, which read, "Tell the Premier you are reorganising your department." The third time it happened he opened the last envelope, which read, "Write out three envelopes for your successor." However, the new Minister for Health is only up to the first envelope, which says, "Blame your predecessor."

Mr Troy: He has got to the third envelope, and knows he does not have to send the envelopes to you!

Mr LAURANCE: As the trouble at Gnowangerup has been going on since prior to the election, the Minister knows he can blame his predecessor.

There will be power under the Jetties Act to remove those jetties. We acknowledge that some of them become hazards on the waterways. People leave them for one reason or another, they become derelict and start to break up; and, particularly if there are any parts of the jetty under the waterline, they cause a tremendous hazard for boats. Then there is the matter of finding out who is the

owner, and taking some action to remove the jetty for the benefit and safety of other users. We agree to that.

Another provision in the Bill will amend the definition of the term "jetty" and I am assured by the Minister's officers that the definition has not been updated since 1926. Of course, today many structures are in the river that were not even contemplated back in 1926. The Opposition looked at this very carefully. It concerned us that private slipways were already contained within the existing definition of a jetty under the current Act. My colleague, the member for Murray-Wellington, has an amendment on the Notice Paper in respect of private slipways because of his involvement with the Yunderup Canals in his electorate. This will be a problem not only there but in all canal developments, and they are becoming far more popular. After a considerable period I have noticed in the Press in the last day or two that another such development will come on stream shortly at Mandurah. The Sunland development is a fairly recent one, and there are two new ones at Mandurah. It is a magnificent way to live, and I have had the opportunity to visit a number of these properties in the Surfers Paradise area.

Mr Read: They would be all right if the Murray shire would do something about preventing its mosquitoes coming into the Mandurah shire.

Mr LAURANCE: That is a local problem not dealt with under the Jetties Act, and I will leave it to the member to fix up that problem.

Waterways blocks are very desirable developments, particularly if they are done properly. Much consideration has been given to such developments in Western Australia and I hope we can overcome some of the problems experienced in other States and overseas. It is a magnificent way to live, because one has access to one's property from a roadway at one end and by boat at the other end. Of course, that implies one has means by which to get one's boat into the water. Recently it has been decided that one must obtain a jetty licence and enter into a contract with the Government to maintain that jetty.

The Bill seeks to clarify and update the position. I understand that the real reason for doing this is that such things as restaurants over water are not covered by the existing definition.

On Thursday, 3 July, I asked the Minister the reason for the new definition. In his answer he said—

... structures such as fuelling platforms, dolphins, restaurants over the water and other private and commercial structures not specifically identified in the definition have been constructed.

Therefore, those structures will be included in the widened definition contained in the Bill.

We understand the need to update the definition in order to bring it into line with modern practices. However, the charge for a licence is a matter of contention. It is reasonable that a restaurant be charged a fee of \$250. However, some people have constructed jetties and used them in small commercial ways. The example that has been pointed out to the Opposition is that of a woman at Nornalup who is being charged a licence fee of \$250 for what I believe is a tiny operation compared with that of a restaurant, although the licence fee is the same. I ask the Minister to look at that—he may know of other examples—and ascertain whether it is appropriate that the same fee should apply to different types of commercial ventures. He may be able to find a better way to deal with the matter than that which exists currently.

The Bill also seeks to update a number of penalties and the increases appear to be extreme. If the penalties have not been updated for a long time, there may be a reason for such large increases, but it is difficult to justify the magnitude of the increases contained in this Bill.

I refer members to clause 10 which says—

Section 10 of the principal Act is amended by deleting "Forty dollars" and substituting the following—

"\$2 000".

The penalty must be a long way out-of-date to justify an increase of such magnitude. If the Minister can justify those increases, I can only say to him that obviously penalties need to be updated more frequently, because it is wrong for the Parliament to be asked to legislate in respect of an increase of this magnitude.

Would the Minister indicate when the penalty of \$40 was set and why it has never been brought to the Parliament previously? It is not his fault, because he has only been Minister for Transport for a short period; but it indicates that penalties should be updated regularly, because they get out of date. It is a mockery of the

Parliament and, indeed, of the Minister to bring these huge increases to Parliament for approval.

Mr Troy: It is a maximum.

Mr LAURANCE: I understand that; but the increase from \$40 to \$2 000 is very great. The figure of \$40 was a maximum and \$2 000 is a maximum, so we are comparing like with like.

I do not criticise the Minister in this respect, but rather the system which allows a penalty to get so far out-of-date that it must be increased to such an extent to bring it into line with present day practices.

Mr Rushton: Does the penalty fit the crime?

Mr LAURANCE: I would like the Minister to indicate the position, because the penalties are being increased enormously. What is the Minister up to when he seeks to increase the penalties to this extent? If the Minister can justify such an increase, in the future any Acts which come under his control should be reviewed more regularly.

The Opposition does not intend to dig in its heels on this matter and try to frustrate the passage of the legislation through the Parliament, but it does not support it particularly. The Bill contains some matters of concern. I have identified those and I hope the Minister can answer some of our queries when he replies. In the Committee stage the member for Murray-Wellington will be moving an amendment in order to protect the interests of his electors, and we shall support that. However, the overall Bill has our qualified support.

MR BRADSHAW (Murray-Wellington) [3.15 p.m.]: The Jetties Act has been of importance to me since I was elected, because not long after that a problem arose in my electorate in respect of the Yunderup Canals area. The Marine and Harbours Department decided to licence certain structures and that came as a surprise to property owners, because those structures had been there for 10 to 15 years and had not attracted licence fees. Some people felt they did not have a jetty and others believed they had a slipway on private property which did not extend into the canal and, therefore, should not attract a licence fee.

As a result, I asked the former Minister for Transport to visit the area, which he did. We had a meeting at the canals with a number of residents. The Minister said that, according to advice from the Crown Law Department, under the Jetties Act those structures attracted

licence fees and he would continue to levy them.

A little later another meeting was held at Pinjarra with a couple of officers from the Marine and Harbours Department, a couple of residents, perhaps a couple of members of Parliament—I cannot remember precisely, because it took place early in 1984—and me.

The officers from the department indicated that they would charge the people the fee which it was necessary to pay in order to gain a licence. However, they said the fee would be reduced from \$50 to \$20. If one intends to licence jetties, the fees charged should be consistent. I do not know whether the reduction was made in this case because the Minister thought he would get the people in by that means, or for some other reason.

Some people believed that they should not have to pay a licence fee or apply for a jetty licence. Therefore, a number of residents and property owners did not complete their application forms and send them in to obtain jetty licences. One property owner decided he would pay the fee, but he did not wish to complete the application form. The Marine and Harbours Department accepted his fee, and he did not furnish the form.

In January this year that man received a notice of renewal and he paid the licence fee again. Several weeks later he received a summons to appear in court. That took him by surprise, bearing in mind that the Marine and Harbours Department had accepted two licence fees from him. He rang the department and asked what was going on.

He explained that they had accepted the licence fees and they said they would look into the matter. A week or two later he received a letter to the effect, "We have made a mistake. Here is your licence fee back. We will still summons you". Eventually he was taken to court and he managed to get off the charge. However, several other residents were not so lucky and they were fined, as reported in the *Coastal Districts Times* of 19 June 1986. The article reads as follows—

A Pinjarra court has found in favour of the Marine and Harbours Department in the controversial licensing of boat ramps in the Yunderup Canals.

Seven people have faced charges over the issue, three on Friday and the rest the previous month.

Five were found to be in breach of the Jetties Act. One case was adjourned.

They were fined between \$20 and \$40 and required to license their ramps.

Residents were up in arms about the licensing because they did not believe their ramps came under the jurisdiction of the Act.

Obviously it is very expensive to pursue such matters through the courts. To some extent the new definition in this Bill will in part overcome the fact that if a matter were pursued through the courts, possibly the courts may find in the property owner's favour, and against the Marine and Harbours Department, as was the case in Pinjarra on those two occasions.

Many property owners at Yunderup canals pay their licence fees because it is a lot easier to pay licence fees than to go to court or to be summonsed, because many people find that they have to engage a solicitor, which is very expensive; so, 20 days after they felt there was a principle involved, they decided they would rather pay their \$20 than take the issue to court.

I did suggest at one stage that they should have a test case and all do in and fight it, but that did not come to pass. I said I would certainly try to do something about it. On this occasion the Minister has helped me out because I intended to introduce a private member's Bill later this year to exempt the Yunderup canals area from the licensing provisions; but this Bill will certainly give me the opportunity to move an amendment to exempt those people.

Their having to pay licence fees is not all that is entailed; they then receive a contract which they have to sign and return to the Minister, who also signs it. It is not a simple case such as when one licenses one's motor vehicle: one has a piece of paper which is a licence for that vehicle, and that is the only contract.

The people object to clauses in that contract, one being that the Minister or a person he delegates can enter a property at any time. Let us face it: People are a bit testy when it comes to these sorts of situations. Nobody likes people gaining entry to one's property at their will. I can understand it in relation to a jetty or a structure on a river, because it does not really involve private property; a river is really public property. But in this case, the legislation enables the delegate of the Marine and Harbours Department to actually physically go onto a property if he wishes to do so. Obviously it will

not happen in the majority of cases, but from time to time it could happen, and this is one of the main reasons that the people object to the licensing provisions. They had to sign a contract stating that they would allow people from the Marine and Harbours Department to enter their properties.

The people were not impressed with other provisions, but that was the main one. They do not like the fact that if a slipway goes onto their private property it will attract a jetty licence fee. Let us face it: This is private property and they are already paying shire rates for that land, so why should they then have to pay a licence fee to the Marine and Harbours Department? These people probably have boats and therefore pay licence fees to the Marine and Harbours Department for their boats. The anomaly about the whole situation is that at Yunderup canals the people have improved the land upon which the slipway stands. They could have left it as sand or natural earth. It does not attract a jetty licence fee. This anomaly is quite ridiculous. Where the slipway is made by applying concrete to another surface, it prevents the sand from falling into the canal and silting up the canals, whereas other people have not done anything to prevent that sand from falling into the canal. Obviously in time this will lead to greater expenses for the person who is responsible for dredging that canal, but it does not attract a jetty licence fee. This anomaly is quite separate, but is important and the matter should be considered in the right way.

Another interesting facet in regard to these slipways which have been regarded as jetties is that they are regarded as a continuation driveway from the roadside. I would like to know where the jetty or the slipway begins, or where the driveway starts and finishes, because that is quite an intriguing question.

All in all, I certainly do not agree with what has been done in the Yunderup area, and during the Committee stage I will move to have those areas in relation to which the Marine and Harbours Department, under the Jetties Act, has the ability to licence a jetty which is on private property, exempted from the provisions so that residents of areas such as Yunderup canals do not have to pay a jetty licence fee.

MR STEPHENS (Stirling) [3.27 p.m.]: The National Party indicates its support for this legislation. I want to go back into history. It is interesting to consider the changing outlook of people and Parliaments. The member for Gascoyne indicated that this Bill was first introduced in 1926. I have a copy of the rel-

evant *Hansard* but I do not intend to quote from it at length. Hon. J. Nicholson, a member of the upper House, when the Jetties Bill was first introduced said—

The first thing that struck me on perusing the Bill was that it is one of those measures that emphasise the delegation of powers, a tendency which is becoming more and more marked in our present day legislation.

Later on in his speech he said—

Instead of Parliament having an opportunity to consider measures and enact laws, we are making laws to give to some outside board or body the power that we ourselves should exercise and express in an Act of Parliament. We are asked to give a board power to enact by regulation what we should enact in a statute.

I wonder what that gentleman would say if he were here today and realised the number of occasions on which Parliament not only encourages legislation to give bodies the power to regulate, but also actually allows other bodies to set the fees or the taxes that the community will pay. I do not know whether Mr Nicholson is still alive. If he is dead I am sure he is turning over in his grave, realising the number of occasions on which we in the Parliament forget our responsibility and allow bodies and even departments outside this place to make decisions as to what fees the community will pay.

That is an area in relation to which the National Party over many years has constantly objected. The power or regulations to raise fees, levies, and licence fees is an area which we should guard more jealously than we have in the past.

The member for Gascoyne made reference to the licensing provisions, which is an area of considerable difficulty. He mentioned Nornalup, which is in my electorate. Another incident occurred at Wilson Inlet. I had considerable correspondence and discussions with the previous Minister over the excessive cost in the case where a family jetty may be in commercial use, but in these small areas it is of very limited commercial use, and they have to pay excessive licence fees which virtually makes it uneconomical for them to have a jetty; yet without a jetty they would not receive any money at all. This is a problem and, quite frankly, I ask that the matter be researched by the Minister. Perhaps local government could become involved and reduce the cost of administration in those areas by arrangement. I

am not suggesting for one moment that it be forced upon local government, but in regard to the situation in the Denmark Shire, my informal discussions with some shire councillors have indicated they may have been prepared to assume that role.

Perhaps the Minister will be prepared to look at that in an endeavour to reduce the licence fee that is necessary in these areas, particularly in small country areas where the commercial use is very limited and the licence fee is excessive.

Mr Troy interjected.

Mr STEPHENS: I think it would need to be by negotiation. I am not suggesting that it can be foisted on them. It should only occur when they are interested.

We will support the Bill.

MR TROY (Mundaring—Minister for Transport) [3.32 p.m.]: I thank members who have contributed to the debate on this Bill for their support. I will try to address some of the queries raised by them. I think members are aware that there are four thrusts to the legislation. The first is the streamlining of procedures and I do not think too many people have many questions about that. When we see, as I have in the last few weeks, the number of licence fee renewals which have come across my desk and the mass of paperwork involved, one understands the bottleneck that can occur. The tidying up of this procedure is long overdue.

Along with the process of delegation of power, we must have the countering provision allowing an appeal to the Minister. That has been picked up in the Bill that provision will also unlock a possible further bottleneck to everybody's advantage.

The question of those powers then led to the right of entry and the definition of "jetty" queries. The right of entry is a matter which requires significant responsibilities under sections 5 (1) (a) and 5 (1) (e) of the Marine and Harbours Act. Section 5 (1) states—

Subject to this Act, the functions of the Department are—

- (a) to administer, exercise and perform the powers and duties necessary or convenient for the control and regulation in the State of marine and port affairs and navigation;

I understand the word "navigation" under the navigation regulations places a firm responsibility on the Crown to ensure that there is no risk in terms of any movement of declared

navigable waters. Section 5 (1) (e) requires the department to regulate, control, and promote measures desirable to ensure the safety of life in connection with shipping and boating. I think that is a key element of the legislation. Those two subsections underline the dominant area in relation to the licensing responsibility. The right of entry would almost be a last resort power and one not normally pursued. A clear process is followed by the Marine and Harbours Department to inspect waters. However, officers of the department are not normally required to enter a property and can do so only as a last resort. That power is necessary for the reasons outlined to members. I emphasise the fact that officers do not enter or intrude on property unless it is an extreme case.

I think everyone understands the need for the power to remove jetties. It is a necessary power in view of the overall responsibility of the Crown, and I do not think there are too many questions about that second element of the Bill.

I think there was some degree of support for the definition of "jetty" by previous speakers. It has been held in courts of law that it is not a question of changing the definition. The principal Act provides an unclear indication of what can be expected from the meaning of the definition. I do not think the member for Murray-Wellington acknowledged that point. I am confident that, if challenged, the definition would hold up.

Any man-built configuration is required to have an influencing part as to whether due care was taken by the department on the maintenance of the waters.

The member for Murray-Wellington raised a query about sand at an entrance to a waterway. That is not a man-made element. However, a stone wall would be considered to be man-made under the "jetty" definition. As soon as man intrudes on the natural state, a liability emerges on the department.

An element in the provision relating to the definition of "jetty" and fees was raised by all speakers. Since I have been Minister I have noted that there is a range of applications for licences. I give members the understanding that I will pursue that further.

Mrs Peden was mentioned. I am aware of that case. I have also received representations from the member for Warren about the Walpole Yacht Club. That jetty was built by the local community, but is presently under the control of the Walpole Yacht Club, which is only small in membership numbers. However, benefits from that jetty are flowing through to

the wider community, especially to the young people. While it has not been picked up by the shire as a potential area for control, it highlights the need for re-examination and I am prepared to do that. I am sure that there is a range of other examples that could emerge from that.

In relation to the Yunderup situation, the \$20 fee was put forward as an incentive. We recognise the situation where people did not understand their obligations which had existed since 1926. We gave them the opportunity to be included without too much disadvantage. The offer was not extended just to Yunderup; it was a State-wide offer. On top of that was added a \$50 normal fee which applies to jetties and the \$250 fee which applies to commercial jetties.

Penalties are referred to in sections 10 and 11 of the existing Act. While on the surface the licence fee increase may appear quite severe one must bear in mind, and my research confirms this point, that these penalties were last increased in 1965. There is still a big difference between the \$40 penalty and the \$2 000 penalty. I am not sure whether the 1965 adjustment increased that to an equivalent of a \$40 fee or whether it was an adjustment to that section in other than the penalty form.

The increase appears to be large, but we need to bear in mind its specific application. Section 10 of the principal Act states—

No person shall light, place, or keep a fire upon or so near as to endanger any public jetty which is constructed wholly or in part of wood.

The maximum penalty for any such action is now \$2 000. There are reasonable grounds for the penalty to be of that order. I emphasise that that is the maximum penalty and not unreasonable considering the commercial development is now part of the jetty structure. Section 11 states—

No person shall make fast any vessel, raft, or timber or other thing to any public buoy (not being a warping buoy), beacon, river or sea mark, fender, or other piling.

Any such infringement will also now incur a penalty of \$2 000. One has to bear in mind the size of the craft and the value of craft that now operate on our waters. We are not talking about 12 foot rowboats or punts. Times have changed; the value of craft is very significant. In the Port of Fremantle at the moment one can see a \$15 million privately-owned craft such as this legislation is designed to cover. Considered in that context, the \$2 000 fine is not unreasonable. The due processes of law

would take the value of the craft into account when imposing the penalty. The legislation now recognises the range of operations that are in evidence; those operations are very different now from what they were in 1965 or, for that matter, in 1926.

The member for Stirling raised a matter with respect to delegated legislation. I am not sure of the options he meant. I do not treat the matter lightly because I acknowledge the need for Parliament to be involved in this matter, but I also believe that Parliament must be workable. Therefore, every small administrative element should not be brought to the Parliament. I have noticed that regulations are tabled, but in the time that I have been a member, those regulations have never been questioned in the House. It could be asked why I as a member of Government would welcome that sort of thing, but the provision is there and is not usually pursued.

Mr Thompson: But it is a safeguard.

Mr TROY: Yes, it is a safeguard. I would not abolish that provision. I think it is quite appropriate, but could be pursued more often than it is. Rather than totally delegate the authority of the Parliament, the workload of the Parliament should be balanced and not constitute too great an administrative load. That principle was addressed in the first adjustment to this Bill when there were unnecessary bottlenecks at ministerial level. That Bill improved the licensing arrangements.

Mr Stephens: I mentioned it more with respect to the financial side than the regulatory side.

Mr TROY: It would be possible for local government to be involved with the regulations that will emerge from this legislation, but it must be remembered that the Marine and Harbours Department has a legal liability to perform the inspection and it would need to be performed thoroughly. We need to ask whether the charges are excessive in view of the services performed by the department. I think that that is not the case because the inspections which are necessary to satisfy the legal requirements ensure that navigable waters are not disrupted. That places a very heavy burden on the department in terms of liability. The services performed by the department are performed quite adequately and economically. I would be doubtful about the ability of local government to perform the same functions more cheaply, as it is necessary to go on to the water. Then there is the concern about intrusion and I think it relates to the point raised by the member for

Murray-Wellington as to the difference between a driveway or slipway into the water and a launching ramp. Quite clearly, the regulations indicate that in an inspection any possible debris that could emerge from the access-way and threaten the navigable waters in any way must be taken into account.

One cannot just draw the high water level mark on a map. That is totally impossible, because of tidal and flood impacts, natural changes in the water course as a result of the movement of craft, and the possibility of banks being worn away. There is a range of variables which make it impossible to draw a high water line on a map to satisfy the requirements.

Overall, I think I have addressed most of the queries that have been raised. I have certainly covered the key matters and hope that this Bill can proceed through the House without amendment in view of those explanations.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Troy (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 3 amended—

Mr BRADSHAW: I move an amendment—

Page 2, line 17—To insert after the line the following—

(c) but does not include any slip or ramp situated wholly on private property which does not extend into or over any waters.

I believe that developments such as the Yunderup canal development which have private slipways that are defined in the Jetties Act as "jetties", should not attract a licence fee for several reasons. Firstly, the slipways are on private property and, as such, a shire council fee is applied. Secondly, an anomaly exists in the fact that if people have not made any improvements to their slipways or ramps a licence fee is not applied, but if improvements have been made it is. I do not go along with that anomaly. As the Minister said, if the slipway is made of natural earth, the Act does not define it as a jetty. On the other hand, anyone who improves a jetty or puts concrete over the earth effects a vast improvement in that sand is prevented from silting up the canal. Such silting up of a canal is hazardous to boats as it results in much less water clearance, putting boats at risk of running aground. A third reason is that people can launch their boats from public jetties and,

in general, they do not have to pay a fee for so doing. I have been told by an officer from the Marine and Harbours Department that some local governments impose a fee for launching boats from public jetties owned by the councils.

I also disagree with certain conditions in the contract that must be signed by the owners of private slipways. One such condition is that the Marine and Harbours Department officers can enter their properties at any time. I believe that it is wrong that a licence fee should be imposed on people and that officers of the department can inspect the slips on their properties at any time.

If a jetty were on the river boundary or in some place other than private property I could go along with an inspection being made. The Minister said those jetties should be kept at a minimum standard. If the jetty were on private property an inspection would be of no concern to the public in general; it would be of concern only to those people living on that property, because they are the people who would be affected.

Mr Troy: What about the threat to navigable waters?

Mr BRADSHAW: How could it be a threat to navigable waters?

Mr Troy: Do you not believe that water can rise and bring those items on to the water course?

Mr BRADSHAW: I suppose, from that angle, it could. But the water is on the private property. It is a canal, and a boat moving along the canal will not suddenly detour into a fellow's slipway.

Mr Troy: It could flood out, though.

MR BRADSHAW: The jetty? I do not believe that is the case. There is nothing to flow out except the boat; that could happen. A boat moored in the river could break loose from its moorings and float about creating a hazard.

All sorts of things could happen, but they will be pretty rare. The people who have ramps or slipways on private property attract a licence fee, and therefore I move this amendment.

Mr TROY: I acknowledge the point being made by the member for Murray-Wellington. It is an aspect which probably causes people not to understand the obligation of the State to maintain navigable waters. The responsibility to ensure that nothing breaks loose from private property and gets into the water is the liability of the department, and, of course, the Crown. These powers are provided to ensure

that that risk is minimised. If due care is not taken by the department there is an extensive liability. Those are the facts of the matter, and it is understandable that such action be taken.

In the second reading speech I mentioned some things are not readily foreseen, like tidal movement, seasonal movement, accretion and erosion. The point is that there is a significant obligation to maintain those navigable waters in safe condition.

Elements which come into that are that wherever man-made structures identified under the definition of "jetty" have a direct interface with the water, they must be taken into account and due care taken. The member for Murray-Wellington is representing his constituents, and I am sure they are very appreciative of it. At the moment something in the order of 1 500 jetty licences have been issued in the State. It is expected that that will increase within two years by another 1 000, so members can appreciate the emerging problem. This is a massive escalation.

While this provision may have seemed to be unfair in 1926, the Opposition should have raised these objections more strongly at that time. However, there is a very strong case today. There is great encouragement for canal development, as members know, in this area.

Mr Lewis: In 1926 they did not have launching ramps.

Mr TROY: Yes, they did, because that has been the intention all along. The legal interpretation has always been with that intention. All we are doing here is bringing to public notice the wider legal definition of it. We are not bringing new items forth; they have always been interpreted in this way. However, due notice did not occur in the legislation as it was written.

I remind the Chamber again of section 5 of the Marine and Harbours Act, which covered the powers I read out. There is also a linkage to sections 7 and 8 of the Jetties Act where those liabilities were reinforced and power given to enforce them in this way. The department always gives due consideration to this circumstance.

The member for Murray-Wellington referred to cases concerning Yunderup. I draw to his attention an unfortunate set of circumstances which arose. Those canals were sold, I understand, by auction. A range of Government people were invited along by the auctioneer or the developer to give advice on the requirements for such blocks. Unfortunately—I can-

not say whether deliberately or not—the Harbour and Lights Department was never invited to provide advice, so many people bought blocks without realising their full obligations. That is the historical background.

Having found out the position, these people have understandably fought to overcome this disadvantage. Clearly the provisions which have been there since 1926 have been overlooked by that developer. This is highlighted by the absence of that group from the advisory panel service group.

I believe there is no alternative but to maintain the jetty definition provided here, and as a result the Government has no option but to oppose the amendment as it stands.

Mr STEPHENS: The National Party supports the amendment and the principle behind it. However, I query whether the amendment will achieve what the mover desires. Where a slipway or jetty does not extend over the water, how can it be used as a ramp? Will the point he is trying to achieve still be covered? I query whether the status quo will be altered.

Mr LAURANCE: I want to indicate my support for the amendment moved by my colleague. I can see why he has done it. It is not only the point made by the Minister, but I am disappointed the Government is not accepting the amendment. Owners are already faced with so many licences and fees, and this is another intrusion into their private lives. We should try to keep Government out of people's houses and yards as much as possible. This makes a further minor difficulty for people, and we should try to limit it as much as possible.

This provision means these people will have yet another authority to deal with. They have chosen a very desirable lifestyle, one which a lot more people in this State will choose in the future. The clause is a retrograde step because it requires these people to take out yet another licence merely because they have a means of gaining access to the waterway. This is quite different from having a jetty protruding into the waterway, something which people might neglect and allow to become derelict and therefore cause a problem to people using the waterway. But these slipways will be on private property and the people will look after them. These are new canals so most of these slipways will be in good order. The Government is being very harsh in not accepting the amendment.

Mr TROY: I can understand the point the member has just raised about these people being required to take out another licence, but

this must be put into perspective. They would have a driveway for which they had obtained a licence from the local authority.

Mr Laurance: That is a one-off requirement.

Mr TROY: That is true, but any developments on a property need prior approval from the local authority; people cannot simply build whatever they want on their properties. So this matter needs to be kept in its proper perspective.

Mr Clarko: You don't need a licence to get a crossing.

Mr TROY: The member is splitting hairs.

Mr Clarko: The authority pays half of it.

Mr TROY: It varies with the different authorities. The fee is to be kept to an absolute minimum but it is still considered necessary because we are dealing with navigable waters, so every effort must be made to ensure that everything is in order. The fee will simply cover the cost of services necessary as a result of having the facility. The Government is not willing to entertain the amendment.

Amendment put and a division taken with the following result—

Ayes 19

Mr Bradshaw	Mr Nalder
Mr Cash	Mr Rushton
Mr Clarko	Mr Schell
Mr Court	Mr Stephens
Mr Grayden	Mr Thompson
Mr Hassell	Mr Trenorden
Mr House	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Spriggs
Mr MacKinnon	

(Teller)

Noes 25

Mrs Beggs	Mr Pearce
Mr Bertram	Mr Read
Mr Bridge	Mr D. L. Smith
Mr Bryce	Mr P. J. Smith
Mr Terry Burke	Mr Taylor
Mr Burkett	Mr Thomas
Mr Carr	Mr Tonkin
Mr Peter Dowding	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Dr Watson
Mr Hodge	Mr Wilson
Dr Lawrence	Mrs Buchanan
Mr Parker	

(Teller)

Pairs

Ayes	Noes
Mr Blaikie	Mr Gordon Hill
Mr Williams	Dr Gallop
Mr Lightfoot	Mr Tom Jones
Mr Mensaros	Mr Marlborough
Mr Cowan	Mr Brian Burke

Amendment thus negatived.

Clause put and passed.

Clauses 4 to 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Troy (Minister for Transport), and transmitted to the Council.

**STATE ENERGY COMMISSION
AMENDMENT BILL**

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Thomas) in the Chair; Mr Parker (Minister for Minerals and Energy) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1

Clause 27

Page 17, lines 9 to 19—To delete the proposed subsection (4) and substitute the subsection following—

“ (4) Where upon any complaint brought pursuant to subsection (1) in relation to any premises or any part of those premises it is shown—

(a) that there was present in or about any relevant service apparatus any means enabling, or capable of enabling, any offence alleged in the complaint to be committed; and

(b) that the alleged offender is the person liable to the Commission for the payment of the charges relating to those premises or that part of those premises,

an inference exists that the offence was committed and that the offence was committed by the alleged offender, but the alleged

offender shall be at liberty to show that the inference in the particular circumstances should not be so drawn, and in considering the weight to be given to the evidence the Court shall regard such an inference as raising a presumption of law.”.

No. 2

Clause 32

Page 23, lines 5 and 6—To delete “or a prescribed Act” and substitute the following—

“ a prescribed Act or a prescribed Commonwealth Act ”.

No. 3

Clause 32

Page 23, line 21—To delete “ or ”.

No. 4

Clause 32

Page 23, line 23—To delete “divulged.” and substitute the following—

“ divulged; or ”.

No. 5

Clause 32

Page 23, after line 23—To insert the paragraph following—

“ (e) producing a document, or divulging information, that is relevant to those proceedings in any industrial tribunal established under an Act or Commonwealth Act. ”.

Mr PARKER: I move—

That the amendments made by the Council be agreed to.

Briefly, these amendments result from motions moved in the Legislative Council by the Attorney General, representing me, as a result of some undertakings I gave this Chamber when the matter was being debated here. A couple of amendments are simply procedural, and they have been addressed in the drafting process. The most important amendment is to clause 27 which provides for a better process for trying to tidy up the existing prosecution issue in regard to people who try to escape SEC charges by tampering with meters, while at the same time recognising the concerns about that procedure which were expressed by the Opposition, which concerns I basically share.

It is a difficult task to try to balance these issues: The desire to prevent people on a whole-sale basis from avoiding SEC charges and at the same time providing proper legal rights for people, given the difficulties of succeeding with a prosecution when proof is almost impossible to obtain. Representatives of the SEC, Parliamentary Counsel, and I examined the matter and came up with the amendments now before us which have been adopted by the Legislative Council. They are not quite as strong from our point of view as those which were addressed in the first place, but they represent a better proposal than that which exists in the current Act. So it seems to me, as it obviously did to the Legislative Council, that we are fulfilling the requirements we talked about when we debated the Bill in the first instance in this Chamber.

Amendment No. 5 relates to clause 32 and results from representations made to me by the SEC unions which were concerned at the way in which the Bill originally read, which would have prevented them from pursuing their legitimate industrial aims through the Industrial Relations Commission; they might not have been able to adduce evidence about what some of their members did, for example, in work value cases. We had no intention of denying them that opportunity, and they were probably correct in the way they covered it. I am happy to support that amendment.

I thank the Opposition for its cooperation in this matter and for its constructive contribution to this debate which has resulted in the Bill now being before us in an improved form. I commend the amendments to the Committee.

Mr MacKINNON: I thank the Minister, for this amendment and his agreeing to them in the other place. It does seem to resolve the problems we raised at the time of debate in this House when we mentioned the problem in relation to clause 27. I would however appreciate the Minister listening to advice I have received from the Law Society about that amendment and to confirm for me that our understanding of the situation is correct. When I read the amendment as originally proposed the only part that concerned me was the final couple of lines where it says, "and in considering the weight to be given to the evidence the court shall regard such an inference as raising a presumption of law". I did not really know what that meant because I am not a lawyer, so we asked the Law Society to provide us with some advice. I hope the Minister can give us the assurance that this advice indicates we

should seek. The Law Society's advice was as follows—

The proposed amendment to Section 67(4) presumably arises from the construction placed upon the existing provision by Olney J. in *Aquamarine Holdings Pty. Ltd. v. Tilley* (Supreme Court Library No. 5672). Olney J. construed the existing provision as raising no more than a presumption of fact.

Broadly the law of evidence recognises two presumptions of law—one which is irrebuttable and one which is rebuttable (Cross on Evidence, 2nd Australian edition, paragraph 6.7 - 6.9)

The proposed new Section 67(4) envisages that the alleged offender shall be entitled to show that the inference (singular) should not be drawn. The presumption of law to be raised will, therefore, be a rebuttable one.

In the absence of any indication of a burden of proof resting upon the alleged offender, one infers that he or she will be able to rebut the inference by simply adducing evidence which is inconsistent with the presumption of law. If this interpretation is correct, the amendment is not objectionable.

I repeat the words, "The presumption of law to be raised will, therefore, be a rebuttable one." If the Minister indicates to us that that is the case, we would have no objection. It appears to be similar to or in line with our thinking and the Minister's thinking in that regard and clearly in line with advice we have received from the Law Society, which I thank for its cooperation.

Mr PARKER: Like the Deputy Leader of the Opposition, I am not a lawyer, but certainly the intention is exactly as described by the Law Society; that is, that a person charged will be able to adduce evidence to reject the inference created by the prosecution that he or she has been involved in tampering with a particular meter, and if that rebuttal is successful he or she can be found not guilty. That is certainly the argument. It is certainly not intended to abrogate anyone's ability to adduce evidence that he or she was not in fact the person who tampered with any metering equipment. That is what I was informed by the Crown Law Department and the SEC.

Mr MacKinnon: That is the intention?

Mr PARKER: That is certainly the intention.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

TRANSPORT CO-ORDINATION AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 26 June.

MR LAURANCE (Gascoyne) [4.18 p.m.]: I indicate to the Minister that the Opposition has been very cooperative this afternoon. A number of measures he has put before the Parliament have had either our total or partial support; but this amendment certainly does not have our support. In fact, it has our strongest possible opposition.

The Opposition has tried to indicate in the last few weeks that it is the only body that stands between this Government and the poor motorists of this State and it will use every device available to it in the Parliament to try to protect those poor motorists from this avaricious Government. Our efforts have not been successful and we are most disappointed about that. We do not have to foot the bill—the bill will be paid by individual motorists, the people of Western Australia: They will have to pay the enormous price that this Government will exact from the motorists of Western Australia. The Opposition is totally opposed to this.

We first heard of this amendment when the Premier introduced his arguable "economic statement" a few weeks ago. Of course, that economic statement was an admission of failure by the Government that it was not able to control the economy and, like its Federal counterpart, it was taking us backwards in a hurry.

Among this diatribe of doom and gloom we got an indication of what was to be foisted on the motorists of Western Australia. The Premier talked about the fuel franchise fees and said the levy on motor spirit would rise to 4.17c a litre, and on distillate to 5.95c a litre—a 92 per cent increase for petrol and 65 per cent for distillate. He said the increases would take effect on 1 July and were expected to raise an additional \$39 million in 1986-87.

I have told Parliament on a couple of previous occasions that the fuel franchise levy raises \$45 million a year; the Government will almost double that to \$84 million a year. The

Premier told us in his economic statement that the expected increase in revenue from the many revenue raising measures he outlined would be \$77.5 million. Of that, motorists in this State would supply \$39 million on their own. It is by far the biggest proportion of the increase in taxes which this Government indicated was necessary.

That was bad enough, but the statement went on to give us a bit of a preview of the worse that was to come. The Premier said—

Legislation will also be introduced shortly to establish a transport trust fund into which all revenue from the fuel franchise levy is to be paid to ensure its use for all transport-related purposes, principally, though not solely, on roads.

That must have sent a chill through every motorist in Western Australia—just one line in the Premier's economic statement. Since this tax was first introduced in 1979 its purpose has been to raise funds solely for roads. The fuel franchise levy has been paid into the main roads trust fund and that agency was empowered to spend all the funds on roads or for related purposes—construction and maintenance of the road system that is vital to a State the size of Western Australia. I have pointed out on many previous occasions the necessities of man are in this order: Food, clothing, shelter, and then transport.

It is a basic necessity of our community and never as important in any other place as it is in Western Australia—a State with 1.5 million people in an area the size of India. Transport is our lifeblood and our vital link, and every time somebody puts a litre of petrol or distillate into his vehicle he will pay a substantial portion to the Government. Now he is being told that a transport trust fund will be set up so that the funds can be used not only for roads, but hived off for other purposes. The Government may as well have said the money will go into Consolidated Revenue, because it is intended to use part of the funds to back up the Government's other requirements for transport.

The Minister's second reading speech indicated what the other transport-related purposes will be, and I wish to refer to them. He said—

It is intended that the major portion of the moneys in the new trust fund will continue to be allocated to the Main Roads Department for expenditure on roads. However, it is intended that receipts paid into the transport trust fund be used for

other transport-related purposes including capital expenditures and operating deficits of public transport authorities such as the MTT and Westrail, subsidies and grants made by the Transport Commission, and similar other expenditures.

It is a pretty broad brush that will soak up those funds. That means bad news for motorists because they are required to pay in various forms all the costs of the road system. They pay an enormous excise to the Federal Government.

There is a very chill lesson here for the motorists of Western Australia because when the Federal excise on fuel was introduced it was principally, if not solely, for roads; but over the years Governments of all political colours have found it convenient to increase the excise on fuel and put a smaller proportion of those funds into roads and more into Consolidated Revenue.

On a litre of fuel at 52.2c a litre, the current retail price in Western Australia, 25c goes to the Federal Government in the form of crude oil levy, excise duty, and royalties. So almost half goes to the Federal Government.

Mr Troy: Did you say a smaller proportion of the Commonwealth collections is going towards roads?

Mr LAURANCE: Yes.

The State Government fuel franchise levy has risen to 4.17c a litre; the oil company takes 19c a litre and the retailer 4c a litre. Many things have happened in the last couple of weeks: This State now has the highest fuel franchise levy in Australia and the amount taken by the State Government exceeds the amount that accrues to the petrol retailer.

As the amount raised by the Federal Government has increased inexorably, so has the amount made available to roads fallen as a proportion. That proportion would be devastating had it not been in recent years for the Commonwealth's including an additional levy to provide funds for the bicentennial road programme. I will give an indication of where the funds go now to the Federal Government. The estimated return for 1985-86 from the Federal Government's excise on fuel was \$2 343 million. The amount made available to the States by the Commonwealth for roads was estimated at \$776 million. If one adds to that the Australian bicentennial road programme figure of \$429 million, one gets a total of \$1 206 million—just over half the money collected by the Commonwealth for roads is paid

back to the States, and the rest goes into Consolidated Revenue.

In other words, the motorists of Australia have become the milch cow for Governments of all political colours at a Federal level. The forecast for Western Australian motorists is that the same will happen. In the past the fuel franchise levy was used exclusively for roads. The Government is proposing to set up a transport trust fund and the funds will be used principally, but not solely, for roads. I warn the motorists of Western Australia that that is the foot-in-the-door approach. If in the future the State Government follows what Federal Governments have done, it will put less into roads and more into transport deficits and other transport-related purposes.

It is as plain as the nose on one's face that that will happen. We have been given no indication by the Minister or the Government as to how much or what percentage of the funds will be used on roads in the first year or subsequent years. Mark my words, that is what will happen. The amount siphoned off to other transport related purposes will grow year by year as a proportion of the whole amount.

Mr Spriggs: So will the tax rate.

Mr LAURANCE: Yes, that is right. In other words, if Western Australians want to continue building roads at a satisfactory rate and have them maintained in a satisfactory condition they will have to pay more funds and less money will be spent on roads. The funds will be spent on transport services which are concentrated in the metropolitan area.

I am not talking about the Opposition's objection to this measure—the Bill is totally objectionable—but about what this Government has done since it was re-elected. It has increased the fuel franchise levy and siphoned those funds to transport-related services.

I refer now to transport deficits. At the same time as the Premier made his economic statement the Confederation of Western Australian Industry, in its pre-Budget submission to the Government, referred to State charges and transport deficits, in the following terms—

In its previous two Pre-Budget Submissions the Confederation has emphasised the desirability of reducing State transport deficits. To date this has not happened. In fact, the MTT deficit has increased from 177 per cent of revenue to 198 per cent over this period.

The Confederation urges that concerted action be undertaken to reduce the size of these deficits and that any future capital expenditure in these areas, including the \$9.1 million capital expenditure on new projects promised during the election campaign, be subject to full cost/benefit analysis.

The confederation did not touch on the proposed \$150 million to be spent on the electrification of the suburban rail network. It is obvious that the motorists of this State will be asked to cough up to subsidise the massive deficits of Transperth and Westrail. It is totally unfair. I have already indicated that between the State and Federal excises and levies, the motorists are paying more for the building and maintenance of roads. They are being asked to contribute to the Consolidated Revenue Fund and the Government will now ask them to pay for roads, in addition to contributing towards the cost involved in providing public transport. It is unfair and if the Government is unable to obtain a more substantial proportion of the cost of public transport services from the people who utilise them, it must look to providing those services in a more efficient manner.

Finally, the Government must meet the transport deficits from Consolidated Revenue in order that every taxpayer in this State contributes towards the rising deficits and that those costs are not met only by the motorist.

When one considers the increased cost of fuel, licence fees, the cost of parking in the city and other costs incurred by the motorist it is totally unfair that they also be asked to contribute towards the transport deficit. In other words, they are being asked to provide assistance to those people who travel by other means of transport. It is an unfair situation and one which the Government cannot justify.

In recent days I have quoted figures which show that every person who travels by train in the metropolitan area pays 45c and the taxpayers pay \$2.16. That is how fair it is! In future, part of the \$2.16 will be met by the motorists of the State and that is something the Opposition cannot condone.

I refer now to other purposes for which this money may be used. The Minister has stated that receipts paid into the transport trust fund would be used for other transport-related purposes such as subsidies and grants made by the Transport Commission. Indeed, that is open-ended. After propping up Transperth and Westrail we will provide subsidies and grants

to the Transport Commission. I ask the Minister to advise the House what subsidies and grants he has in mind. On behalf of the motorists the Opposition represents, I say that the Minister must provide an explanation.

The Minister also makes reference to other similar expenditures and the Opposition would like an indication what this means. Once again, it is a very broad term.

I make the point that roads are of enormous importance to this State. Recently an Opposition member drove to Adelaide and he has made adverse comments about the condition of the road.

Mr Troy: Have you read the reply?

Mr LAURANCE: I have read the reply and I am delighted about it, but I am not delighted that money which should be spent on important projects will be made available to Transperth and Westrail.

Mr Troy: That is your guess. You do not know. I said the other day that we should be able to rebuild at the rate of 250 kilometres per annum, but we are only rebuilding at 80 kilometres per annum. Do you suggest we do it?

Mr LAURANCE: The Minister is condemning himself. If the Government is going to do it, it should do it. Do not set up a separate fund, use the money for roads.

Mr Troy: You are using your familiar scare tactics.

Mr LAURANCE: I am quoting what the Minister said. He is only a new Minister and he did not write the second reading speech, but I would have expected him to take it in when he read it. The Minister said—

... that receipts paid into the transport trust fund be used for other transport-related purposes including capital expenditures and operating deficits of public transport authorities such as the MTT and Westrail ...

The Minister says I am only guessing.

Mr Troy: You are guessing about the expenditure involved.

Mr LAURANCE: If the Minister is indicating that he is misleading the House he should take the appropriate action.

The Opposition wants to know what the Minister means about other subsidies, grants and expenditures. He knows, as we all do, that there are tremendous road construction and maintenance tasks to be undertaken in this State. If motorists are to be sluggish, action

should be taken to put bitumen on the roads. The motorists should pay for that. A large proportion of these funds is raised by individuals in the country. The Minister will say that most of the money is raised in the city, but if one looks at the amount of fuel that must be purchased by a person who lives in the country one will see that it is quite substantial, because that person is forced to travel greater distances and therefore buys more fuel and pays more towards the levy. Country people do not have the opportunity to use Transperth or Westrail.

Mr Grill: Have you any figures to prove what you have said?

Mr LAURANCE: I have seen the Government's figures and I will come to them in a minute.

Mr Grill: My recollection of the situation is that, rather surprisingly, the people in the metropolitan area tend to use as much fuel as those in the country areas, with the exception of the people in the north-west.

Mr Tubby: They do it by choice.

Mr LAURANCE: As the member for Greenough said, perhaps they do that by choice.

Mr Grill: When the figures were released I was shocked by them.

Mr LAURANCE: In direct answer to the question asked by the Minister for Agriculture, I do not have the figures, but I do have the figures of the amount of levy paid by those people in the country and it is a substantial amount. It is \$3 million, and when one considers that the total figure is \$9 million it can be seen that it is disproportionately high.

If what the Minister for Agriculture says is right it gives the lie to what the Government says will happen when motorists are asked to support Transperth and Westrail.

Mr Troy: I do not know how you can draw that conclusion.

Mr LAURANCE: I draw it because they do not use the MTT. There is absolutely no way in which this measure can be justified or approved by the members of the Opposition. We would like to know what the Government intends to do about this matter in the future. We see this as the thin end of the wedge and in future years motorists will get an even worse deal. The Government will put less and less money into the road system from the amount it receives in this area.

It does not matter where the funds come from to support the deficits of the other public transport bodies such as the MTT and Westrail. They have to be financed from somewhere, and at the moment they come from Consolidated Revenue. We applaud the Government on one point; that is, for isolating the social cost of these services and paying them to these bodies so that they can be identified. The Opposition agrees with that policy. It is the proper way to go with regard to identification of the costs. In future under this proposal an increasing amount will come from the transport trust fund and we are concerned that this will be done to relieve pressure on the Consolidated Revenue Fund to the benefit of the Government. It is setting up an enormous slush fund for the next election at the expense of the motorists of Western Australia. If members do not believe me they should look at what happened after the 1983 election.

After that election the Government moved in heavily on the tobacco industry and it raised \$40 million to \$50 million extra from that industry. It did so under the guise of a health measure; and no-one is denying the improvement that may result from an education programme in that field. It is doubtful how effective that programme has been, although if it has stopped one person from smoking it will be of benefit to the individual and, therefore, eventually to the State. However, it should be recognised as a taxing measure, and let us make no mistake about that.

The liquor industry was left alone after the 1983 election because the Government needed its support for the 1986 election. It received that support at the last election but I do not think the industry will support the Government at the next election. The liquor industry and motorists are the two sectors that the Government has decided to move in on since the last State election. Three years ago it was tobacco, this time it is liquor and fuel. Certainly, the liquor industry feels it much more keenly; but the motorists will foot the bill in terms of providing money for the next election. The Burke Government hits the worker every time—the bloke who drives to the local hotel to have a beer.

At an early stage of the Government's three-year term it has decided to raise a huge amount to prop up its propaganda for the next three years to help it to gain Government next time. It will not succeed, but at any rate the Government does not need to increase these taxes. If one looks at the figures from the outcome of

the recent Premiers' Conference it can be seen that there was no need to increase taxes in this State—charges possibly, but taxes, no. That is quite clear from the figures published after the Premiers' Conference. This action has been taken purely as a result of the desire by the Government to do so.

Liquor tax will raise an additional \$12.5 million, and the increase in fuel tax will raise an additional \$39 million, making a total of \$51.5 million extra. We are not talking about the natural growth in taxes which will accrue to the Government in any case. This amount of \$51.5 million is a slush fund for the Burke Government. It will not be put into a fund called "re-election fund" but it might as well be. The Government will use these funds to prop up deficits in the MTT and Westrail, and it will save that amount in the Consolidated Revenue; that is where the slush fund exists.

Mr Pearce: Are you seriously arguing that Consolidated Revenue will become a slush fund?

Mr LAURANCE: I am saying that the pressure will be off because the funds to meet the deficits will not come from Consolidated Revenue, the Government has found another way to raise those funds, by bleeding the motorists of this State. It is absolutely clear from the legislation. The Government will find ways of using the relief on the funds of this State for its own benefit.

Mr Troy: You do not think there is the prospect of better utilisation of funds by taking that coordinated approach?

Mr LAURANCE: No, for two reasons which I have clearly outlined. It is unfair to ask the motorist to pay for his own method of travel and, in addition, to subsidise other forms of travel. These other forms amass magnificent deficits; and if the Government wants to subsidise them there should be a charge on all taxpayers of the State.

Mr Troy: What if that unlocks benefits for motorists in other areas?

Mr LAURANCE: That is a very indirect benefit. That is a benefit to the State and the people as a whole should pay for it, not one sector of the community.

Mr Pearce: If more people travelled on buses there would be fewer traffic jams.

Mr LAURANCE: That is a very tenuous argument.

The motorists of this State have been quite unfairly hit. If the additional funds were to be spent solely on roads, that would be bad enough, but this Government intends to siphon off the funds into other transport-related areas. Some of those funds will be put into the MTT and Westrail, and others used for the purposes of the Department of Transport. We believe that in future more and more of those funds will be siphoned off for other purposes.

For those reasons we are totally opposed to this Bill.

MR RUSHTON (Dale) [4.48 p.m.]: I could not be more ardent that I am about this Bill. I suggest that the phrase, "Keep the b... honest" was especially coined for this legislation.

I hope that members in another place will view this legislation in the same way as I and members on this side do. The member for Gascoyne, the shadow Minister for Transport, introduced an argument that is very sound indeed. I wish to extend that argument in a slightly different way. I intend to show members that this State will lose millions of dollars from the Commonwealth if it proceeds with this legislation. I will demonstrate how that will happen.

The Minister has not been long in his portfolio and may not realise what the dangers are.

It is fortunate and opportune that we can warn the Minister, and it will be on his head if we do lose large sums of money through the action he is proposing here.

We have the right to oppose this legislation as it is not a Budget item, in that it does not raise revenue but purely channels money into a convenient trust fund for the Government to be able to manipulate the funds in any political way it would wish. I will also address myself to that.

Historically I was the Minister responsible for the change from the road maintenance tax to the introduction of the business franchise petroleum products licensing provisions. We were the first State in Australia to adopt those provisions. People had been looking for alternatives for quite some time but had not been able to find them. Due to some excellent legal advice we obtained from our own State legal advisers, we found the way. We preferred, of course, that the extra funds necessary to maintain our roads should come from the Commonwealth. The Commonwealth has been extracting a huge sum of money from the

motorists for years and using the provision as a general taxing measure. We opposed that. We believed that funds should be identified and used for the purposes for which they were raised, and we did something about that when we were in Government.

The question before us now is the use for other purposes of money raised from motorists. I stated a few moments ago that there are great dangers in doing just that. Generally speaking, while people would consider that the Government is being irresponsible in raising such a huge sum of money at this time, they would feel that if the moneys are to go to roads that would be reasonable and acceptable, despite the fact that in raising this sum of money the Government works directly against our opportunity to export.

This is an export-orientated State and one that in years gone by has encouraged the production and export of commodities to help fund the State. It is all part of our economy and we are renowned for the success we have had in that area. The Government's action in increasing the take in such a massive way is directly against the best interests of the State and Australia because it will push up the costs of our exports and therefore make it more difficult for us to make sales overseas. At the very moment when our Governments are complaining that we need to do something to rectify the loss of our overseas sales—and blaming it on overseas interests for not purchasing our goods, or on manufacturers for not producing goods and selling them overseas—the State Government introduces a measure such as this which works directly against our very best interests in achieving the least-cost product to make the overseas sales.

I come back to the reason I was able to argue so effectively at meetings of the Australian transport advisory committee. For four or five years I had the responsibility of keeping at bay the other interests—especially in Victoria and New South Wales—which were attempting to reduce our percentage of road funds from something like 11.8 per cent. That figure might not be totally accurate.

Mr Troy: Your Government was not too successful before your time. The percentage dropped from 19 to 12.3.

Mr RUSHTON: It came down from about 19 per cent.

Mr Troy: That is what I said. It came down to 12.3. You should look at the annual figures—the percentage dropped from 19 to 12.3 in your time.

Mr RUSHTON: It was not in my time at all. It happened in Mr Whitlam's time and he was responsible. What is the percentage now—11.8?

Mr Troy: It is 12.3.

Mr RUSHTON: That is pretty close. That is the percentage the Minister should be defending with every ounce of energy he has. During my four or five years I was able to keep that percentage static and not lose it, and I look upon that as one of my achievements during my period of responsibility.

Mr Troy: What about national road funding?

Mr RUSHTON: I will come to that question, and let me see if the Minister can answer it. I see this as the biggest danger of our losing that 12.3 per cent cut of the Commonwealth money for road funds. The argument always put to the ATAC—if the Minister has been to their meetings, which I suppose he has done by this time—was that we were not entitled to 12.3 per cent. The argument of the people who would refuse us that percentage was that the money should be divided on a per capita basis. They wanted to do that to us; but we have vast responsibilities to our road system. We have one-third of Australia's territory to look after; we have something like 22 or 23 per cent of the exports of Australia; and of course we have the tyranny of distance, as was remarked upon by the previous speaker. I believe we are fully entitled to our 12.3 per cent.

Mr Troy: I agree with you. That has been our position.

Mr RUSHTON: The Minister now has the responsibility of hanging onto it. I will demonstrate to him that by raising this extra \$39 million and hiving it off to other areas, the Government will lose the argument that was so vital to us. The Commonwealth will be able to demonstrate that we are not so sincere about raising funds for our roads.

Mr Troy: They may think exactly the opposite. You must wait until we show where we spend it.

Mr RUSHTON: I know what the Government will do with it, and I will come to that shortly; but I suggest the Government will lose our percentage of road funds. Tens of millions of dollars will be lost. If representatives of the Main Roads Department were speaking in this

place today they would support my point of view and would demonstrate the hiving-off of those funds into deficits for the railways or the MTT and not paying it into roads.

Mr Troy: With that comment you are just proving how long you have been out of that chair.

Mr RUSHTON: A little while ago the Minister made some comments which were totally inaccurate, and I will not be diverted by his personal attacks. That is what he is trying to do. He is being kindly offensive, which is nearly as bad as being offensive lock, stock, and barrel. If he did that, people could see that I am the target of it. We will have to watch out for the smooth, softly, softly approach.

Mr Troy: I will bear that comment in mind.

Mr RUSHTON: If the Minister wants to attack he should do it boots and all.

For four to five years I was Minister for Transport and was fully aware that the Commonwealth, through the interests, pressures, and strength of the Victorian and New South Wales Governments, irrespective of which party was in Government, was inclined to agree that we should lose some of our funds. The smaller states—Tasmania, South Australia, Queensland to a degree, the Northern Territory and ourselves—hung together and resisted that approach.

In respect of the bicentennial funds, there was a great threat. The year 1988 is not far away and we shall be faced with big challenges then, because the bicentennial programme will be completed. The funds generated by that programme have been of great benefit to this State and should be maintained in the future.

Mr Troy: The bicentennial year will be over, but the programme will not be completed. There will still be a lot of work remaining.

Mr RUSHTON: That may be so, but the funding arrangement were made based on the target of 1988. The money was raised through a further impost on the motorist, which we thought should not have been the case and the cost should have been absorbed by the present funding structure.

One of the most important tasks we have in this State is to maintain our percentage of funding for roads. I had the privilege to attend one of the Premiers' Conferences when Ray O'Connor was Premier. We had to use every intrigue in the book to ensure that our position was not eroded and that our percentage of funds was not reduced.

Anyone who has any understanding of this issue would be aware that, if we redirect a portion of the money which is being raised through normal channels and which should be allocated to roads, and put it into another area, the strength of our argument to maintain our 12.3 per cent share of funds will be reduced. I have demonstrated that it is imperative that we do not weaken our position, because the threat still exists.

If we succumb to the pressure and weaken our stance in respect of road funds, we shall lose our percentage. The Minister's second reading speech indicates the purposes for which the Government intends to use these funds without spelling out the details clearly. He said—

However, it is intended that receipts paid into the transport trust fund be used for other transport-related purposes including capital expenditures and operating deficits of public transport authorities such as the MTT and Westrail, subsidies and grants made by the Transport Commission, and similar other expenditures.

At the time that I was responsible for the repeal of the road maintenance tax and the introduction of this legislation under which these moneys became available, the Treasury advanced an argument to the effect that these funds should be placed in a general trust fund instead of being allocated specifically to roads. I won that argument and I am very pleased and proud that I was able to ensure that those funds were designated for roads.

As the Leader of the National Party is present, I shall comment briefly on one of the many objections raised by the National Party in those days. That was that we should raise those funds by Act of Parliament. I believe that the legislation under which these funds are raised is a revenue raising measure and, as such, forms part of the annual Budget. If at any time the Opposition wanted to attack the position it could move to disallow the regulations raising these funds. The Leader of the National Party who has raised that issue from time to time should be aware that that is a fact of life.

Not many people remember that, when the road maintenance tax was removed, in an attempt to maintain equity, licence fees on small cars and vehicles which did not attract road maintenance tax were reduced. That was done in order to equalise the burden of the introduc-

tion of this franchise levy across the whole spectrum of motorists.

We showed the way to the rest of Australia. Queensland did not follow our example. It has adjusted the contributions between vehicles by increasing licence fees on bigger vehicles. However, the other States have followed. The Minister would argue that not all the States have confirmed the thrust towards maintaining road funds. New South Wales and Victoria have a great deal of political clout, on a per capita basis, in respect of road funds. However, Western Australia is an isolated State with vast areas and huge road responsibilities. Therefore, we cannot compare our position in respect of road funds with that of New South Wales or Victoria.

The Government has been inconsistent and has contradicted its professed intentions by introducing this legislation. The member for Gascoyne mentioned his support for the fact that the Government had identified the commercial and social costs of MTT and rail services. It has not gone far enough in respect of rail. However, we initiated that move in the MTT when I was Minister for Transport and the Government has continued it, and I support it; but this Bill contradicts that whole aim.

We wanted to identify costs so that people would be accountable and their effectiveness would be demonstrated. I support the Government when it seeks to identify the social and commercial aspects of the activities of the MTT and Westrail. People involved in that work are sick and tired of being considered to be less efficient than those involved in the private sector. They are pleased to be able to identify the different costs of transport and aim at breaking even or making a profit. Westrail was well on the way towards doing that and it is continuing in that vein.

Mr Troy: Are you happy about the progress there?

Mr RUSHTON: I believe completely in the commercialisation of Westrail. The Minister's predecessor continued what I was doing and, up-to-date, the Minister is taking the same attitude. Unfortunately he is running into some problems. The unions are saying, "Here we have a new boy. Let us try him out". The Minister will be worked over. We shall see if he can stand up to the unions. His predecessor did rather well and the economies we introduced have been continued. I support Westrail and I acknowledge the role played by the Minister's predecessor. However, the Minister must now

see whether he can match up to his predecessor because this is not an easy situation to deal with.

I do not know whether the recent rail strike is still continuing. However, when I and the Minister's predecessor were responsible for transport we dealt with Mr Jim Handley who brought a sense of moderation to the position. He realised that if we upset patrons and they became disgruntled with the rail service, in due course we would reach the position where we would not have a suburban rail service.

Unfortunately the Minister has inherited a wild man known as Mr Bob Wells. The reason the Minister is having difficulty is that he is dealing with a man who does not act rationally. When I introduced the legislation to deregulate rail, the Commissioner of Railways would call together a group of people, including representatives from the unions and the railways, to explain what was taking place. Two days later I would be talking to people at Narrogin and that same gentleman would say the opposite to what the commissioner had said.

Mr Troy: I think your uninformed comments about Bob Wells are quite inaccurate.

Mr RUSHTON: I knew Bob Wells and he and other unionists were in my room frequently. Has not Bob Wells taken over from Jim Handley?

Mr Troy: They have not resolved it yet.

Mr RUSHTON: I hope that the responsible people in those unions—and most of them are responsible—do not have him as their leader. The Government will have continuing problems if they do. This is a move to separate costs and it is a move in the right direction. It calls for accountability of the MTT and Westrail. However, the Government is now trying to cloud those issues.

Mr Troy: How does this stop accountability?

Mr RUSHTON: The Government is trying to put aside funds for electrification of the suburban rail system. It is totally uneconomic. It will use those funds to reduce the deficit on the Perth to Fremantle line which is now incurring about \$5 million in costs for the Government. It is all political.

Mr Troy: You are living in dreamland.

Mr RUSHTON: I know what the Government is up to. It is taking funds from roads, the upgrading of which would benefit our export industries, and is moving those funds to unproductive areas to cover up its inadequacies in its attempt to politicise those services. It is

pulling money out of genuine road funds. It would be very nice to take \$5 million out of that fund to cover the costs of the Perth to Fremantle line, on which it is using derelict, dangerous rail carriages because of its political commitment.

In the mixture of commitments being made by this Government is one that glares at me and that is the electrification of the suburban rail system. We have a purely commercial decision by Westrail in relation to the electrification of the freight services. That is a purely commercial operation not related to party politics or subject to the whim of the Minister. Up until this time, Westrail has been able to postpone the electrification of the freight services until it is economic to do so. The date for electrification has been constantly extended because of the reduction in fuel prices. We would have seen the electrification of the Kwinana and Bunbury lines by about 1989. However, that date has now been extended to 1995 and beyond because of the reduced price of fuel. That makes commonsense.

I commend Westrail for its actions in that regard. However, it illustrates the lack of good sense that this Government has regarding the electrification of the suburban rail system. No-one puts in a service to accommodate 50 000 people in a peak hour when a system to provide for only 1 000 is necessary. Buses can accommodate that service.

The Minister has been misleading the Parliament in recent times. He has said that there has been a growth in the suburban rail system. His figures are unsubstantiated. He has used figures taken in a survey by Westrail personnel.

Mr Troy: You are wrong again. You are talking about spot-day surveys.

Mr RUSHTON: I am talking about the fact that the Minister does not have credible figures on which to base his claims. He used Westrail personnel which I would never use. He should commission an independent survey to inform him of what the true figures are. He has used those incorrect figures to promote his cause for the electrification of the suburban rail system and he has been totally dishonest about it.

I hope that one of the benefits from the sad downturn in our economy will be the putting aside of the proposal to electrify the suburban rail system. The public could not stomach that sort of expenditure at such a bad time.

As I said before, this is not a Budget item. This legislation is a means of distributing funds. As far as I am concerned, the tax is too

high and it illustrates the extreme extravagance of this Government and its intention to harm the export capacity of this country. It is attempting to raise money to ease it through the next two years. It costs people more if charges are placed on goods and services in one year and then having two years free of any increases in those charges. If the increases were imposed gradually over a three-year period, it would certainly cost less for the taxpayers.

The Government has contradicted its announced intention to follow our initiative for having accountability for all funds raised. I urge this House and the other place to defeat this legislation because I think we should keep the "b's" honest.

MR HOUSE (Katanning-Roe) [5.16 p.m.]: The National Party opposes this Bill for very good reason. The Minister for Transport, in his second reading speech, said—

It is intended that the major portion of the moneys in the new trust fund will continue to be allocated to the Main Roads Department for expenditure on roads.

We have no argument with that. However, we have an argument with another statement. The Minister said—

However, it is intended that receipts paid into the transport trust fund be used for other transport-related purposes including capital expenditures and operating deficits of public transport authorities such as the MTT and Westrail, subsidies and grants made by the Transport Commission, and similar other expenditures.

We disagree with that violently. Of course, if we disagree with that part of the Bill, we have to vote against it in its entirety because the Bill directs that the money raised by the State transport fuel levy be directed into that fund. We have no argument with the fact that money must be raised so that we can build roads and probably the right and proper way in which it should be raised is through the State fuel levy.

That fuel levy, at the moment, stands at 2.17c per litre on petrol and 3.95c per litre on diesel. Be it on the Government's head if it increases that levy. That will be its decision and its problem; we know it can do as it likes. However, the Opposition parties will not allow to go unchallenged the fact that this Government wishes to set up a fund that will subsidise the Metropolitan Transport Trust and other city based transport services in order that it can shore up its Budget in other areas.

We have just received some relief from the Federal Government in its reducing the price of fuel and the excise. Now the State Government is taking advantage of that reduction by taking up the slack and increasing the levy.

Not only will the Government increase the levy, it will also use the money to subsidise Transperth and the Fremantle-Perth passenger service. The money to fund those services should rightly come from the public purse, because the public are the users of the services. Commuters are not buying fuel to put in their motor cars. They do not have to drive 50 or 60 miles to get their stores, as do many people in the country.

The member for Dale asked the Minister for Transport whether he would institute an independent, in-depth study of the patronage on the metropolitan rail systems before the Government decided to proceed with electrification of the passenger rail system. The answer was that the question had been wrongly directed. I am surprised that Ministers of the Government cannot sort out who should answer questions. If that is the best reply that can be given, I look forward to the next one.

I have no argument about funding for roads. We acknowledge that roads are an essential and integral part of country community life. They are necessary for us to get our produce to the port. By way of roads, our people are able to travel into towns, thus we need to maintain our road system. My electorate of Katanning-Roe relies almost solely on road transport for its produce.

Mr Troy: They have a few buses down there too, don't they?

Mr HOUSE: That is a good point. We do not have as many buses as we would like. The Minister has probably not been the Minister for long enough to realise that his department has reduced the number of country buses this year from 40 to 26.

Mr Troy: I saw the answer to the question.

Mr HOUSE: I am glad that the Minister saw the answer, because I asked him the question. I am surprised that he did not see it before he answered it. I point out to the Minister that those buses are often fully booked. Perhaps this is a good time to remind him that we could do with another bus or two in country areas. Although 26 per cent of the population lives in the country, country people have been paying 45 per cent of the fuel tax.

Mr Troy: What percentage of roads are in the country?

Mr HOUSE: I am not sure of the percentage of roads in the country, but I acknowledge that there are more roads there.

Mr Rushton: Tourists mainly use the roads.

Mr Stephens: Tourists and country people use the roads.

Mr HOUSE: I am thankful for the interjections.

As individuals, rural people pay up to three times more than city people as a result of this tax. We do not argue too much about that because we use much more fuel. It is more expensive to live in the country because we have to travel greater distances. We accept that lifestyle, but we do not accept that we should be taxed, on a commodity that is very essential, at a level that is over and above what would be necessary for the funds raised to be put back into roads in our areas. That is the pertinent point. We do not object to paying a certain amount of the tax, that proportion of it that goes back to our local shire councils, but we object to paying an amount over and above that amount. We object to the money raised by the tax going into a general revenue fund to subsidise other areas.

Having had 13 years' experience in local government, I feel qualified to tell this House that the shires are battling for road funds. The amount of money that shires are getting to spend on roads has been reduced. Many shires in this State are behind the eight ball in terms of being able to keep up to scratch their road building programme. We need to seek ways to give the shires more in real terms. If we, through this Bill, give the Minister powers to put this money into subsidising other areas of transport, it will be only a matter of time before that part of the Bill is diminished and more and more money will be put into projects to electrify the rail services or to transport 100 passengers a day from Fremantle to Perth. Again, I point out that people using those services are not paying the tax. Perhaps we should put up their fares.

Those of us who live in the country cannot avoid using fuel. We do not have a bus service past our doors. We do not have clipper services to run us around. We have to fill up our motor cars with fuel. In addition to that, the Bunbury City service last year was budgeted to lose something like half a million dollars. That is another area that is being subsidised by the Government. The city clipper service in Perth, the Fremantle to Perth railway service and other services are incurring increasing losses.

Every year the amount increases. I again point out to the Minister that there has been a reduction in country bus services. It is a real problem for people in the country. As fuel has become more expensive, people have had to use public transport services more and more. That has been more difficult because the Government has chosen to reduce the bus service.

I understand that the Government is currently considering a proposal to privatise the country bus service. I seek an assurance from the Minister that the level of that service will not be reduced in any way, because it certainly has been over the past few years. I seek an assurance from the Minister that he will think very hard about country people and recognise that they have a problem and need to have a transport service in the same way that city people do. We in the bush acknowledge that we cannot have a public transport system. We acknowledge that heavy trucks and large road trains do a lot of damage to the road system and that therefore we should pay what is a fair and reasonable amount, but we do not expect to have to pay an amount over and above that amount.

The Minister in his second reading speech also said that 2 500 kilometres of older sealed highways and main roads would require reconstruction over the next 10 years at an average rate of 250 kilometres a year. He acknowledged that only 80 kilometres a year were now being reconstructed. That being the case, how can the Minister introduce a Bill that seeks to take

money away from the road system? That 80 kilometres represents approximately one-third only of the total requirement. That is a problem that the Government will obviously have to acknowledge. I ask the Minister to address that problem. I hope that in reply the Minister will acknowledge the problem and explain how the Government will meet it, bearing in mind that we are being asked to vote for a Bill that will put money into a general trust fund to subsidise services in the cities.

Mr Troy: Just a few minutes ago you were asking for some subsidies. You are having 50 cents each way.

Mr HOUSE: I am asking for what is rightfully due to country people, nothing more and nothing less. The Minister should compare the amount of money raised by the fuel tax in country areas with that raised in the city.

Mr Troy: I might be able to correct you on the figures I have.

Mr HOUSE: I hope the Minister can do so. This time, I hope he reads the answer before he gives it to me, not after he has given it. Unless the Minister in his reply can convince the National Party otherwise, the National Party will oppose the Bill.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

[Question taken.]

House adjourned at 6.00 p.m.

QUESTIONS ON NOTICE

DAIRYING

Quotas: Moratorium

776. Mr BRADSHAW, to the Minister for Agriculture:

- (1) (a) Does he intend to lift the moratorium on milking two quotas in the one dairy;
(b) if so, when?
- (2) (a) Has the dairy industry working party reported to him;
(b) if so, when?
- (3) If the dairy industry working party has not reported, when does he expect the party to report?
- (4) (a) Does he intend to allow negotiability of milk quotas;
(b) if so, when?

Mr GRILL replied:

- (1) to (4) Recommendations have been received from the Dairy Industry Authority on milking two quotas in one dairy and on negotiability of milk quotas. These are being considered and conclusions will be communicated to the dairy industry in the next few days.

HEALTH DEPARTMENT

Computers: Contracts

786. Mr COURT, to the Minister for Health:

- (1) Has the Health Department let the contract for the purchase of new computer hardware and software as a part of the upgrading of its information delivery systems?
- (2) What independent advice has the department been receiving for the purchase of this equipment?

Mr TAYLOR replied:

- (1) The Health Department acquired and installed two IBM 3083 mainframes in 1985-86. A range of operating systems software and other software products were included in the contracts let after the tendering process was completed. A complete list of installed software can be provided. Some software products are installed from time to time as part of an evaluation process.

- (2) Independent advice has been received from the Department of Computing and Information Technology.

ROAD

Marmion Avenue Extension: Budget Effect

829. Mr CRANE, to the Premier:

- (1) In view of the Government's anticipated budget difficulties this year, how can he justify spending \$3 million of State funds on the Marmion Avenue extension through the Trigg dune reserve?
- (2) Can he give me an assurance that no methods or influences were applied to persuade the Government to place such a high priority on the Marmion Avenue extension?

Mr BRIAN BURKE replied:

- (1) and (2) The Government responded, I believe, in a positive way to the need to overcome a number of traffic problems in West Coast Highway and to ensure a more satisfactory connection to Marmion Avenue.

The project was accepted by the Parliament as an amendment to the metropolitan region scheme. This amendment included traffic studies and forecasts carried out by the State Planning Commission, City of Stirling, and the Main Roads Department.

State funds may not be required as an application has been made to the Federal Government for funding under the Australian land transport programme.

TRANSPORT

Buses: Yangebup

841. Mr LAURANCE, to the Minister for Transport:

- (1) Has consideration been given to improving the bus service to the suburb of Yangebup?
- (2) What is the current position in relation to the service of this suburb?

Mr TROY replied:

- (1) Yes, the MTT is considering ways in which services can be improved in the Yangebup and South Lake areas.

- (2) The present service between Yangebup and Fremantle consists of four trips to and four trips from Fremantle each weekday and three trips each way on Saturdays. On Wednesdays and Fridays an additional trip operates in each direction. One of the weekday trips in each direction caters mainly for school children and is operated with two buses.

In addition to the above, a school special operates to cater for primary students from South Lake attending Yangebup Primary School and students attending North Lake and Hamilton High Schools.

Yangebup and the adjacent South Lake are new developing residential areas through which no bus services, other than those mentioned above, operate.

HORTICULTURE

Industry: Time-based Tariffs

848. Mr MacKINNON, to the Minister for Agriculture:

- (1) When is it planned to introduce time-based tariffs for the horticultural industry?
- (2) What sections of the industry have been consulted about this proposal?
- (3) What has been their response to the proposal?
- (4) Is the proposal to be extended to any other industries?
- (5) If so, which ones?

Mr GRILL replied:

- (1) This month.
- (2) I have personally discussed time-based electricity tariffs with individual horticulturalists and representatives of various horticultural organisations. State Energy Commission officers have also discussed this with horticulturalists, and discussions have taken place with the Department of Agriculture.
- (3) The indications have been that any proposal allowing cost reductions would be welcomed.

- (4) and (5) The extension to other industries will depend on the results of introducing time-based prices to horticulturalists.

PARLIAMENTARY PRIVILEGE

Effect on Public: Action

859. Mr HASSELL, to the Speaker:

In view of his statement in relation to defamatory statements made in Parliament about people outside Parliament and his intention to take action in these matters, what action does he propose to take against the Minister for Agriculture in relation to remarks made about Mr Ric New, the Midland Brick Company, and the New family, made in this House on 2 July 1986, as reported in *Hansard*, commencing on page 1262?

The SPEAKER replied:

I am certain that the Leader of the Opposition is aware that it is not appropriate to raise points of order or seek rulings by way of questions to the Speaker.

Knowing this, and because I believe he is simply seeking information, I point out that the statement referred to by the Leader of the Opposition and made by the Minister for Agriculture was one of a series of statements of a similar nature made by members from both sides of the House. All of them were made prior to my warning on 8 July. As a consequence, I do not intend at this time to take action against any of those members who transgressed prior to my statement.

EMERGENCY SERVICES

Royal Flying Doctor Service: Landing Fees

860. Mr SCHELL, to the Minister for Health:

Does the Royal Flying Doctor Service pay landing fees at primary airports, secondary airports, and all Government licensed airfields?

Mr TAYLOR replied:

To my knowledge the answer is "No", but the member should refer this question direct to the Royal Flying Doctor Service.

WATER METERS

Farm Properties

861. Mr SCHELL, to the Honorary Minister assisting the Minister for Water Resources:

Can farmers who own more than one property, or own a large property with two or more households, apply to have each household metered for water consumption separately and be charged for excess on each meter, as would be the case for a business in town with employees living in separate houses?

Mr BRIDGE replied:

No. A farming arrangement with more than one household, operated on one or more properties, is deemed in accordance with the Country Areas Water Supply Act to be one holding and is rated and charged for water consumption accordingly.

All water consumption, whether supplied through one or more water meters and to one or more households or used for farming requirements, is accumulated and charged at the following prescribed charges for the 1986-87 consumption year—

First 1 600 kl—46.3 cents per kl

Over 1 600 kl—80.0 cents per kl

MANJIMUP CANNERY

Unsecured Creditors: Guarantee

862. Mr WATT, to the Minister for Industry and Technology:

Has the Government given a guarantee to unsecured creditors that they will be fully paid out, should the Manjimup cannery sale price fail to provide sufficient funds to fully cover those creditors?

Mr BRYCE replied:

No.

MANJIMUP CANNERY

Fruit Processing: Commitment

863. Mr WATT, to the Minister for Industry and Technology:

- (1) Has the Government requested any potential purchaser of the Manjimup cannery to give a commitment that it will continue processing fruit at the Manjimup cannery?

- (2) If so, to whom was the request made?
(3) What was the nature of the request?
(4) What was the response to the request?

Mr BRYCE replied:

- (1) No.
(2) to (4) Not applicable.

MANJIMUP CANNERY

Debts Written Off

864. Mr WATT, to the Minister for Industry and Technology:

What amount of debt will be currently written off by the Government on the basis of the sale of the total assets of the Manjimup cannery for \$1.6 million?

Mr BRYCE replied:

I refer the member to the answer to question 621 (1).

MANJIMUP CANNERY

Debts Written Off

865. Mr WATT, to the Minister for Industry and Technology:

- (1) Has the Government given any commitment to any potential purchasers of the Manjimup cannery as to a level of debt write-off they would consider acceptable?
(2) If so, which group or company has been given that commitment and how much is considered by Government to be an acceptable level of debt write-off?
(3) What guarantees, financial or otherwise, has the Government currently extended to the cannery?
(4) Have the existing shareholders of the cannery been offered any debt write-off by the Government?

Mr BRYCE replied:

- (1) No.
(2) Not applicable.
(3)

	\$
Long-term borrowings	1 200 000
1985 working capital	2 310 000
1986 working capital	3 792 000
	<hr/>
	\$7 302 000

(4) No.

EDUCATION: PRIMARY SCHOOL

Oakford: Facilities

866. Mr RUSHTON, to the Minister for Education:

- (1) When is the evaluation of the provisions of adequate school facilities for the Oakford school students to be completed?
- (2) Who will carry out the review?
- (3) Will the results of the review be tabled?
- (4) Having regard for the Government's election commitment to bring forward the building of the new Oakford primary school and the present condition of the school buildings and grounds, when does the Government now expect adequate school facilities to be available for use?
- (5) As the Government states it is breaking its promise due to cost, will it have the school estimates evaluated by independent architects and avail itself of the shire loan funds if these actions would enable the school to be built now in time for start of the 1987 school year?

Mr PEARCE replied:

- (1) to (5) The Education Department is investigating the options available in respect of the Oakford school, and when information is available the member will be advised.

HEALTH

Community Nursing Services: Award

868. Mr WATT, to the Minister for Health:

- (1) Is he aware that negotiations were almost finalised recently for a variation of the award for nurses employed in the community nursing services?
- (2) As the negotiations were held prior to the Premier's announcement that no further variations of awards would be permitted, could he advise if these negotiations are to be abandoned?
- (3) If not, what is the current state of the negotiations, and when is it likely that the new arrangements are to be agreed on and implemented?

Mr TAYLOR replied:

- (1) Yes.
- (2) and (3) An offer in respect to flexible working hours for community nurses was made to the RANF on 30 April 1986. The RANF accepted this offer in writing on 15 July. As is usual the matter will not be considered by Government.

EDUCATION

Bunbury Institute of Advanced Education

876. Mr WATT, to the Minister for Education:

- (1) Would he detail expenditure on the Bunbury Institute of Advanced Education since its commencement in—
 - (a) capital expenditure;
 - (b) other?
- (2) As the Federal Education Minister advised that no Commonwealth tertiary funds would be allocated to the Bunbury college, would he indicate how and from which source it is being funded?

Mr PEARCE replied:

- (1) (a) Capital expenditure

Approved moneys	\$7.802 million
Expenditure to	
30 June 1986	\$5.84 million
- (b) Other

Expenditure to	
31 December 1985	\$87 220
Expenditure to	
30 June 1986	\$494 267
	<hr/>
	\$581 487

This expenditure does not take into account the following—

Administration and academic services, e.g., financial services and academic planning;

teaching department expenses such as consumables which form part of the departmental expenses of the respective schools of the college which have branches at Bunbury.

- (2) The statement attributed to the Commonwealth Minister is only partly correct. The funding of construction of the Bunbury Institute of Advanced Education was not given a high enough priority by the Commonwealth to be included within the limited capital works funds available for all colleges of advanced education throughout Australia during 1985-87; and in accordance with the WA Government's commitment, the State Government is funding the first stage of the institute from its General Loan and Capital Works Funds.

Other funds for teaching at the Bunbury Institute of Advanced Education are provided by the Commonwealth to the WA College of Advanced Education through the Commonwealth-States Grants (Tertiary Education Assistance) Act 1984.

QUESTIONS WITHOUT NOTICE

HEALTH

Gnowangerup Hospital: Matron

187. Mr HOUSE, to the Premier:

Before abolishing the Gnowangerup Hospital Board and reinstating the matron, how did the Government satisfy itself that the board should not dismiss the matron?

Mr BRIAN BURKE replied:

This matter was essentially the responsibility of the Minister for Health and it was not decided by the Cabinet or, in that sense, by the Government. The Government has complete confidence in the Minister for Health and has no reason to doubt the wisdom of his actions.

I cannot personally say that I know in detail the occurrences through which he endured several weeks of intractable attitudes on the part of all parties to the dispute. I can say, as an observer not directly involved, that I think the people on all sides of the argument carried on in a very regrettable manner. That includes all of the people who seemed to make the resolution of the dispute quite impossible.

My view is that the Minister acted decisively at a time when the people of Gnowangerup, including the local leaders of the community, were unable to solve a problem that was causing serious difficulty within the community. I do not know whether any decision was open to the Minister that would have satisfied everyone; I suspect not. Whatever decision he made, he would have been criticised for it. In the event, the Minister has my full support and the Government's full support and I suspect that the decision made will prove to be in the best long-term interests of the people of Gnowangerup.

[Interruption from the gallery.]

The SPEAKER: Order! I ask the person standing in the gallery to cease disrupting the Parliament or I will have her removed from the gallery.

[Interruption from the gallery.]

The SPEAKER: Once more I ask the person disrupting the Parliament to cease doing so.

[Interruption from the gallery.]

The SPEAKER: I ask the police in the gallery to remove the person disrupting the Parliament.

[Interruption from the gallery.]

The SPEAKER: Order! I indicate to those people clapping in the gallery that if they continue clapping and disrupting the Parliament I will clear the gallery.

[Interruption from the gallery.]

The SPEAKER: I once more indicate to those people clapping that if they continue clapping I will clear the gallery.

[Interruption from the gallery.]

The SPEAKER: Order! I ask the people clapping in the gallery to resume their seats for a second. I indicate to the people in the public gallery that they have to do one or two things more to be able to ask questions in this place than to turn up at question time in the public gallery. They are welcome to listen to the debates in the Parliament so long as they do not disrupt its proceedings.

I ask that they stay and listen to question time but indicate that if there is any more disruption of that nature, I will clear the gallery completely.

HEALTH

Gnowangerup Hospital: Matron

188. Mr HASSELL, to the Premier:

(1) Is the Premier aware that the Gnowangerup Hospital matron was dismissed by the Gnowangerup Hospital Board for a number of reasons including—

- (i) her refusal to follow guidelines laid down by the Industrial Relations Commission in an endeavour to resolve her dispute with the doctor;
- (ii) the unwillingness of patients to be admitted to the Gnowangerup Hospital while the matron remained;
- (iii) because the matron refused to follow the guidelines laid down by the doctor for the treatment of his patients;
- (iv) because the conduct of the matron led the doctor to consider practising part-time in another town;
- (v) because had the doctor done so this would have had repercussions as to—
 - (a) the availability of hospital and medical services to 2 000 people in Gnowangerup;
 - (b) the possibility of the closure of the hospital completely or its downgrading to a nursing post;
- (vi) because the hospital board had not been able to rely upon information given to it by the matron and it was alleged that she forged doctors' signatures;
- (vii) because the Medical Board failed to give any credibility to the complaints of the matron about a previous doctor alleging serious criminal conduct and gross medical negligence causing that doctor to leave Gnowangerup because of the matron's attitude and complaints towards him;

(viii) because an earlier doctor in the town left because of the matron and because she had stated her intention "to get rid of" the past doctor and in relation to the current doctor has said, "I've seen out three doctors and I will see out several more yet.";

- (ix) because the anaesthetist from a nearby town will not provide anaesthesia at Gnowangerup Hospital while the matron is there because she will not follow his basic instructions in matters affecting safety, and as a result surgery requiring general anaesthesia cannot now be provided at the hospital;
- (x) because of her continuing work conduct in her attitude to the doctor and the operation of the hospital;
- (xi) because of her reluctance to respond to the lawful and proper requests of the board and her lack of discipline?

(2) Would the Premier agree that it is grossly irresponsible for the Government to have maintained the employment of the matron at the hospital in light of the serious issues raised with the Minister by a letter dated 10 July sent to him by the hospital board, without at least having thoroughly investigated all of those matters, and the many more that were raised by the hospital board with the Minister because of its concern about the situation?

Mr BRIAN BURKE replied:

- (1) No.
- (2) Not applicable.

YOUTH

Rockingham Needs

189. Mrs WATKINS, to the Minister representing the Minister for Community Services:

- (1) Has the Minister seen the article on page 8 of yesterday's edition of the *Daily News*?
- (2) If so, can the Minister advise whether the article is correct in its contention that the Government is ignoring the

needs of young people in the Rockingham area?

Mr WILSON replied:

- (1) and (2) The article has been drawn to the attention of the Minister concerned, who has provided me with the following information—

No. Information contained in the article is quite inaccurate. Community involvement and interest in youth issues in the Rockingham area have resulted in a number of community programmes attracting State and Federal Government funding.

These programmes include—

bridging the gap—A Joblink project supported by Rotary to help young people in the Rockingham-Kwinana area find employment; it has helped find jobs for over 600 people, many of whom are young people, in its first year of operation;

a drop-in centre operates three nights a week with five volunteers helping one worker whose salary is provided by the Department for Community Services; this centre provides emergency relief, cheap food, a gymnasium, and craft workshops; a car pool run by volunteers provides transport to and from the centre; an average of 30 to 35 people have been attending each night;

an adolescent health service which operates one afternoon a week providing free medical service for young people in the area; this service is unique in the State;

Chesterfield House—a centre providing crisis and medium-term accommodation for young people; it is funded under the joint State-Commonwealth youth support accommodation assistance programme and managed by the

Rockingham Child Youth Care Trust; the house was donated to the trust through the Rockingham Shire;

a Police and Citizens' Youth Club provides a wide range of recreational activities;

a community youth development worker has been funded since February under priority one to coordinate the development of youth services in Rockingham; the State Government has also contributed \$5 000 to this project;

there is a community youth support scheme project in Rockingham to assist unemployed youth;

the community employment service in Rockingham has been established as one of 29 pilot youth access centres in Australia to make CES better able to serve youth people.

There is a great deal of positive activity in Rockingham which involves mainstream State and Commonwealth departments, a great deal of contact between workers on the ground, increasing training and support opportunities for those workers, and better awareness and understanding of the needs and aspirations of young people. All this has been achieved with a great deal of voluntary effort and community support.

The MLA for Rockingham, Mike Barnett, is meeting workers in the youth field tomorrow morning following their expressions of concern about the inaccurate article in the *Daily News* of yesterday.

The SPEAKER: Before I call on the Leader of the Opposition, I hope members will allow me to emulate the member for Scarborough by saying that was an excellent answer.

HEALTH

Gnowangerup Hospital: Matron

190. Mr HASSELL, to the Premier:

- (1) Is the Premier aware of the fact that the Gnowangerup Hospital Board, through its solicitor, wrote to the Minister for Health on 10 July 1986, and set out in detail its concerns about the situation and the reasons for its dismissal of the hospital matron?
- (2) Is he aware that the Minister has not replied to that letter and has apparently taken no action in relation to it?
- (3) If the Premier is aware of the letter, is he satisfied that the Minister acted correctly in continuing with his action to abolish the hospital board without acting on the serious matters raised in relation to the safety and well-being of patients in the conduct of the matron at Gnowangerup?

Mr BRIAN BURKE replied:

- (1) to (3) I did try to answer the member for Katanning-Roe seriously because I thought his question was serious. I am not sure the Leader of the Opposition is serious. If he is, he should put the question on the Notice Paper and he will receive a detailed answer.

PASTORAL INDUSTRY: KIMBERLEY

Restructuring: Report

191. Mrs BUCHANAN, to the Premier:

- (1) Is he aware of the distribution by the member for Nedlands of parts of a consultant's report on the restructuring of the Kimberley pastoral industry?
- (2) Does the Government endorse the report?

Mr BRIAN BURKE replied:

- (1) and (2) I am aware of the distribution by the member for Nedlands of part of a report he read out last evening when the member for Kimberley rejected the nature of the comments made in the report. The member for Nedlands refused to identify the report. Today I find that the report on the restructuring of the Kimberley pastoral industry being circulated by the member for Nedlands was prepared in March 1986 by three consultants associated with the Kimberley cattle

industry. These consultants were outside the Government and outside WA Livestock Holdings, a subsidiary of Exim. They were engaged to advise on the restructuring. The report represents the view only of the three people who prepared it.

WA Livestock Holdings and Exim have acted on the report only in regard to the management issues such as fencing, livestock purchases, and disease control.

I make it clear that the report was not sighted by me, and it has still not been sighted by me, although parts of it have been relayed to me. The comments about Aboriginal pastoral lease management and how to provide cattle country in the Kimberleys for Aborigines are the opinions of the three consultants only. I find those opinions repugnant and reject them absolutely. At the same time I emphasise that the Government has never accepted or endorsed the report. In fact, it has not sighted the report.

The Government has not sought to engage consultants and then write reports for them so that their opinions were vetted or sieved through the Government's own prejudices or policies. The people engaged as consultants were entitled to write any report they wanted. As I say, we find the sections referring to Aboriginal people to be repugnant. They are nevertheless the views of the consultants who prepared the report.

What I do find absolutely exceptional is the way that the member for Nedlands now says that what he previously thought was a backdoor means of giving land to Aborigines is in fact a backdoor means of keeping land from Aborigines. Previously he said this restructuring exercise was part of a Machiavellian, subterranean device to give land to Aborigines. Now he says Aborigines are being used. They will not be given any land of consequence but will simply form the fulcrum on which we levy profits for the public of this State from the pastoral restructuring exercise.

I find it very difficult to understand or accept the credibility of the member who could say only a week or two ago that one object was something to which he took exception, and now he takes exception to the contradictory object. As far as I am concerned, the Government finds the expressions of opinion by the consultants on Aboriginal people to be quite repugnant. It does not endorse those expressions of opinion. It finds just as repugnant the contradictory and absolutely opposite attitudes expressed by the member for Nedlands who poses as the friend of Aboriginal people a week or two after decrying their legitimate need for land.

HEALTH

Gnowangerup Hospital: Matron

192. Mr BRADSHAW, to the Premier:

Is the Premier prepared to accept the consequences of the Minister for Health's action on Gnowangerup, in particular the likely loss of the doctor and hospital services in the town?

This is not a joke.

Mr BRIAN BURKE replied:

I had not regarded it as a joke at all. I was wondering about the late and sudden interest of the Opposition in this matter. Is there not some saying about the horse bolting or something?

This matter has been going on for weeks and weeks. The member for Katanning-Roe has expressed legitimate interest, but what has the member for Murray-Wellington done?

I do not mind the member asking the question; that is his right. I welcome questions, but they come with no notice whatsoever and also very belatedly. I do not know whether the member is serious about wanting the answers, or whether he is making the point that his interest is in the Gnowangerup situation and he disagrees with the Government's decision.

Mr House: The people of Gnowangerup made a decision, through a properly constituted board, and your Government overrode that decision. We are asking you to tell us why that was

done and what we are going to do now because those people made that decision. The board was going to stick by its decision. It was your Government and your Minister who overrode it.

Mr BRIAN BURKE: I have already acknowledged that that is the case. I have also acknowledged that the Minister has the Government's full support in the actions that he took, and that from my view of the situation the Minister was placed in an almost impossible situation and acted decisively to solve the problem.

If the member for Katanning-Roe thinks that somehow or another there was a decision that the Minister could have made that would have kept all sides happy, that was not forthcoming from him or anyone else—and I am not being critical of the member for Katanning-Roe—least of all from the member for Murray-Wellington.

What interest has he shown in it? That is my point. What has he said? I have been deafened by his silence; and yet tonight, because the lawyer representing the Gnowangerup Hospital Board has come to see the Leader of the Opposition, the Leader of the Opposition has a list of questions as long as his arm about a matter in which he should have been taking an interest weeks ago, if he was dinkum.

A Government member: He would not know how to spell Gnowangerup.

Mr BRIAN BURKE: He left for Gnowangerup and ended up in Tambellup.

The truth is that if the Leader of the Opposition and the other Opposition members were serious they would put on notice the questions they have asked. I do not have access to all the information. I am not the Minister handling the matter. I do not have all the details of the dates and the nature of the contents of the letters sent from time to time, let alone the 11 or 12 points referred to by the Leader of the Opposition.

What does it mean? It means that the Leader of the Opposition wants to publicise and write into the record all those things. He can do that—I do not mind. It is character assassination of

the matron—he is a past master at that. But at the same time I am entitled to say to the Leader of the Opposition, firstly, that he is not dinkum about wanting information because he has given no notice of detailed and complex questions; and secondly, the interest of the member for Murray-Wellington is a newly-aroused interest—aroused by I do not know what, but certainly an interest the credibility of which needs to be questioned because of the lack of previous interest shown by him.

If he wants an answer, he should put the question on the Notice Paper and he will get a considered and detailed answer.

GOVERNMENT EMPLOYEES

Conditions: Negotiations

193. Mr THOMAS, to the Minister for Industrial Relations:

(1) Has he seen an article in this evening's *Daily News* in which it is reported that the Opposition spokesman on industrial relations, the member for Kalamunda, asserted that the Government had reversed its earlier stand by agreeing to negotiate with unions on public service conditions?

(2) Is this true?

(3) Does the Minister intend to resign?

Mr PETER DOWDING replied:

(1) to (3) The good news is that the House will have me for a bit longer. I have absolutely no intention of resigning.

I must say I did see the article. It is only a very small article but I had to read it three or four times. I do not normally have difficulty in understanding what is being said, but the Opposition seems to have a terrible problem of getting confused all the time.

In this case the Opposition has accused the Government of capitulating to its masters, the unions, on the one hand; and it has also accused us of carrying on like Liberals. I was not aware that the Liberal Party capitulated to its masters, the union movement, but I suppose we can expect it to do anything in its current state of confusion. However, the truth

is that the Liberal Party, by and large, has been confrontationalist in the area of industrial relations. That has been the basis on which it has run at least its public policy of industrial relations. It does not seem to do much in private but it issues a lot of rhetoric and is certainly confrontationalist, and the Government does not regard that as the appropriate way to run industrial relations.

No-one has backed down and no-one has shown anything other than understanding that other people have different points of view. The Government is quite adamant that it has made some decisions that are necessary, but nevertheless we are prepared to respect the fact that other people have different points of view and we propose to sit around the table, work through them, and see if there is common ground and whether there are ways in which we can ameliorate the differences that have been thrown up in the last few days.

I make it quite clear that I do not have any embarrassment at all, at any stage, about discussing differences of opinion with the union movement or the Confederation of Western Australian Industry, or any other group; to have them come to me or for me to go to them and say, "We have developed some misunderstandings and are in a position where confrontation is possible. Let us sit down and try to sort it out." I am proud of that attitude. It is the attitude of the Labor Party as espoused for four years since we have been in office, and I thoroughly recommend it to the Liberal Party as a way of proceeding with dignity and with some care for the people in this community.

HEALTH

Gnowangerup Hospital: Matron

194. Mr HOUSE, to the Premier:

In light of his reply to the last question directed to him, I ask why, then, at all stages of the Gnowangerup hospital dispute, did the Minister refuse to hear from the board—including its chairman, whom he met—the reasons for the dismissal of the matron?

Mr BRIAN BURKE replied:

I understood that the Minister met with the chairman of the board.

Mr Pearce: He was not here yesterday when the Minister explained all these things.

Mr House: The Minister refused to listen to the reasons the board made the dismissal.

Mr BRIAN BURKE: I thought I read in the newspaper that he rejected the reasons.

Mr House: I do not know what you read in the newspaper; I just know what the Minister said to the chairman of the hospital board.

Mr Pearce: No you don't. You know what the chairman of the hospital board said the Minister said.

Mr BRIAN BURKE: What the member is saying is that the chairman said, "These are the reasons", and the Minister refused to listen to him.

Mr House: No. When he offered to give the reasons to the Minister, the Minister said he did not want to hear them.

Mr BRIAN BURKE: I thought he refused to give the reasons because they were legally sensitive.

Mr House: That is not right.

Mr BRIAN BURKE: So the member is saying the chairman started to read the reasons to the Minister and the Minister refused to listen.

Mr House: I am saying that the Minister refused to listen to the reasons of the chairman.

Mr BRIAN BURKE: I think the member should put the question on the Notice Paper—he has lost me.

SPORT AND RECREATION

Morawa Rifle Club: Range

195. Mr TUBBY, to the Minister for Education:

- (1) Is it a fact that the Education Department has refused to renew the lease of land on which the Morawa Rifle Club range is sited, on the property known as Burtons at Morawa, which was recently purchased by the Education Department for the Morawa District

High School for instruction in agricultural and pastoral courses?

- (2) If yes, who recommended that this action be taken?
- (3) What were the reasons given for such action?
- (4) Does he realise that this lease, which has existed for many years, has not interfered with the farming operations of the property and should not in the future?
- (5) Does he also realise that it will be almost impossible for the rifle club to obtain another site and could spell the end of another popular and well-run club?
- (6) In the interests of retaining the excellent community cooperation and participation in education in Morawa, will the Minister take steps to have this decision reversed?

Mr PEARCE replied:

- (1) to (6) I say to the member for Greenough and to any other member who wants to raise questions of that kind which ask a question to begin with and then make a whole series of statements or allegations on the assumption that he knows the answer to the first part of it: The member for Geraldton—the Minister for Local Government—saw me this morning and raised the question whether there had been some problem with regard to the rifle range on the property which we have purchased for the Morawa District High School. The fact of the matter is that the answer to the first part of the question is "No". There has been no refusal by the Education Department to renew the lease for the rifle range and if anyone in Morawa believes that to be the case, he is mistaken.

It might be the case that if the rifle range is to continue its activity—and there is no reason from my point of view, or the Education Department's point of view, or for that matter the point of view of the Minister for Local Government, why that ought not to be the case—there may have to be a little more care and safety exercised on the basis that there will be a large number of students using the farming property

now, more so than was the case previously when it was privately owned.

If the member for Greenough wants to speak to people from the rifle club to inform them that that is the case—as I understand the member for Geraldton has done already—and if they feel

they are having any difficulty in getting a renewal of the lease, then I invite him, or indeed the member for Geraldton, to contact me again.

