Legislative Assembly

Thursday, 6 November 1980

The DEPUTY SPEAKER (Mr Clarko) took the Chair at 11.00 a.m., and read prayers.

TRAFFIC: PEDESTRIAN CROSSING

Alexander Road: Petition

MR NANOVICH (Whitford) [11.02 a.m.]: I have a petition addressed to the Speaker and members of the Legislative Assembly of the Parliament of Western Australia, which reads as follows—

> We, the undersigned, are very concerned about the lack of a controlled crossing on Alexander Road, at the exit point of the Bambara Primary School.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

I have certified that the petition meets with the requirements of this Assembly. It bears 612 signatures.

The DEPUTY SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 33.)

RESERVE (PORT DENISON SUBURBAN LOTS 6 AND 6a) BILL

Tabling of Map

SIR CHARLES COURT (Nedlands—Premier) [11.05 a.m.]: When the member for Greenough introduced this Bill, the member for Welshpool by interjection asked about the location of the land concerned. By way of interjection also, I promised I would assist the member for Greenough to obtain a map for tabling. The map has been provided, and I seek leave to table it so that it will be available to members before debate on the Bill is resumed.

Leave granted.

The map was tabled (see paper No. 373).

LAND AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mrs Craig (Minister for Local Government), and read a first time.

ELECTORAL AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr Hassell (Chief Secretary), and transmitted to the Council.

METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL (No. 2)

Third Reading

MRS CRAIG (Wellington—Minister for Urban Development and Town Planning) [11.07 a.m.]: I move—

> That the Bill be now read a third time.

I understand the Opposition asked for some explanation as to why the month of September was arrived at in respect of the appointment of members of the local government group committees to the Metropolitan Region Planning Authority. The reason is that local government elections take place in May, and it is required that all councils within the group meet after the election to decide who will be their nominee to the group. The nonimee's name is submitted to the Metropolitan Region Planning Authority, which subsequently submits the name to me for recommendation. From there, it goes to Cabinet and subsequently it goes to the Governor for his approval.

Therefore, it is not possible to shorten the time limit, and that is the reason the local authorities suggested that September would be a more appropriate time. I am aware that the member for Gosnells wrote to me at one stage and requested the time be brought forward to July. He based that request on knowledge he believed he had at the time that local government elections would be brought forward to March. I am not aware of any intention to do that and I am satisfied the appropriate date is September. If we changed it to August, it would be very difficult to complete the machinery in time for the appointment to be made.

MR TAYLOR (Cockburn) [11.09 a.m.]: We accept the explanation. In the Minister's absence last night it appeared the period could be shortened by one, or perhaps two months; but upon reflection I can see the period proposed in the Bill is necessary to get something through following the local government elections. The Opposition accepts the Minister's explanation.

Question put and passed.

Bill read a third time and transmitted to the Council.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Sir Charles Court (Premier), and transmitted to the Council.

STAMP AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [11.11 a.m.]: I move—

That the Bill be now read a second time.

Members will recall that about this time last year we had before us a very comprehensive review of the stamp duty legislation. Although it was a large Bill, it was, in the main, only an updating and streamlining proposal with no substantial effect on revenue.

That amended legislation has now been in operation for over 10 months and in actual practice, the revised procedures are working very satisfactorily, so much so, that no complaints whatsoever have been received about the day-to-day operations.

However, interested parties did express concern about the effect the proposed changes could have on various business transactions of one type or another. I am happy to say that at this point in time, those fears have proved groundless.

Be that as it may, representations have been made, mainly concerning legal technicalities, as a result of which the Government has appointed a committee to examine and report upon those submissions. Any amendments which may arise out of that examination will be considered at a later date.

However, in the meantime, there is an urgent need now to consider a proposal to further amend a section which came before us in the amending Bill last year. In addition, there is the need to correct a minor anomaly that has recently come to the fore.

When considering the previous amending Bill, it was thought that the proposed amendment to prevent the operation of a duty avoidance scheme would have effectively eliminated the practice. However, a subsequent decision on appeal to the Supreme Court has revealed that a deficiency still exists in the law as amended, and it is imperative that the situation be rectified before the matter gets out of hand.

The State Taxation Department has already had a number of these arrangements produced for assessment which, because of the court precedent, can be assessed only with a nominal amount of duty.

Briefly, the scheme consits of a mortgage being given by the registered proprietor of the property as security for a very nominal loan. A condition of the mortgage provides for the property to be transferred to the mortgagee "to better secure the loan he has made". A transfer giving effect to this condition is completed and registered in the Titles Office. Subsequently, the property is sold to the mortgagee either by an oral arrangement or an agreement completed outside Western Australia.

As the property is already registered in the name of the mortgagee, who is also the purchaser, nothing further need be done in the State. The payment of *ad valorem* conveyance duty of 1¼ per cent to 1½ per cent of the value of the property transferred is thereby avoided and nominal duty of only $5 is paid on each conveyance.

Therefore, the need for immediate remedial action to prevent the loss of revenue and preserve equity as between taxpayers is required.

Provision is made in the Bill to allow the Commissioner of State Taxation to have a discretionary power to ensure that any genuine cases, such as a mortgage under the pre-Torrens system of title registration, is not caught by the proposed new section.

There is also to be a right of appeal to the Treasurer when a taxpayer is dissatisfied with the decision of the commissioner. However, the normal objection and appeal procedures will continue to apply to the main provision of the proposed section.

Discretionary power is normally an undesirable feature in any legislation. However, it should be clearly borne in mind that the discretion in this case is in the interests of the taxpayer.

The provision in the proposed section is only for the sake of expediency as the matter will be referred to the committee of review, mentioned earlier, to examine the possibility of a more satisfactory manner in which to prevent the loss of revenue from this form of duty avoidance scheme.

I now turn to the second point, being the minor anomaly that I referred to a moment ago. This relates to an exemption from stamp duty on cheque accounts operated through the savings bank division of any bank.

Broadly, the regulations to the Banking Act restrict the use of this type of account to any company, society, etc., not formed for the purpose of trading or operating for a pecuniary profit.

This normally covers all charitable institutions and minor sporting bodies and, in the main, there is no problem with these types of organisations.

However, it has now been discovered that some credit unions and terminating building societies are seeking to take advantage of the situation.

It was never intended that such an exemption would apply to these organisations, especially when permanent building societies are required to pay duty on their cheques. Therefore, it is sought to remove this anomaly.

I commend the Bill to the House.

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

SKELETON WEED (ERADICATION FUND) AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [11.17 a.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill to amend the Skeleton Weed (Eradication Fund) Act is to provide for the setting up of a fund to enable the control of certain grain insects.

The Western Australian export cereal market is worth approximately $500 million. The control of grain insects is very important to this market.

A nil tolerance for insect contamination exists for export grain and to achieve this objective the effective control of insects at all stages in the handling and transport system is necessary.

The Agriculture Protection Board has developed an on-farm inspection service as part of its overall programme, and grain insects have been declared animals under the Agriculture and Related Resources Protection Act.

In summary, the approach has been—

to inspect properties and advise farmers on control measures aimed at cleaning up sources of weevil infestation;

to sample insect populations for testing of resistance to insecticides used for grain insect control; and,

to enforce on-farm control where resistance to insecticides is found by imposing strict hygiene and the use of appropriate insecticides.

Although the policy has been working successfully, it is considered desirable to establish a contingency fund to enable eradication work to proceed on farms where multi-resistant insects are found. The treatment of resistant insects can be effectively carried out only by using expensive fumigation techniques. The farmer, as a result, is involved in heavy expenditure in the interests of the entire industry. It is therefore appropriate that these costs be met from a common fund.

The most appropriate way to establish such a fund is to amend the Skeleton Weed (Eradication Fund) Act to provide that a certain amount be reserved for the control of resistant grain insects.

The Skeleton Weed Eradication Fund has been established from grower contributions. Growers delivering 30 or more tonnes of grain and/or seed in aggregate in any one year contribute $30 towards the fund. Contributions amounted to approximately $250 000 a year and a balance of approximately $250 000 has accumulated in the fund at 30 June 1980.

Both producer organisations support the use of moneys in the Skeleton Weed Eradication Fund for the control of resistant grain insects.

The Bill therefore provides for—

the setting up of a special fund known as the "Resistant Grain Insects Eradication Fund" and the payment of contributions to this fund from the Skeleton Weed Eradication Fund;

the "Resistant Grain Insects Eradication Fund" to be limited to a maximum of $20 000 at any one time and expenditure from it limited to $20 000 in any one year; and,

application of this fund for the payment of expenses directly related to the eradication of resistant grain insects.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

INDUSTRIAL TRAINING AMENDMENT BILL

Second Reading

Debate resumed from 29 October.

MR PARKER (Fremantle) [11.22 a.m.]: The Opposition has considered this proposal, and subject to a few comments I will make, and a few queries I intend to raise with the Minister in Committee, the Opposition's view is that it is a very valuable piece of legislation and it enhances the current Act. We support it.

The basic problem that has occurred in the industrial training area, apart from a series of problems that occurred outside the control of the Industrial Training Council, is that there is a certain degree of fragmentation between the operations of the training council and the

industrial training division of the Department of Labour and Industry, and the Industrial Commission. On occasions it has been unclear where an employer, an employee, or a parent or guardian ought to go to have certain matters remedied. Of course, the people who are permanent practitioners in the area would readily appreciate where they should go; but many of the people with whom we are dealing in this sense are employers of a small nature. They may be subcontractors, or small employers who would not have access to the best of legal or other advice, but who, nevertheless, would like to resolve questions. In addition, the apprentices or their guardians would want to have ready access to some form of redress for grievances that they might have.

Since the passage of the Industrial Training Act, the problem has been that those people have not been sure whether a particular problem is something which needs to be resolved by the industrial training division of the Department of Labour and Industry, or by the Industrial Commission. Consequently, they have not been clear as to where they should go. The proposals which have been put forward by the Industrial Training Council, and which have been accepted by the Government and enshrined in this legislation, will correct to a considerable degree that particular defect.

When the Industrial Training Act was passed it took a considerable time for the regulations to be drawn up; and for the Act to be promulgated and to come into force. As I recall, the Act was passed in 1975, but it did not come into force until 1978. The delay was almost wholly due to the problems in creating the appropriate regulations to put into effect the operations of the Act and of the division.

Some of the difficulties with the Act have become apparent in the two or three years since the Act has been in force. Such difficulties are now proposed to be remedied. I understand that some of the things the Industrial Training Council and the division have done over the past two or three years have been done without any legal authority. I am not trying to denigrate what they have done, except to say that the actions had no legal basis. This Bill is intended to remedy those matters; and because of that we support it.

There are a few points about the Bill that cause concern. I am advised by members of the council that although the provisions of the Act were the cause of some concern and the reason the regulations took so long to promulgate, members of the council claim that the principal reason was that they could not get any sense out of the Parliamentary Draftsman in the regulations he kept bringing up to them; and every time a set of regulations were put forward, they were sent back.

Clause 6 of the Bill proposes to delete from section 16 of the Act that power of the training council to make recommendations as to the regulations which should be made. I am not clear whether that will prevent the Industrial Training Council from making those recommendations or whether it merely removes the obligation to make the recommendations to the Minister. In either case, I am concerned. I can see no reason for the deletion of section 16(b). There is no reason that it should not stay as it is. If, by the passage of that clause of the Bill, we were removing from the Industrial Training Council the power to make recommendations as to the regulations, we oppose it. Those recommendations go to the Minister; and he has to make the ultimate decision.

Ultimately the Governor-in-Council will decide whether the regulations are to be promulgated; but it seems that the appropriate body to be charged with drafting the regulations is the Industrial Training Council. They obtain advice directly from the Public Service; and they can deal with the day-to-day problems that crop up. The changes in the way in which apprentices are trained will result in changed regulations to meet the situations which crop up from time to time.

The provisions concerning probationary apprentices are quite admirable. Before I came to this place, I had many experiences of the fact that a number of employers—probably only a handful in percentage terms—make use of the provisions of the probabtionary system to exploit young people, without any intention whatever of giving them apprenticeship training. There are very good reasons for having the probationary system. It enables an employer to judge a potential apprentice, to see whether that person is someone with whom he can get along—someone who has the correct attitude and correct disposition for the work concerned, and who may have the aptitude for the job. On the part of the hopeful apprentice, it enables him to ensure that that is the trade into which he wishes to go at the age of 15. The would-be apprentice has the opportunity to decide whether the employer is a person with whom he can work; and he can decide whether the type of work is what he wants to do.

The three months gives the would-be apprentice time to make a decision whether he can get along with the person to whom it is intended he will be apprenticed. The probationary system is a very valuable one; and the insertion of the definition of "probationer" is one that will be of assistance to

the industrial magistrates, who have had difficulty in finding a definition for "probationer" when prosecutions under industrial awards relating to apprenticeship have been heard. The industrial magistrates have found that the question of probation is a very difficult one to decide in determining apprenticeship entitlements.

The general question of tightening up the probation arrangements is very good. One of the proposals which I endorse heartily is that if an employer has, after a period of time, not entered into an agreement of apprenticeship, the director is empowered to enforce an agreement upon the employer and the apprentice. This would solve many of the problems.

Of course, there is the provision under which an employer of an apprentice can apply for an extension of the probationary period for not more than three months—in other words, to extend it to six months. That is a long-standing provision which has not had any legal force. What will happen now is that if an employer does not enter into an agreement within two months after the expiry of the three months or the six months, as the case may be, the director can determine that there is an agreement and hold both parties to it.

The only thing which concerns me about that is I cannot understand why the choice of two months' leeway has been allowed. I can understand the need for some latitude in the matter, because with the way society and individuals work, people often forget to do things in the time specified. Mail can be held up which means application forms can be affected. I can see some reason for this choice of two months, because people do get behind with their paperwork, particularly some of the smaller employers who perhaps, quite understandably, forget to do the normal work required. But why the period chosen was two months, I am not sure.

One of the things which does occur to me is that there is a number of employers who hold a probationer for three months with no intention of taking him on and providing him with employment after that time. At the end of the period the person concerned has no comeback at the employer.

What is proposed under the Bill is that he will have some comeback. There have been many situations where a probationer apprentice has had his services terminated just before the probationary period expires and, under the proposals, this could be at four months and 30 days instead of two months and 30 days. I would prefer to see the leeway allowed to be only one month; however, the period of two months has been approved by the training council. Perhaps what we ought to do is wait until the legislation has operated for a while and then consider whether two months is adequate. Perhaps the legislation could be reviewed, at which time we could find that one month might be the appropriate leeway.

I concur wholeheartedly with that provision in the Bill which allows for apprentices to attend classes. From my reading of the Bill and the Act I am not sure whether there is anything which similarly requires an employer to release an apprentice to attend classes.

Mr O'Connor: It is a requirement in the Act itself.

Mr PARKER: There is proposed to be a penalty which can be imposed by the director and, again, I agree with this. But we have had problems from time to time with employers who have not allowed their employees to take this time off. This applies particularly in country areas where apprentices go on block release for a fortnight or so. The strengthening of the Act and, in particular, the strengthening of the powers of the director, and the streamlining of the whole way in which the procedure will work, ought to make all these things very much simpler.

There are several other things of a specific nature which I had intended to raise, but I prefer now to raise them during the Committee stage. One matter concerns appeals to the commission. The Bill does not make clear the basis upon which an appeal can be heard by the commission; the legislation does not make it clear whether it is on legal grounds only or on all grounds. I do not know whether an appeal is allowed in respect of a decision made by the director or the bases for the decision to be made by the director.

The second aspect is that the Bill refers to an appeal to the commission. Does that mean an appeal to a single commissioner or to the commission in court session? That might be covered by the Industrial Arbitration Act. I assume it could be an appeal to a single commissioner, but it is not completely clear.

The provisions for easier suspension may on first glance appear to be a diminution of the bond between an apprentice and his master; but in fact what is happening is that we are getting many apprentices who are being illegally suspended and we are getting situations where we can have considerable delays between the time an employer feels it is necessary to suspend an apprentice and the time the case goes before the Industrial Commission.

It is intended to remove this problem by allowing these matters to be taken to the training division and by allowing the director to make a decision very quickly and to have his decision reviewed at some later stage. Although it may be seen in some ways to be a diminution of the protection of apprentices, it is a more enforceable proposition than the current situation.

It is more likely that employers will use the services of the director and the training division rather than the current avenues where employers often act quite wrongly and illegally. Many employers believe they have a right to terminate an apprentice's services in the same way as an ordinary employer of labour might do so with respect to his non-indentured employees. That is not the case, and there is no desire to change that as I read this Bill. It is simply a matter of streamlining the procedure and making it more likely that employers will use the services of the division rather than take the law into their own hands.

It is also proposed that the maximum number of apprentices may be prescribed by regulation. The current position is that many industrial awards prescribe the maximum number of apprentices which may be taken by an employer. However, the deletion from the old Industrial Arbitration Act of 1912 of the provisions relating to apprentices raises the question of whether or not those sections in the industrial awards were *ultra vires*. It may well have been that if an employer were prosecuted in relation to the ratio of apprentices to tradesmen, those sections in fact could have been determined to be *ultra vires* the legislation.

If that is the case, it seems that by creating regulatory powers we would overcome the problem. I assume that clause 19, which is to insert a new section 40, does in fact relate to people who breach the regulations as well. A person would now need to be prosecuted under the regulations if he had too many apprentices for the number of tradesmen employed. I am not sure whether the existing provisions in the Act would provide the penalty if such a prosecution were successful.

In general terms, although I will raise a few things during the Committee stage, I support the legislation and commend the Minister and the Industrial Training Council for bringing it forward.

I will now have a few words to say on the question of apprenticeship training in this State. It seems to me, and most people in the Chamber would agree, that proper apprenticeship training is vital to the future development of this State. When we look at the areas of need in terms of the development projects which are coming before us, it is very important that we be able to train our own tradesmen in Western Australia from the youth of our State.

Today we have a situation of very high youth unemployment and yet, at the same time, in some areas there is a shortage or a potential shortage of skilled tradesmen. Those two facts are an indictment upon the society in which we live when we consider that those two things exist hand in hand; that is, high unemployment among unskilled youths and, at the same time, a shortage of skilled tradesmen.

The ways of combating that include, firstly, encouraging an apprenticeship system so that more and more apprentices will be trained in areas of need and, secondly, in the area of adult training. Adult training is a vexed problem within the labour movement. The union with which I was associated—the Building Workers Industrial Union—has always been a supporter of adult training. Indeed, its Federal Secretary (Mr Clancy) was a member of the initial committee set up by Mr Clyde Cameron when the Whitlam Labor Government was in office. The committee looked into the question of adult training and some schemes were introduced in the building industry as a result of the report which came out.

On the other hand, the metal trades unions tend to be more antagonistic to the idea of adult training and any diminution of apprenticeship systems. I can see both points of view. I believe that properly handled and regulated, adult training is necessary and useful. What we are all opposed to is unregulated adult training, training which will not provide properly trained people for the work force. I refer to such schemes as the bricklaying school set up by the Clay Brick Manufacturers' Association. That is the sort of thing to which people in the labour movement and most reputable employers in the building industry are opposed. Such schemes do not provide properly trained tradesmen for industry. On the other hand, the sorts of things which have been proposed, such as the 18-month courses in bricklaying, welding, and gyprock fixing, which CSR has implemented in conjunction with various technical colleges, can be very valuable if properly regulated with correct consultative procedures. Such courses are of much greater value to the State than the importation of skilled tradesmen from overseas.

We do have a very large number of people who would like to upgrade their skills or to acquire new skills. Even if these people have passed the

age at which they would normally enter into apprenticeship training, or if there is no normal apprenticeship available for them, they can go to other forms of training which would give them the equivalent skills. I believe that ought to be the case.

The Government has a great role to play in encouraging apprenticeship training. My understanding of the matter is a number of Government departments still have not taken on their full quotas of apprentices. Many industrial awards—and I gather it is now proposed the regulations promulgated under this Act will do this also—create a ratio of tradesmen to apprentices. For example, for every two carpenters, there may be one apprentice. That does not mean for every two carpenters there must be one apprentice, but it allows for that situation to occur.

In a number of Government departments, the ratio of apprenticeships which are allowed under the regulations has not been taken up. This is very disheartening for the community and for the people concerned. Young people apply in their hundreds, in many cases, for one, two, three, or half a dozen apprenticeships which are available in Government departments. Of course, few companies provide apprenticeship training better than that provided in Government departments partly because of the high degree of expertise often involved in the tradesmen employed there, partly because of the excellent nature of the supervision and the fact that the supervision in Government departments is generally more extensive than in private employment, and partly because the Government departments often cover the whole gamut of skills in the particular trade concerned.

The PWD has a whole range of different areas into which apprentices may go and learn all facets of the trade in which they propose to complete their training. This is different from the situation which often obtains when an apprentice is trained in private industry. Frequently he would learn only the facets of the trade applying to that particular industry.

I know some employers try to overcome that situation. Hamersley Iron Pty. Ltd., for example, which is, of course, a mining company, has an agreement with its contractors to allow apprentices to work for construction companies, or other companies to which Hamersley Iron Pty. Ltd. contracts its work, so that apprentices may go onto a site on a loan-back basis in order that hey obtain a broader training in the trade in vhich they propose to be trained.

A mechanical apprentice employed by Hamersely Iron Pty. Ltd. would probably learn only the mechanics of the sorts of equipment used by that company and he would not be trained in the range of other sorts of equipment used in his trade. In many cases, the training provided to the apprentices under this type of loan-back programme is very valuable. Unfortunately those programmes are all too few and I believe, wherever possible, the Government should encourage employers to engage in that sort of activity.

Finally, an area in which the Government has a great deal of say in the encouragement of the employment of apprentices is where employers are tendering for or obtaining Government work. The PWD is a case in point where, for many years until fairly recently, contracts were let to employers of labour, for example in the construction industries, without any regard for the contributions those employers of labour made to training in the industry in which they were operating. As a result of representations to the present Minister for Labour and Industry, and possibly also to his predecessor and the previous Minister for Works, the PWD and, I believe the SHC, have instituted a system whereby preference for tendering is given to employers who employ apprentices.

Yesterday I was advised by one of the employers concerned that, as he sees it at the moment, the system is working reasonably well. I know the unions concerned are reasonably happy with it. That is not to say the situation is perfect and could not be improved; but it is only right that, when a contractor is tendering for Government work, some preference be given to him in terms of prices if he engages apprentices.

There is a problem in this area, in that a considerable amount of pressure is being exerted on and within the PWD, and also on the Government from various individuals and organisations, to abandon the scheme. I am advised, for example, that certain people within the Master Builders Association—not all of them, but some of them—would like the scheme to be abandoned. They point to the cost and say that, if company "X" tenders for a contract at a price $10 000 higher than the lowest tenderer and is nevertheless awarded the contract because he employs some apprentices or more apprentices than the lowest tenderer, a charge against Government revenue is involved and is is not worth the money.

Firstly, let me say it is worth the money, because the question of apprenticeship training is very important. Secondly, of course, the people

who say those sorts of things are only too prepared to ignore the situation when the same contractor on another occasion wins his tender outright by underquoting by $10 000, even though he employs apprentices. The people who complain about the scheme not being worth the money do not raise that as a contrary credit.

If we are going to look at the question of the cost to the Government of giving preference to companies which employ apprentices, we have to look at both sides of the coin. In some cases a contractor who tenders at a higher price than other contractors might win the contract because he employs apprentices and this would cost the Government money, but it should be borne in mind that many of those contractors, by virtue of the fact that they have continuity of work and are able to provide such continuity of work to their apprentices, can on other occasions tender for less than the amount stipulated by companies which do not employ apprentices.

Of course, the other aspect of the matter is an employer who is taking his obligations to train apprentices seriously, generally speaking is one who believes he has an obligation to the community and to industry generally. Therefore, he is likely to do a better job in the whole range of industry than a person who takes the view that he has no obligation other than to make a profit for himself and his company.

There is room for simply prohibiting from tendering for Government contracts those employers who do not take on apprentices where appropriate. This would be preferable to having a system of control for tendering. A possible means of overcoming this problem is to have a threshold limit on apprentices based on the value of turnover of the company or the value of work concerned. If such a system were established companies would not be allowed to tender unless they agreed to accept the threshold. After the threshold limit on apprentices was accepted by companies, they would be treated on an equal basis. In my view, many companies want Government work, therefore, they would accept the system. Let us face it, 40 per cent of the work of private contractors in the construction area comes from either Commonwealth, State, or local government. The companies looking for Government work would rapidly start taking on apprentices and the necessary encouragement would be there.

A report called "Prospective Demand for and Supply of Skilled Labour 1980-1983 with Particular Reference to Major Development Projects" was published recently. It was a report of the Dolac working party of 4 September this year. It is an interstate body and I believe the Western Australian Government, the Commonwealth, and other State Governments have been involved with it.

I should like to read one of the recommendations in the report as follows—

> Governments should reconsider the merits and demerits of adopting a system of preferential tendering where Government contracts are concerned so as to ensure that only those contractors with adequate training performance receive Government work.

A number of recommendations made in the report are far reaching. However, the report refers to some of the matters I have mentioned and I commend the document to all members of the House and, in particular, to the Government because it seems to me the Dolac working party has gone into the problems of apprenticeship training in some depth and it makes some very valuable points as to the way Governments and the community as a whole can encourage apprenticeship training.

On this question of tenders, I understand the council has said quite strongly to the Government that it is in favour of the retention of some form of preference to companies which employ apprentices. Other members of the Opposition are as strongly opposed as I am to any suggestion that such a preference should be removed from conditions covering the acceptance of tenders.

With those words, I indicate that we support the Bill, but, as I said, subject to the points I will be raising at the Committee stage.

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [11.51 a.m.]: I thank the member for Fremantle for his comments and general support of the Bill. I will try to answer the questions he asked, but if I omit one inadvertently I understand he will take the opportunity to raise it during the Committee stage to rectify the omission.

The member for Fremantle demonstrated his training and indicated that he knows much about the apprenticeship and trade union systems. I would like to pay my compliments to the Industrial Training Council and the people who have participated in its operations over a long period. Their job is not an easy one, but they certainly have done it well under the difficult regulations they have had in the past and, in some cases, the lack of regulations. Those members of the trade unions, the confederation, and the Government who have participated, have done a first-class job in the interests of the apprentices in

this State and in an effort to ensure justice is provided to employers.

The amendments we propose to the principal Act, as the member for Fremantle realises, will give the people concerned much greater control and better scope for operations in this field.

The matter of the leeway of two months after the probationary period of three months was raised. I suggest to the member for Fremantle that we ought to give this proposed amendment a go and have the period remain at two months until we see what happens. I think the people we have on the council, bearing in mind they represent the unions, the Government, and the confederation, will keep a very close watch on this matter.

If it were considered necessary for any reason to rectify such a period I would not be adverse to so doing, but we must be sure a change will not affect apprentices. In the situation of an apprentice who has completed his probationary period, but has not come up to the required standard and is showing some improvement, it may pay, instead of dismissing him at that time, to try to carry him through for another couple of months to help him attain the required standard.

The council recommended the period of two months, and while I understand the point made by the member for Fremantle, I believe we should amend the Act in this way on the basis that we will see how the change works. If complications develop for apprentices I would not be opposed to our giving further consideration to this matter with a view to amending the Act.

The point the member made regarding some employers not permitting a lad to go to classes is, I believe, covered in the Act, and the council is fairly hard on such employers. It makes sure the employers match the mark. At times I have had employers come to me to indicate that the council is a little hard on them, but I think it is correct in doing so. The requirement is placed upon employers to allow their apprentices to attend the school.

My understanding of the amendment relating to an appeal is that it is directed to a single commissioner, and I think that was the attitude of the member. He raised the point regarding referrals to the Minister which is covered by section 16 of the Act. It is proposed to delete that section, but if one looks at section 15 of the Act one will see that it deals with general matters that can be referred to the Minister. My understanding after discussions with the department this morning is on the lines that the proposed amendments will not preclude referrals. The department and the council confer in such matters. However, if difficulties become apparent in regard to these referrals from the council to the Minister I would be glad to consider them. I asked the Crown Law Department to study this matter and I will refer its comments to the member for Fremantle. If the proposed amendment precludes referral I would be happy to propose an adjustment to the Act.

The member referred to adult training, and that is an area with which we have been fairly closely related in recent times. I suppose, during the last two years we have seen a large increase in many fields of adult training. In many ways this is very good because it improves an individual's opportunities; he may have missed out for some reason, his parents possibly were not able to carry him through at a younger age. Now he will be able to obtain an apprenticeship and improve his standard in life.

Whilst I would not like to see this reflect upon the opportunities for apprentices, I think there is scope for it today, particularly on the basis pointed out that we will require more tradesmen in the not-too-distant future. They will be required for the North-West Shelf operations and for other projects. I would rather see, as I am sure would the member for Fremantle, that work is done by our mature age and young apprentices rather than our having to import people from overseas countries or export the work to overseas countries, which are the alternatives. I am sure members on this side of the House are of the same view as that of members of the other side; and that is, we should employ our tradesmen. Whether young apprentices or mature apprentices go through these courses we will do everything to ensure that work in this State is carried out by our people rather than resort to the alternatives I indicated.

As a matter of fact, a joint venture between the Commonwealth and the State has been carried out whereby 1 000 or 1 100 apprentices will be used to try to cope with some of the possible shortages. We took initially only 114 and we encountered, I must say, some trepidation amongst employers in regard to the taking on of these apprentices because the employers' expansion had not quite started to move as they had hoped. In the second intake we took, I think, another 150, and more are to be taken. We have received the indication that the system is working well, and now, much more than before, the employers are supporting our actions. It appears they will not have much trouble in taking the apprentices, and will get the system going.

Worsley Timber Pty. Limited uses host companies to train apprentices until it expands and I think this is very good. If we can entice employers to do this, it will assist greatly to increase the number of apprentices in this State.

The member mentioned the point that some Government departments have not taken their quota—I do not know if that is the appropriate word—of apprentices. If he has instances to put before me I would be happy to give consideration to them. During last year the Government put pressure on departments to try to increase apprenticeship training, and obviously to decrease the unemployment in the State. Westrail increased by 46 per cent its number of apprentices, and I think members will admit that the railways have done a very good job in this regard. Some of the State's best tradesmen have come from the Midland workshops of the Railways Department.

If the member refers to me any situation in which a department is not playing its part in this matter I will be happy to speak privately at some stage with the member and we will see whether something can be done to rectify the situation.

He made the point that Government arrangements in regard to the tendering for contracts must ensure that a certain number of apprentices is employed by a contractor. To some degree we have had some problems with that, and I mention this to the member because he raised the matter. In country centres a builder is confronted with a constant work force and we are finding in certain cases that he cannot tender for Government contracts for a particular building in his own town because he cannot meet the requirement in regard to apprentices.

Mr Parker: Isn't it particularly important that a contractor in a country town has some opportunity to employ apprentices? Often these jobs are some of the best in country towns.

Mr O'CONNOR: This action is important because it will ensure that when apprentices are taken on for a particular job there is a requirement for him at a later stage. We do not wish to have a position where apprentices are taken on and then there is no work for them at a later stage.

We will have to look at this matter to see if it can be overcome. Employers in that category should be given preference if they employ apprentices.

If I have not covered all the points I will be happy to answer them in the Committee stage of the Bill. I thank the Opposition for its general support of the legislation.

Question put and passed.

Bill read a second time.

In Committee.

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 16 amended—

Mr PARKER: This clause refers to the deletion of section 16 of the principal Act. I appreciate the comments which have been made by the Minister in the second reading stage of the Bill. With the legislation as it is currently, the council can recommend to the Minister that regulations be made and if there was any purpose in its being there in the first place, there is no purpose shown in deleting it now. There must be some reason for the proposed deletion of section 16(b). However, what worries me—and I accept what the Minister has said; and that is, that there is no intention to prevent the council from making recommendations—is at the moment the council can make recommendations which go directly to the Minister and that Minister can decide what advice to take before he goes ahead with his decision. Maybe the deletion would force the council to make its recommendations through the department.

I believe that the council is an appropriate body to make recommendations for the regulations. However, the history of the matter does cause me some concern. Maybe the Parliamentary Draftsman was upset because his regulations kept coming back to him and he wanted to delete that particular paragraph. Maybe that is taking it a bit far, but I am worried about the reason for the proposed deletion. I believe it is a proper function of the council and I accept the Minister's undertaking that he will have a look at the matter and possibly reintroduce it or make arrangements for this clause of the Bill to be deleted in another place.

Mr O'CONNOR: The member has referred this matter to me and I thank him for doing so. This amendment is made in conjunction with the proposed amendment to section 42. Regulations are submitted for the recommendation of the Minister and the approval by the Government. It is not the intention to deprive the council of the opportunity to propose regulations. Any regulation considered necessary by the department is referred to the council before it is referred to the Minister.

I have referred the matter to the Crown Law Department to make sure that the point the member for Fremantle raised is covered. I see no reason to deprive the council of an opportunity to recommend regulations. I have given an undertaking to make sure that if this is not covered in this Bill an amendment will be made elsewhere.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 26 amended—

Mr PARKER: Clause 8 proposes to delete from section 26(3)(e) of the principal Act the words, "employer, but by force of this section the power is reserved to the industrial training advisory board to abrogate any agreement and to transfer the agreement from one employer to another." This is in relation to special trades which are essential in the building industry. The history of this matter is that when the apprenticeship regulations came under the aegis of the Industrial Arbitration Act there were two sets of trades. There were the general trades and the special trades. At that time building tradesmen were apprenticed to the Apprenticeship Board and not to a particular employer. That made it easy to transfer between an employer in one industry to another in the building industry and because of that fact section 26 was placed in the Industrial Training Act.

The only risk I can see with these words being deleted is that the director has that power. I do not object to the provision of this section because it obviously makes it more streamlined.

Mr O'CONNOR: The notes I have on this clause indicate that the director does have the power and in amending section 26(3)(e) by deleting reference to the power of the industrial training advisory board, it protects any agreement to transfer an apprentice from one employer to another. It is no longer applicable in present-day circumstances.

I understand the power is in another area and is therefore not required in this section.

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Section 32A inserted—

Mr PARKER: Clause 12 proposes to insert a new section 32A into the Act. This section relates to the period of time before a contractor exceeds the apprenticeship agreement or the industrial training agreement.

In general terms I agree with this clause. However, I wish to raise a point the Minister made during the second reading stage of the Bill. The Minister said that this could possibly create problems and because it was suggested by the Industrial Training Council, this matter is under review. This matter does concern me—although I am talking about a few cases—because the apprentices' probationary period may expire after five months instead of the three as before.

Mr O'Connor: I am quite sure that if it is not satisfactory you will let me know.

Mr PARKER: One of the points made by the Minister is not strictly valid. He said that on some occasions employers could wish to give some leeway to see whether an apprentice comes up to scratch or becomes a little more mature. It is possible for an employer to extend that period up to three months. All he has to do is apply to the director for an extension of the probationary period. An extension of the probationary period can be applied for and until the time after the two months' following the extension period nothing is done. There is already ample opportunity to extend up to six months within the scope of the legislation with regard to apprentices.

Mr O'Connor: We want to make sure that he is not exploited and the council keeps a watch on employers.

Mr PARKER: I accept that. Later on in the legislation there are provisions where a director can refuse people to be able to be apprenticed to particular employers. I agree with that.

I am pleased that it will be the Director of the Industrial Training Council who will have to make such a decision because whoever has to do it could become extremely unpopular.

We should keep a watch on this situation, particularly in country towns where people are desperately looking for jobs and where they will take anyone who comes up. I see serious problems arising from time to time, causing embarrassment to the Government. Nevertheless, I agree.

Mr O'Connor: Thank you.

Clause put and passed.

Clauses 13 to 20 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL

Second Reading

Debate resumed from 5 November.

MR McPHARLIN (Mt. Marshall) [12.11 p.m.]: In speaking to this Bill I do not propose to repeat what previous speakers have said referring to the history of the introduction of clearing controls in 1976 and 1978. However, I will make some reference to the proposals which came before this House in 1978, and the reasons for those proposals.

The salinity problem had spread and become the cause of great concern because no method had been adopted which proved to be effective in controlling the increasing salinity in our water catchment areas. Also, those people charged with the responsibility appeared to see no other way but to introduce clearing controls. They blamed clearing as the major cause of increased salinity in our catchment areas.

It was suggested that clearing controls be introduced, but the administration of those controls certainly was not explained to this House, nor was the method by which they were to be applied. That created a great deal of dissension amongst the farming community in the areas encompassed by the controls, and resulted in a great deal of discussion and a great deal of objection. Meetings were held in many places to discuss the way in which the proposals were to be administered.

Nobody—farmer or landholder—would object to the principle of reducing the salinity in our streams and in our reservoirs. Everybody is in favour of some method of control to assist in the retention or the reclaiming of land—their own properties—which is going out of production. Everybody wants to prevent additional land going out of production, which will occur unless something is done about the problem.

The authorities—the scientists—have endeavoured to analyse the reason for the increase in salinity in various areas. They have their formulas, they make their calculations, they demonstrate how water flows, they can measure the salt content, and they can demonstrate the rate of penetration. But they have not yet arrived at a solution. If they had a suitable solution our reservoirs would not have been accumulating the salts which they have accumulated already. If a solution were available it would have been applied years ago. However, the authorities have to admit they do not have a solution.

Salinity is a major problem in our State and one on which I believe the Government should take a much broader and more responsible view.

I will refer to clause 4 of the amending Bill with which I am not very pleased. I am not prepared to accept the provision which proposes to give departmental officers authority to go onto a farmer's property and take action in connection with clearing controls. I will read to the House the part of the Minister's second reading speech which refers to this matter. It reads—

> The principal Act provides power to enter a property, after giving notice, in order to carry out work associated with the investigation, construction, and maintenance of an authorised water scheme.

Nobody objects to officers entering a property when a water scheme line goes through that property. That has been accepted generally by the landowners because water schemes are of benefit not only to them, but also to the rest of the community. That system has worked reasonably well over the years, and will continue to work well. The Minister said further—

> No provision was included in the 1976 or 1978 amendments for right of entry in respect of activities associated with clearing controls.

I do not think there should be such a provision because the departmental officers showed a marked lack of co-operation when the legislation was enacted. The Minister went on to say—

> I wish to emphasise, however, that entry onto property can be undertaken only after notice has been given and either the occupier consents or, if he does not, a warrant is taken out.

That means in any case departmental officers will go onto the property whether the landholder likes it or not. That is the provision to which I object. Farmers will co-operate, but I criticise the actions of the officers who have not co-operated with the landholders in the past. Farmers are willing to co-operate when a logical and common-sense method is adopted to help them in their farming operations, and to help control salinity.

So, I object to the provision which will give departmental officers additional authority. I will speak more about that during the Committee stage.

I will refer to some reports which have been provided by Public Works Department officers. Firstly, I will mention the Batalling Creek area. Tests have been carried out on the water harvesting techniques applied at Batalling Creek,

which is a tributary of the Wellington Dam. The figures have been provided by the Public Works Department, and not by any other group. This is the record which the Public Works Department is accepting for its own information and on which it will base its actions in the future.

We cannot see that these figures give a full and complete answer. More time must be given to assess the results. It is fair comment to say that the system has not been in use long enough. However, we must accept that the results are most encouraging to date.

So that the information I give to the House is as accurate as possible, on 1 October I asked the following question—

> (1) In the data taken from gauging station No. 612 016 in the Batalling Creek, Maxon Farm, on 11 July 1979, it shows a flow rate of .044 (M^3/sec) and the concentration of TSS as 12366 (MG/L). At this rate what would be the volume, in tonnes of TSS delivered into Wellington Dam in 24 hours?

The answer given to that part of the question was as follows—

> Assuming the conditions remained constant, the following quantities would pass the respective gauging stations in 24 hours—
>
> (1) 47.01 tonnes.

So that is the flow rate. Part (2) of the question asked—

> (2) In the same data on 15 July 1979, in Batalling Creek interceptor drain, it shows a flow rate of .006 (M^3/sec) and a concentration of TSS as 276 (MG/L)—what would be the volume in tonnes of TSS delivered into Batalling Creek in 24 hours?

The answer to that part of the question was 0.143 tonnes; a remarkable difference. As I said, we cannot say that this system is the complete answer because it has not been operating long enough. However, it shows very encouraging results.

On the list of figures I have here showing the salt concentration in various areas, the highest concentration is 58 000 milligrams per litre. I understand that the salt concentration in sea water is 10 000 milligrams per litre. So the figures I have given will demonstrate just how serious the situation is.

Again referring to the figures I have here, a reading taken in 24 April 1979 showed 74 808 milligrams per litre, and yet at the same gauging station approximately 12 months later—that is, after the banks had been operating—this figure had been reduced to 31 355 milligrams per litre. So that is a reduction from 74 808 to 31 355 milligrams per litre over a 12-month period.

Going down the list, at the next gauging station the figure was 31 355 milligrams per litre on 29 May 1979, and this figure was reduced to 21 500 by 31 May 1980. We see the same sort of figures over again. At the next reading the figure was 24 431 milligrams per litre on 28 June 1979, and this was reduced to 5 100 milligrams per litre by 30 June 1980. The next figure is for 27 September 1979 and it shows 24 504 and by 25 September 1980 this figure was down to 15 607 milligrams per litre.

So it must be accepted that the trend is there and this trend has been brought about by the activity of the water harvesting technique. Anyone who says that it does not work does not understand it. Nobody denies that further testing must be carried out, but I believe that if the banks are consolidated, it will prove beyond doubt that this method should be encouraged.

I would like to refer to further figures from the PWD progress report of May 1979. All the data I am referring to relates to the overall problem of salinity control—the subject of this Bill.

I would like to refer to the size of the area we are talking about. The drain occupies 0.1 square kilometres of a total area of 16.6 square kilometres. In May 1979 the salt input to the drain by rain was 245 kilograms, and the salt output was 475 kilograms. For the whole area of 16.6 square kilometres, the salt input was 40 700 kilograms and the salt output was 1 175 000 kilograms. So if we extrapolate the salt output of the drain—475 kilograms—from that of the total area the result is 78 850 kilograms, and we can compare that with the amount of 1 175 000 kilograms for the total area.

I would like to emphasise that I have been referring to the records of the Public Works Department and not to those of WISALTS. Anybody who disputes the trend I have referred to should have a look at the matter again. The figures are conclusive enough to show the potential of the system. It is an engineering system which shows promise of in some way arresting the spread of salinity and helping to decrease the salt content of our reservoirs. There ought to be more co-operation.

Mr Bertram: There certainly should be.

Mr McPHARLIN: Many times I have stressed the need for co-operation between the departments concerned and other organisations which are studying alternative methods. We cannot claim that any one particular method will

give the complete solution, but certainly it is time for greater co-operation. We must all work together to improve our salinity control and our salt land control.

When speaking last night my colleague referred to the Bill before us and he suggested that we should incorporate in the measure a plan utilising the interceptor bank system to assist farmers with clearing controls and the control of salinity.

I believe that to be so, and the Government could have included that in the Bill. Perhaps, by acceptance by the authorities, a better way could be found to install this system by using the expertise of those people who are academically qualifed and who have spent many years studying this matter. I believe the way is open for a more effective method to be applied.

Next week at the Murdoch University an international seminar will be held on salinity control, the spread of salt land, and the problems of salinity in general. Papers will be presented by leading scientists from Israel, the Netherlands, America, and Australia.

Mr Jamieson: Are you going?

Mr McPHARLIN: Yes, I have paid my $45.

Mr Jamieson: That is good; you can be paired with me.

Mr McPHARLIN: I will be there for two days. I have already looked at the papers circulated by those who will attend. I do not propose to quote from them because that would not be the proper thing to do. However, I have had a scientific friend go through some of the papers with me, and I can tell members that if they are qualified mathematicians and scientists and have a good calculator they can get to the bottom of some of the calculus and the formulae involved in the papers; but it would take them three or four months to do it. It is a matter of scientists talking to scientists, and for the layman it represents utter confusion.

However, I am only hoping that some information will come from the seminar which will be helpful to the problems we have in Western Australia.

I have read a number of the conclusions and recommendations in the papers, and frequently they mention drainage, deep ripping, and, of course, the growing of trees. Alfalfa is referred to many times, along with other plants. Of course, we understand the importance of that. However, I have not yet seen an effective solution suggested which could provide the sort of results we expect, but I am hoping some solutions might be offered at the seminar.

The international seminar is designed to give us the benefit of the experience and knowledge of people in other countries who have been involved with this matter for many years, and who have problems in their own countries. Believe me, America has tremendous problems with salt, and so does Canada. I am hoping the scientists will explain their papers in more detail and disseminate the knowledge they have, and that from that we may extract some useful information and methods which may be applicable here.

Last night when my colleague, the member for Stirling, was speaking I distinctly remember the Minister for Water Resources commented about the member for Stirling having made his commercial when he referred to WISALTS. I was quite surprised to hear that comment, because none of us views this problem lightheartedly; it is a very serious matter and there is nothing commercial about it. As far as we are concerned, there will never be anything commercial about this matter. Since the last occasion on which I spoke about salt problems in this House—during the Address-in-Reply debate—even more farmers have become involved, and more landholders are adopting the Whittington system.

There is nothing commercial in any way about this; it is a serious problem. I have said before in this place that any member who wishes to have a first-hand inspection of the results of the system is welcome to do so at any time. Dozens and dozens of properties are showing results; and if one cannot believe one's own eyes, what can one believe?

Reference was made to the prosecution of Mr Bert Henderson at Perillup. Here is an area which is well worthy of inspection by any member interested enough to do so. I have shown photographs in this House previously, and I have them here again, which indicate the difference which has occurred on his property since he installed the banks.

I believe the Bill goes too far in one direction; that is, it attempts to give the department far more control than I believe is necessary, because the landholders are ready and willing to co-operate. Certainly they will co-operate if it is to their benefit to do so; there is no need for coercion or to adopt an authoritative attitude. Perhaps one or two farmers may be a little difficult, but that occurs in every walk of life. Generally speaking, the farming community is not like that.

While the Bill goes too far in that direction, it does not go far enough in respect of adopting a system which has been accepted by so many

farmers. That system could have been incorporated in the Bill.

I am hoping to be able to move an amendment to the Bill to enable the inclusion of this system. It may be possible for me to do that in the Committee stage, but I will reserve my decision until I see how the debate ensues. I will leave further comments to the Committee stage.

MR MENSAROS (Floreat—Minister for Water Resources) [12.38 p.m.]: I suppose the amendments in the Bill before the House are the quite normal results of a two-year period of experience gained after the implementation of something novel. In respect of all legislation which to some extent breaks new ground and where there is no past experience in the particular field, it is quite normal that the experience gained during the period of its first implementation should be assessed and that any shortcomings be established in connection with the statutory provisions.

Mr H. D. Evans: The complaint with the previous thing was that there was no effort to determine what the problems were. Even the extent of the catchment areas was not known.

Mr MENSAROS: I think that concept was basically realised by the members who participated in the debate; at least it is my interpretation of their remarks that they accept the necessity for this measure, and I would like to thank them for their respective contributions.

The fact that members during the courses of their contributions threw in a pinch of salt, blaming the Government, is understandable, even if not accepted or agreed with. Any political opposition in our system has the right to use every platform on every occasion to criticise the Government in varying degrees and perhaps to produce a bit of material for home consumption.

Mr H. D. Evans: Why was the previous Minister rolled if it was not for his handling of the matter? What happened to him? You obviously agreed with him. He was a man who worked hard and loyally, yet you rolled him. That was his reward.

Mr MENSAROS: That was not the case at all. I can understand there is a little material for home consumption in the contributions of members, particularly of the National Party. They like to be able to say, "We know better than the Government on this matter." These are things one would always expect.

However, it is a pity that at the same time as making these criticisms they did not put forward alternative suggestions which could be incorporated into the legislation and which would achieve our aim in a better way.

Mr Cowan: The alternative suggestion was to leave the Act as it was.

Mr MENSAROS: It was a pity the honourable member did not debate the matter in that way.

Mr Cowan: Do you want me to repeat everything I have said already?

Mr MENSAROS: Everybody would realise the first and basic aim of the legislation is to stop the deterioration in our water quality, and in our streams and reservoirs, and to improve that quality in time. I realise that to achieve this aim, unpopular measures must be adopted.

However, at the same time this is a responsible measure. After all, this is the job of the Government. It is a good example of the problem any Government at any time inevitably must face. In the present situation, on the one hand we have the interests of individual farmers while on the other hand we have the interests of the community and, indeed, of future generations. It is yet another example of the clashing of interests between individuals, or a group, and the whole community. This Government has a responsibility to look after the essential interests of future generations.

I should like to give a small example to illustrate this clash of interest between individuals' rights and the more and more complex community interest. I never forgot the words which were delivered at a Dyason lecture about 25 years ago by the famous British historian, Professor Arnold Toynbee. He said, "If somebody told me when I was a young fellow"—he was then a man of about 70 years—"that I would not be able to cross the Queen's highway because a red light came on, I would have thought that such an infringement on my personal liberty would never occur. Today I accept it without demur."

This is an excellent example by a world famous historian and academic to illustrate the responsibility of every Government to take into consideration the broader interests of the community. In this particular case, ultimately the Government's approach will be in the interests of the individuals who are now opposed to the proposal. It is a pity the matter is not seen in this light.

I wish to deal with the general criticism raised by various speakers. I shall lump these criticisms together according to subject, rather than according to individual speakers.

The Deputy Leader of the Opposition claimed the administration procedures were secretive, partly because the legislation did not provide for the making of regulations. I do not think anything could be further from the practical truth.

Mr H. D. Evans: I did not say that.

Mr MENSAROS: Innumerable discussions were held by my predecessor and myself. An inordinate amount of time was put in by Ministers, officers, and various people not only in discussing with representative bodies such as the Farmers' Union, or the Pastoralists and Graziers Association, ways and means of implementing these proposals but also in attending public meetings. Indeed, I have received visits from and have held meetings with everyone who is interested in the matter.

The member for Stirling claimed that the Rural Adjustment Authority was not in touch with the people, and lacked understanding. I cannot agree with that claim. I know that the Chairman of the Rural Adjustment Authority knows virtually every individual in the area. The fact that he is a banker and commissioner of the Rural and Industries Bank should not be held against him. I think he knows virtually every bush in the area. The authority also includes a farmer representative. Therefore, I cannot see how the honourable member's accusation stands up.

Another criticism was that there have been inordinate delays in resolving compensation matters because there is insufficient communication. I would say if there is any delay it is simply because a great deal of time is taken to understand the individual problems and try to co-ordinate and equalise them with the basic aim and endeavour of the legislation. For instance, if a matter comes to appeal, the appeal committee not only examines the matter but also holds discussions individually with the people concerned and discusses the matter with officers of the Public Works Department. This enables them in an impartial manner to see both sides of the issue, and to make recommendations to the Minister accordingly.

In my humble view the very fact we have not promulgated regulations, but have laid down only guidelines to handle this matter, means that a more flexible approach can be adopted to matters which are raised. The proper way to go about this matter is not to take time drafting and interpreting regulations, and arguing about the formalities of the situation. It is much better to lay down guidelines which can be amended occasionally as circumstances demand. It is better to attempt to solve this problem—which nobody enjoys, but which we cannot avoid—in an informal rather than in a legalistic way.

The Deputy Leader of the Opposition also questioned the use to which the land will be put; he wondered whether that matter was determined in any way by regulation. He suggested the matter may not have been properly considered. This is precisely what will happen, based on parallel legislation introduced by the Minister for Agriculture. To a greater and greater extent, all practical dealings with landowners who have been injuriously affected and who are at a disadvantage will be through the Rural Adjustment Authority which, undoubtedly, has more knowledge and understanding of how the farmer can operate viably.

At the same time, it is inevitable that engineers of the Public Works Department should be able to make their views known, because the ultimate aim of the legislation is to keep the streams and reservoirs as clear of salt as possible. It is also inevitable that we should involve officers of the Forests Department because, after all, they are the experts in how to reforest areas. From that point of view, I do not think it is a valid criticism to say that too many departments are involved. The matter will be handled by these officers in an informal way; they will consult with each other.

I do not believe the alternative suggestion put forward by the member for Stirling that local committees should be involved in this matter will be either a speedier or a better way of overcoming the problem.

Mr Stephens: That was your policy.

Mr MENSAROS: It was not. The member for Stirling should read his own question, and my answer, because he stated that according to the newspaper report consideration would be given to committees; it would be kept in mind. It has been considered; but, as I said, the existing method is a much more practical way.

One other comment by the Deputy Leader of the Opposition was that it is inequitable that one should take into consideration that, generally, 10 per cent of a farm entity is left uncleared. Without claiming to have greater expertise in farming than he has, this is the general practice. It was the general practice for good reasons—either for the residence, or to give shade to stock, and various other things. Surely the Deputy Leader of the Opposition realises that we are not talking about small parcels of land. We are not talking about market gardening.

If somebody chooses to grow tomatoes on a larger farm which is not generally put wholly to that use, he does it anyhow; but I do not think the

Deputy Leader of the Opposition can show a concrete example where, before the clearing bans, a farmer would have cleared his property of 1 000 acres, or even 500 acres, completely, without leaving a single tree on it, in order to grow an acre more of tomatoes or potatoes. This policy is quite equitable, and it is based on the practice which has prevailed, and does prevail at the moment.

The member for Stirling raised one matter, but he did not mention any names. I would be grateful if he gave me the names so that any misunderstanding can be cleared up. He said it is the intention of the Public Works Department not to grant licences; and he said this, as I recall, on the authority of some PWD officers. I submit, crediting the member for Stirling with goodwill, that this must be a misunderstanding. The aim of the legislation is to prevent salinity. The only safe, known and proven method is by not clearing the land any further and, if possible, by reforesting the land already cleared. It is not claimed that this reforestation will work wonders and will immediately reduce the salinity. However, it is claimed, based on experience in many areas, it will do so in time.

We only have to cast our minds back, or listen to the people who remember the situation, to the Mundaring catchment next door to the metropolitan area. After all, that was the first major dam. Originally, after the dam was built, it was realised that the flow of water would improve if the land was cleared. Following that, there would be more water in the dam, and more could be utilised. Therefore, clearing was done. Then there was the time when it was realised with changing seasons, with more or less rain, although the flow undoubtedly had increased, at the same time the salinity had increased also. Therefore, that policy was reversed; and enough time has passed for us to realise that the quality of water there has improved definitely. That is based on the experience of changing seasons, with some very good years and some drought years. That improvement has occurred since reforestation has been put into practice.

This is the aim in the other catchment areas; but it is not true—or at least it is a distortion of the facts—to say that the aim is to put in these applications and the appeals for eye-wash, and they would not be granted anyhow. There have been cases where consideration has been given to the claims by the owners or applicants, and the licences have been granted.

Members must have noticed that the legislation goes further and eliminates the fussy little formalities; so that small, necessary clearing for poisoning around the fences, and so on, does not need any permit. As I said, the principle prevails that it is the main aim to improve the water quality; but it is not the aim that the applications be rejected without consideration.

The Deputy Leader of the Opposition criticised the fact that there are too many authorities involved. I tried to explain that the present method of dealing with the situation will undergo some change; and in the future the Rural Adjustment Authority will be involved to a great extent. Based on experience, that is the most practical solution.

The member for Stirling mentioned that the compensation by the Government, or by the State, or by the taxpayers affected the shire councils involved. The simple argument is that the councils will receive less revenue if a property has been acquired by any arm of the Government, and if it is being farmed no further by a ratepayer. Firstly, I submit that the request is somewhat exaggerated because if there are fewer ratepayers, the shire will be required to offer fewer services. In addition, I submit in all sincerity that as we have three-tiered Government in Australia, each tier has to contribute somewhat to our aim that the water should remain clear for future generations.

The Commonwealth Government provides a 1:1 subsidy for acquiring land for reforestation; and the State Government provides compensation for which no subsidy is available from the Commonwealth. It is a very small price for the local authorities to pay from that point of view. If it can be shown that local government loses some revenue, it would be very small indeed.

Mr H. D. Evans: Will you clear up one point? Where compensation has been paid to a landholder for land, is that land taken out of consideration in the value of the property for rating purposes?

Mr MENSAROS: That is up to the local government. I could not give the member a firm answer.

Mr H. D. Evans: No, it is not. It is for the Valuer General's Department.

Mr MENSAROS: I could not give the member a firm answer to that.

Mr H. D. Evans: This is what is wrong with the whole thing. There have been no answers; and that is where the confusion has arisen.

Mr MENSAROS: I can tell the member only that to the best of my knowledge—

Mr H. D. Evans: You come in here with a Bill, and you cannot explain a fundamental like that!

Mr MENSAROS: To the best of my knowledge, the Minister for Agriculture is in the process of circulating more complete and detailed guidelines in connection with the activities of the Rural Adjustment Authority.

Mr H. D. Evans: This is not concerned with the authority.

Sitting suspended from 12.59 to 2.15 p.m.

Mr MENSAROS: There are only a few more questions to which I wish to reply. One concerns the right of officers to enter a property. I do not know of any other legislation, no matter how more important or otherwise, where more stringent safeguards exist in connection with the entry onto a property. Members will recall that this matter has often been queried and criticised. I was the one who insisted that notice should be required and that the consent of the owner should be received. If the owner does not give his consent—and this would occur mainly because he is not available—it stands to reason that if an officer wishes to enter his property he would have to acquire a warrant from a justice of the peace or a similar authority, just as the police have to do.

The argument by the Deputy Leader of the Opposition that we should devise some sort of code of ethics for those officers—mainly professional people—who would execute this sort of entry in order to check the conditions is really one which could be considered to be hair-splitting. Under normal circumstances one would not expect a professional engineer to misbehave, and he would enter a property only to check that the provisions of the legislation have been adhered to. I have not received a single complaint regarding the existing provisions in the Act. I invite the Deputy Leader of the Opposition and the member for Mt. Marshall—who oppose this provision 100 per cent—to bring to my notice any complaint where a professional officer from the Public Works Department had misbehaved himself and had caused a legitimate complaint to be lodged by the property owner.

A further query related to the penalty for someone who completes a statement with false data. Here again there are many provisions in various Statutes and regulations which provide for the same sort of penalty. Even if a person fills in a statistical form he is liable to commit an offence if he does not give answers according to the facts. If an application is made for clearing or if an appeal is lodged which the committee has a look at and then makes a recommendation to the Minister, obviously a lot of time is saved if certain important answers to questions are properly given, because they could be important factors in the decision-making process with respect to whether or not to impose a clearing ban, to what extent it should be imposed, and whether or not an appeal should be allowed. In all seriousness I do not think we could complain about this provision to make it a punishable offence for someone to supply false information.

As to be expected, the member for Mt. Marshall spoke about the Whittington experiments. I am not here to judge how good or bad they are. The simple fact is that the aim of this legislation is not directed against land salinity, as important as it is, but against creek and reservoir salinity. The Public Works Department officers have never claimed that the theory of Mr Whittington is wrong. They have simply said it has yet to be proven that this is a sure method to prevent or improve salinity in creeks and reservoirs. Having listened to the member quite attentively, I do not understand how he wants to incorporate into this Act the usage of these trenches.

As far as cleared land is concerned, a person may act in whatever manner he desires. If the member for Mt. Marshall were to suggest clearing bans should not be imposed, but rather compulsory trenching according to the Whittington system should be initiated, I could not agree, because it has yet to be proved this method actually improves the quality of water.

Every member who participated in the debate referred to the provisions in clause 4 where the court is empowered, if the facts concerning illegitimate clearing are proved, to issue an order requiring the person to restore the land.

I draw the attention of the Deputy Leader of the Opposition to the fact that although the word "shall" is contained in the amendment this does not mean the court is compelled to apply the provision for reforestation. However, the provision has the effect of highlighting the situation as far as the court is concerned and that is the aim of the legislation. The magistrates who deal with such cases should not think that, because they are dealing with a first offender, he should be required only to pay a fine, despite the fact that he cleared land contrary to the provisions of the Act.

If we were to adopt that attitude and the magistrates were lenient in this respect, the purpose of the legislation would be defeated. It stands to reason, if a man has reasonably fertile land and if it is cleared, a good income can be produced from it, he would be likely to clear perhaps 1 000 hectares whilst accepting the fact that he would have to pay a fine of $1 000. That

would not be a severe penalty, because he would be paying only $1 a hectare for having cleared the land.

If we allowed such a situation to arise, it would defeat the whole aim of the legislation. On occasions, people have confessed they flouted the law deliberately; therefore, it was necessary to introduce this provision in order to remind the courts that it is important reforestation should occur. However, if the court believes special circumstances exist and a reforestation order should not be made, it is not compelled to make one.

I appreciate that the Deputy Leader of the Opposition raised the point I am about to mention, but I believe he has placed an extreme interpretation on the legislation. I can assure the member that, if a natural disaster such as an earthquake occurred, the property owner would not be responsible for again restoring the land. He placed an extreme interpretation on the provision. If destruction of the reforestation occurs as a result of a natural disaster, the property holder would not be bound to restore it.

I have endeavoured to answer the queries raised and we shall deal with the detailed aspects of the legislation in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr Mensaros (Minister for Water Resources) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Sections 12B, 12C and 12D repealed and sections 12B, 12BA, 12BB, 12BC, 12BD, 12BE, 12C and 12D substituted—

Mr H. D. EVANS: Line 15 of proposed new section 12B refers to the word "shall". I accept the Minister has pointed out the qualification in regard to this matter, but the words in the proposed new section read, ". . . shall, unless the court thinks that having regard to the special circumstances of the case it would be inappropriate to do so, by order direct".

If an offender is fined up to $1 000, unless the court thinks there are special circumstances, it shall make an order. If there are no special circumstances the land must be restored and a time limit is set out in line 34.

This throws the onus of proof onto the landholder. If a fine has been imposed, the department may recommend the court shall issue an order and, unless there are special circumstances, the court has no option but to do so. The special circumstances must be demonstrated by the landowner. Therefore, in my opinion, the word "shall" is too harsh and the word "may" would be more appropriate. This would leave the discretion in the hands of the court and would provide a safeguard.

It is much easier for the department to allow the owner to prove the special circumstances, but it would be more fitting for the department to convince the court there were no special circumstances to be considered.

Mr STEPHENS: We also support the point made by the Deputy Leader of the Opposition. However, we intend to oppose the whole clause. I realise the clause is concerned with the control of clearing and licensing, and includes the appeals section; but we feel the Act as it stands is capable of coping with the situation. We realise that these added powers are being sought by the department to make it easier for it and to reduce the powers of the courts when adjudicating between the parties involved.

If I heard the Minister correctly when he was speaking at the second reading stage, he virtually admitted that because he said, "if the magistrate was lenient . . .". In other words, he is not prepared to accept the decision of a magistrate. We believe the magistrates and the courts are there to protect the public from over-zealous actions of departmental officers and the bureaucratic approach some of them have adopted in relation to this measure.

Therefore, we will be opposing this clause. As I said last night, there has been one court action and a successful prosecution under the existing legislation. However, the court had a different opinion from that of the departmental officer. That is the reason for the Government's wish to tighten this legislation. We will be opposing the whole of clause 4.

Mr MENSAROS: If the Deputy Leader of the Opposition studies the existing provisions carefully, he will find that as I described in the second reading debate, that section is described in the way he suggested it should be. The word "may" is in the present provisions and we are seeking to change that word to "shall" for the reasons I have explained; and that is, if the matter is left to the courts and the court is lenient then people will feel they can clear their land because the court will be lenient and the fine—which has a maximum of $1 000—can be easily paid and calculated as an additional expense for clearing.

In reply to the member for Stirling I say that his statement is not factual when he says the

decision is not left to the magistrate. The member for Stirling should realise that any judicial authority has not the absolute discretion. Its judgments are based on the law and we are debating the provisions of the law as they ought to be changed. So, whatever the provisions of the law, the magistrate ought to adhere to them.

With reference to the case he mentioned, it was not a matter of the department disagreeing with the magistrate. The department, which was one party, was represented by the prosecutor and the owner was the defendant. The decision was not given by the magistrate, the court only established the guilt. The court was then adjourned and during that time an out-of-court settlement was made.

Mr STEPHENS: It would appear the Minister does not understand fully what happened in the court case. The magistrate found the person guilty and then the departmental officer stood up and said what he was going to do. He intended to lay down the law. The magistrate said, "Just a minute, I will have a say" and that is when the court was adjourned. At the reconvened hearing there was a consent arrangement entered into betweeen the department and Henderson, and the court accepted that arrangement. However, the department had to make its point.

That is all possible under the existing legislation and it is not necessary to tighten it up. What the Minister is trying to do is say the department is always right and he is attempting to give it power to dictate in such matters. Frequently scientific data with respect to saltland is not precise and a farmer has as much right to state his case.

If the department has its way it will say it is right because the law says it is right. The Minister did not explain the situation correctly when he spoke, so I have rectified that.

Mr H. D. EVANS: Despite the Minister's explanation, the onus is still left on the landowner and this sometimes will place him at a disadvantage. It would be preferable for the department to make its point with the courts, because the magistrate has the law in front of him and he knows the intention and purpose of the Act and he knows the penalties involved. I am not saying that anyone in any Government department is over-zealous to the point of obsessional bigotry, but it could occur. As a consequence, the attitude of a magistrate could be refreshing and the onus would rest on the department to ensure that the case is established. That is the reason for my objection to this provision in clause 4.

Mr MENSAROS: I cannot accept this argument because if the Deputy Leader of the Opposition looks at the position as it is he will note that that is precisely what has happened. If there are two parties to a court case and one is disadvantaged, and if he wishes to disengage himself from that position obviously he is the one who has to prove his case. The magistrate on the other hand "shall" only make an order if the department recommends. Having regard to this process, the department will not simply stand up and say, "We want it." The department will explain its reason and then if the defendant thinks it is too harsh the onus is on him to prove his case.

Mr McPHARLIN: It is difficult to hear the Minister when he speaks and with respect I would ask that he does raise the level of his voice. Section 12B (2) states that a person guilty of an offence against subsection (1) of this section shall be liable to a fine not exceeding one thousand dollars and, if the Department so requests ... the court before which he is convicted may order that person to restore his land.

In the amending clause the first part is identical except for the words " ... the court in which he is convicted shall ..."

The Deputy Leader of the Opposition has stated that it would be preferable to use the word "may" instead of "shall". I think there is merit in that suggestion because instead of being mandatory and dictatorial, it ought to be more flexible. I support the objection raised.

Mr H. D. EVANS: Mr Deputy Chairman, do you intend to put the whole of clause 4 or deal with it paragraph by paragraph? There is a series of paragraphs which are being replaced. I did indicate seriatim the ones with which I wished to deal.

The DEPUTY CHAIRMAN (Mr Sibson): I will allow the member to speak on the other parts he indicated he wished to speak on.

Mr H. D. EVANS: I would like to refer to proposed new section 12BA which appears on page 4 and particularly to lines 29 and 30. Where an action is pending, a Minister may deliver a memorial in the prescribed form to the Registrar of Titles. Under the existing situation such a memorial can rest there for two years, and that is hardly reasonable, as I understand the situation.

If the department proposes to take action and a memorial is lodged, surely it is up to the department to expedite its action. A two-year period for a matter of this kind seems to be extraordinarily long. It would be possible to undertake a tremendous amount of research during that period. If a department cannot

complete an entire action in a much shorter period, surely something is amiss.

In my opinion the period should be something like three months, and after that time it would be up to the department either to move to extend the memorial or to have a fresh one taken out. Having regard to what could happen over such a period in normal farming circumstances, it seems to me that it is too long and we should insert a provision that the department must apply for renewal or extension of the memorial.

Mr MENSAROS: Frankly I cannot quite understand the reasoning of the Deputy Leader of the Opposition. I cannot see that any harm would result from the memorial being on the title for any period of time. As expressed in proposed new section 12BA, the aim is that if an order has been issued by the court—in other words, before any legal action is taken in regard to illegal clearing—there could be a memorial put on the title. If someone wants to buy a property, it stands to reason he will look at the title first. A memorial would cause the purchaser to look into the matter. He could then make inquiries of the owner, of the department, or of the court itself if the matter is before a court.

The DEPUTY CHAIRMAN (Mr Sibson): Would the Deputy Leader of the Opposition indicate to which other proposed new sections set out in this clause he wishes to speak?

Mr H. D. EVANS: I wish to speak to proposed now sections 12BD, 12C, 12EA, and 12ED.

The DEPUTY CHAIRMAN: As the Minister has already spoken three times to this clause, I will divide the clause into parts and put the question to enable the member to speak to the other parts.

Mr H. D. EVANS: Thank you, Sir, that was my original intention.

Clause 4 (down to and including new section 12BC on page 6) put and a division taken with the following result—

Ayes 36

Mr Barnett	Mr Laurance	
Mr Bertram	Mr Mensaros	
Mr Bridge	Mr Nanovich	
Mr Bryce	Mr O'Connor	
Mr T. J. Burke	Mr Parker	
Mr Carr	Mr Pearce	
Mr Clarko	Mr Rushton	
Sir Charles Court	Mr Sodeman	
Mrs Craig	Mr Spriggs	
Dr Dadour	Mr Taylor	
Mr E. T. Evans	Mr Tonkin	
Mr H. D. Evans	Mr Trethowan	
Mr Grayden	Mr Tubby	
Mr Grewar	Mr Williams	
Mr Hassell	Mr Wilson	
Mr Herzfeld	Mr Young	
Mr Hodge	Mr Bateman	*(Teller)*
Mr Jamieson	Mr Blaikie	*(Teller)*

Noes 3

Mr Cowan	Mr McPharlin	
Mr Stephens		*(Teller)*

Part of clause thus passed.

Clause 4 (from line 14 on page 6 to end): Sections 12BD, 12BE, 12C and 12D substituted—

Mr H. D. EVANS: I wish to refer to paragraph (a) of subsection (1) of proposed section 12BD. As in the previous amendment, the aim of the Bill is not disputed. The handling of the whole issue by the Government has been the issue of contention, and that contention remains.

We disagree with some aspects of this clause. It is not perfectly correct to say that the Opposition should have opposed this matter in total. Whilst we oppose some parts of it, it is impossible to oppose others. It is similar to suggesting that because the National Party opposes this clause, it is opposed to the control of soil salinity. This is the dilemma which confronts members of the Opposition on legislation of this kind, especially in a Bill such as this which has an unfortunate history of a lack of finesse and of legislative cohesion.

I refer members to proposed new section 12BD which states as follows—

> (1) Where an order is made under subsection (2) of section twelve B of this Act for the restoration of any land and—
>
> (a) the order is not complied with within the time or in the manner specified in the order; or
>
> (b) the order is complied with but the tree cover is subsequently destroyed, or is not maintained to the satisfaction of the Minister,
>
> officers of the Department may, where the ownership of the land has not changed since the order was made or a memorial of the

> order was registered and recorded under section twelve BB of this Act, enter upon the land with such persons and things as may be necessary to ensure that the land is restored and may thereon carry out such works as are necessary for that purpose, and the Minister may recover any expenses thereby reasonably incurred as a debt due from any person who is then the owner of the land.

That seems to be unreasonable. Although the Minister has given an assurance that if it were not the owner's fault, no charge would be made against him, the Opposition does not believe that is good enough. Ministers change, and this matter needs to be spelt out in the legislation so that where an area which has been restored subsequently is destroyed through no fault of the landowner, he shall not be prosecuted.

The proposed new section should be amended to provide that in cases outside the control of the landowner, no action shall be taken. I cannot see any objection to such a suggestion. The Minister's explanation does not ring true; no person should be placed in a position of having to answer for something for which he is not culpable. People should be safeguarded in legislation; that is what good legislation is all about.

Mr Mensaros: This clause provides that an officer can go onto the land and do certain things, and enables the Minister subsequently to recover his expenses. Do you object to the matter of entry, or to the provision relating to recovery of costs?

Mr H. D. EVANS: I object to the provision for recovery of expenses. No matter what the cause of destruction, there must be an entry on the part of an officer; that is accepted. However, if the expenses have not been legitimately created by the landowner in the first place, he should be in no danger of having a claim lodged against him.

Mr MENSAROS: I cannot provide any further explanation of this matter. The reason this provision is split into two parts is to provide for cases where the owner does what he feels he should do in order to reforest or restore an area, but does not succeed. If he fails in his endeavour to comply with the court order—a provision which this Committee has just passed—it would obviously be a help to him for a departmental officer to visit his property and instruct him in how to go about achieving restoration. That is the reason this proposed new section provides for entry and recovery of expenses, because if the department is not involved, the owner himself would be involved in expenditure in complying with the order.

The Deputy Leader of the Opposition has placed a far-fetched interpretation on this section. I did not give an undertaking that nothing would happen to an owner if he were not at fault. I said that if a major natural disaster occurred—which, I believe, would be covered by other legislation—it is quite obvious landowners would not need to fear any adverse consequences. I am sure that if the Deputy Leader of the Opposition asked any member of this Committee who represented an alternative Government, he would be told that in such cases, landowners would not be penalised.

Mr H. D. EVANS: I refer members now to page 10, proposed new section 12C (5) and (7). This section will provide the Minister with an extraordinary power which is not evident in other legislation. In effect, this provision could have the result that a landowner is dealt with twice. The court in its wisdom could either caution or impose a light fine on a landowner, and the under secretary may, whether or not any penalty is imposed by the court for the offence, by notice in writing given to that person, revoke the licence. Proposed subsection (7)(b) goes on to state—

> whether or not any other penalty is imposed or order made, the court may cancel that licence, and no compensation shall be payable in respect of any such cancellation;

It would appear that once again, the Minister will have the power to override a decision of the court. A penalty of the court should be sufficient without the landowner's licence being revoked without compensation.

One of the things the Government and the Minister do not seem to have learnt is that they cannot introduce abrasive legislation such as the parent Act, which we are now seeking to amend, without considerable opposition within the community. On the last occasion clearing bans were imposed, no attempt was made to conciliate, or to explain some of the points which caused considerable concern amongst the community.

The Government is introducing amending legislation which will be seen by the farming community as increasing the power of the bureaucracy. Very intense feelings are invoked on the question of ownership of land. This is an area in which the Minister should tread cautiously. Once again, we see the Minister being granted powers over and above the court. This is a matter which will not be greeted enthusiastically by the people on the receiving end.

It is for that reason I put this matter back before the Minister to ask whether there is any

legitimate reason that this measure has been drafted this way and placed in this legislation.

Mr MENSAROS: It must be pointed out that the alleged consequence against which the Deputy Leader of the Opposition is complaining is prefaced by the words, "A person who, in connection with an application for, or an appeal relating to, a licence, knowingly makes any statement that is false or misleading in any material particular commits an offence". If a person knowingly wants to mislead the department which is there to help him, the licence granted to that person can be revoked. It would be a waste of time to deal with such a person who had received a clearing licence but misleads the department.

Remainder of clause put and a division taken with the following result—

Ayes 36

Mr Barnett	Mr Jamieson	
Mr Bertram	Mr Laurance	
Mr Bridge	Mr Mensaros	
Mr Bryce	Mr Nanovich	
Mr T. J. Burke	Mr O'Connor	
Mr Carr	Mr Parker	
Mr Clarko	Mr Pearce	
Sir Charles Court	Mr Rushton	
Mrs Craig	Mr Sodeman	
Dr Dadour	Mr Spriggs	
Mr E. T. Evans	Mr Tonkin	
Mr H. D. Evans	Mr Trethowan	
Mr Grayden	Mr Tubby	
Mr Grewar	Mr Williams	
Mr Grill	Mr Wilson	
Mr Hassell	Mr Young	
Mr Herzfeld	Mr Bateman	*(Teller)*
Mr Hodge	Mr Blaikie	*(Teller)*

Noes 3

Mr Cowan	Mr McPharlin	
Mr Stephens		*(Teller)*

Remainder of clause thus passed.

Clause 5: Section 12E amended—

Mr STEPHENS: This clause relates to compensation and we in the National Party have no objection to it except that it does not go far enough. In the southern part of the State, land values have been escalating very sharply; in the space of 12 or 18 months some areas of land have almost doubled in value. Two instances have been brought to my attention where farmers have sold their land and accepted compensation, but have had to wait 12 months for their money. This has put them to great disadvantage.

To overcome this problem, the National Party believes the legislation should contain a provision to reassess compensation when there has been an undue delay.

Mr Bertram: Why didn't they sue?

Mr STEPHENS: I do not know whether there is a provision for that in the Act. There would not need to be if the amendment I am about to move were accepted. I move an amendment—

> Page 14—Insert after subsection (6) the following new subsection to stand as subsection (7)—
>
> (7) Where the Minister has approved the payment of compensation under this Part of this act, but payment has not been made within three months of the date on which such compensation was assessed, then the amount of compensation payable shall be re-assessed on the basis of values applying at the time at which such re-assessment is required under this subsection.

This would overcome the problem in times of rapidly escalating farm values.

Mr Bertram: What if the price has depreciated?

Mr STEPHENS: They would be at a disadvantage; they cannot have it both ways.

Mr MENSAROS: The Government definitely will oppose the amendment which does not make much sense because it involves different descriptions. Firstly, we oppose it because it refers to the time at which the Minister approves the payment for compensation, and then refers to the time when the compensation is assessed. Compensation can be assessed at any time before the Minister approves compensation, and the date of assessment may not be able to be ascertained. In any event, the delays are not related to the time between the approval and the payment, and I do not think the member for Stirling has received complaints about that. If it is claimed that delays occur, they would occur between the time of the claim and the payment, but all these matters are open to negotiation. As I explained in the second reading speech, often a great deal of personal contact, personal inspection and the like, occurs, and that may delay the arrival of the payment of the compensation.

Secondly, the amendment ought to be opposed because it combines the payment of compensation with another provision of the Bill which does not require necessarily that the assessment be based on the value of the property. It stands to reason that the connotation of the word "compensation" relates to lost profit or an injurious circumstance affecting the landowner when he applies.

If for no other but those two reasons, and because it does not make sense, the amendment ought to be opposed.

Mr H. D. EVANS: The point made by the Minister should be acknowledged; three months is not a long time in the processes of departments. Had the member for Stirling proposed a more reasonable period, even 12 months, the amendment would have been more acceptable. For that reason I move—

That the amendment be amended by deleting the word "three", in line 4, and substituting the word "twelve".

Mr STEPHENS: We oppose the amendment on the amendment which would virtually defeat the whole exercise. I moved the amendment, which this proposal intends to alter, on the ground that several farmers had to wait 12 months before receiving compensation which I think is an unreasonable delay. I will acknowledge that compensation is assessed at some stage along the line; however, a claim has to be lodged and a certain amount of paperwork has to be carried out, and the valuer then sees the land and the amount of compensation is assessed. It is from that time that I believe three months is adequate for the sale to be finalised. We will stay with the original amendment.

Amendment on the amendment put and negatived.

Amendment put and a division taken with the following result—

	Ayes 3	
Mr Cowan	Mr McPharlin	
Mr Stephens		*(Teller)*
	Noes 38	
Mr Barnett	Mr Jamieson	
Mr Bertram	Mr Laurance	
Mr Bridge	Mr McIver	
Mr Bryce	Mr Mensaros	
Mr T. J. Burke	Mr Nanovich	
Mr Carr	Mr O'Connor	
Mr Clarko	Mr Parker	
Sir Charles Court	Mr Pearce	
Mrs Craig	Mr Rushton	
Dr Dadour	Mr Sodeman	
Mr E. T. Evans	Mr Spriggs	
Mr H. D. Evans	Mr Tonkin	
Mr Grayden	Mr Trethowan	
Mr Grewar	Mr Tubby	
Mr Grill	Mr Williams	
Mr Harman	Mr Wilson	
Mr Hassell	Mr Young	
Mr Herzfeld	Mr Blaikie	*(Teller)*
Mr Hodge	Mr Bateman	*(Teller)*

Amendment thus negatived.

Clause put and passed.

Clause 6: Sections 12EA, 12EB, 12EC and 12ED inserted—

Mr H. D. EVANS: At line 2 on page 15 the word "may" appears. I think it is a little unfair that where the Minister is satisfied a memorial registered in respect of land serves no further purpose he "may" deliver a notice in writing to that effect to the Registrar of Titles. Would it not be more reasonable if the word was "shall"? If there is a requirement that when a memorial serves no further purpose the Minister shall release it, he is obliged to notify the registrar. Perhaps the Minister has an explanation, but it is hard to understand.

Mr MENSAROS: I can only say that if a provision is included to provide that the Minister "shall", and the Minister through his department does not deliver a notice to the Registrar of Titles, what happens? Should there be a provision that the Minister is liable for a penalty of $1 000? It does not make much sense to me that if the Minister is in error, or something is overlooked, an offence is committed. Opportunity is provided for the Minister, or the department, to make a title clear.

A practical consequence is that if a person is interested in a title, and a memorial is still on that title, he will simply telephone the department and ask for the memorial to be cleared.

Clause put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

In Committee

Resumed from 28 October. The Chairman of Committees (Mr Clarko) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Vote: Miscellaneous Services, $152 554 000—

The CHAIRMAN: Progress was reported after item No. 122 had been discussed.

Item No. 124: Aboriginal Cultural Materials Preservation Committee, $252 000—

Mr PEARCE: I notice this item has a marginal increase from $221 000 to $252 000. If my understanding is correct some of that money is to be used for the acquisition of Aboriginal artefacts, but most of it is channelled through the Museum to provide for officers to travel around the State delineating Aboriginal sacred sites, and mapping them to start the procedure for them to become protected under what little protection remains.

It is difficult to know where the $252 000 will be spent. The breakdown for statutory authorities is not at all clear and it is difficult for members to work out how much of the gross sum voted to a particular organisation is split between worth-while activities and other activities. While a vote can be increased, worth-while activities can be cut back.

If my assumption is correct, the bulk of the vote available for the Aboriginal Cultural Materials Preservation Committee will be spent by Museum officers. If that is the case, it appears the Treasurer will not fulfil the promise given to this Chamber by the Minister for Cultural Affairs when he indicated there would be a vastly accelerated programme in the identification of Aboriginal sacred sites over the next two years so that all sacred sites could be given almost absolute protection. Perhaps the Minister for Cultural Affairs has a vast area of contacts, and has a rapport with the officials of the Museum—a vast army of volunteers—from which he will obtain the information. It seems more likely to me that the increase will provide for only the same amount of work to be done this year, because of the rate of inflation.

I would be interested to hear the Treasurer comment on my assumption. If I am right, what has become of the promised accelerated programme to identify and preserve Aboriginal sacred sites, promised by the Minister for Cultural Affairs?

Sir CHARLES COURT: First of all, could I just explain to the member for Ascot—who is in charge of the front bench at the moment—if there has been any misunderstanding with regard to discussing the Loan Estimates or the General Estimates, we can make an adjustment. I thought we were to run down the notice paper, in view of the fact that questions will be taken at four o'clock. This vote had been partly discussed.

Mr Bryce: I am not aware that my leader made any arrangement.

Sir CHARLES COURT: There is no problem either way; we can report progress if necessary.

To answer the point raised by the member for Gosnells, he raised a query earlier in the debate in respect of how some of these items which are becoming large should be handled. At present they are treated as single items within the Miscellaneous Services vote. I should explain that at the moment the Treasury officers and myself are conferring on ways of adjusting the accounts presented to Parliament so that such items may be more directly situated under the Minister responsible for them and, thereby, permit more information to appear in the printed papers. I cannot be sure as to how that will be done, but I assure the member we are trying to do this so that queries such as the one he raised may be more easily dealt with.

However, I am able to answer his query. I refer particularly to the increase of $31 000. An amount of $34 000 relates to new staff appointments and some salary increases due to flow-on of awards. The amount also includes salary adjustments in 1980-81 of $6 000; that is an estimate of what is likely to be the increase in the normal flow-on of national wage cases. It contains provision of $7 000 for general increases in other operating costs. That makes a total of $47 000. The increase in expenditure was partly offset by additional funds on hand at 1 July 1980 and, therefore, they do not have to be provided this year. That gives a net increase of $31 000.

The member for Gosnells referred to another matter for which the Minister for Cultural Affairs is directly responsible. The matter he raised is not only a question of the State funding, but also a question of the Commonwealth funding which is necessary to step up the programme of monitoring and assessing sacred sites. It is still the policy of the Government to do that, but I cannot be precise regarding the arrangements made between the Commonwealth and the State in respect of the accelerated funding. I will check that with the Minister concerned.

Item No. 125: Aboriginal Lands Trust, $202 000—

Mr PEARCE: We see that estimated expenditure for the Aboriginal Lands Trust this year is $202 000, the same as for last year. Again, it is a little difficult to tell from the Budget figures the extent to which that amount is actually used for the acquisition of land to be used by Aboriginal citizens. If one thing has become very clear in the course of the last year, it is that the hold of Aborigines on their own land is not to be satisfied any longer, at least in the State of Western Australia, by the use of pastoral leases.

It has been indicated to us only too clearly during the Noonkanbah affair and the subsequent amendments to the Aboriginal Heritage Act, that Aborigines can have no security of land tenure unless they own the land in fee simple or something close to it, or have a claim on the land which is greater than the State's.

None of us will easily forget the threats against pastoral leases held by Aborigines made by the Premier, the Minister for Cultural Affairs, and other members of the Government when the Noonkanbah community attempted to protect

their sacred sites. In Western Australia we are very much in the situation where we will have to look at land rights for Aborigines in a much more absolute sense than we have in the past.

I know to mention the expensive, 14-page pamphlet which the Government produced at our expense on the Noonkanbah issue is to deviate from the point. However, the pamphlet argues from a remarkably naive point of view that land rights for Aborigines are not necessary in Western Australia; whereas in fact the whole history of this State since 1880 has been that they are necessary. Since the Government also has been making noises about how approving it is of giving Aborigines some hold on their land, one would have expected to see in the Budget some significant increases—a doubling or trebling—of the money made available to the Aboriginal Lands Trust.

I realise Commonwealth money is involved, and it is very difficult for a member of Parliament confronted with the Budget figure, and nothing else, to say where the money will be spent and to be able to make the deductions I am making. If I am right in assuming that the amount of $202 000 represents lesser expenditure because of inflation, then the Government is showing less interest in the Aboriginal Lands Trust than it showed last year, and that does not bear out the sort of rhetoric we have heard in the Parliament and in the State from the Government during the past year.

Sir CHARLES COURT: The actual amount might appear to have stood still, but in fact there was an offset from the 1979-80 Budget. For the record, let me summarise the figures—

Expenditure increases	$
(a) Inescapable salary costs	8 000
(b) Provision for salary and wage adjustments	2 000
(c) Provision for firebreaks	4 000
(d) Increased funds provided under the Aboriginal advancement programme	29 000
(e) Other general increases in administration costs	15 000
Total expenditure increases	$58 000

That total of $58 000 is offset by a non-recurring expenditure in 1979-80 and an increase in cash balances brought forward of $58 000; so it means we have been able to finance additional expenditure of $58 000 in 1980-81 from those funds.

So far as the acquisition of land is concerned, the Commonwealth Government comes into that very directly. The member for Gosnells gave the impression that Aboriginal people or groups will never get any more pastoral leases. That is not correct. The reason it was suspended is that we have to ensure that in future if there are transfers of pastoral leases to Aboriginal interests, the conditions of pastoral leases will be observed. Aboriginal citizens, of course, are quite free in their own right to acquire land freehold, and some do. The conditions applying to them in those circumstances are no different from those applying to any other citizen. If they buy land freehold they are subject to the same conditions as members of this Chamber.

With respect to Aboriginal reserves, they are protected by Statute and can be altered only by this Parliament. I think the explanation in respect of the finance was the main thing the member for Gosnells was seeking. Again I point out I realise that if these items were not under Miscellaneous Services they would be easier to detail. I can only repeat that we are looking at this.

Item No. 126: Academy of Performing Arts, $215 000—

Mr PEARCE: I am pleased the Premier is attempting to do something about giving more detailed statements to the Parliament in respect of these sorts of things, because some of the amounts involved are not only significant, but also they are expenditures spread over many areas, including statutory authorities which have an independent role in the way they spend their money. If there is to be any parliamentary review at all of their activities it needs to be done when we debate the Budget. It is very hard for members of the Opposition, in the first instance, to catch the figures the Premier throws across the Chamber to us in reply to our queries; and then we have to try to pick up the discrepancies.

I am pleased the Government appears at long last to be doing something about that situation.

The Academy of Performing Arts is an organisation established at the Mt. Lawley College of Advanced Education. It is situated in a separate conservatorium, and I would like to sound a reservation about the way this academy is being put together. I have no quarrel with it being situated at the Mt. Lawley CAE, but for the first time—at least since education funding arrangements have changed and the Commonwealth has taken over full responsibility for tertiary institutions and CAEs—the State Government is putting money into an otherwise Commonwealth-funded college of advanced education in order to diversify into a specific area, in this case the areas of the performing arts.

The Academy of Performing Arts may become quite a reasonable one in terms of its being a department of a college of advanced education. However, the experience of the year or so that it has been operating indicates that the State still requires a conservatorium for the teaching of music and musical instruments in a practical way, with a wider range of instruments. Then we could provide instrumentalists of the required calibre who could ultimately obtain jobs with the WA Symphony Orchestra. Earlier, the Treasurer made the point that one of the problems with the symphony orchestra is that it is not getting the right instrumentalists.

Although I am not quibbling about the approach that the Academy of Performing Arts has taken, it would have to be said that with the levels of funding it is receiving for structuring its courses, particularly in the areas that do not relate to music and musical instruments, we may find we need the benefits of a conservatorium. It may be that in another 20 or 30 years we will find that the academy is doing its job. However, it is growing very slowly. The sum of $215 000 is not a lot for even a small tertiary institution. Putting that money into the Mt. Lawley CAE is a way of having it done on the cheap; and I have no objection to that.

I certainly do not wish to be critical of Mt. Lawley, or the way it is setting up the academy courses. All I am saying is that it may not be an adequate substitute for a conservatorium in Western Australia, unless vastly greater sums of money were to be spent on it.

In my capacity as the shadow Minister for Education, I receive a number of calls and inquiries from people who believe that the time is coming when a conservatorium ought to be established in Western Australia. Whether or not the State Government believes it should be established with State Government money, or whether such a proposal could be carried out in consultation with the Commonwealth, as I believe happens in other States, is something that could be considered in the future. As we do not know how the grant will be put to the Academy of Performing Arts, we are not at all satisfied that the performing arts are being catered for properly by a grant of this size.

Sir CHARLES COURT: I want to place on record the situation regarding this academy, because it has been raised by the member.

First of all, he referred to the symphony orchestra. The Leader of the Opposition and I previously had some discussion across the Chamber on this. I would not like to give the impression that we do not have players of quality in all of the categories, because there are some instruments for which we have a surplus of players of the required standard. We just cannot fit them into an orchestra. The problem is that we do not have the people who can play the particular instruments required. The main problem is to obtain strings players of the calibre needed. That is a problem that is being discussed thoroughly, and it is being sorted out at the moment. We do want to bring the orchestra up to a greater strength.

On the question of a conservatorium, it has been under discussion for as long as I can remember. I have no doubt that one day we will achieve it. However, I thought the community was rather happy about the fact that some progress had been made with the academy. It was started on 3 December 1979. The reason there was no Budget allocation till 30 June 1980 was that the Education Department had to absorb the vote to that point. That made good sense.

The academy will play a major role in the development of the four main aspects of the performing arts: music; dancing; drama arts and theatre; and film and television. Eventually, those arts will attain their own separate stature. It was good sense to use the facilities available at Mt. Lawley. The authorities there were quite happy about it. I had a talk to the people concerned when they launched the project; and they were delighted we were going to take advantage of the facilities there.

I understand that the facilities used are absolutely superb for certain aspects of this work, and they could not be improved. It would be foolish to duplicate those facilities. I appreciate the fact that the member is supporting the vote.

Item No. 128: Art Gallery of Western Australia, $2 598 000—

Mr PEARCE: Here we reach the item which provoked me. We need to have up-to-date information on the funding before we can make a reasoned decision about whether we are in agreement with the allocation the Government is proposing. This is particularly so in the case of the Art Gallery of Western Australia, because there is an increase of something like $750 000. Obviously a lot of that increase has been made necessary by the gallery operating in its new premises for its first full year; and there are associated costs, increases in staffing, and the like.

There has been a considerable amount of debate in recent times about whether the proprieties are being observed in the Art Gallery,

particularly with regard to the staffing arrangements. It appears that although the staff has increased by some 60 or 70 per cent, in fact the professional staff has actually decreased. As the gallery becomes bigger, it seems to require extra gardeners and attendants, and more administrators; but the size of the professional staff becomes smaller. The number of people who are actually working on the art stock becomes gradually less.

Particularly when one considers the number of resignations from the Art Gallery, it seems there are only one or two people now who are competent in the professional areas of the Art Gallery. We have a lot of gardeners, attendants, and administrators who administer the gardeners and attendants; but in fact the artistic side is being cared for by visiting exhibitions. It it were not for the Pompeii exhibition that is currently showing, and other big exhibitions such as the Von Thyssen exhibition, which have been touring Australia in any case and dropped off in Perth on the way, there would be very little happening on the art side.

We do not oppose this allocation; but I ask the Treasurer whether he would provide me, either now or subsequently, with the data that he has on the financing of the gallery in the current financial year so I can more properly understand the figures. The latest report tabled in the Parliament was the report for 1978-79, which was tabled a few weeks ago. With the new Budget, that report is effectively 18 months out of date. I do not have the figures for the year 1980-81; and I am interested in the expenditure incurred during 1979-80.

We should know what is going on in the gallery regarding the expenditure priorities, and the way the gallery is going about its administration. One is not able to learn that from the figures. As there has been an increase of $750 000, we need to know how it is to be spent. Will it be spent on the artistic side, or for administration? I ask the Treasurer whether he would be prepared to make available to me more detailed information than we have.

Mr DAVIES: I endorse what the member for Gosnells has said. His comments highlight some of the things I have been saying lately. We are left with little to do but talk about the Budget, and then to rubber stamp it. That is not very satisfactory.

The Art Gallery has become a great centre of attraction. As the Minister for Cultural Affairs indicated the other day, it has attracted a large number of visitors since it was opened. We hope that interest will be maintained. As the member for Gosnells said, unless there are special shows to attract people to the gallery, it is hardly likely there will be a continuing stream of people calling at the gallery.

The increase of $750 000 for this year leaves us wondering how it will be spent. I will be talking about the Library Board later, because there is a great deal of worry about the amount of money being made available for libraries.

I notice that the amount for that item has been increased, but I do not think it is sufficient to keep pace with the expanding number of libraries. This matter was of great concern at a seminar held last week at which several of our members were present. The member for Welshpool was present and made the comment that he would rather see more money spent on books than on pictures, and his remarks were roundly applauded by all those present. I endorse his remarks.

We have a large selection of pictures available which we can display and change from time to time, if there is the professional competence within the Art Gallery to restore properly and display the various paintings, etchings, sketches, and sculptures. According to the member for Gosnells, there is doubt as to whether or not there is that professional competence available. It could be that the member for Welshpool is correct and that there would be a greater benefit to the whole community if more books were purchased. Certainly I agree with and endorse his remarks.

Perhaps the Treasurer can tell us how it is proposed to spend this extra $750 000. We are not complaining about the money being spent, but we would like to see it spent in the right direction and to see it put to the best possible use.

Mr JAMIESON: It had been my intention all along to raise this matter already mentioned by the Leader of the Opposition with respect to the comparative increase in allocations to the Art Gallery, the Museum, and the Library Board. The allocations have caused some embarrassment in the community. I have written to the Minister in charge of the Library Board to point out just how embarrassed people are becoming. I do go along with the sponsorship of the arts; it is a very paramount, socialistic step.

Mr Davies: That has put the kiss of death on it.

Mr JAMIESON: The Treasurer might not like to go along with socialism, but he has to in so far as the arts are concerned. I do not want to see less money spent on the arts; I want to question what area is the most deserving: Pictures for the Art Gallery or books for the library. We have the beautiful gallery in which the Pompeii exhibition

is now showing; but if people have books in their local libraries they are able to read about the subject and gain knowledge of it, whereas only a few people will be able to attend the exhibition.

These more exotic arts are important in our cultural life, but they are not as important as the maintenance of a decent library system. We are in the rather unusual situation in Queen's Park in my electorate where this year the local authority, on the advice of the Library Board, is building a $440 000 library, but it has no books to put in it. The ratepayers scream like hell at the local authority for its misjudgment; but there was no misjudgment as it acted in good faith.

If there is to be a cut-back in finances it must be shifted towards the finer arts and not the basic arts. I would like the Treasurer to consider rechannelling some of the money in order to help the Library Board so that it may at least be able to honour its promises and not have to refuse to help the authorities to which it has given assurances.

There has been a $500 000 increase to the Art Gallery which was allocated $2 million last year, whereas the Library Board is to receive just $500 000 although it was allocated $5.7 million last year. The Library Board's allocation is hardly keeping pace with inflation and its requirement to maintain its general work, without assisting any new ventures.

In drawing up the Budget the Treasurer has miscalculated the basic organisations which should receive certain allocations; he has given too much to the finer or more distinguished arts and left the basic arts too much in the red. I would like to think the Treasurer would be prepared to rethink some of these allocations as it would make many people happy.

Sir CHARLES COURT: All Governments maintain a balanced programme in respect of their allocations to bodies such as those mentioned. We can never please everybody all the time, nor can we make the same allocations all the time. If anyone from the Library Board is prepared to say publicly that it has not been very generously treated by the State Government over the past few years, I would be very much surprised.

Mr Davies: I think you should wash out your ears, as they have been saying it loud and long.

Sir CHARLES COURT: We cannot take a year in isolation. The Library Board has been very generously treated by the Government, by both myself and the Under Treasurer in particular. We believe it has given a fine service. Professor Alexander is a very outstanding person and has done some fine work.

We made a commitment, to which some people made objection, to have a new building established which will house the services to make sure the board will be able to cope with the needs of this State in the future. Whilst it has not received all the money it would like, we do appreciate it is caught up in the tremendous increase in the costs of books. Nevertheless, over the years—and we have to consider more than just one year—the board has been generously treated. On the other hand, it is only natural when we have a magnificent new gallery, we have to meet the running costs.

I reject any suggestion that the present Art Gallery is not professionally run and does not have the adequate professional competence required. In addition to the actual dollars and cents in the Budget allocation to the gallery, it must be realised that no other organisation has gone to so much trouble over the last couple of years to go out and get outside help. The gallery has received a prodigious amount of works from public donors, which has meant gifts of permanent value to the community of this State being housed in the gallery.

I would like to correct the member for Gosnells about the visiting art collections. The Von Thyssen collection was brought to Australia to be exhibited primarily in Western Australia. The necessary negotiations were carried out because Baron Von Thyssen-Bornemisza wanted to make a gesture to this State in connection with two things: the State's 150th Anniversary and the opening of the gallery. If any other State received the benefit of an exhibit of these works it was purely because the exhibition was attracted to Western Australia in the first place. This will continue to be the case now that we have a gallery which can give the required security to these great works of art. I emphasise that so far as the State Government is concerned the gallery does have the professional competence expected of such establishments.

I emphasise again that the State Government has treated the Library Board generously. There has always been a lot of consultation between the board and the Treasury. Over the years the board has been able to represent the problems of increasing demands and obtain supplementary grants. It will not be able to be helped further in this year because the money is not available, but I ask members to look at the matter in its total perspective.

Referring to the increase this year, the member for Gosnells asked me whether I could let him have the details. I am only too pleased to do so. Indeed, the matter has been raised by the Leader of the Opposition and I might as well record the details in *Hansard*. They are as follows—

The increase is the result of—

(a) The estimated full year cost of staffing and operating the new Art Gallery which opened in October 1979; and
(b) A decrease in balances carried forward and funds available from sources other than the Consolidated Revenue Fund.

Details of the net increase in expenditure are as follows—

		$
(a)	Flow-on costs of awards granted and new staff appointed during 1979-80	207 000
(b)	Provision for salary and wage adjustments during 1980-81	34 000
(c)	Contingency costs associated with the full year operation of the new Art Gallery, including $169 000 to cover the cost of oil for air-conditioning which was paid by the Public Works Department in 1979-80	245 000
(d)	Loan servicing costs	50 000
(e)	General increases in other operating costs	49 000
(f)	Decrease in other funds and balances carried forward partly offset by non-recurring expenditure during 1979-80	139 000
	Total	$724 000

I can only come back to the point that this item relates to one of the activities which I agree should be spelt out in more detail, but it has traditionally found itself in the category "Miscellaneous". When such activities become more expansive I agree they should be covered by more detailed information either in the Budget or in annual reports.

Mr PEARCE: I thank the Treasurer for that information, but perhaps he will concede it is not revealing information when one talks about cost increases in this area. Even if I were to have a breakdown of expenses for last year's operation of the Art Gallery it would not make sense to me because the only other breakdown I have is the one available from the year before because of the slow preparation of the gallery's reports. I ask the Treasurer whether he is prepared to give a little further information than that and make available to me the proposed budget for the gallery this year and its own breakdown of expenses on which the Treasury would have relied to compile the single figure we have before us. In light of the controversy that has surrounded the gallery, that budget should be made available to me and, preferably, to the whole Parliament because other members may have an interest in it.

As a point of rebuttal to what the Treasurer said about the professional and competent people required to run the gallery, let me say that he seems to be talking about an administrator and not someone with more interest in art. He spoke of administrators who are able to organise cleaning, and dollars and cents, and the like, but who do not know enough about art to run the gallery properly. People who have a good number of qualifications in regard to art galleries are not necessarily artistic people. That is a point which the Treasurer does not seem to appreciate.

I interjected to ask him about the people who left the gallery and what artistic qualifications they had. He did not hear me, or ignored the interjection. A couple of artistic people are still left, but the ranks are rather thin. A year or two ago six or seven were there.

I am unable to say the Von Thyssen exhibition was specifically created to tour Western Australia. I can say the exhibition for the opening of the gallery was composed largely of fake paintings, and so the exhibition went to South America first and the lady who offered the collection declined then to send it to Western Australia. A controversy was building up as to how fake were these fakes.

Mr Davies: How fake can one get?

Mr PEARCE: Some were genuine fakes and some appeared to be fake fakes. We were on the border of having a scandal of world-wide proportions which would have made the gallery a laughing stock.

Mr Grayden: That is not so. It happens in virtually every part of the world.

Mr PEARCE: Where?

Mr Grayden: If you looked at the front page of one of the editions of *The Australian* you would find information in that respect.

Mr PEARCE: The Minister believes that if we are to have fakes, we should have fakes from a world-wide known collection of fakes.

Mr Grayden: I am telling you that is what happens.

Mr PEARCE: That is the sort of thing we expect from the Minister for Cultural Affairs who has made such an impact on that portfolio.

Mr Tonkin: And he is called the Minister for Cultural Affairs.

Mr PEARCE: As my colleague the member for Morley pointed out, only in this State could the Minister for Education be customarily referred to as the Minister for Cultural Affairs.

The CHAIRMAN: I ask the member for Gosnells to relate his remarks more closely to the item.

Mr PEARCE: Yes. I will stop on that point; however, I reiterate that I request the Treasurer to make available to me a detailed budget of the gallery's operations for next year.

Sir CHARLES COURT: We have had quite a wide ranging canvass from the member for Gosnells. I must say quite categorically that I am not prepared to be as presumptous as he is and set up myself as a judge on the professional competence of the people administering the gallery. As far as I am concerned, and on reports I have received, they are competent people and have done a remarkable job. Why he should raise the matter of fake paintings coming into Western Australia, I would not know. We had a wonderful exhibition here. I thought he would have been grateful for that. I assure him that the Von Thyssen exhibition was brought here for that exhibition. He would know that the owner of it very generously donated a picture of very great value which will be a lasting asset so far as the Art Gallery is concerned.

However, on the question of the budgets, I would not make a categorical commitment. What I will do is discuss with the Treasury and the Minister for Cultural Affairs the normal procedures of the Art Gallery and what we should do next year about a revised presentation of this item amongst others in the Budget. I have made a note to correspond with the member.

Progress

Progress reported and leave given to sit again, on motion by Mr Parker.

QUESTIONS

Questions were taken at this stage.

SKELETON WEED (ERADICATION FUND) AMENDMENT BILL

Message: Appropriations

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

GOVERNMENT RAILWAYS AMENDMENT BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [4.41 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to equip the Western Australian Government Railways with appropriate commercial powers to respond to competition from other providers of transport, to ensure that Westrail can respond to the needs of its users in an efficient, competitive transport system.

In framing the Bill, the opportunity has been taken also to make amendments in a number of unrelated areas where the provisions of the existing Act have become outdated.

I will deal firstly with those amendments which are necessary to give Westrail more commercial freedom.

Members will recall that, at the end of last year, the Parliament passed legislation to amend the Transport Commission Act, as it was then called, in order to prepare the way for the introduction of the new land freight transport policy.

Under the provisions of section 34 of the Transport Act, as it is now called, certain controls on the transport of goods by road were removed on 14 April this year. This was the first step in what will be the progressive removal of a great many road freight regulations.

The speed at which we can remove these regulations will be determined largely by the speed at which Westrail's role can be changed towards that of a responsible and responsive commercial organisation, actively marketing its services.

When I introduced the earlier Bill in November last year, I spoke of the need for us to avoid the policy mistake that some other States and countries have made: This Government will not unleash ever-increasing road competition on a railway system which is unprepared to respond to the competition. Amendments to the Western Australian Government Railways Act are therefore necessary to give Westrail greater

independence of management when and where competitive market conditions apply.

The matters which require immediate attention are the provision of greater freedom to Westrail's management in the setting of freight rates for those traffics which are opened to user choice and changing the function of Westrail from a provider of rail services to that of a transport operator and a "packager" of transport services using either of the land transport modes.

Perhaps members will get a good idea of the need for these amendments if I recount what I heard one road transporter say recently at one of the country meetings I attended. When he was asked his rate for doing a particular transport job, he replied, "My rate is $1 less than the Westrail rate." Under the existing Government Railways Act, the Commissioner of Railways is required to give notice in the *Government Gazette* of any changes in Westrail's scale of charges, although certain "special" charges, as defined by the Act, are exempt from this requirement. All this operator did was find out the Westrail rate from the *Government Gazette* and then undercut that rate by the smallest amount necessary to take the job from the railways and, under the Act as it now stands, there is little Westrail can do in response.

The Bill will relieve the commissioner of the requirement to publish a scale of charges for those traffics which are opened to user choice. These traffics will be defined under section 34 (1) of the Transport Act and the range of goods and the zones in which they can move will be progessively extended as the new policy is implemented. In short, the Commissioner of Railways will be required to continue to publish "gazetted rates" for traffics regulated to rail, but a similar requirement will not apply to traffic opened to competition.

By virtue of the amendments contained in the Bill, the Railways Commission will also be required to charge freight rates for freed traffics which are, at least, sufficient to cover the costs directly attributable to the carrying of those traffics.

To enable Westrail to become a "packager" of transport with the ability to provide door-to-door services, it will be necessary to grant to the Railways Commission certain powers in relation to the operation of road vehicles.

At this point, I want very clearly to state the Government's policy on the operation of road vehicles by Westrail. Under the new competitive conditions, the Government does not wish to see Westrail a "prisoner" of its rails, unable to offer a full door-to-door service because the service involves a road journey at either or both ends of the rail journey. But, equally, the Government does not want to see Westrail spending public money to buy or lease road trucks in those cases where private enterprise is offering road services at reasonable cost and adequate standards. Westrail is primarily a rail operator, and it should use road transport principally to facilitate its rail transport operations. Members will see this policy quite explicitly reflected in the Bill.

There should be sufficient capacity in the road transport industry to ensure that Westrail will be able to secure the services of subcontractors at competitive rates. However, if circumstances arise where road services are not available at suitable standards or rates, the Railways Commission by virtue of the amendment will be empowered to use its own road transport vehicles.

Where the commission decides to use its own road vehicles, it will, within 14 days of its decision to commence the service, be required to notify the Commissioner of Transport of its decision. If need be, the Commissioner of Transport may then either seek further information concerning the service or refer the matter to the Minister who will direct whether the service can proceed or is to be discontinued.

From the outset of the implementation of the new policy, the Government has made it clear that while competition shall be the major means of evolving a system which makes the best, least-cost use of transport resources, the system would be monitored to ensure that no users are unduly disadvantaged. To assist in identifying changes which may create undue hardship for users, the amendment provides that where the Railways Commission operates a service for freed traffics, it must give 14 days' notice to the Minister of its intention either to increase charges in relation to the service or withdraw or downgrade the service.

If Westrail is to be progressively freed of pricing constraints it will be necessary to relieve the Railways Commission of the common carrier obligation. A common carrier may be defined as—

> a person or organisation which is ready to carry passengers or goods for hire as a business and holds out to be a common carrier no matter the client. Such a business does not have the right of selection but may refuse to accept goods provided a lawful excuse can be given—for example, that it does not carry a particular kind of goods or it does not service a particular destination.

Westrail must have the ability selectively to accept traffic in a competitive environment, otherwise it will be inhibited in its efforts to restructure its assets and operations around those activities which it can undertake profitably. The Bill therefore provides for the removal of the common carrier obligation in respect of freed traffics. As the definition of freed traffic is progressively widened pursuant to section 34 of the Transport Act, so the common carrier obligation will be progressively removed.

In line with the commission's new powers in relation to pricing and the operation of road vehicles some consequential minor changes in wording will be required in other areas of the Act and these amendments are contained in clauses 2, 4, and 6 of the Bill.

I mentioned earlier that in framing the amendments to the Government Railways Act in line with the new transport policy, the opportunity was also taken to examine a number of other unrelated areas where the existing provisions have become outdated. I will briefly outline the changes proposed in these areas.

Several of the clauses in the Bill are designed to increase maximum penalties to bring them into line with the general maximum of $200 for a breach of a by-law. The last increases were in 1960 and of recent years their inadequacy has been the subject of comments by magistrates. Generally the increases will relate to penalties for interference with or misconduct on railway land or property—the avoidance of fares—and the illegal sale of tickets.

The Bill will dispense with the need to convene the full Railway Appeal Board within 30 days after the lodging of notice of appeal, when all parties are agreed that only an adjournment to a later date is required.

Finally, under the existing Act, on every occasion when action is taken against offenders, the prosecutor must prove that the railway has been declared open. Obtaining this proof is often time consuming and in some cases involves searching through *Government Gazettes* dating back to the last century and also producing evidence of the change of place names. The Bill will relieve the prosecutor of this task.

In summary, this legislation is necessary to enable Westrail to perform effectively in a competitive transport environment and to change those parts of the Government Railways Act which have become outdated.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

House adjourned at 4.50 p.m.

QUESTIONS ON NOTICE

1298 and 1315. *These questions were further postponed.*

GOVERNMENT WORKS

Private Enterprise

1336. Mr DAVIES, to the Minister representing the Minister for Fisheries and Wildlife:

Will the Minister list those general work areas within his portfolio which were carried out by Government employees prior to March 1974, but are now carried out—

(a) solely by private enterprise, or
(b) as a mixture of Government and private enterprise?

Mr O'CONNOR replied:

(a) and (b) There are none.

GOVERNMENT WORKS

Private Enterprise

1337. Mr DAVIES, to the Minister representing the Minister for Lands and Forests:

Will the Minister list those general work areas within his portfolios which were carried out by Government employees prior to March 1974, but are now carried out—

(a) solely by private enterprise, or
(b) as a mixture of Government and private enterprise?

Mrs CRAIG replied:

(a) and (b) The information is being collated and the member will be advised when it becomes available.

GOVERNMENT WORKS

Private Enterprise

1338. Mr DAVIES, to the Minister representing the Attorney General:

Will the Attorney General list those general work areas within his portfolio which were carried out by Government employees prior to March 1974, but are now carried out—

(a) solely by private enterprise, or
(b) as a mixture of Government and private enterprise?

Mr O'CONNOR replied:

(a) and (b) Nil.

BUILDING INDUSTRY

Builders' Registration Board: Annual Report

1339. Mr DAVIES, to the Minister for Consumer Affairs:

(1) Is the latest annual report of the Builders' Registration Board completed?
(2) If so, has he received it?
(3) When will it be tabled?

Mr O'CONNOR replied:

(1) Yes.
(2) Yes.
(3) The Builders' Registration Act does not require it to be tabled.

PRISONER: LIONEL CRUTTENDEN

Compassionate Leave: Breach of Conditions

1340. Mr PEARCE, to the Chief Secretary:

(1) Has Lionel Cruttenden previously been in breach of the conditions of his weekend leave, voluntary work leave, or attendance at the West Perth relief centre?
(2) If so, what penalty was imposed in each case?

Mr HASSELL replied:

(1) Not to my knowledge.
(2) Not applicable.

HOSPITAL

Dongara-Denison Area

1341. Mr CARR, to the Minister for Health:

What are the intentions of the Government with regard to the provision of a hospital to serve the rapidly growing Dongara-Denison area?

Mr YOUNG replied:

The Government has no plans for the provision of a hospital in the Dongara-Denison area within the next five years. Should the population statistics alter from their present trend, this policy will be reviewed.

Both structural and medical improvements have been made to the present nursing post to ensure that current medical needs are met.

HOUSING

Geraldton

1342. Mr CARR, to the Honorary Minister Assisting the Minister for Housing:

Further to his answer to part (2) of question 826 of 1980 concerning the State Housing Commission's construction programme for Geraldton, can he now advise the details of the 1980-81 programme?

Mr LAURANCE replied:

The State Housing Commission's 1980-81 construction programme for Geraldton is 10 aged persons' units.

QUESTIONS WITHOUT NOTICE

CONSERVATION AND THE ENVIRONMENT

EPA: Chairman

392. Mr BARNETT, to the Premier:

It is becoming a little like Blue Hills, but maybe tonight is the night I will receive an answer. My question relates to the Environmental Protection Authority. A report in the *Daily News* today changes the question I am asking, which is as follows—

(1) Can the Premier confirm or deny the report that Mr Colin Porter has been sacked from the position of head of the Environmental Protection Authority?

(2) Can the Premier advise whether this is true and if it is why it was necessary?

(3) Can the Premier advise the House if it is the Government's intention to introduce legislation in this session of Parliament which will alter the structure of the EPA?

Sir CHARLES COURT replied:

(1) to (3) I know nothing about the significance of the statement about the resignation or retirement of Mr Porter. It is news to me.

Mr Davies: As Chairman of the EPA, not as director.

Sir CHARLES COURT: It is news to me. As far as I am concerned there has been no decision made by the Government to retire or dismiss Mr Porter or for him to retire himself. So, I do not know the significance of the question.

Mr Davies: Has there been any decision made to replace him as chairman?

Sir CHARLES COURT: With regard to the second part of the question, I cannot say, "Yes" or "No" as to whether there will be legislation introduced this session. I know that disappoints him because he and I would like to terminate this saga.

Mr Barnett: When do you think it might be opportune for me to ask this question?

Sir CHARLES COURT: The member would be a "dead cert" if he asked it this time next week.

RAILWAYS

Wagons: Private Contract

393. Mr DAVIES, to the Minister for Transport:

(1) Is it true that a contract has been let for 35 WFA flat top railway wagons to a private company?

(2) Are these wagons the same as the 18 wagons currently being built by the Midland workshops?

(3) What tenders were called for the wagons and did Westrail tender?

(4) If so, could he advise us of the prices of the contracts and tell us why Westrail was not selected as the successful tenderer when it is geared up and has all the necessary jigs to construct these wagons?

(5) Is the Minister aware that if this action is correct it is likely to cause an industrial stoppage and therefore the Government should do something about it?

Mr RUSHTON replied:

(1) to (5) I will quote the information I have in my mind and if the Leader of the Opposition wishes further details I will supply them. Firstly, in regard to the 35 wagons which are involved in a contractual arrangement, the union has seen me about this matter and the commissioner has reported the position and decisions have been made. Westrail has indicated to me that the Midland workshops have a full programme of new construction to be completed and that there is a backlog of maintenance work which has to be carried out. It is desirable that that work be brought up to date, so for the moment it would not be appropriate for further new construction to be carried out at the Midland workshops.

It is apparent from the question asked that the company is aware of its successful tender and that the company will construct the wagons in Western Australia.

With the knowledge that the Midland workshops have a full programme and they are behind with their maintenance I would be very unhappy if the men there went on strike over this issue because they do know that there has been a considerable commitment undertaken by the Government to upgrade the facilities at the Midland workshops. Close attention has been given to the very issue that the Leader of the Opposition has raised and it is because of Westrail's advice—that the maintenance programme would be further delayed at the present time—that this decision has been made. Consequently the contract for the 35 wagons has been let to a local construction company in Western Australia.

ROAD

Leinster-Leonora

394. Mr Blaikie (for Mr COYNE), to the Minister for Transport:

(1) Is the Minister aware that heavy vehicular traffic from Leonora is experiencing immense difficulties in maintaining an effective service into Leinster? Subcontractors are reluctant to undertake work in this locality because of the serious deterioration of long stretches of the road surface.

(2) Further, is he also aware that the transport of nickel concentrate from the Agnew mine site to the rail terminal is being adversely hindered by escalating and costly breakdown occurrences to the road train contractors? Costs are currently running at 64 per cent above previously projected estimates.

(3) Bearing in mind that the new road alignment through Teutonic Bore will not be trafficable to Leinster until 30 June 1981, does he not consider that it is of vital consequence to maintain the present route to a reasonable standard of serviceability?

(4) As a matter of urgency would the Minister arrange for senior officers to make an on-the-spot assessment with the object of speedily alleviating an intolerable situation?

Mr RUSHTON replied:

(1) and (2) As a result of above average rains earlier this year, particularly over the May-June-July period, the Leonora-Leinster Road was closed to the operation of road trains on numerous occasions totalling in all almost two months.

(3) and (4) Maintenance of the road is normally undertaken for the Main Roads Department by the Leonora Shire Council.

The road was inspected by a senior engineer of the department recently and arrangements made for the council to grade the road.

The road was inspected again on Wednesday, 5 November when some 30 kilometres of the road had been graded. However, there are some corrugated and rougher sections, and some short sections where dust holes are developing which are receiving attention.

The shire council is continuing to grade the road and will commence gravel sheeting the rougher sections and dust holes immediately.

EDUCATION: HIGH SCHOOLS

Rockingham and Safety Bay

395. Mr BARNETT, to the Minister for Education:

(1) Is it a fact that the remedial teacher at Safety Bay High School has left and that the temporary replacement is not qualified for the job?

(2) Is it also true that the remedial teacher at Rockingham High School has left?

(3) As this appears to leave a substantial number of students without remedial teaching assistance, will the Minister initiate immediate action to provide these facilities for my constitutents?

Mr GRAYDEN replied:

(1) The replacement teacher at Safety Bay is fully qualified for the job.

(2) and (3) Attempts are being made to replace the remedial teacher at Rockingham High School.

RAILWAYS

Westrail: Controller of Stores

396. Mr McIVER, to the Minister for Transport:

My question to the Minister is completely without notice. However, I am sure he will be able to advise the House of the reason for the apparent delay in appointing a controller of stores at Westrail, as two months have elapsed since the applications closed. My question is as follows—

(1) Will he please advise whether there is any substance in the rumour that an Army major will be appointed to the position when he completes his Army service?

(2) If the answer to (1) is "Yes", would not the appointment be a reflection on senior Westrail officers who have served loyally for many years?

(3) When will the position of chief clerk in the stores section of Westrail be filled?

Mr RUSHTON replied:

(1) to (3) The member for Avon has asked a number of questions, and to obtain full details, I ask him to put his question on the notice paper. In the meantime, I will reply to him with the information I have.

He is referring to a senior position at Westrail, and steps have been taken to fill it. I am aware that the matter is not finalised yet, and when it is, I will let him know the details. It would be wise to put the question on notice so that I may answer the question in full. I understand many applicants applied for the position, and of course, a lot of review was necessary.

Mr Davies: I think it will be announced tomorrow. The heads of branches conference will be held. I can help you out there.

Mr RUSHTON: I thank the Leader of the Opposition.

Mr McIver: What about the major? Is there any substance in that rumour?

Mr RUSHTON: I am aware that there is an applicant with that background, but it is a matter of reaching finality. It should not be long before a decision is reached.

Mr McIver: A shocking thing!

SHIPPING: STATE SHIPPING SERVICE

Stevedoring Operations

397. Mr PARKER, to the Minister for Transport:

I would like to ask the Minister a question of which some notice has been given. I apologise in advance for its length. The question is as follows—

(1) Is it still the intention of the State Shipping Service to hand over its stevedoring operations in the Port of Fremantle to a private stevedoring company or companies?

(2) If so, which company or companies and what is the planned changeover date?

(3) At Fremantle does the SSS currently handle the stevedoring operations both on ship and on shore, and additionally handle the wharf receival and delivery of cargo, cart notes, etc., and repair maintain, and make appropriate gear?

(4) Are all these functions to be handed over to the private stevedoring operator?

(5) If "No" to (4), what aspects are to be handed over and what are to be retained?

(6) What employees will transfer in employment and to whom?

(7) Will all 17 foremen stevedores transfer to the private operator?

(8) What will happen to those five foremen who are in the State Government Superannuation Fund with respect to their entitlements in that fund, and in particular to the one who is due to retire in a matter of months?

(9) Did the Minister in a letter to the TLC in January of this year advise that there was to be "No reduction of work, no redundancy and . . . no employment or entitlements disadvantage to those employees proposed for transfer"?

(10) Is it the case that under the current proposals—

(a) Those foremen who are in the Government superannuation scheme will be considerably disadvantaged by having to leave that scheme and join the private scheme.

(b) It is not proposed either to pay out, or transfer to the new employer all the sick leave benefits standing to the credit of all the employees.

(c) The foremen's long service leave entitlements—currently 10-10-7 will be reduced to 15-10-10?

(11) Do not the above result in "entitlement disadvantage" to those employees concerned?

(12) Will the Minister instruct the SSS to carry out the advice given in his letter to the TLC?

(13) What guarantees of continued employment do the foremen have and for how long?

(14) For how long does the contract with the private operator concerned last and how is it proposed to be reviewed?

(15) Will the private operator be able to transfer the foremen concerned to other areas of its operations?

(16) Is it true that the Fremantle Port Authority approached the SSS and offered to take over its shore stevedoring operations?

(17) If "Yes", what was the response to this, and why?

(18) Will the Minister ensure that proper negotiations at the highest level are held between the SSS and the Australian Foremen Stevedores Association on these matters before any transfer takes place?

Mr RUSHTON replied:

I would like to point out to the member for Fremantle that my copy of the questions may vary slightly from his. I hope the answers will match up. The reply is as follows—

(1) Yes.

(2) Smith Patrick Stevedoring (W.A.) Pty. Ltd.—Monday, 1 December 1980.

(3) Yes.

(4) Those of the functions now performed by members of the Australian Foremen Stevedores Association and by members of the Waterside Workers' Federation of Australia will transfer with those employees to the private stevedoring company.

(5) Answered by (4).

(6) Arrangements have been been made for all members of the Australian Foremen Stevedores Association and Waterside Workers' Federation currently employed by State ships to transfer to Smith Patrick Stevedoring (WA) Pty. Ltd.

(7) Yes, unless any choose not to take advantage of the arrangements made, and either elect to retire or seek alternative employment.

(8) Payments will be in accordance with the Western Australian Government Superannuation and Family Benefits Act.

(9) Yes, in relation to the proposals at that time whereby six members of the Australian Foremen Stevedores Association were to be retained by the service in respect of the receiving and delivery function. I am informed that those proposals were rejected by both the AFSA and WWF.

(10) (a) This cannot be determined as it is difficult to make a valid comparison between the Government superannuation scheme—being a pension scheme—and the industry retirement fund, or the private stevedores scheme, both of which are open to the employees concerned.

(b) No.

(c) Yes, but the employees will receive a loading of currently 27½ per cent on long service leave paid by the private employer whereas this is not the case under Government long service leave conditions.

(11) Answered by (10).

(12) Not applicable. See answers to (9) and (10).

(13) The transfer of the function will create new work opportunities for the foremen who are currently idle when there are no State ship vessels in port.

(14) Initially two years, and thereafter subject to review by the commission.

(15) Yes.

(16) No.

(17) Not applicable.

(18) It is my understanding that such negotiations have been conducted for some time under the auspices of the Association of Employers of Waterside Labour (AEWL).

ROAD

Pilbara-Tom Price

398. Mr SODEMAN, to the Minister for Transport:

(1) Is it intended to erect armco safety railing on sections of the Pilbara-Tom Price Road?

(2) If so, to what extent and when is the work scheduled to be completed?

(3) Due to the nature of the material used on sections of the subbase between the Tom Price golf course and Barlow Bridge the road could be dangerous during the coming wet season. Is it possible to prime and seal this strip of road as a matter of urgency?

(4) Will the Minister undertake to inspect progress on Pilbara roads as soon as possible?

Mr RUSHTON replied:

I thank the member for Pilbara for adequate notice of his question. The reply is as follows—

(1) Yes.

(2) Subject to delivery of materials, 1 200m in two sections should be completed prior to Christmas 1980.

(3) It is proposed that the whole road will be primed by August 1981. Gravel sheeting of troublesome sections is planned prior to Christmas 1980.

(4) Yes.

HOUSING

Glendalough

399. Mr BERTRAM, to the Minister Assisting the Minister for Housing:

(1) Has he received a petition dated 3 September 1980 signed by a number of residents of Pollard Street, Glendalough?

(2) If "Yes", what action has he taken or will he take concerning the matters raised in that petition?

(3) If "No", will he check with his office urgently and arrange for his office to advise him as soon as the petition is received so that he may deal with the matter urgently?

(4) If "No", why not?

Mr LAURANCE replied:

(1) No.

(2) I will investigate the matter when the petition is presented to me.

(3) Yes.

(4) Answered by (3).

PRISONER: LIONEL CRUTTENDEN

Compassionate Leave: Breach of Conditions

400. Mr PEARCE, to the Chief Secretary:

I would like to seek some clarification of the Chief Secretary's answer to my question 1340 today. I asked him in essence whether Lionel Cruttenden had been previously in breach of the conditions of his weekend leave or attendance at the West Perth Relief Centre. When I asked a similar question on an earlier occasion the Chief Secretary replied, "Not to my knowledge". I then gave him an opportunity to check departmental files on the matter, and so I asked the question again today and he answered, "Not to my knowledge". I ask him now: Was he replying, "Not to my knowledge", after my having asked the first question—that is, not to his present knowledge—or not to his knowledge after he had checked the departmental files?

Mr HASSELL replied:

As is usual with questions put on notice, the answer was checked with the department. To my knowledge, and in accordance with the records checked, there is no evidence of the events about which the honourable member raised questions.

TOURISM

Tourist Industry Forum

401. Mr BLAIKIE, to the Honorary Minister Assisting the Minister for Tourism. I ask:

I notice that tomorrow the Minister is chairing a travel industry forum think-tank at the Perth Function Centre. My question is as follows—

(1) How many people were invited to attend that function?

(2) Can he indicate how many people have accepted, and what has been the response to the project of persons involved in the Western Australian travel industry?

I also note invitations were extended to two important tourist entrepreneurs; namely, Mr Keith Williams, from the Gold Coast, and Mr Bob Ansett. What has been their response to attend the function? Is there any further information the Honorary Minister can relate to the House on what I believe is a very important occasion?

Mr LAURANCE replied:

(1) and (2) I thank the member for Vasse for asking the question, and giving me the opportunity to inform the House that the response to the tourist industry forum to be held tomorrow has been excellent. Some 200 members of the Western Australian industry have responded and have indicated they intend to accept my invitation to attend this open forum. It will enable them to discuss with the Government their ideas for the promotion of the tourist industry in this State in the years ahead.

This is a genuine experiment to get the industry to talk directly to Government, to make sure the challenges for the tourist industry which lie ahead are met on a co-operative basis.

It is true that two guest speakers, namely, Mr Bob Ansett and Mr Keith Williams, were invited to address the forum, and I was looking forward to hearing them speak tomorrow. Unfortunately because of the Transport Workers' Union stoppage, that now appears very doubtful.

Mr Pearce: They could get a hire car.

Mr LAURANCE: Yes, they could have a "Budget" trip across! I have not yet closed the option of those gentlemen attending tomorrow. However, one way or the other the tourist industry forum will still go ahead tomorrow because the vital element of the tourist industry talking with me, as the Honorary Minister, will still apply. It is a pity that we may be without the guest speakers because they are key people in the tourist industry in Australia.

It is disappointing that this forum may be disrupted by the Transport Workers' Union, because one of the prime aims of the forum is to promote greater travel to this State which, in turn, would bring greater employment to TWU employees.

Mr Barnett: Mr Speaker—

The SPEAKER: Order! I will allow two more questions, one from the Leader of the Opposition and one from the member for Mt. Marshall.

WEDGE ISLAND

Bombing Practice

402. Mr DAVIES, to the Premier:

I know the Premier would be disappointed if I did not ask this question. Has the Premier been able to do any research into the resumption of land at Narrow Neck and, if so, with what result?

Sir CHARLES COURT replied:

I gather from the Leader of the Opposition's questions that he wants to know whether I have received any correspondence from people regarding military activities in that area. I have been unable to find any correspondence from the people concerned in that area. I gather from what the Leader of the Opposition said when asking his questions on this matter that he had received, I think, six letters.

Mr Davies: It has doubled since then.

Sir CHARLES COURT: I have not been able to locate any such letters. I will now ask the under secretary to ascertain whether any other Minister, such as the Minister for Lands, has received any such letters. However, when we spoke to them this morning they indicated they had received no communications from the people concerned.

A point raised in a previous question by the Leader of the Opposition related to the nature of the industry of Forrest and Hagel. I understand it has gone into the records as "Hazel" and I take this opportunity to correct the matter. As I suggested by interjection, the Leader of the Opposition—and most of us—would know this company but I now realise he would know it better as Forrest Farms of Kununurra. It was one of the farming companies assisted under the guarantee system which operated through the Ord River Co-operative. The co-operative had a ceiling on the amount of money it was able to use to assist farmers in the district and it was subject to a Government guarantee through the account at the Commonwealth Bank. Because the amount in the Forrest Farms account became too large, and its operations were failing, in order to keep the co-operative in liquidity the Government had to meet its guarantee. It took the account from the co-operative's limit and enabled the Ord River Co-operative to remain liquid.

The answer given previously was the correct one. I gathered from subsequent follow-up questions, the Leader of the Opposition was seeking information about the nature of the industry, rather than detailed technical reasons for its failure. It is one of the old names in the Ord farming area.

Mr Davies: Is it still operating there?

Sir CHARLES COURT: Forrest and Hagel is not there, but the property has been carried on under lease; I do not recall the name of the people now operating it. Forrest and Hagel has moved to Darwin, where I understand it or Mr K. Forrest is still operating.

Member for Rockingham: As to Question Without Notice

Mr BARNETT: There are two points I would like to raise with you, Mr Speaker. The first is outlined under rules of debate No. 115, which states that the Speaker shall call upon the member who, in his opinion, first rose in his place. I do not think anybody could deny the fact I have stood on at least 10 occasions, and on at least some of those occasions I was obviously first to my feet.

The second point is: I can appreciate that you would want to terminate questions at some time this evening. However, I assure you I have only one more question without notice. I have given notice of the question to the Minister concerned. It is only a short question, and I am sure it will be only a short answer. Arrangements have been made with the Government that, in fact, we will be in this place for only about five minutes after questions without notice conclude, which indicates to me

we will be out of here long before 5.00 p.m. Therefore, I seek your indulgence in allowing me to put my question without notice.

The SPEAKER: Notwithstanding the points submitted by the member for Rockingham, the fact is that questions without notice are completely at the discretion of the Speaker. Although I have not checked the records, I would be very surprised indeed if I have not allowed considerably more questions without notice than any of my predecessors during the time I have been in this office.

The member for Rockingham has already asked two questions without notice. While he can guarantee that his final question may be short, he cannot guarantee the answer will be short. It may well be that the time taken in dealing with his third question is a great deal longer than he anticipates.

I informed members I would allow two more questions, one of which has just been asked. If I then allowed the member for Rockingham to ask a question—in addition to the two further questions I said I would take—it is reasonable to assume other members would seek the same privilege. That cannot be the basis upon which questions without notice should be handled. My responsibility is to all members of the House, not simply to one member, or to a group of members. I would be very surprised if it were not the will of the great majority of members of this House that questions without notice conclude fairly soon.

Questions (without notice) Resumed

TRANSPORT: ROAD

Farm Produce

403. Mr McPHARLIN, to the Minister for Transport:

Is it proposed to introduce legislation in this session to limit to 14-tonne farmers' trucks which now have concessional licences, where farmers wish to carry their produce to destinations other than their normal point of delivery?

Mr RUSHTON replied:

The member should more correctly address his question to the Chief Secretary; but I indicate there are intentions that this should be introduced during the course of this session.