

Legislative Assembly

Tuesday, the 20th November, 1979

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

POLICE DEPARTMENT

Annual Report

THE SPEAKER (Mr Thompson): I have been informed that a typographical error has been found in the 1979 Police Department Annual Report, tabled in this House on the 18th September, 1979.

The error referred to occurs on page 6 under the heading "Cost of Police Protection" where in line 4 of the 3rd paragraph the ratio "1:439.66" should read "1:493.66".

I have authorised the necessary correction of the tabled copy.

LEGAL PRACTITIONERS

Independent Consumer Tribunal: Petition

MR DAVIES (Victoria Park—Leader of the Opposition) [4.32 p.m.]: I have a petition addressed as follows—

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned support the Consumer Action Movement's campaign for the setting up of an independent tribunal (having sufficient statutory powers to enforce its recommendations and decisions) to deal with the complaints made by consumers of legal services against Legal Practitioners.

An additional important factor is that the operations of such an independent tribunal be subject to the scrutiny of Parliament and your Petitioners as in duty bound will ever pray, that this humble petition be acceded to.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 320 signatures and I certify that as far as I can see it conforms with the Standing Orders of the Legislative Assembly.

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

See petition No. 107.

BRIDGE

Bassendean-Guildford: Petition

MR SKIDMORE (Swan) [4.33 p.m.]: I have a petition addressed as follows—

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of GUILDFORD in Western Australia believe that increased traffic through Guildford would cause deterioration of the historic nature of the village, detriment to family life, and danger to children, the aged and infirm. We therefore request that the State Government desist from constructing the proposed new Guildford-Bassendean bridge and reallocate the monies allocated to the construction of a by-pass road north of Guildford.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

To the best of my ability, I have checked the petition. I have removed some names which, possibly, might have conflicted with our Standing Orders. The petition contains 398 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly. I have attached my signature thereto.

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

See petition No. 108.

EDUCATION: HIGH SCHOOL

Koondoola: Petition

MR WILSON (Dianella) [4.34 p.m.]: I present a petition from 139 electors of the electorate of Dianella addressed as follows—

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned electors in the electoral district of Dianella—

Call upon the Government to review the priority for the construction of a high school in Koondoola so that funds

may be set aside for the first stage of the school in the 1980-81 financial year.

We make our request as parents concerned about our children's future and the detrimental effects of the inevitable overcrowding at the existing Girrawheen Senior High School due to rapidly expanding new housing developments in Ballajura and Marangaroo.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

The petition conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

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

See petition No. 109.

LEGAL PRACTITIONERS

Independent Consumer Tribunal: Petition

MR B. T. BURKE (Balcatta) [4.35 p.m.]: I have a petition from 334 citizens of Western Australia seeking, in brief, that an independent tribunal be set up to deal with complaints made by consumers of legal services against legal practitioners.

I have checked that the petition conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

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

See petition No. 110.

QUESTIONS

Questions were taken at this stage.

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

SIR CHARLES COURT (Nedlands—Premier) [5.10 p.m.]: I move—

That so much of the Standing Orders be suspended as is necessary to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and Messages from the Legislative Council to be taken into consideration on the day they are received.

Members will have noticed that during the session the suspension of Standing Orders has been

moved in relation to a number of measures rather than suspending Standing Orders completely at one time; I think this was desirable. However, the time has come in the session when it is necessary for the House to be able to proceed with measures through all stages if necessary.

I assure the House that it is not my intention to use this suspension of Standing Orders merely for the purpose of rushing through legislation. On the contrary, it will be used for the facilitation of business as has been done on previous occasions. For instance, it is necessary now to seek leave to proceed to the third reading of a Bill. Under this Standing Orders suspension such a process will be automatically available to the Government if it desires to move for the third reading stage to proceed immediately. Furthermore, it may be necessary to introduce Bills when notice has not been given. In other words, we gain that much time by being able to introduce Bills into the House without having to seek leave. Previously, it could take anything up to three days before the Government could actually introduce a Bill.

There are not many Bills to be introduced; but the sooner they are presented to the House the better so that the maximum amount of time for discussion will be available. For instance, I have in mind a Bill in connection with the North-West Shelf gas project which will be the ratifying legislation necessary for the project to proceed. The sooner the Minister can complete the agreement and bring it to the House the better, rather than waiting three days which would otherwise be necessary.

I commend the motion to the House.

MR DAVIES (Victoria Park—Leader of the Opposition) [5.13 p.m.]: It is not unusual to have this sort of motion moved at this time of each year. Many members hear it with a feeling of relief because it means a session is drawing towards an end. I think perhaps Government Ministers feel a greater relief than do back-bench and Opposition members. Nevertheless, it is part of the procedures we adopt and we do not object to it, because we realise that although we may be critical at times of the way legislation is dealt with in the House, we heard the Premier indicate he would be reasonable in dealing with measures; in the way they are introduced and in the way the debates are proceeded with.

I often feel we get a little too bogged down with the way legislation is handled; but after all, our procedures have evolved over a great many years and they are adhered to for very sound reasons. However, if we were going to continue to adopt the exact practices right to the very last day of the

session we might never get out of here because we would always be looking for a few extra days. Of course, the Government often finds there are one or two pieces of legislation which should have been brought forward which in fact have not been and it squeezes them in at the last moment.

We do not oppose the motion. I do not know whether the Premier has any anticipated date of finishing this parliamentary session. There are two things to look for as signs; one is the annual parliamentary dinner which will be held on the 28th November and the other is this motion, which comes before the House towards the end of each session. Perhaps the Premier might indicate whether he does have a target date.

I am sure the Premier will receive our co-operation in working towards a closing date provided the legislation brought before the House is fair and reasonable. I cannot guarantee our co-operation if the legislation is not fair and reasonable or if we do not have a reasonable time to consider Bills before they are dealt with.

I was rather surprised that the North-West Shelf agreement had not been ratified by now—or whatever it is that needs to be done—and brought before Parliament. We are anxiously looking forward to this and certainly hoping it is possible for it to be completed and that it will be a “goer”. We certainly need the projected employment, as the Government promised for this State.

With regard to the hours of sitting generally; I think it was at the beginning of this year or it may have been at the end of last year, when I asked the Premier whether we might look at this matter. The Premier said he would have his deputy select a committee of various representatives of this Parliament to look at what might be done. I was hoping some recommendation might have come forward by now but I understand there has been a one-meeting accomplishment in the last 12 months.

I do not know whether the best man or the best choice was made in appointing the Deputy Premier as the chairman of the committee because he is about to leave this Parliament. This has been publicly announced. Probably he does not care much as to what the hours of sitting will be in the future—and I say that light-heartedly. However, this may be an occasion to hear what has happened in this regard. Over the years I have been critical of the hours of sitting, as have members from both sides of the House, and suggestions have been made as to how they might be improved.

With respect to the sitting hours for the remainder of the session, the Premier indicated

that because of the time off for the parliamentary dinner on the 28th November, we will be sitting at about 10.00 that morning. I do not know whether the exact hour has been decided but I am quite happy to go along with that. It is also likely there may be some Thursday evening sittings but I do not know whether the Premier has given that matter any thought.

They are just a few of the matters on which this motion affords me the opportunity to speak: on the hours of sitting generally, the hours of sitting next week, and of course the end of the session.

The Opposition supports the motion.

SIR CHARLES COURT (Nedlands—Premier) [5.19 p.m.]: I thank the leader of the Opposition for his support of the motion and in answering the various points he has raised I should explain the reason that the North-West Shelf agreement has been delayed. Coincidentally with it there is a major contractual undertaking to be worked out with the SEC and the joint venturers. Therefore it would be incongruous to bring one forward before the other has been resolved in considerable detail. The agreement with SEC was agreed in principle some time ago.

I am a great believer in having the small print complete because there is a big difference between resolutions in principle and resolutions in detail.

Mr Davies: I remember something on the CPA about that.

Sir CHARLES COURT: Well, in my own experience, I am very reluctant, when chairman, to accept an agreement in principle because that is when the detail has to be hammered out. The agreement will be brought in in good time.

As far as the date for the termination of the session is concerned, I would be very reluctant to hazard a guess. In my experience in this place over a long period of time the last thing one should do is fix a date, because that is usually the date the Parliament makes sure it does not achieve. The Parliament usually finishes fore or aft of the fixed date rather than on the date the Premier indicates.

It was my intention to discuss the notice paper with the Leader of the Opposition in the next day or two to obtain some idea of private members' business and also to give him some indication of Government business.

So far as sitting times are concerned, I intended to discuss this with the Leader of the Opposition also but now he has raised the matter I will mention it here. We have found that in the past when we attempted to have the House sit on

Thursday evenings an extraordinary number of members wished to return to their electorates because they had business there. We had more success by meeting earlier in the day. I was about to suggest we meet at 10.30 a.m. this coming Thursday rather than sit at night.

I was also about to suggest that we sit at 10.30 a.m. on Wednesday, the 28th November, to allow for the time which will be taken up by the annual dinner. I understand we are not to refer to that as the "Christmas dinner". I am hoping members will agree to sit at 10.30 a.m. or even maybe bring the time forward half an hour as the case may be on Thursday the 29th November, and then take it from there for the remaining days of the session.

I understand a meeting on the sitting hours of Parliament was held as promised, and the Deputy Premier represented the Government. Contrary to the view expressed by the Leader of the Opposition, I thought the Deputy Premier would be the ideal man to chair the meeting because he would have some degree of feeling as to how we suffer and would take a fairly dispassionate view of it. He would also contribute his great wealth of knowledge. The member for Welshpool is also someone with much experience in the Ministry and in Opposition and also would contribute his knowledge to the meeting.

When I last checked on this matter, I understood there had been some broad agreement on a number of issues and a decision had been reached as a basis for further discussion. These issues were to be referred to Opposition members after which a further meeting would be held. As far as the Deputy Premier is concerned he has been ready to meet again, if the time is appropriate, and I do suggest that it might not be a bad idea to obtain the benefit of his advice. The Deputy Premier has taken a very active interest in the business of the House and has been closely involved in it.

The Government is not unresponsive to suggestions of changes which may achieve some practical results.

Question put and passed.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

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

CONSTITUTION ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

The provisions of the Bill represent an important milestone in the history of local government in Western Australia.

It seeks to amend the Constitution Act formally to recognise local government as an integral component of our system of government.

It also honours a Government commitment to include reference to local government in the Constitution Act of this State.

Local government, which has operated in Western Australia in one form or another for over 100 years, has become an essential part of the system of government in this State.

There is no doubt that the Parliament and various communities throughout the State, place a high value on this "grass-roots" level of government which attends to a great many of the day-to-day needs of the inhabitants and provides the solid community structure for their comfort, convenience, recreation, leisure, and well-being.

The State could not function effectively without local government—especially one as vast and sparsely populated as Western Australia.

It is impossible to imagine how the multitude of local matters could be administered if it were not for our system of local government.

The inclusion of local government in the Constitution will not make any immediate practical difference to the continued operation of local government in Western Australia. But that perhaps best explains why it is appropriate that local government should take its place in the Constitution.

After all, it is paradoxical that a form of government that is so essential to the well-being of our communities, should not be mentioned in the system of government that is set down in the Constitution.

The Provisions of this Bill will remove that paradox. However, I believe this Bill does something more than propose these constitutional amendments.

It is a tribute to the thousands of men and women who have given selfless service to their communities as members of local government bodies. They deserve the highest possible praise. The system of government to which they gave, or are giving their services, deserves appropriate recognition.

The Bill provides for the continuation of a system of government in Western Australia based on elected local government bodies and for their powers and functions to be determined by the Parliament.

It also makes provision for the exceptional circumstances when it might become necessary to commit, for the time being, the administration of local government to other than an elected body. This could occur, for instance, when a local government district was first created, or where all the members of a particular local government body chose to resign, or when all offices for any other reason may be declared vacant.

The Bill also provides for other contingencies including that some portion of the State may be outside the jurisdiction of any local government body. For instance, the area comprising Kings Park is not at present contained within any municipal district. Members will know that it is subject to a special Act. The exceptional situations are not, of course, new, as they already form part of the existing law.

The amendment now proposed will confirm the position of local government as an integral part of our governmental system. It will also enshrine local government in the State's supreme legislative provision—the State Constitution. I am sure the result will be welcomed not only by the representatives of local authorities within the State but also by the community as a whole.

Before I finally commend the Bill, I think it is as well to record, for historical purposes, the fact the local government in Western Australia celebrated its 100th anniversary in 1971.

In 1871, two Acts established that which forms the essence of local government as it is known today. They were the Municipalities Act and the Districts Roads Act. Prior to 1871 various general trusts were set up. The Municipalities Act was superseded by the Municipal Corporations Act in 1906 and the Districts Roads Act was superseded by the Road Districts Act in 1905.

Both Acts—the Municipal Corporations Act and the Road Districts Act—continued in force until July, 1961. The Acts were then replaced by the Local Government Act, 1960. This Act was proclaimed in July, 1961.

I commend the Bill to the House.

Mr Jamieson: I bet Gough Whitlam has a restless night after this.

Debate adjourned, on motion by Mr Carr.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

MRS CRAIG (Wellington—Minister for Urban Development and Town Planning) [5.30 p.m.]: I move—

That the Bill be now read a second time.

The amendments that are proposed in this Bill are mainly administrative in nature and are intended to facilitate the administration of the Act, maintain consistency with the Metropolitan Region Town Planning Scheme Act, and to remove some anomalies. They arise from the experience of the Town Planning Board and departmental officers in the operation of the Act.

I do not believe there are contentious proposals included in the Bill and, because of their detailed nature, I will explain them as briefly as possible.

The Bill makes provision for members of the Town Planning Board to be represented at meetings of the board by deputies. The deputies are to be appointed by the Governor on the recommendation of the Minister for Urban Development and Town Planning or, in the case of the deputy for the member representing local government, to be selected from a panel of three names submitted by the Local Government Association.

The board presently consists of a chairman, who is the Town Planning Commissioner, and four members. The Act does not now allow for members to be represented by deputies, although provision is made for the Deputy Town Planning Commissioner to deputise for the chairman.

The work of the board has increased considerably in recent years and, in addition to the regular weekly meeting, it has proved necessary to hold special meetings from time to time.

The board's capacity to deal with this increasing workload will be enhanced if it is easier to secure a quorum of members for meetings, and this will be achieved through representation by deputies wherever necessary.

The Act now contains certain powers of enforcement that are available to "responsible authorities" as defined by the Act.

Authorities are thus enabled to remove or alter buildings which contravene a town planning scheme, or to execute work which it is the duty of a person to undertake under the provisions of a scheme where it appears that delay in execution would prejudice the operation of the scheme.

The Bill amends the Act in such a way as to extend those powers of enforcement to apply to cases where conditions set by the authority have not been complied with. Failure to comply with such conditions of approval will constitute an offence and attract a fine. This will render the Act consistent with the Metropolitan Region Town Planning Scheme Act in this regard.

Provision also is made in the Bill to increase penalties for non-compliance with schemes and approvals given under schemes, as they have not been changed since 1975 and bear little relationship to today's values and costs.

If penalties are to be a meaningful deterrent, they should be related to the scale and value of current development projects.

The penalties proposed are identical with those incorporated into the Metropolitan Region Town Planning Scheme Act Amendment Bill and are a fine of \$2 000 and, in a case where a continuing state of affairs is created by the wrongful act or omission, a further fine of \$200 for each day it continues.

They are in each instance the maximum that can be awarded, and the fine levied in individual cases will be at the discretion of the court.

The Bill amends the Act in such a way as to overcome a minor problem of interpretation with respect to the Town Planning Board's powers and responsibilities. It is made clear that the board's approval to the lease of a whole lot, or lots, is not required, irrespective of the period of the lease.

In cases where the Town Planning Board has imposed a condition upon its approval of a plan of subdivision requiring that an area of land be set aside and vested in the Crown as open space, the owner may, with the approval of the local authority and the board, make a cash payment in lieu of providing that land.

The value of the portion of land for which such a payment is to be made is a percentage of the unimproved value of the land of which the portion forms part, as prescribed by the Valuation of Land Act, 1978.

However, the Act does not provide for the resolution of a dispute with respect to the valuation, and the Bill amends the Act to allow the arbitration procedures contained in the Valuation of Land Act to become operative.

The Bill amends the Act to expand the discretionary powers vested in the Minister to allow cash in lieu of moneys to be used for the improvement or development of parks, recreation grounds, or open spaces generally, in the locality of the subdivision concerned whether that land

has been acquired by council with moneys obtained through the cash in lieu procedure.

The fines attracted by failure to comply with a condition imposed by the Town Planning Board as part of its approval are increased to conform with those described earlier with respect to the administration of town planning schemes.

Section 28A of the Act is amended so that the period within which a person may appeal against a demand made upon him by a municipality for payment of a proportion of road costs is increased from 14 to 60 days. This makes the period for lodgment of an appeal consistent with that which obtains in relation to other appeals under the Act.

Section 37 is amended to allow appeals to the Minister against decisions made under the provisions of an interim development order to be dealt with under the same procedure as that set out in the Act for appeals made under other sections of the Act. This will secure consistency in dealing with all appeals.

Finally, a minor addition to section 44 of the Act is made to allow for the determination of appeals by the appeals tribunal in accordance with the rules of the tribunal. The tribunal has gazetted its "rules".

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

Message: Appropriations

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

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR PEARCE (Gosnells) [5.35 p.m.]: This Bill amends and consolidates some of the powers of the Country High School Hostels Authority, as set out in the original Act as amended.

I say, at the outset, the Opposition has no particular objection to the move by the Government in this respect. I, myself, have doubts about the doubts expressed by the Minister with regard to the ability of the authority to enter into financial transactions legitimately. But, if the Government is of the opinion that these powers should be clarified in the terms set out in the amendment we have no objection because certainly we believe the authority should have those powers which it has been exercising for many years.

In indicating that we do not intend to oppose the Bill, I raise the question of the restructuring of the members of the authority. I might say that seems to be a favourite phrase of the Minister—the restructuring of members of various authorities. We are aware that the members of the Post-Secondary Education Commission were restructured. The Minister seems to be making “\$6 million-men” of some individuals. I must admit though I would have been quite happy to see some drastic operation take place on some members of the Post-Secondary Education Commission.

It seems the Minister is to change the membership of the authority which currently consists of six members, with four of them representing specific areas. They will be replaced with a seven-member authority. The appointments will be straightout; namely, the Governor—which means the Minister for Education—will appoint the members.

I ask the Minister, through you Mr Speaker, whether it is his intention in the new undefined group of seven members to retain a representative of the Anglican Church and a representative of the CWA.

Mr P. V. Jones: The Bill provides that those presently occupying the positions mentioned will continue.

Mr PEARCE: I understand that.

Mr P. V. Jones: Then the matter does not arise.

Mr PEARCE: But it will arise. The Bill seeks to abolish the concept of representatives of specific organisations.

Mr P. V. Jones: I ask the member to look at line 25 on page 2 of the Bill.

Mr PEARCE: I understand that provision applies with regard to these specific people. However, the present Act provides that people hold positions more or less as a right. The Bill will abolish that right. Although some people may continue to hold positions on the new authority, they will be there as individuals and not as representatives of organisations—even though they may be the same people. They will be there as individuals, will they not?

Mr P. V. Jones: Are you wondering whether we intend to sack the nominee from the Anglican Church and the nominee from the CWA?

Mr PEARCE: Yes.

Mr P. V. Jones: Again, the answer is in my second reading speech notes. We wish to retain the existing association, but it will not appear in the Statute simply because since the Statute was first introduced there has been a change so far as

the involvement of the Anglican Church and the CWA is concerned.

Mr PEARCE: I understand that perfectly well. When I commenced my speech I drew the attention of the Minister to the fact that I was aware of the two statements in his second reading speech, and I was trying to elucidate whether or not the Minister, when making future appointments in an unfettered and unrestrained way, in a *de facto* sense will, in fact, maintain the policy which has existed for some time?

Mr P. V. Jones: Yes.

Mr PEARCE: That is partly what we wanted to know. We certainly have no objection to the continued liaison of the Anglican Church because it has a continuing interest in the hostels.

I gather the position of the CWA may be a little different. The Minister would be aware that in his electorate of Narrogin, about 10 years ago, a dispute occurred with regard to the running of the country high school hostel. The hostel was run by the CWA, which on that occasion made a small profit of about \$200. The local committee of the CWA sought authority to spend the money on the hostel. I believe the committee wanted to build a brick wall or some such small capital investment. However, the central authority of the CWA in Perth insisted that the small profit be sent to the central authority.

I gather that the local branch of the Narrogin CWA withdrew from the running of the hostel, and the same group of people formed themselves into an independent committee and then again took over the running of the hostel. In fact, there has been a degree of friction in some aspects of the CWA involvement with hostels in country areas ever since that time. It seems that the link with the CWA is a tenuous one.

I can understand the desire to have on the hostels authority people who are representative of parents' interests. It seems to me that when the Minister has to consider the appointment of the seven people to the new authority, he should give serious consideration to the appointment of representatives of the WA Council of State School Organisations because it operates throughout all country areas.

I believe it would be appropriate to have a representative of WACSSO on the new authority. The Minister will appreciate that students who attend certain schools which are associated with the hostels authority do not have their parents directly involved with the school. I will refer to Swanleigh, where the children attend the Hampton High School. The parents of those students would not be involved because many of

them are hundreds of miles away. However, through WACSSO we believe people should have a representative on the Country High School Hostels Authority so that there will be some participation in the involvement of their children with a particular school. That is something the Minister should consider.

Although I am not arguing that the CWA representative should be sacked from the board, when future appointments are to be made I think the Minister—if he is still the Minister at that time—should give serious consideration to a representative from WACSSO rather than from some other organisation.

I do not want to labour the Bill at any great length. The Opposition very much supports the work carried out by the Country High School Hostels Authority, and we have no objection to the change which the Government wishes to make.

MR P. V. JONES (Narrogin—Minister for Education) [5.43 p.m.]: I thank the member for his support of the proposed amendments to the Act, and I reaffirm what I mentioned by way of interjection. As I mentioned in my second reading speech, we have no intention of severing our connection with the Anglican Church or the CWA. We will take the opportunity to allow representatives of those organisations to remain on the board, the same as the present system.

Neither the CWA nor the Anglican Church is financially involved in providing funds for the hostels. I might add there is a different relationship, bearing in mind that the one hostel with which the Anglican Church is mostly associated is Swanleigh. However, that particular hostel has nothing to do with the Country High School Hostels Authority at all. It is a totally separate operation and falls financially within the ambit of the Anglican Archdiocese of Perth. The diocese is associated with the running of several hostels, as I pointed out when I introduced the legislation. The management is under a committee arrangement.

The hostel at Northam is different from those at Moora, Merredin, and Esperance. The main point is that there is a relationship which we wish to preserve so far as general involvement is concerned. The parent Act allows the authority to delegate to local committees.

Moving on to the Narrogin situation, the Country Women's Association founded and commenced the Narrogin hostel and as the honourable member suggested it withdrew and formed itself into another committee. The association did that only because the authority

delegated under the parent Act to a local committee of management enabled it to do so.

Mr Pearce: That was after the dispute.

Mr P. V. JONES: That is so. For a time I was myself a member of the committee. I am not aware of the tension to which the honourable member referred. It did not exist when I was on the committee. However, we would not like to sever the CWA involvement and we have not the slightest intention of doing so. In fact, we hope the present representative (Mrs Marjorie Maughan) will continue to be a member for a long time to come.

The amending Bill clearly identifies parent involvement by suggesting these various persons shall be qualified to serve as members by reason of their association with the conduct of hostels and their suitability to represent the parents of children accommodated in hostels.

A valid criticism was raised that whereas the local committee of each hostel, managing by the delegated authority passed to it, has in fact been directly representative of the parents and the community, and perhaps of the school, the actual authority itself, in which is vested the total control, has not; and indeed one of the basic reasons for amending the legislation is to remove some of the Government members. At present the Education Department has two people on the authority, which is an unnecessary provision. It is also proposed that the nominee of the Treasurer be no longer entitled to remain on the authority. The whole idea is to have more involvement of parents and people in the community at the head of the authority. At the present time there is only one representative of the parents and the community.

I thank members of the Opposition for their support of the legislation.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr P. V. Jones (Minister for Education) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 4 amended—

Mr PEARCE: With regard to the comments made by the Minister in reply to the second reading debate, I make it quite clear that the Opposition has no objection at all to the move to have a greater degree of parental and community representation on the Country High School Hostels Authority. I point out, however, that the

Minister does appear to be deviating from his own education administration principles, wherein almost every other area seems to be concerned to put departmental people into these places and remove community representatives.

Mr P. V. Jones: Where?

Mr PEARCE: With regard to the abolition of the pre-school board. That would be the classic reference.

Mr P. V. Jones: How have we put more in there?

Mr PEARCE: Because every person on the pre-school board was knocked off and it was made part of the Education Department.

Mr P. V. Jones: You are talking about members of a statutory authority.

Mr PEARCE: Who is running pre-school education in this State? Is it the pre-school board?

Mr P. V. Jones: There is no pre-school board.

Mr PEARCE: That is exactly the point I am making. However, it is pleasing to see the Minister is deviating from that principle.

Mr P. V. Jones: You are talking about members of a board.

Mr PEARCE: I am speaking in a generalised sense about who runs the educational institutions in this State, and I am pleased the Minister is moving towards a situation where parents in the community have a greater say. I wish he would extend the attitude to pre-primary education.

Mr P. V. Jones: And have another statutory authority?

Mr PEARCE: For pre-school education.

Mr P. V. Jones: Another statutory authority?

Mr PEARCE: I would be quite happy to see pre-primary education go back to something like a pre-school board, but I think our policy at the present time is more likely to be to reconstitute the early childhood section of the Education Department so that it would be based on an operating formula similar to that of the pre-school board; that is to say, to reconstitute the pre-school board within the Education Department. But that is another argument.

With regard to the Country High School Hostels Authority, although I was aware there is a reference to the areas of the authority from which members are to be drawn, including parents, I was suggesting in a *de facto* rather than in a *de jure* sense that when future appointments to the board are being considered WACSSO should nominate a group of people from whom one or two members are selected. I am not

suggesting WACSSO should have an appointment of its own as of right, although we like to spell out the authorities members represent; but instead of reconstituting the authority the Minister might ask WACSSO to nominate someone to go on the authority, rather than have a parent representing his own interests. I am not opposing this clause but I felt those points needed to be redefined to make clear the Opposition's attitude on this matter.

Clause put and passed.

Clauses 3 to 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr P. V. Jones (Minister for Education), and transmitted to the Council.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th November.

MR DAVIES (Victoria Park—Leader of the Opposition) [5.54 p.m.]: It must have been a pleasant surprise to find, following an actuarial assessment of the Superannuation Fund as at the 30th June, 1977, that there was a surplus of \$20.3 million. It must be the singular success story of the Government, if the Government takes any credit for it. But whoever takes the credit for it, it must have been very encouraging indeed.

When the Government has a surplus of \$20.3 million which does not belong to it, it wonders what to do with it; and one of the measures in this Bill is to pay back to superannuees some of the surplus. It will be paid to them in the form of an additional 10c a fortnight per unit as from the first superannuation pay period in January, 1980, which means there will be a rise of 5c a week per unit from that time.

No figures have been supplied to indicate how long it will take to absorb the \$20.3 million, if in fact it will ever be absorbed, or whether the new standard rate per unit will be permanently increased by 10c a fortnight. I do not suppose it is a matter of great concern to us, because not many people would organise their lives on an increase of 5c a unit per week.

But strange to say, I have received quite a few complaints from people who are now on superannuation and who feel an increase is of little benefit to them because they will be paying extra taxation. I am not referring to those who will now become ineligible for fringe benefits; that matter is dealt with in another amendment to the Act. However, several people have complained that they already pay quite an amount of taxation and they are unable to get fringe benefits. An increase means they will be sending back to the Commonwealth some additional taxation.

I am surprised the Treasurer has dealt with the disposal of the \$20.3 million in this way, because at other times when I have suggested we might make some allowance in regard to social service pensioners and other people in the community, he has always said that while he has the greatest sympathy with them—he is always telling us he has a great deal of sympathy—

Mr B. T. Burke: And it is cheap.

Mr DAVIES: —and it is cheap, as the member for Balcatta says—he is not anxious to give effect to any monetary gain which has to be paid by the State because in effect it relieves some of the Commonwealth's burden, or alternatively it might provide some taxation to the Commonwealth.

The calls I have received have suggested a better way to handle the disposal of the \$20.3 million might be to adopt the Commonwealth procedure. I understand when an actuarial review takes place under the Commonwealth Act and there is a surplus, it is paid back to subscribing members. I do not know what is the formula but there must be a fixed formula. One person of whom I heard was alleged to have received something like \$6 000. Another to whom I spoke said he believed his refund was something like \$90, if one can call it a refund.

It seems to me it might have been better had the Government arranged for a lump-sum payment to be made to those entitled to it, because when superannuated persons receive additional money it is likely that they will have to pay additional taxation, although I am not saying it will happen in every case. Therefore it is really not of much benefit when it is considered that in effect the increase will be only 5c a unit per week.

I do not know the reason the Government has dealt with the matter in this manner, but it may be perfectly legitimate. I understand in the Commonwealth sphere on other occasions a surplus has been refunded to those who were still subscribing, as well as to those who were already receiving superannuation. In this case the persons presently subscribing will not receive any

reduction in the fees they pay; the surplus will be distributed only to those persons who were members of the fund and receiving superannuation as at the 30th June, 1977. I am suggesting that the Premier might be able to explain why that method was chosen.

I suppose everyone hates to pay tax, and I understand the amounts refunded to members of the Commonwealth Superannuation Fund were not taxable, although I have not checked that finally. I wonder whether it might be possible to pay to the persons concerned a lump sum. Perhaps that would still be considered an earning. On the other hand, perhaps the distribution could be made by way of a lump sum each year. Of course, the difficulty is in knowing just how long a person will live, and to how much he will be entitled. It is always easy to gauge the distribution to subscribing members because it can be based on what they have paid to date.

Reviews of the fund are to be held triennially instead of every five years as is the case at present. I understand a review is to be held in about six months' time, and I wonder whether the position could not have been allowed to wait until then to ascertain whether the distribution of surplus funds could be carried out in a more reasonable manner.

Those are some of the thoughts that have been sent to my office in regard to the increase which was announced when the Premier introduced the Bill.

Whilst I do not want to knock the Bill, I would ask the Premier whether it is likely that the cost per unit of superannuation to subscribers will be increased in the near future. If it is to be increased, might it not have been better to absorb the amount of \$20.3 million into the fund, rather than increase payments? That would mean subscribers would receive the benefit rather than those who are already superannuated. The Government would have to make a value judgment regarding who is most entitled to share in the \$20.3 million.

I am waiting to be convinced that what the Government is doing is the best method of handling the situation. To sum up, could the money not be distributed as a refund to subscribers; could it not be paid in a lump sum to persons already superannuated; and could it be shared by both those categories of persons? Additionally, is it likely the cost per unit to subscribers will have to be increased in the near future? If so, might it not have been better to absorb the \$20.3 million against that likely increase, rather than paying 5c per unit per week

to superannuees? Those are the questions I ask. I do not have the expertise to answer them because of the complex nature of the Superannuation Fund.

The Premier might say I should go to the Superannuation Board and talk to the secretary (Mr Lanigan) who is always most courteous when we put queries to him. I am certain he would be able to answer my queries. However, the fact is that I have not had time to do that. The Bill was introduced on the 6th November and, as the Premier is aware, we have been dealing with all kinds of contentious matters—particularly industrial arbitration—since then. Therefore, I have been unable to avail myself of the courtesy which I know would have been extended to me had I called on Mr Lanigan. The Premier might be able to answer my queries when he replies to the debate.

The Bill has four points. The next point deals with the right of an individual, if the board so accepts, to decline any increase. The circumstances under which an increase would be likely to be declined are where a social security pension or fringe benefit is likely to be lost as a result of a person earning a few extra cents or perhaps \$1 per week, and having his income increased so that it is above the permissible income. I am pleased to see the Government has adopted this method. On the 9th October, when dealing with the Pensioners (Rates Rebates and Deferment) Act Amendment Bill I made the following comments which are recorded at page 3380 of *Hansard*—

As far as Government employees are concerned, the Government should make an effort, when superannuation rises, to offer the superannuated person the right to elect to take the increase. It should not be compulsory for a person to take an increase. This can be done; it is done in other States, and it can be done here.

I drew attention to the fact that people were often denied benefits to the value of, say, \$10 a week or more after receiving an increase of a few cents or \$1 in their income. I also drew attention to the fact that many banks and credit unions had accepted deposits which do not earn interest, where the payment of interest would affect the entitlement of persons to a social security pension. The entitlement to a social security pension can be quite valuable if one takes advantage of the medical benefits, telephone concessions, travel concessions, and the opportunity to discount or defer water rates and local government rates. A person is not entitled to such benefits unless he is classified as a pensioner and holds a medical

entitlement card under the Commonwealth Health Act, as distinct from the social security legislation. That is a matter of great regret to some people who suddenly find themselves benefiting from an increase in earnings; because they can lose benefits to the value of \$10 a week as a result of earning an extra \$1 a week.

Therefore, I am pleased the Government might have noted the suggestion I made on the 9th October, and acted accordingly. Certainly we have no objection to the Act being amended in this manner. Of course, the Bill provides that such action will be at the discretion of the board. I do not know whether the board will enunciate a policy, or whether it will accept all applications; but I certainly hope no discrimination will occur. If a person elects not to accept an increase, the board automatically should say he is not obliged to accept it.

Later on, should circumstances change such as the result of the death of one of the parties, it is likely that the surviving partner would then be eligible to accept an increase in pension without losing the fringe benefits connected with the medical entitlement card. I think the permissible earnings for a single pensioner increased from \$33 a week to \$40 a week on the last occasion; so the circumstances might change again. I am pleased to see the Government has made provision for people to apply to have increases paid to them at a later date if they so desire, although such increases may not be paid retrospectively. That is not unreasonable; a person may receive an increase only from the date on which he applies for it. I am pleased to see the Government has included that initiative in the Bill. Probably it will create some hardship and some additional work for the Superannuation Board and its employees, but I am certain they are prepared to cope with it.

The next point in the Bill is that allowances for children are increased from \$12 to \$16 a week. The previous adjustment was from \$8 to \$12 a week. This adjustment is in accordance with the increase in the cost of living since the last adjustment was made in December, 1976. I have not checked the figures, but I am prepared to take the Government's word for them.

Where there are double orphaned children, the increase is from \$20 to \$26 a week, and this is said to be in the same ratio. These increases will cost the Government \$55 000 a year, which will be met from Consolidated Revenue. I would have thought a sum like \$55 000 might be able to be absorbed by the Superannuation Fund; nevertheless, I am pleased to see the Government has acknowledged that the increase is necessary, and it is prepared to put in the necessary money. I

could not see where provision was made for this in the Estimates but, no doubt, the Estimates at best are only a guide and it is quite easy for Governments for all kinds of reasons to vary the figures quoted in them.

The fourth part of the Bill deals with the right of a person who is partly enjoying a benefit contributed to by another Government fund, to become a member of the State Superannuation Fund provided that the amount of the benefit of the other Government fund is deducted from the State's subscription. In other words, if a person receives part of a Commonwealth or other State Government benefit, he cannot receive the additional Western Australian benefit. That is not unreasonable. Proper health standards must be enforced and properly policed before one may become a member of a superannuation fund, and each application is vetted individually. I am sure this is a reasonable amendment.

Those are the four matters with which the Bill deals; the distribution of the \$20.3 million surplus, increased child allowances, the option for superannuees to accept an increase, and enabling members enjoying the benefit of another fund to become a member of the State fund.

We support the Bill as it stands. However, we do raise some queries. For instance, how long is the \$20.3 million likely to last? To assist with retaining fringe benefits superannuees can refuse to accept an increase. Another method I suggest is to let pensioners accept the increase in a lump sum each year, which could be put into a bank. That money would not become earnings; a person would receive a dividend annually by way of interest, and the earnings of the lump sum would not be assessed as earnings by the Department of Social Security. That is another way in which one of the difficulties to which I referred previously could be overcome; because a person could be denied the right to receive fringe benefits as a result of an increase in earnings.

I would appreciate hearing the Premier's opinion on those matters.

Finally, I ask the Premier whether consideration has been given to adjusting superannuation payments more than once a year. The salaries of members of Parliament are adjusted according to the cost of living movements. Under the present Federal regime pensioners do not do too well; they receive only an annual adjustment. If the Superannuation Fund is in a position to make a return of \$20.3 million to the present superannuees, it might be possible for it to review payments twice each year. Indeed, I believe it would be possible to do that,

particularly because today we have computers which do so much for us.

Sitting suspended from 6.15 to 7.30 p.m.

Mr DAVIES: The last suggestion I was making was that the pension should be adjusted twice a year, and no less. I do not think that is unreasonable. In this day, when computers are at the beck and call of the Government, it is not hard to adjust the rates. Of course there will be some work involved; and, of course, there will be some expense. However, I do not think we should concern ourselves with that as much as with whether people who are receiving superannuation payments are receiving a just return.

I could be charged with researching this Bill badly. I could be told that it is impossible to meet such a situation. However, the Government has already admitted it is paying \$55 000 into the fund from Consolidated Revenue to increase the payments to children; and we accept that.

The point is that this matter has been floated on a number of occasions. A number of persons are disadvantaged seriously by the fact that their superannuation payments are too high for them to take advantage of any social security payment but not high enough for them to live comfortably. In the days of inflation, this kind of thing will happen regularly.

I know that pensions are always subject to criticism. I do not think the Government would be criticised for adjusting pensions twice yearly. As a matter of fact, if I were in the Government I would be quite happy and prepared to do it.

I know when it comes to parliamentarians' pensions, it is a different matter. There was a furore in the newspapers recently when it was announced that Commonwealth members of Parliament could commute the whole of their pensions and receive about \$250 000 as a "golden handshake", as the newspapers described it. What has not been noted often in the past was noted at the end of the *Daily News* article which said that this step would save money for the Government.

I read in another newspaper—probably in *The West Australian* or the like—that while such a provision appeared to be very generous indeed, the person who was leaving the service of the electorate and the Government was indeed saving the Government some money.

As I said, there are a lot of facets to look at. I do not pretend to understand the entire workings of the fund. We support the four measures introduced by the Government.

We are not entirely satisfied with the method of distributing the excess \$20.3 million. It might be

better refunded to people still in the service rather than those who are receiving pensions already. At least provision has been made so that a person will not be penalised unfairly if he is enjoying a social security pension. He will not be penalised unfairly by receiving a small increase which will take him just over the permitted earnings.

As I say, I floated that factor in the House on the 9th October, because such a thing was being done in the other States. I am pleased to see the Government is taking the present steps. I look forward with interest to the comments the Treasurer will be able to make on the suggestions I have made. In the meantime, he can rest secure in the knowledge that the Opposition supports the Bill.

SIR CHARLES COURT (Nedlands—Treasurer) [7.35 p.m.]: The Leader of the Opposition has, in the main, supported the Bill, and he has raised a number of queries. I will endeavour to deal with those, but not necessarily in the order in which he raised them.

I will deal first with the question of the CPI adjustments. There have been a number of representations over the years for the adjustments to be made at more frequent intervals than they are now. The present situation goes back to 1969; and at that time legislation was introduced, and action was taken, to catch up on the previous years. Since then, the adjustment has been done on an annual basis.

In the main, it has settled down on that basis. There will always be people who say it should be done quarterly or half yearly. It is not impossible to do it, but it involves a number of problems.

At present, the CPI figure is certified by the appropriate authority, and the Treasurer then approves it. That is done once a year. Such action takes up the whole of the CPI for the year, without question. It is not like, for instance, a national wage case where the commission often makes a lesser adjustment than the CPI figure indicates. Under the system we work on, we take the whole of the CPI figure that is certified. That amount is built into the pension from that point forward.

I have discussed this with the board from time to time, and with the Treasury. It is the considered opinion that the situation is best left as it stands.

There have been a number of representations in recent times. For instance, the member for Fremantle wrote about this matter recently. In reply to him, I explained what had been done and why, over a considerable number of years going back to 1969.

So far as the method of adjusting the pension in respect of the surplus is concerned, it is worth giving the House a certain amount of background information which may be useful in considering the Bill and for future record. There is a tendency to confuse what we are doing now in relation to the surplus that we are dealing with and what happened in the Federal sphere. The basic difference between what happened at the Commonwealth level and what is happening here is that the personal contributions in the Commonwealth scheme were much higher than necessary to produce the level of pension paid by the fund; and contributions in excess of that amount were returned. That is quite different from what we are doing now.

I understand that, following that surplus at the Commonwealth level, and its distribution, a change has been made in the Commonwealth funds and contributions so that no refunds will be made in the future. It is vital to recall that the basic difference between the two surpluses is that the Commonwealth surplus was due to the fact that the fund there had excessive contributions; in our case it is due to the fact that the income of the fund was better than was anticipated originally. In other words, the State fund produced more than it anticipated, due either to a changed money market or to the efficiency with which the fund had been administered. That is different from what developed at the Commonwealth level, which resulted in a pay-out from that fund.

As I say, it is not expected that such a refund will be made again in the Commonwealth scheme.

I want to reiterate to the House that the method of distributing the surplus was the subject of representations and was the subject of study by the Superannuation Board. The board came out very strongly against the proposal to refund the amounts, and for very good reasons. Firstly, the scheme is basically a pension scheme, and lump-sum payments are permitted only on retirement. The board considers that there should be no extension of commutation rights.

I have had some figures taken out; and the commutation of the surplus to pensioners would incur a cash pay-out of \$3 million. Members might ask what that is when one is talking about a surplus of \$20.3 million; but I have to remind members that one does not have that sort of cash lying around in a Superannuation Fund. In fact, the board would be culpable; it would be criticised severely if it had such money lying idle. Even if the board had to pay out only the \$3 million, that would result in a cash flow problem for the board. It would also reduce the capacity of the fund to

earn future surpluses, to the detriment of the contributors.

I remind members that the method of distributing the surplus—10c a unit on a fortnightly basis—is the result of an actuary's recommendation to the board, and it is not just a figure that was plucked out of the air by the board as a means of placating the contributors or satisfying the contributors. In fact, it is an actuarial figure, based on the philosophy that this is a pension fund. That is the important thing for us to realise—that we are dealing with a pension fund.

We are dealing also with the distribution of income which was greater than anticipated, as distinct from the Commonwealth situation where that fund found that the contributions fixed originally had been excessive.

There was a proposal for payment of the surplus in the form of a lump sum to all members, including those still in service. Here again the board found that it could not support such a cash distribution. The board's objection to this might appear to be overcome if the decision to extend commutation of the surplus to contributors was taken. When I talk about "commutation", members will realise no doubt we are talking about taking the entitlement of a pensioner and making an actuarial calculation on what that payment on a fortnightly basis would commute to if a lump sum was given in lieu. It is a complex calculation; but it is one that can be made. In some cases it is made.

It is evident that if one followed the second proposition, a pay-out of up to \$20 million would not be achieved without disturbing the existing long-term investments and without posing serious cash flow problems in relation to ongoing cash commitments. Members would not need to think very long to realise if one decided to take \$20 million out of a fund like this, one would have to embark on a programme of running down one's investments for a considerable time so that one accumulated that much cash. If one paid it in a lump sum, or alternatively paid it in a series of instalments, that would have a devastating effect on the fund, and it would bring a very sharp reaction from its members who understand its operations—who were not interested only in having their hands on some money today, but also in their position in the future.

Not every widow has the capacity to handle a substantial sum of money. In many cases, the security for them and their families is the certainty that they will receive an increased amount of money for the rest of their days,

knowing that the fund is administered conservatively, that it is administered efficiently, and that it is administered in the interests of the contributors.

My personal view, based on a lot of experience with this type of situation, is that whilst it is very attractive to have one's hands on a lump sum of money at a particular time, it can be illusory. Money slips through one's fingers. One cannot have it both ways. One cannot expect the pension to be continued at an increased rate when one has had the money and spent it, wisely or otherwise.

The board has always supported strongly the principle of preserving a member's equity in the fund until retirement or prior death or disablement. Therefore, the concept of early payment is contrary to the philosophy of a superannuation fund. This is where we have to make up our minds as to whether we are thinking basically in terms of superannuation or in some other terms. After obtaining the advice of the board, I have come down strongly in favour of the superannuation concept. For this reason, I believe the proposition that is currently before the Parliament is in the interests of the contributors and those who are beneficiaries under this scheme.

I do not want to go into a great deal of technical detail, but I should like to return to the question of income tax. It is very attractive to try to work out a way to indulge in tax avoidance. I know they are dirty words at the present time. I am not talking about tax evasion; I am referring to tax avoidance which has always been regarded in the past as being permissible. Under the old dictum one famous chief justice in the English higher courts said, "No British subject can be expected to cheerfully put his head into the alligator's mouth" and another judge made the remark, "Any British subject is entitled to so rearrange his affairs as to pay the minimum contribution to revenue." However, today some people are so smart that a burden is being imposed on their fellow taxpayers to a degree that cannot be accepted; as a result, tax avoidance is not as acceptable as it might have been in earlier times.

I have serious doubts as to whether, under the revised Commonwealth income tax laws, one could avoid income tax by making available a sum of money either by putting it in the bank to earn interest for the recipients, or by paying it to the taxpayer as a lump sum. There are circumstances in which one can pay less tax by obtaining a payment in a lump sum on retirement; but even that situation has been curtailed very severely as some people discovered to their cost

when the Federal Government brought down the recent amendments to the tax laws. Instead of paying tax on only 5 per cent of income, these people found themselves paying very considerable sums in tax. In fact some senior public servants who retired after the passing of that legislation found themselves subject to thousands of dollars of tax that they would not previously have had to pay under the old system of taking accumulated leave payments, accumulated retirement allowances, and all the other benefits available to them and paying tax on only 5 per cent of the amount involved. Under the new law, all of a sudden they found that only part of the amount was subject to the lesser taxation. In future the situation will be even worse, because the whole amount will be subject to the imposts under the new laws brought down by the Commonwealth.

The other suggestion made by the Leader of the Opposition was that the annual amount could be paid in a lump sum instead of payments being made on a fortnightly basis. It was suggested that an annual equivalent be paid. I used to be rather good at working out ways of assisting people in this situation to pay the minimum tax. However, I have thought about this matter during the tea suspension and I could not dream up a way in which such money could be paid to the beneficiary under this scheme on a tax-free basis. In fact, if a State Government tried to embark on some sort of manipulation in this regard to try to avoid income tax on such sums, it would be subject to very strict censure at the present time, especially in view of the campaign which has been indulged in to overcome some of the avoidance schemes that are being embarked upon.

I know it could be argued that the people concerned are comparatively small income earners and it would not be a serious matter so far as Federal income tax was concerned; but once we found a way around it—if we could, and I doubt whether we could do so—it would automatically follow that everyone else throughout the whole of Australia would adopt the same practice. We are dealing with a huge number of people and a large sum of money. I do not believe the Leader of the Opposition realises the exact amount the State Government contributes to this particular scheme at the present time compared with the amount contributed a few years ago. I do not have the figures available to me immediately; but the annual contribution over a period of years has increased from approximately \$4.5 million to a figure of over \$30 million. That gives some idea of the size of the fund and the way in which the contribution compounds as the numbers in the

service increase and the numbers of retirements increase over the years.

Might I say in response to the interest shown in this proposition by the Leader of the Opposition that it has been put forward previously. A committee deals with these superannuation matters and this committee makes representations to the board from time to time. Mr Lanigan and his team do their best to answer queries and supply technical details. The question of distributing the moneys in a different way and, if possible, in a lump sum, has been canvassed and the board is strongly against it. I do not say that, because the board is against it, the Government should accept that as the last word. However, having obtained the advice of the board and bearing in mind that it has the statutory responsibility to administer the fund, I have personally studied it and am of the opinion that the board's recommendation on actuarial grounds is the best and most sensible way of dealing with the matter.

The fact that people can opt out of the increase if they find they are losing fringe benefits gives a degree of flexibility and the fact that people can resume at a subsequent date gives a little more flexibility. All in all, I believe the matter has been administered in a very understanding way.

There is a reason that I believe the matter has been administered in an understanding manner. The people who are involved in the day-to-day administration of it participate in the scheme also. They understand its ramifications, idiosyncracies, and the problems of the recipients. In my opinion the scheme is being administered in a very balanced and sensible way.

The representations which are made to the Treasurer from time to time by the board are always conservative. They always have the views of the participants in mind and that in itself influences me to accept their judgment in this matter.

I should like to remind members also that legislation was introduced in 1973 for a similar purpose and if members refer to that they will find this question of commutation was spelt out clearly then. I am sure the same reasons would have been given at that time as are being given now. They may not have been given in the same words as I am using, but the same background and basic philosophy existed then to that which I have espoused tonight.

I recommend to members that we adhere to the recommendations put forward by the board which are reflected in the legislation as being the most satisfactory for the beneficiaries under the fund.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 46AB amended—

Mr DAVIES: This clause deals with the amending of the fund. We accept the Government's explanation that, under all the circumstances, it believes this is the best way to do it. In reply, the Treasurer was not able to indicate whether it is likely that the contribution rates will rise in the near future. He did not say whether it had been suggested to him that this might occur.

Rumours exist that it is likely the rates may rise. Of course, we are concerned that, if the rates rise, some of the \$20.3 million which is now available, could have been used to offset any likely increase in rates.

If the Treasurer is able to say that is definitely not the case, he can lay the rumours to rest quickly and properly. After all, this is where such rumours should be laid to rest.

I asked whether a projection had been made as to how long the \$20.3 million would be paid at the rate of 5c per week as an increased pension payment. In other words, it is likely that the amount paid per unit as a pension is likely to be reduced this year, next year, or 10 years hence?

Does the Treasurer have any suggestion as to whether this will be the new standard rate? I am not so much interested in whether the rate will increase in the near future, but rather I would like to know whether it will be reduced. Will the rate be brought back to what it will be up to the 31st December, 1979?

I was disappointed in the Treasurer's response to the suggestion that superannuation payments be adjusted more than once a year. He said it had been decided in 1969 that it would be done on an annual basis and that was the considered opinion of the board then and remains so.

I want to point out the pensioner is 12 months behind with his cost-of-living adjustments and that is not acceptable. The Treasurer indicated there would be no difficulty in adjusting the rate more frequently; but I want to point out that a decision was taken 10 years ago when circumstances were entirely different. The Government is living in the glories of the 1960s instead of looking forward with confidence to the

1980s. It is time to rethink the whole situation and not abide by a decision made 10 years ago.

Recently a Minister said he was abiding by a decision may be Harry Strickland who has not been a member of Parliament since the late 1960s, who died in 1971, and who had not been a Minister for over 10 years prior to that. However, the Government was prepared to abide by a decision taken approximately 20 years ago. This is another indication of the fact that the Government is not thinking in an up-to-date manner.

I have received a number of representations on this matter. If I remember correctly, in our policy document prior to the last election we said we would adjust superannuation payments twice a year. I am now able to announce that, as part of our present policy, a future Labor Government would adjust pensions twice a year. I would have to receive some very sound arguments to cause me to remotely consider rethinking such a promise. If other sections of the community, including parliamentarians and members of the work force generally—also under a Federal Labor Government, social service pensioners—are receiving pension adjustments more than once a year, we should abandon 1969 thinking and give superannuation pensioners an adjustment twice a year.

The Treasurer pointed out it was merely a certification by Treasury that that was the CPI. To his credit, it is the full CPI; it is not the court-awarded CPI. However, it must be borne in mind that it is 12 months old. I believe these people are entitled to more frequent adjustments and a Labor Government would grant them that.

I should like the Treasurer to comment on how long these rates will continue to apply, whether this is the new standard, and particularly whether there is likely to be an adjustment in the contribution. I should like the Treasurer to lay to rest the rumour one way or another.

Sir CHARLES COURT: I can assure the Leader of the Opposition we are not thinking in 1969 values or 1969 terms. The annual adjustments have been made for another reason. I said it was not impossible to make the adjustments at more frequent intervals—of course that can be done—but it has settled down on this basis; and when we have regard for the total operations of the fund, and not the question of a bit of extra clerical work and things of that kind, I think the present system is a desirable one.

The other point the Leader of the Opposition raised related to contributors' rates. He implied there was an increase around the corner. He also

wanted to know whether the rates of pension which will now be received will be standard rates.

I know of no suggestion of a change in the rates of contributions. That is a very crucial matter as far as the fund is concerned. As members know, it is tied up with the salaries people receive, the grades they are on, and the number of the units they take or elect to take. I do not know the source of the Leader of the Opposition's information.

The whole question of superannuation is under review from time to time, quite apart from the actuarial valuations. Actuarial valuations are a mystery to all of us but we have to respect the actuaries because over time they have proved to be a little conservative but nevertheless safe. If they are conservative on one occasion, it comes up the next time, and in the end the participants receive the benefit. It is not as though someone hives it off and receives the benefit. It remains in the fund. It is better for an actuary to be a little conservative than to be rash in his assessments.

Mr Davies: How long does an actuarial assessment take?

Sir CHARLES COURT: I could not be precise about the time of the operation. We are now dealing with a valuation which values the fund as at 1977. We now have the result. I am told the next assessment, because of improved facilities such as computers, will be available much more quickly; so instead of making an adjustment quite some time after the event or after the benchmark at which the scheme is valued, we will have it much more quickly and the benefits will therefore flow to the beneficiaries much more quickly. I could not be precise about how long it takes. I know we are receiving actuarial reports much more quickly than we used to, because in the old days so much work had to be done with slide rules, tables, and so on, and it took a long time. Then they had to build in all their actuarial theories, which remain a mystery to me.

With the computer these factors can be built in. The memory of computers is such that much of the tedious calculation no longer has to be done, and they even have greater accuracy.

As far as the pension is concerned, it has been fixed at this rate. The people who are entitled to this bonus from the distribution of the surplus will receive it as of right.

I might say one must be very careful in striking a dividend or distribution—call it what one likes—in a case like this where there is a surplus. One must preserve equity between all concerned. That is one factor which might be lost sight of.

The Leader of the Opposition suggested the \$20 million surplus perhaps might be used to break down any increases in contributions which might be contemplated. I would not counsel such a course because it would introduce inequities. We must deal with the people who were participants at a certain date, and the extra 10c a unit a fortnight has to relate to the people who are entitled to the surplus at that time. We should not confuse any future contributions or future benefits with the situation which confronts us today.

I know of no pending change either in the rate of contribution or the amount of payment, but I want to say the fund is always under review quite independently of the actuary. For instance, there has been a great deal of agitation to remove discrimination from this legislation, but it is not so simple. It seems easy enough to pass a piece of legislation and say, "From this point onward there will be no discrimination, as there is at the present time." It has been built in ever since the fund was started, I suppose, when women and men were treated as having a different career and a different type of outlook or performance within the service. In modern times there is an ever-increasing move towards removing these discriminations, and I have to say it is under consideration.

We expect to receive a report to the Treasury some time late in 1980. It will have all the actuarial support to back up any adjustments which have to be made or any reorganisation of the fund. It is anticipated at the moment that we will have legislation to give effect to that in about 1981. It seems to be a long way off but I have checked up on it and I am assured that is the earliest it can be done, in view of the complexities when trying to change all of a sudden an inbuilt entitlement and commitment in a scheme as old as this one is and bring it into a completely new non-discriminatory context. I repeat that we expect to receive the report from the board to the Treasury some time late in 1980, and hopefully we will be ready for legislation in 1981.

I mention that as only one aspect of the reviews of the fund which are taking place from time to time independently of any actuarial discussions—in other words, about actual entitlements under the fund as well as responsibilities to make contributions.

There are other aspects of the fund. The Civil Service Association is not behind the door in making representations on behalf of its members. There is a Superannuation Committee which is not behind the door in making representations on behalf of its members. Most of these people are

very knowledgeable not only about the law, but also about the application of the fund, and they do not let us go for very long without jogging our memory concerning how they believe the fund can do better within itself and better for its contributors.

I think I have covered the points raised by the Leader of the Opposition. If I have not, no doubt he will let me know.

Mr DAVIES: I thank the Treasurer for his comments. This is certainly one of the most frequently amended Acts to come before the Chamber. Since it was introduced in 1938 a series of amendments has been made. Indeed, every couple of years we seem to have a Bill before us to update the legislation; but basically it has remained the same and I am pleased to hear any discriminatory provisions will be removed from the Act in due course. I have not been aware of these lately. There was some discussion about discrimination some time ago, but I thought the matter had been suitably attended to.

On the question of the adjustment of rates, I also would like to know where the suggestions come from. More than a few phone calls to my office related to whether the rates would be adjusted. The Treasurer has said that to the best of his knowledge they will not be adjusted, and that will set many minds at rest.

I have not followed the Treasurer's rationale in relation to the \$20.3 million being paid out in this way rather than in another way. I will accept what he says; I will not argue it tonight. I suppose one form is as good as another. He says the people who have contributed to the fund are entitled to the benefit. Because I have had suggestions but not really any serious complaints about the way the matter is being handled, I merely accept the Government's decision, which, as the Treasurer said, follows the recommendation of the board.

However, I am not convinced that annual adjustments are in the best interests of the superannuees, and I repeat what was contained in our last policy; that is, we will adjust superannuation payments twice a year.

Clause put and passed.

Clauses 4 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 4)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Connor (Minister for Labour and Industry), read a first time.

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [8.15 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill relate to four separate proposals.

The first proposal concerns headworks provided by the Metropolitan Water Board, specifically the need to facilitate and clarify negotiations with land developers on contributions toward such headworks.

The next relates also to headworks. It aims to overcome present anomalies and ensure equitable treatment of developments by providing for an appropriate contribution toward additional headworks that are required whenever a site is to be developed or redeveloped to other than single residential occupancy.

The third matter deals with minimum and maximum annual rates providing for the setting of realistic lower limits and the determination of upper limits where appropriate.

Finally, it is intended that the Act provide for a supplemental rate during the year, should extraordinary circumstances prevail.

With regard to headworks contributions, and by way of background information, members will recall the rapid increase in urban development in the Perth region in the late 1960s. This growth strained the Metropolitan Water Board's financial resources to the extent that the demand for water and sewerage services could not be fully met. This resulted in the formulation of a policy of subdividers being required to pay for water and sewerage reticulation within the areas of their subdivisions.

A subsequent extension of this policy was the requirement that subdividers contribute toward the cost of providing the board's headworks installations; that is, installations comprising source works such as dams, water treatment plants and trunk mains, and regional facilities

such as service reservoirs, pumping stations, and high level tanks. This component of capital funding was, and still is, essential to enable facilities to be provided to service new developments and so enable those developments to proceed.

In the early stages, the contributions policy was applied under the powers of the Town Planning and Development Act, but the process of subdivision approvals did not fully meet requirements. For example, it did not cater for the anomalous situation, subject of numerous complaints, in which the subdivider first on the scene contributed toward local headworks installations, but subsequent subdividers connecting to these installations did not contribute. They were therefore benefiting from the established market price of serviced lots without contributing their share of the costs of additions to the water and sewerage systems.

After considerable groundwork, the Metropolitan Water Supply, Sewerage, and Drainage Act was amended, in 1976, to empower the board directly to negotiate and set headworks contributions and, consequently, to rectify such anomalies.

As members will appreciate, the 1976 legislation dealt with a matter of some complexity. It aimed to establish an equitable method whereby developers contribute toward the cost of headworks installations serving them, including installations already constructed for earlier subdivisions. Experience in the application of those parts of the Act covering contributions reveals technical difficulties that were not apparent in the original drafting.

In brief, the present Act refers to Town Planning Board conditions relating to water, sewerage, and drainage requirements applying to "that land". Legal opinion is that the term "that land" infers the supply of headworks only to the boundary of the land and therefore does not cover explicitly reticulation within the land to the newly-created lots.

Terminology is again a problem in another section. Reference to the board, in the context of work provided in compliance with a condition of subdivision approval, appears to preclude the existing and satisfactory practice of subdividers themselves providing reticulation and associated installations in lieu of payment to the Water Board for the board to carry out such work.

Lastly, there is some ambiguity in the present Act as to the stage at which approval of a subdivision takes effect. It can be interpreted that approval follows merely from the time of entering

an agreement, rather than from the time the terms of an agreement are satisfied.

The Bill now before the House follows lines recommended by the Crown Law Department to remedy these technical problems. As indicated already, this first proposal caters for contributions by land subdividers at the subdivision stage, when the capacity of the ultimate development is unknown.

The second proposal, which follows, is complementary in that it covers the situation after subdivision, catering for development which requires facilities beyond those of a single domestic dwelling and covering, as well, redevelopment requiring amplified services.

At present, the board has no power to enter agreements on requirements for augmenting services to provide for development after subdivision. Certainly less formal arrangements exist at present for developers to share the cost of necessary additional facilities but, obviously, there is need for a formal commitment by the parties concerned.

This Bill, therefore, provides that, on application to the board for services beyond those already available, the developer may be required to enter into an agreement to contribute towards the cost of improved services required.

The amendment allows for the case where substantial redevelopment, such as the replacement of dwellings with flats, requires substantial improvements to water and sewerage facilities. It removes the existing anomaly where contributions are required in the greenfield situation, but not in equivalent redevelopment.

In other States, this anomaly does not exist, because appropriate contributions are required to equalise the position. This amendment will enable the Metropolitan Water Board to maintain economic equity and efficiency by use of contributions, as elsewhere.

An additional contribution will be required when the density of occupation makes the greater demand on water and sewerage services than the equivalent of a single residence. For example, if a block of flats on a lot is assessed by the board to put a demand on water services equal to three additional single residences, then the contribution required could be three times the basic \$463 applying, at December, 1979, for a single residence occupation.

Other types of higher density occupation—town houses, duplexes, caravan parks, or other commercial or industrial developments—would be likewise assessed and pay an amount to reflect

their extra call upon water and sewerage installations.

The principles for assessment will be handled by the board so as to be as simple as possible, consistent with equity and good administration.

With regard to the matter of rates charged for the board's services, the board's enabling Act delegates the power to make and levy minimum rates for water, sewerage, and main drainage to the board itself. It prescribes a limit of \$2 each for water and sewerage services and 50c for main drainage and it states that the minimums shall not exceed these prescribed amounts.

The amounts were set in 1951 and are quite unrealistic in terms of today's values. It is proposed that reference to actual minimum amounts be removed from the Act and prescribed by subordinate legislation. This will avoid also the need for Parliament to deal with the relatively minor matter of adjustments that may be required at a future time.

Allied to this and as a precautionary measure, is the further provision that a maximum rate may apply if it becomes necessary in the future to put an upper limit on annual payments.

Finally, the Bill sets out to amend the principal Act by establishing the power to impose supplemental rates for the unexpired portion of the year, along the lines available to local authorities under the Local Government Act. The reason for this is to give adequate scope to meet a situation of utmost emergency should such arise. The exercise of this provision is subject to proper control, being dependent upon the approval of the Governor.

An illustration of the sort of emergency catered for is the "prices and wages pause" of 1977, when taxes and charges were not to be increased during the period of the pause, as agreed at the Premiers' Conference in April of that year. Had the pause continued beyond the 1st July, 1977, the board would have had to declare the same rates as applied in the previous year and would not have been in the position to redetermine the rates subsequently during 1977-78. The board's revenue may well have had a substantial and detrimental effect on its ability to maintain adequate services.

These, then, are the amendments proposed by the Bill.

To summarise: in the area of subdividers' and developers' contributions toward the cost of providing headworks that serve their developments, the objectives are—

firstly, to remedy technical deficiencies that may otherwise impair negotiations and agreement by the parties concerned; and

secondly, to enable the board to seek contributions from later developments requiring a capacity of services in excess of that provided at the time of subdivision.

With regard to the rating aspect of the Bill, the aim is to provide the means to apply a reasonable minimum rate and a maximum level, where necessary and, at the same time, to provide for the determination of rates supplemental to annual rates as a contingency in the circumstance of emergency.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Jamieson.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR HARMAN (Maylands) [8.26 p.m.]: This Bill is designed to amend the Child Welfare Act, and in the main the amendments are of a technical nature. The first amendment deals with the oaths taken by special magistrates.

The second amendment makes provision for a court to convene out in the open if necessary. With the passing of the Aboriginal Communities Act, it may be desirable to hold a Children's Court in a breezeway, on the verandah of a building—not necessarily inside the building—and in some cases it may even be decided to hold a Children's Court at a meeting place in an Aboriginal community, and this may even be a creek.

The next amendment will allow the court to order a penalty to the parents of an offending child, if it is the view of the court that the parent or parents were conducive to the commission of the crime by that child.

Of course the Opposition does not raise any objection to these technical amendments. However, we do raise an objection to the provision in the Bill which will take away the right of a judge of the Supreme Court or a District Court to determine whether the identity of the child appearing before the court should be made available to the media. The Government seeks this amendment so that the identity of the child before the court is made known automatically unless the judge intervenes.

In asking the Parliament to accept this amendment, all the Minister for Community Welfare told us was—

The remaining amendment, in clause six in the Bill, is introduced as a result of Government concern that the existing law relating to identification of children before the Supreme Court and District Courts on criminal charges is inappropriate.

That is all the Parliament was told. Just a few weeks ago I chided the Minister for Community Welfare for asking Parliament to accept amendments to various Acts without giving us the reason for those amendments. Apparently whoever writes the Minister's speeches—or perhaps he writes them himself—took no notice of the Opposition's claim that the Parliament ought to be informed of the reasons for amendments.

On this occasion the Parliament has not been informed, and it is about time the Minister realised he ought to explain to Parliament why this change is necessary. He tells us that the amendment is introduced because the Government is concerned, but what does that mean? What is the Government concerned about? I cannot answer that question. All we are told is that the existing law is inappropriate. What does inappropriate mean? I cannot even answer that.

Perhaps some studies or surveys have been made which indicate the identification of a child before the District Court or the Supreme Court would act as a deterrent. I do not know whether that is the case; perhaps the Minister could enlighten the Parliament on that question, too.

Why is it necessary to take that right away from the judge and give it to the media? Why should the media be allowed to decide whether a juvenile should be identified publicly? Has there been pressure from the media for the identity of the child to be exposed? Have the Press barons been clamouring, and saying to the Government, "You should remove any inhibitions so that we can publish the names of children who are before the courts on serious criminal charges"? I do not know; the Minister has not told the Parliament. I am in the position of trying to guess why the Government is taking this action.

I suppose what I should do now is sit down and wait for the Minister to tell us why this change is necessary.

Mr Skidmore: Do not hold your breath.

Mr HARMAN: I intend to oppose the Bill. I ask the Minister to explain why this change has been deemed necessary, especially in the light of a question asked of the Premier today dealing with the exposing by the media of the name of a person

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who may or may not have unfortunately met his death in a foreign country. This matter has not been confirmed by the Department of Foreign Affairs. It must have caused the parents of that person great distress to read this report in the newspaper.

Why should Parliament let the news media decide whether it should print the names of children appearing before the courts on criminal charges when the news media is capable of making such mistakes, and of causing grave concern to the people involved? It may be that a young person is charged with a criminal offence, but subsequently is acquitted. His name may have been paraded through the newspapers, which could harm him in his future life.

For all those reasons, I cannot see why the Government is so hell-bent on giving this right to the media. I do not see the need for this legislation, and I intend to oppose it.

MR YOUNG (Scarborough—Minister for Community Welfare) [8.34 p.m.]: The member for Maylands has indicated tonight that perhaps his party should seriously start considering whether he is reading the legislation which comes before the House. As the representative of the Opposition on this matter, he said the Opposition supports in principle the technical matters contained in this Bill. Then, in a speech of about five or six minutes, he said he intended to oppose the Bill—I do not know whether his party intends to oppose it, too—on the basis of his clear misunderstanding of the intention of the Bill.

The basis of his speech was that unless I spelt out every specific reason for the legislation, he would oppose the Bill; yet he has done no work on the Bill.

The member for Maylands claims the Government intends to leave it to the Press to determine whether the name of a juvenile charged with a criminal offence ought to be made public. That clearly is not the situation, and anyone who read even my second reading speech—quite apart from the Bill, which the member has not done—would know it is not the situation. The Bill simply will shift the emphasis from a negative to a positive, or from a positive to a negative, depending on the particular side of the fence on which one stands.

At the moment, a judge dealing with a juvenile in a higher court in respect of a criminal offence must specifically direct that the Press may print the name of the juvenile involved. This Bill simply provides that the Press may print his name, unless the judge determines otherwise. In other words, the judge will still make the determination as to

whether the juvenile's name should be released to the public.

Mr Jamieson: It is a negative argument to achieve a positive result. I cannot see any real difference between this and the existing law.

Mr YOUNG: Quite clearly, the member for Welshpool is at variance with the member for Maylands. If the judge decides that the juvenile's name should not be released, he will still be able to make that determination.

If the member for Maylands asks why a juvenile's name should be published at all, one could ask him whether he really lives in this part of the 20th century, or in some other part. We are talking about a juvenile who has committed criminal offences and who has been sent for sentencing to a court higher than the juvenile court. He may be 17 years of age; he may have committed rape, murder, or armed robbery.

Mr Skidmore: Not all of them, I hope.

Mr YOUNG: Perhaps; some of our 17-year-old criminals are progressing to the stage where they could fit all that into one night.

Mr Hodge: What will the publication of their names achieve?

Mr YOUNG: The attitude of the member for Melville expresses perfectly the difference in philosophy between the Opposition and the Government. The Government can see no reason at all not to publish the name of a 17-year-old criminal, if the judge decides not to protect him by the suppression of his name, but to publish his identity for the protection of the public—which, after all, is one of the basic concepts of British law.

Mr Grill: Why don't you do it in the juvenile court?

Mr YOUNG: We are talking about juveniles sent to a superior court for sentencing on a criminal offence.

Mr Grill: The juvenile court handles criminal matters every day; it deals with breaking and entering, and offences which carry a 20-year gaol sentence. However, the media does not print the names.

Mr YOUNG: We are talking about giving to the media at least that much of—

Mr Grill: You are discriminating.

Mr YOUNG: We are discriminating in respect of a young criminal who has been sent to a higher court for sentencing.

Mr Grill: You are also talking rubbish.

Mr YOUNG: I am very happy for the member for Yilgarn-Dundas to judge my remarks as

rubbish; it makes me feel very comfortable. It also makes me feel comfortable every time the member for Maylands criticises a Bill which has been introduced for good reason, simply because he has not done his homework on the legislation in an endeavour to understand it.

The whole philosophy behind this legislation is this: In our community today we have young criminals under the age of 18 years who have committed serious offences. If they are sent to a higher court for sentencing—

Mr Harman: Not for sentencing; for trial.

Mr YOUNG: —in our opinion, their names should be published, just as the names of criminal offenders over the age of 18 years are published.

Mr Harman: Why?

Mr YOUNG: Why not? What is the difference between a 17-year-old raping a 15-year-old girl, and a 19-year-old committing the same offence?

Mr Harman: I simply asked you, "Why?"

Mr YOUNG: I was about to explain that. This Bill will still leave the ultimate decision as to whether or not the offender should be protected by the suppression of his name to the judge in the superior court.

The Opposition constantly bleats about the need for judicial inquiries into every aspect of Government activity. The Opposition does not trust the Government, and believes a judge of the Supreme Court, or some other court should be appointed to head these inquiries. Yet when the Government says in respect of a criminal offence which has been proved—

Mr Harman: It has not been proved. You read the Bill. It says, "When a child is dealt with on a criminal charge".

Mr YOUNG: I am quite prepared to accept the point made by the member for Maylands and say that if in the opinion of the judge during the course of proceedings the person's name—

Mr H. D. Evans: You are changing your argument.

Mr YOUNG: There is no change in the argument that because a person who has committed a criminal offence is 17 years of age, and not an 18-year-old, his name should be suppressed. Members of the Opposition are saying that any member of our community who is over the age of 18 years and is charged with a criminal offence—whether he is innocent or guilty—

Mr Harman: Over the age of 18 years?

Mr YOUNG: Yes; if he is over the age of 18 years, his name should be spread across the newspapers. However, if he is under the age of 18

years—regardless of the nature of the offence, and whether or not the judge of a higher court believes in his wisdom the offender should not be given the protection of the secrecy provisions—his name should be suppressed.

This Government believes such an argument to be absurd in this day and age, when a person can commence his criminal activity when as young as 13 years of age. The Opposition seems to have a sort of religion about the age of 18 years; until one attains that age, in its view, one should be fully protected no matter what offences one may commit.

The Government believes the time must come when juveniles who have been convicted of, say, 20 or 30 offences no longer are regarded as children simply because they are 16 or 17 years of age, just as we cannot always consider as adults some 25-year-olds who perhaps do not have the mental capacity of adults.

Mr Grill: You are prejudiced.

Mr YOUNG: Yes, I am prejudiced against rapists and other criminals, and I am in favour of the concepts of British justice, which have always been that the courts hearings must be public. In regard to children, they have always accepted the fact that children ought to have some special form of protection.

The time has come when there has been a shift of emphasis in respect of this. Day in and day out I get confronted with a huge pile of files in respect of people who are being dealt with by the Department for Community Welfare, the juvenile courts, and the like. Members do not have to take my word for it; they can go to the juvenile courts at any time to see that what I say is correct.

Mr Wilson: You should be backing up your argument with facts.

Mr YOUNG: I am backing my argument with logic. I would have thought the reasonable members of the Opposition as distinct from the unreasonable ones would accept the fact that we could leave it to a judge to decide whether he will allow the names of people on criminal charges to be released to the Press.

If the Opposition wants to make a big deal about this, no-one would be more happy about it than I, because I know how the public feel on this issue. I believe members of the Opposition know how the public feel on this matter. I believe that now and again, as now, they want to dig their toes in on legislation. But it will not do members opposite any good to adopt the attitude that there ought to be, under all circumstances, total protection for children who may well have committed very serious criminal offences.

Boiling it all down, all the legislation states is that a judge of the Supreme Court can determine whether a person will not be named in the Press when he is charged on a criminal matter. Obviously a judge will take into consideration the fact that a person may be a juvenile.

The next time any member of the Opposition says there ought to be a judicial inquiry into any Government matter, I will remind him that the Opposition was not prepared to allow a judge the right to make this sort of determination. It seems the Opposition is prepared to allow a judge to make a determination, hold a judicial inquiry into Government matters, and to go into the finest depths of Government decisions, but it is not prepared to allow a judge to say a person's name will not be permitted in the Press or, under other circumstances, it will be.

Quite frankly, I cannot quite reconcile that. There are members of the Opposition who would have all Government decisions made the subject of some form of inquiry, perhaps by a judge or a Royal Commission. They continually laud the independence, judgment, and wisdom of our judges of the Supreme and District Courts, but when they are asked to allow the judiciary to make decisions in respect of criminal matters they say, "No; leave it as it is. Make the judge say the person ought to have his name released as distinct from the other way around." In other words, separate adults from the people who may well be very close to mature age anyway. The judge would take the degree of closeness to the age of maturity into account when he makes his decision. The Opposition would prefer to separate people who happen to be under the age of 18 and those over the age of 18. There is a principle of British justice which has been pushed down my throat year after year by people such as the former member for Boulder-Dundas who used to say constantly that everything which happened in a court ought to be made public.

Mr Harman: When did he say that?

Mr YOUNG: He said that in regard to Bills such as those dealing with illegitimacy. He said the proof of paternity ought to be made public and where people contested paternity the case ought to be heard in public as distinct from in chambers. I can just about remember what he said, word for word; he said, "It may well be that in giving evidence a person might prove to be a different sort of bastard from what he claimed." The then member for Boulder-Dundas said that all these matters, with the rarest of exceptions, ought to be heard in open court; people ought to have the right to know the person being charged and for what he was being charged, because

regardless of the decision, this was the proper way to do things. He said this was a fairer way because in this way the concepts of British justice would be known to continue over the years on the basis that everyone would know who was being charged and with what he was being charged.

This is the extension of that argument. We are saying everyone who has had a charge of a criminal nature laid against him and which is being dealt with in a criminal court will have his name published unless the judge dictates that the person's age should prevent this.

Mr Grill: It is not doing that, because if you are brought up on a serious charge in a juvenile court your name will not be published.

Mr YOUNG: We are not dealing with a juvenile court.

Mr Grill: Right. A lot of people go up on serious charges in juvenile courts. Breaking and entering carries life imprisonment.

Mr YOUNG: Would the member prefer us to go back to the juvenile court?

Mr Grill: Don't discriminate between them. That is what you are doing. You don't even know you are discriminating.

Mr YOUNG: If there is a degree of discrimination I would have thought it was a step towards what the Opposition wanted. At least it does not give *carte blanche* permission for people in juvenile courts to be named. The Bill takes it one step further into the Supreme Court with respect to a decision by a judge on a criminal matter. I am quite happy to have the member for Yilgarn-Dundas disagree with me; it makes me feel a lot better.

The other matters to which the member for Maylands referred are important matters. They impinge on the legislation already introduced in respect of the Aboriginal Communities Act. I believe they are not matters that should be tossed away lightly like the member for Maylands tossed them aside. He said the Opposition would oppose the Bill on the flimsiest of grounds. If that is the way the Opposition wants to treat this legislation that is up to it.

Mr Pearce: Another leadership contender bites the dust.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Community Welfare) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 126 repealed and substituted—

Mr HARMAN: I do not think the Minister was quite sure of what he was saying about this Bill because he started off by referring to when a child was brought before a criminal court for sentence. He did not seem to appreciate that a child could come before a criminal court, and I refer to the Bill the Minister introduced which said, "When a child is dealt with on a criminal charge".

That could mean a child is before a criminal court and has pleaded not guilty; yet all the evidence will be paraded and obviously will be printed in the Press. But under the present system the person accused is not named in the Press unless the judge agrees to it.

The Minister wants to make an important change and based his argument on the fact that the name of the accused will be printed unless the judge decides otherwise.

So the prerogative of the identification of the accused is being switched from the judge to the media. The media will have the first choice of naming the accused unless the judge intervenes. I refer members to proposed new subsection (3) which reads as follows—

(3) When a child is dealt with on a criminal charge in the Supreme Court or The District Court of Western Australia, a judge thereof may, after due consideration of the public interest and the interests of the child, order that no person shall publish in any newspaper or other printed medium or broadcast or televise any report of the proceedings of that Court on the hearing of ...

Under the existing Act the judge has the first say. He can decide whether or not the accused is identified.

The Minister argued that all children before criminal courts on criminal charges should have their names exposed. He does not care whether the judge can intervene. The Minister's philosophy is that the child's name should be exposed. He has readily admitted this. If the Minister had his way he would not even have this proposed new section which gives the judge the power to prevent the naming of an accused in the legislation. The Minister's philosophy is that every child before a court on a serious charge, even though the child may be as young as nine years of age, should have his name paraded in the Press. I heard the previous member for Boulder-Dundas say that just because a juvenile commits a

murder he is not necessarily a criminal; his crime may have been completely unpremeditated although it resulted in the death of a person and so he could face a charge of wilful murder, murder, or manslaughter.

With the Minister's philosophy, a young person finally could be acquitted but his name would have been supplied to the Press forcing him to live with the publicity for the rest of his life.

I think we have a very good system now. The Minister's philosophy will mean there will be no barrier to these young people having their names published.

Mr Young: The judge is the barrier. I made it clear the judge has the right to make that determination.

Mr HARMAN: The Minister said when speaking in a general manner that even young people who commit crimes should have their names exposed.

Mr Young: Only if in the opinion of the judge there is no reason to protect their names.

Mr HARMAN: Why was it necessary to change the law?

Mr Young: Because we are doing it the other way around. We are doing it from the stance that no-one is allowed to print the name unless the judge determines that he may. It is the same as the system which applies in other courts with respect to adults except that the judge is given the right to protect the child after consideration of the public interest.

Mr HARMAN: The existing legislation states that no person can identify an accused child who is before the Criminal Court. That is the existing law, unless the judge so determines. Now, the Minister wishes to waste the time of this Chamber by bringing in legislation to make a change which is, in effect—according to him—to make the position the same as it was before. The name of the accused will not be released unless the judge so determines. When I asked whether this was necessary, I received a sort of philosophy from the Minister stating that young people who commit serious crimes should have their names paraded in the community. If that is the opinion of the Government, well so be it.

That opinion ought to be exposed so that everyone is aware of it. The Opposition believes the present system should apply; that is, if a child is before the court then the court judge makes that decision, not the media and not the Liberal Party philosophy. The court will determine the issue and I cannot see the necessity for this change.

Mr GRILL: In respect of the control and sentencing of juveniles, it has always been the system in the past that we accept a fiduciary duty towards those young members of our society. That system has been departed from in very rare instances only in the past.

Tonight we are to allow a very large degree of departure from that particular rule and I do not think it is of benefit to this State and the young people who live here. A person should not be blighted forever simply because of a stupid act committed whilst a juvenile. However, it seems proper to me, that where a juvenile has committed a particularly heinous act, we have given the judge—or the person in charge of the case—the right to disclose the name of the juvenile where it is thought to be appropriate.

The member for Maylands is completely correct in his comments in this regard. We are taking away that right from the judge and we are giving the right to the media. The Minister is finding it difficult to appreciate that fact. If he read the legislation he would appreciate that this is in fact what is happening. Proposed new section 126(3) will read as follows—

(3) When a child is dealt with on a criminal charge in the Supreme Court or The District Court of Western Australia, a judge thereof may, after due consideration of the public interest and the interests of the child, order that no person shall publish in any newspaper or other printed medium or broadcast or televise any report of the proceedings of that Court on the hearing of—

- (a) that charge; or
- (b) any application relating to that charge.

Now, until the judge has gone into all those matters and until he has made that determination, the Press and anyone else are completely free to do what they like with the information. That includes the committal proceedings and the copies of the depositions that are to be used in the trial which includes all of the evidence which the Crown will require. Therefore, it may be quite some time into the trial before the judge is in a position to make a decision. We are giving open slather to the media and anyone else who wishes to use the information in any way he wishes.

The correct situation is with the present law whereby information, which is accessible to the Press, is released only when the judge is in a position to make a decision. In that way we are carrying out our proper duty to the young people of this State.

This legislation also discriminates between juveniles. The Minister does not seem to fully appreciate this, though I can understand that, because he is not a lawyer.

Mr Young: Would not your interpretation—

Mr GRILL: We are talking about the duty we have to young people.

Mr Young: Would you not argue that the judge would make a decision or determination in respect of adults?

Mr GRILL: I do not argue that because I do not think we have the same duty in respect of adults. The Minister is now beginning to understand this point. This legislation is discriminating between juveniles, not on the basis of whether a crime is a heinous or serious one or not; it is discriminating according to the court in which the case is heard. Some very serious charges come before the juvenile courts. One which really stands out is the breaking and entering of dwellings during the night hours. Those charges come before the juvenile court and are dealt with by that court. Those charges carry 14 years' imprisonment, or even life imprisonment. The names of those offenders cannot be disclosed for any case in the juvenile court. That clearly discriminates between juveniles depending upon the court in which they are tried. This particular provision should not be permitted in the legislation.

Mr YOUNG: The member for Maylands made several statements which ought to be cleared up. He made the statement that I wanted all juveniles, regardless of the offence, to be named before the public. I made it quite clear that the judge was the barrier to that. I could not see any difference between a person who was approaching the age of 18 years who was being charged with a serious offence and a person who was over the age of 18 years in respect to whether his name ought to be made public. I made it clear that the age, in this legislation, was to be considered by the judge. In other words he made the determination as to whether a person, because of his age was to be protected in the light of proposed new section 216(3).

The member for Maylands then referred to nine, 10 and 11-year-olds being charged with serious offences. To say that a judge would make a determination against the protecting of a child of that age is an insult to the intelligence of the judiciary. I thought I made it quite clear that the judge was the barrier in those cases. I would say the member is seriously questioning the intelligence and the maturity of the judiciary when he suggests there is some overt

discrimination against the juvenile in respect of this particular matter. The judge makes the determination to protect the child.

Mr Harman: You twist the argument.

Mr YOUNG: There is nothing twisted about this. The judge simply has to make a determination as to whether he protects the child and therefore the onus is on the judge to make that determination. The judge makes the determination whether the Press is able to make any release of that person's name. Those are the facts and we on this side of the Chamber see no reason that they should not exist.

The member for Yilgarn-Dundas said that this would discriminate between adults and juveniles. There is nothing wrong with discriminating between adults and juveniles and the fiduciary duty in respect of children ought to be maintained at all times. But in answer to the charge that we are discriminating between juveniles themselves by changing this legislation in respect of people being sent to a superior court, I say to the member for Yilgarn-Dundas: How can we continue to discriminate between someone who is one day short of 18 years and an adult?

I made the point as to whether the argument of the members for Yilgarn-Dundas applied to adults and he said that it did not. Therefore according to the members if a person is 17 years and 364 days old his situation ought to be completely different from that of a person who is 18 years old. Then I say that is discriminating and therefore it should be the judge's decision whether to protect that juvenile. The member also said we are discriminating when we say this legislation pertains to a superior court and not a juvenile court.

I do not deny that we are discriminating between juveniles. That is what we are doing and I am quite happy to admit that. The member for Yilgarn-Dundas says we should not discriminate between a juvenile in a juvenile court and a person in a higher court or in a criminal court. I cannot quite work out why the Opposition wants to leave the legislation as it is because we will be left with the philosophy of the present system with respect to the example I just used; and that is, the comparison with the case of a person just over the age of 18 years. That is the reason for leaving the decision to the judge who is experienced and has the ability, in law, to make a determination.

Mr Grill: If he does not make that decision until well through the trial, all that material has been published.

Mr YOUNG: That was another point made by the member for Yilgarn-Dundas in his short

speech. Subclause (3) commences with the words, "When a child is dealt with on a criminal charge . . ." That means at any time a child is being dealt with.

Mr Grill: Yes.

Mr YOUNG: If one reads this subclause correctly it means that the judge may make a determination that the Press cannot print a name at any time. Let us say a child is aged 17 years and is before the court on a very serious charge, and initially the judge may tell the Press not to publish the name of the child. However, if the charge is serious enough, the judge may reverse his determination during the course of the evidence. Therefore, the judge can make a determination based on the seriousness of the case, the public interest, the interest of the child, and on his own experience.

Mr Grill: What if he doesn't?

Mr YOUNG: Is the honourable member saying: What if the judge is irresponsible?

Mr Grill: No. What if the Press got hold of a copy of the depositions which would be available?

Mr Laurance: Ignore the fool—he is only being perverse.

Mr YOUNG: The point I am making is that the member for Yilgarn-Dundas is saying that the judge may not take his job seriously.

Mr Grill: I am not saying that.

Mr YOUNG: I do not think the matter is really worth pursuing.

Mr Grill: That sums it all up!

Mr YOUNG: It is obvious where each side stands philosophically on the matter. We have made it clear that we are prepared to leave it to the judge to afford protection to a juvenile. The Opposition is saying that it believes the juvenile ought to be protected by the law unless the judge steps in and determines otherwise. It is a simple matter of philosophy.

Mr Harman: You have it all wrong—you would twist a piece of iron!

Mr YOUNG: That is exactly what the argument is about. I am sorry that the member for Maylands cannot see it in those clear, simple terms. We believe this legislation should be introduced, and obviously the Opposition does not. It would be quite senseless to continue to argue about it.

Mr HARMAN: The Minister tried to twist what we were saying to suit his own purposes when he did not really know what he was talking about. Only a few moments ago I said the Opposition believes that the current legislation

fulfils a need. Now the Minister is saying we did not say that.

Mr Young: I did not say you did not say that.

Mr HARMAN: I would just like to make it clear for everyone. The current legislation provides that the accused will not be named unless the judge so determines; and we agree with that. That is our approach to this provision. I would like to inform the Minister that if he had read the Bill he has placed before the Chamber, he would have been able to deal conveniently with the argument presented by the member for Yilgarn-Dundas. The Minister's comments demonstrate that he did not know what was in some parts of his own Bill.

Clause put and passed.

Clause 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

ACTS AMENDMENT (PORT AUTHORITIES) BILL

Second Reading

Debate resumed from the 8th November.

MR McIVER (Avon) [9.20 p.m.]: This is an administrative Bill, and I indicate that the Opposition has no quarrel with it. Its principal purpose is to ensure that the port authorities have the legal power to borrow for all new works approved by the Minister, and to validate all such past borrowings. Until now several ports in the State had the limited power only to borrow up to \$10 000 and this measure will give them the power to borrow privately in order to develop their particular port authority.

The Bill also relieves the Minister for Works of the responsibility for undertaking works at the ports. Under this measure the authorities themselves will be able to play a much greater part in the development of our ports in Western Australia. In addition, the port authorities will be able more or less to assume the powers of a local authority where land is to be resumed for the expansion and development of the port.

In essence that is all the legislation does, and as the Opposition see advantages in it, I indicate that we support it.

MR O'NEIL (East Melville—Deputy Premier) [9.22 p.m.]: I want to thank the member for Avon for his support of this measure. I must apologise for the absence of the Minister for Transport who would handle the measure if he were here. However, it is precisely as the honourable member said it is—a machinery measure to ensure that the port authorities have the borrowing powers which one always imagined they had. To that extent it will ratify borrowings that have occurred in the past. Members may recall that this was one Bill where the title was almost as long as the Minister's second reading speech!

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr O'Neil (Deputy Premier) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 23 amended—

Mr JAMIESON: I have chosen to speak to this clause because it illustrates the point I wish to raise. It provides that the Bunbury Port Authority will be a local authority within the meaning of that expression and defined in that Act. I wonder how far this provision goes? I realise it is meant only to allow the port authority to undertake certain works and to gain finance for those works, but it seems to me that the port authority will be given greater powers than that. What has been the reaction of the local authorities to this provision?

Are we to assume that in the case of land under the control of the port authority, the port authority can set up its own model by-laws for construction purposes, health purposes, or any other purposes normally performed by local authorities? If this is the case, will it not cause some conflict between the real local authority and the pseudo local authority?

Mr O'NEIL: My understanding of the provision is that the amendments to the various port authority Acts are to be achieved in this way to grant the port authorities certain powers which one imagined they had. Of course, one such power is the acquisition of land for the purpose of the port operation. The member for Welshpool would know that even local authorities have no power in their own right to acquire land; land must be acquired by the medium of the land resumption section of the Public Works Act. So all this legislation provides is that where a port authority

acquires land for its operations, that port authority will be regarded in exactly the same way as a local authority.

I am not sure about the making of by-laws. Certainly, land vested in or owned by port authorities is subject to the making of rules and regulations by that port authority itself. Normally a port authority has a responsibility to make rules and regulations for the behaviour of people operating in the port, and even visitors. I am sure it is not intended that a different set of rules will apply in regard to community behaviour in contradiction to those which apply to the local authority. Certainly, additional specific rules and regulations can be made to control the behaviour of people in a port authority area.

Clause put and passed.

Clauses 8 to 13 put and passed.

Clause 14: Citation—

Mr JAMIESON: I notice under this provision—and later on when we come to consider the Port Hedland Port Authority—such power is not vested in that port authority. Why is there a difference in respect of these two authorities?

Mr O'NEIL: My understanding is that this particular provision is already contained in the Acts relating to the older port authorities. The member will know that the Statutes controlling the port authorities came into being at different times and I understand that the provision is included already in the Fremantle Port Authority Act.

Clause put and passed.

Clauses 15 to 23 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and transmitted to the Council.

PERTH THEATRE TRUST BILL

Second Reading

Debate resumed from the 25th October.

MR DAVIES (Victoria Park—Leader of the Opposition) [9.32 p.m.]: I cannot help but feel the Government rues the day it decided it would rescue His Majesty's Theatre, popularly known as "The Maj", an expression I have not heard but I have read it in newspapers. Whilst most agreed earlier that it appeared there would be some value

in restoring the theatre, the Government has undertaken the venture almost without knowing where it would finish up. I only hope the problems being experienced in respect of the theatre will not be reflected in its management and in the management of Perth theatres generally, as envisaged by this Bill.

I want to congratulate the Government on taking up the suggestion we made in January of this year when some controversy occurred about the management of the Entertainment Centre and His Majesty's Theatre being vested in TVW Channel 7. At that stage we made the suggestion that theatres in which the Government had an interest should be managed by a committee of some kind which would co-ordinate activities and put to the best possible use the facilities available to us.

I stand by that opinion, and the Bill before the House takes up this nice piece of socialism. I suppose that is what it would be called if it were introduced by a Labor Government, but as it has been introduced by a Government of a different political colour it is considered to be a "sound piece of economic management".

In these days theatres are likely to incur a considerable loss unless expertise is available for their management; and it has been suggested the trust could lose up to \$1 million a year. I cannot help but feel the Perth City Council is clapping its hands, if a Press report I read earlier is correct. That report said the council would contribute only \$50 000, no matter what were the overall losses. This seems to be part of the deal by which the Perth City Council has agreed to take part in the trust, because it is stated that four trustees will be appointed on the nomination of the Minister, and three will be appointed on the nomination of the Perth City Council. Therefore, the Perth City Council has an interest of about 50 per cent in the running of the trust. I wish it well; I believe the various activities need to be co-ordinated.

I want to know why the Government took so long to arrive at a decision on this matter. Also, I would like to know what is the deal which has been made with the Perth City Council, what is the likely outcome of a year's operation of the trust, what theatres it is likely to manage, and what the cost is likely to be. Some of those questions cannot be answered accurately, but I believe the Parliament is entitled to an estimate, and I hope the estimate is more accurate than that in connection with the restoration of His Majesty's Theatre with which I will deal in a moment. It seems the Perth City Council will be the winners in the arrangement which has been made, because some earlier Press reports said that

within the next couple of years the Perth Concert Hall will require renovations to the tune of something like \$200 000. That expense will have to be met almost immediately by the trust.

I believe the trust will have almost a full-time job; because it is not simply a matter of laying down general policy; it has been given very wide powers indeed. An interim committee has been named, and no doubt it is already meeting and discussing the work likely to be done. I should imagine it is highly likely also that the interim committee will become the permanent committee.

I hope the appointments to the trust will be staggered. The Bill provides in clause 5(4) that the appointments shall be for such periods as the Minister shall decide. It would be a sound idea indeed if the Minister appointed a couple of members for one year, a couple for two years, and the balance for three years. Such a procedure often is set out in legislation to ensure a constant turnover of membership. I am not certain with which Minister I am dealing now.

Mr P. V. Jones: Your suggestion is what is proposed.

Mr DAVIES: I did not know to whom I should be addressing myself, because the Deputy Premier introduced the Bill after the Premier had given notice of it. However, I should have known it would be the responsibility of the Minister for Cultural Affairs because that is clearly expressed in the Bill. I am pleased to hear it is proposed that the appointment of members to the committee will be staggered to provide for a turnover of membership.

The Bill does not provide specifically for the Government to nominate the chairman, but in his second reading speech the Deputy Premier said the chairman will be appointed from amongst the four ministerial nominees. Clause 5(2) says the Governor shall appoint one of the trustees to be chairman of the trust. "The Governor" means the Government or the Minister of the day. The Minister is more honest than is the Bill, because he said one of the ministerial appointments shall be the chairman of the trust.

I suppose matters such as the number of members, the term of membership, and the functions of the trust could be argued at length. However, I will not argue them. I have an assurance from the Minister regarding terms of appointments and I have pointed out a discrepancy between the provisions of the Bill and the second reading introductory speech; that discrepancy is not of real importance, but I suggest the management of theatres will provide a headache for the Government. On the other hand,

I cannot suggest how I might have done otherwise, although perhaps I might have weakened some of the powers which are given to the trust. This is a new piece of socialism, and a new venture for Governments, so all we can do is let the matter flow and await the eventual outcome.

The trust must submit to the Minister a budget, and the Minister may reject it or call for such alterations as he thinks fit. I am a little concerned that Parliament is not to be made aware of that budget. I do not know whether provision will be made for it in the Estimates.

Mr P. V. Jones: It is in the figures this year.

Mr DAVIES: I am sorry, I have not yet got to the figures of the Minister for Cultural Affairs. I imagine a general figure will be included and not an itemised budget. As the trust may run into financial difficulties and the taxpayer will have to pick up the tab, I think the Parliament should know something of its workings.

An annual report must be submitted to the Minister by the trust, and the Minister must table it in the Parliament within 15 sitting days of his receiving it. So we shall know then what has happened in the previous 12 months. However, we will not be advised in any way—apart from the general Budget debate—as to what the coming year will bring. As I said before, the best we can hope for with regard to the Estimates' figures is that they provide us with a guide. I mentioned earlier tonight that something would cost the Government an additional \$55 000 from Consolidated Revenue, yet I could not find the figure in the Estimates.

The Bill is of a type we have seen many times before in this House; whether measures be dealing with the Artificial Breeding Board or whatever, they all follow roughly the same form and differ only in minor detail.

The interim members of the trust have been appointed, and I will not comment upon them because, firstly, it is not our place to comment on a person whom the Perth City Council might appoint, because such appointments are made entirely of the council's choosing. In addition, I am not familiar with all the members appointed by the Government. However, I am generous enough to allow the Government to have a go—to use the vernacular—and to wait and see what comes out of all this.

I cannot help but think the Government must surely regret the day it said it would restore His Majesty's Theatre. It has been suggested the amount involved might be as much as \$10 million, taking into account the original cost to the

Government of \$1.9 million. I know there is a lot of sentiment about the theatre and it will continue to look most gracious from the outside. I notice from Press reports that it will be entirely soundproofed, and that is something to be thankful for. I remember as a much younger person seeing a violinist of world renown stomping off the stage and refusing to continue until the front doors were closed because the noise of trams passing by was carrying into the theatre. That presented some difficulty, because the front doors were only iron grilles. I do not know how the impasse was overcome.

However, the theatre had many flaws in that regard. One could hear the dance studio across the way and one could hear traffic and pedestrians moving along King Street. Many problems have arisen in the restoration of the theatre.

I am particularly pleased that the theatre will provide a home for the WA Opera Company, which has been under a cloud for a considerable time. If members who like opera have not been fortunate enough to see the current production in Perth, I suggest they go and see it. It is the best production of "Madame Butterfly" I have seen anywhere. Indeed, I went home and played some of my recordings with Tebaldi and Hammond singing, and I do not think the singing on the recording matched the singing in the current production of "Madame Butterfly". It is something of which we can be extremely proud.

I do not know whether the Minister has seen one of the WA Opera Company performances.

Mr P. V. Jones: Yes.

Mr DAVIES: What was that?

Mr P. V. Jones: A couple of years ago.

Mr DAVIES: It is an extremely competent company.

Mr P. V. Jones: I expect to be going to this one.

Mr DAVIES: I hope the Minister does. It is a pleasant and excellent production. Perth can be really proud of every aspect of it—the acting, the singing, the music, and the setting. I refer particularly to the setting because of the nature of the Concert Hall stage, which does not have a curtain.

I want to congratulate the WA Opera Company, not only for that performance but also for what it has done with others—with "Carmen", with "Tosca", and with a whole string of others over the years. I congratulate the company for its "Opera in Concert", which generally provides excellent entertainment. The company has had good houses.

Of course, the opera company has been under a cloud because it has had no home. If His Majesty's Theatre is to provide the opera company with a permanent home, that is something to be extremely thankful for. I want to make certain that the Government provides sufficient funds for the opera company to continue to operate. There is a large following for this type of entertainment in Perth. The opera company is as entitled to Government support as some of the other things that the Government supports.

I was very concerned at the report submitted by the Arts Council. I was alarmed to learn that the council was happy to continue bringing the South Australian Opera Company here on occasions as a substitute for our own company. I will probably have more to say about that during the Budget debate. I can put it down only as a most biased report. I was saddened that as a result of that report the WA Opera Company was forced to cancel the contract of Mr Alan Abbott, a most competent musician who has done a tremendous amount for the Arts Orchestra and who has provided an excellent training ground for young musicians. Those young musicians have been able to graduate to the WA Symphony Orchestra. Indeed, those who have played in the Arts Orchestra have been readily acceptable to the WA Symphony Orchestra. That is something about which we can be extremely proud.

Mr P. V. Jones: I do not think that is quite right. I looked into this, and there was some discussion regarding Mr Abbott's contract prior to the report being published. I know this is not relevant to the legislation; but the assumption you made is not quite right. I have seen the letters exchanged between the parties prior to this report.

Mr DAVIES: As I understand it, Mr Abbott was told that his contract was to be renewed, but there was a meeting of the opera board at 7.30 one morning, about which Mr Abbott was not advised and to which he was not invited. I do not think the manager, Mr Vin Warrender, was advised. At that meeting, it was decided that the board could not afford a musical director any longer.

An opera company without a musical director seems rather strange to me. They will be forced to operate on a six-monthly basis, I understand. This is no good, because there needs to be continuity in an organisation like this.

I believe the contract tenor, Gerald Stern, is also under a cloud. He does not know what his position is likely to be. Perhaps it has been resolved; but it seems to me that an opera

company without key singers on a permanent basis cannot operate very successfully.

However, the point I am making is that I am delighted that the WA Opera Company is to have a home in His Majesty's Theatre. I hope, despite the report of the Arts Council, that it will continue to aim high. The company was criticised for aiming too high. In other words, we should have been satisfied with second class. I do not accept that. I want only first-class performances; and that is what we were receiving from the opera company. I will have more to say about that, I am certain.

If the Minister is able to give me any information at a later stage, I will be quite happy to hear what he has to say. I am proud of the opera company. I want to see it continuing to operate, and I want to see the standard maintained. I will be satisfied if it is maintained. I do not particularly want it improved; the level of its current production gives me every satisfaction.

As I said, this Bill is like the ones we have seen before us on many occasions. His Majesty's Theatre is not mentioned in the Bill, naturally; and the Perth Concert Hall is not mentioned. It merely says that the trust shall buy, lease, or take under its wing any of the various theatres around Perth, and it shall control them. The trust can appoint staff and appoint managers, and it can do all kinds of things.

I do not know what the eventual outcome will be. I do not know what the budget is likely to be. As I say, the trust will be sitting almost full time for a while. That will be an expensive business because, in answer to a question about a week ago, the Premier told me that the people on trusts are usually paid about \$60 a day for a day's sitting, and about \$40 a day for a half-day's sitting, from morning till midday. If they sit after midday, they receive a full day's fee.

This Bill provides for the members to receive remuneration as agreed to by the Public Service Board, and such travelling time, among other things, as they might need.

I hope a tight control will be kept on the trust, and that it is not allowed to escalate. We remember the disgraceful position which developed with the Alcohol and Drug Authority when it seemed almost every employee had a Government car. I understand that position has been tightened considerably. However, I suggest to the Minister that right from the start he keep a tight control on the activities of the trust.

I do not want to say very much more about the trust, except to wish it well and to congratulate the Government on taking up our suggestion.

There has been no indication in the Press about the reasons for Channel 7's withdrawal from the original arrangement. I was surprised it was allowed to withdraw because in January the Premier was saying that Channel 7's management of the theatre would save the Government \$100 000 a year.

Mr Pearce: One of their favourite figures—\$100 000.

Mr DAVIES: Nothing less than \$100 000.

I am sad that the arrangement is now likely to cost the Government up to \$1 million a year. I am certain the Government rues the day when it decided to restore His Majesty's Theatre. We know that one Minister was particularly keen to do this. It is rumoured that as a result of the moves he made, we were forced into paying a much higher price for the theatre than we might otherwise have paid. However, I do not think there is much point in going over all that now. The Government has restored the theatre—

Mr P. V. Jones: I thought the reverse was the case.

Mr DAVIES: I would argue that with the Minister. The Government now has the theatre, and there is a great deal of sentiment about it. I think the Government might have been carried away by the representations that were made. Perhaps a lot of the representations made came from people who would reasonably be expected to support the Government. To a degree, I would have gone along with those representations; but the Government should have been a little more careful in its estimates of the cost of the restoration.

I do not know all that the Government did; but it was mentioned initially that the cost would be something like \$6 million. It then rose to \$7 million and \$7.4 million; and I think \$8 million was the last figure we received. The Premier has been heard to blame Tom Molloy for the rising cost. It seems the Government, when it pulled the theatre apart, found that Molloy's builder did not do what he was paid to do.

Sir Charles Court: Who said that?

Mr DAVIES: It has been reported.

Sir Charles Court: Molloy might have paid for it, but he did not build it.

Mr DAVIES: That is right. He paid to have it done.

Sir Charles Court: I have never said any different. Like all of these old buildings, you find it is not what you thought it was.

Mr Jamieson: If you go and restore one old building, you never want to restore any more.

Sir Charles Court: I think you are right.

Mr DAVIES: Anyhow, the restoration has been done. The theatre will provide a home for the WA Opera Company. I do not know whether it will be a paying proposition, but it is a building that Perth will be proud of. It will be part of our heritage. I hope it will not be as big a white elephant as has been suggested by some of the entrepreneurs.

I am a little disappointed that the Government does not appear to have sought the views of the entrepreneurs. There is no indication of an approach to those whose advice would have been readily available. They were listed in the weekend papers—Thornton, Edgley, Paul Dainty, and several others. They would have been quite happy to give their views to the Government. I do not know whether they were sought. That might have been a mistake.

The people running the theatrical world in Perth have something to offer. It might have been to our advantage if we had spoken to them. I noticed in the weekend papers that some of the productions seen in the Eastern States will not come to Perth because they would have to charge a minimum of \$20 a seat due to the reduced number of seats in the theatre.

Sir Charles Court: That was acceptable when we took the theatre on, because it was made very clear that the only theatre that will really pay today is a lyric theatre, which has about 2 800 seats in it, which is, of course, much more than His Majesty's ever had.

Mr DAVIES: That is more than the Concert Hall has now. It has something like 2 000.

Sir Charles Court: I am talking about a theatre as distinct from a concert hall. A lyric theatre was the one we were advised we would need to meet modern standards—2 800 seats. That is not provided for in a concert hall. That is a lyric theatre. I do not know where they get the name "lyric"; but that seems to be the case, not a theatre like His Majesty's.

Mr DAVIES: I do not know the exact definition, but I thought it was about 2 000 seats. However, it may be more. It might have been better for the Government to build another theatre. There may be plans to develop some theatres in the cultural complex. I do not know what the Government is going to do in regard to that. Perhaps the trust will be able to review all of the theatres in the metropolitan area. There are some on the campuses of the universities which are not used extensively. There is a theatre at the Western Australian Institute of Technology, and there are theatres in and around the metropolitan

area which are not used full time. Perhaps the trust should have the power to review the availability of theatre seats and their use in Perth. Perhaps it could set guidelines for development.

Mr P. V. Jones: It was done a year ago. There is a yellow-covered book which I will make available to you. It identifies every single venue in the metropolitan area, what it is capable of holding, and what it is used for.

Mr DAVIES: I was not aware of that. As a result of that survey, is the Minister suggesting we need another theatre?

Mr P. V. Jones: It depends on size. Most of the theatres are much smaller. There is His Majesty's Theatre, but that is not the optimum economic size for a lyric theatre.

Mr DAVIES: No.

Sir Charles Court: We have made it clear that the other people subject to this requirement—to which the Minister referred—were prepared to consider a drama theatre as part of the cultural centre, but at this stage they will have to rest on what we have with the Perth Concert Hall, the Entertainment Centre, and His Majesty's Theatre. It will be some years before we can afford to have a lyric theatre.

Mr DAVIES: It seems that may be the case, but I would appreciate a copy of the report mentioned by the Minister if it is available.

I will get back to where I started, for the third time. I am quite certain the Government wishes it did not have this problem. However, having taken the step I think it is the best way out.

I wish the trust well. We will watch its efforts with interest. We will not try to be critical, but we will remind the trust that it is using taxpayers' money, and there is not much of that about.

We support the Bill.

MR P. V. JONES (Narrogin—Minister for Cultural Affairs) [10.01 p.m.]: I thank the Leader of the Opposition for his support of the legislation but I think one can be excused for not being able to follow the verbal route which has been taken through all sorts of widespread theatre activities in the metropolitan area. I will come back to His Majesty's Theatre a little later.

I want to refer to the legislation and the work by the theatre trust, and I want to enlighten the Leader of the Opposition on one or two points. First of all, the establishment of the trust, or a body to manage or to be responsible for public-owned theatres and similar venues in the metropolitan area, was never in doubt. It was something to which considerable time had been given—not just since the beginning of this year,

but over a period of two or three years—and at the time it was first floated there was never any doubt there would be such a body. So, to suggest it is a latterday event following some other suggestion is totally inaccurate.

The situation comes about at this time not simply because of the imminent opening of His Majesty's Theatre but, more particularly, as a result of the activities of and the negotiations with the Perth City Council regarding the future management of the Perth Concert Hall.

Since the negotiations have reached finality, the Government is now prepared to proceed with the legislation which has been waiting for a very long time. The only matters to be determined finally and adjusted within the legislation were the confines of the trust and one or two items related to minor changes suggested by the Perth City Council. So, by no means is this a latterday inspiration at all.

Reference has been made to the actual operation of the trust. In fact, the trust will lease the various venues identified by the Leader of the Opposition. The trust will be able to enter into management contracts and it will do all sorts of things regarding the care, control, and management of the various theatres. The point is that in the management activities the trust, initially, is responsible for nothing until it actually acquires something by lease, or if the Government vests something in it. Its efforts will be addressed specifically to three venues in the first instance. One is the Perth Entertainment Centre which will cause no worry to the trust because the centre presently is subject to a management arrangement. In due course, when the present arrangement expires, the trust will determine whether the existing arrangement will continue. It will not have to get involved directly in the management of the Entertainment Centre. It simply has to ensure the centre is being managed and maintained in terms of the lease agreement, or the management contract.

The other two venues are the Perth Concert Hall and His Majesty's Theatre.

Mr Davies: They were mentioned by name.

Mr P. V. JONES: That is because they will be vested by lease in the trust, and the trust will have control over them as time goes by. It was announced in February of last year that in time a drama theatre would be built within the complex. The Playhouse is currently under the ownership of the Anglican Diocesan Trustees. There would be no need for the theatre trust to be involved directly in the management of that theatre. It

could be leased to the theatre company on a management arrangement.

Coming back to the two theatres in question which will be leased to the trust, so far as the Perth Concert Hall is concerned it has been agreed that the Perth City Council will make available a sum of \$50 000 for the activities of the trust each year. In addition, the Perth City Council has appropriated certain capital funds in order to undertake repairs to and maintenance of the Concert Hall. Those funds will be applied. They have been appropriated by the council in the course of normal financial management and they will be applied by the trust in accordance with the original purpose for which the funds were made available.

Of these funds which, I understand, are between \$80 000 and \$90 000, some \$22 000—at the time of our discussion—had been committed for the replacement of carpet. So, far from being a drain, the Perth City Council has set aside certain funds for work on the Concert Hall.

I would remind the Leader of the Opposition of two other points: First of all, the Concert Hall has not made a loss. The Government is already committed to be responsible for half the loss suffered by the Concert Hall in any event. Secondly, a management organisation is associated already with the Concert Hall. Mr Prescott, and others on the staff, are housed there and associated with the operation and management of the Concert Hall and they will be able now to apply their expertise to both venues. So, far from having to go out and undertake all the things referred to by the Leader of the Opposition, the trust is in a position of being able to benefit from the management which exists already, and which will be supplemented as and where necessary.

The Leader of the Opposition said that in his opinion the Perth City Council had done somewhat handsomely out of the arrangements. I suggest that is not necessarily the case at all.

Mr Davies: Only time will tell.

Mr P. V. JONES: Rather, the people of this State who have supported the performing arts by attending the various venues have done very well. There is now co-ordinated management which will, in fact, bring about the liaison we are seeking between the venues. The very good arrangement which has been made and the liaison which has been achieved have been the result of considerable discussion.

I will now refer to His Majesty's Theatre and to the considerable attention paid to it by the Leader of the Opposition. I want to make it very

clear that not for one single minute does the Government regret the decision to refurbish His Majesty's Theatre.

Mr H. D. Evans: The Treasurer might, though.

Mr Davies: I think the Minister should look at the Premier's interjection made earlier when I was speaking.

Mr P. V. JONES: One has to consider the total costs involved and compare them with the cost of a new site, the provision of parking, and the provision of other supporting facilities. They have to be compared with what will be provided, and what was already provided in the vicinity of His Majesty's Theatre. The cost of purchasing a new site and building a new theatre would have been considerably in excess of the funds involved in the purchasing and refurbishing. I refer to such things as the two covered car parks adjacent to the theatre.

I agree that after we started to refurbish the theatre a decision was made to build a new building at the rear of the theatre—it is to one side. It is a multi-storeyed building and reaches the full height of the present building. It provides offices and some of the facilities referred to by the Leader of the Opposition. It will provide rehearsal and dressing rooms, and additional facilities for the Arts Orchestra, and other performing companies or parts of performing companies which will be associated with and, in part, housed at the theatre.

The decision to provide additional facilities was made after the original decision to refurbish. During the refurbishing some unexpected additional expenses have been involved and they have had to be attended to. When certain walls were taken down it was found that additional work had to be done, exactly as the member for Welshpool suggested and as was supported by the Premier. When one starts on an old building one finds more than one expected. However, certainly not as much was expended as was indicated last night, and certainly not as much as would have been expended on a new venue in the provision of facilities such as car parks and the like.

Sir Charles Court: I think the new building at the side is equivalent to a six-storeyed building.

Mr P. V. JONES: Yes. I am certain that when the theatre is open to the public there will be no regrets whatsoever about what has been done in the restoration of this wonderful venue. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr P. V. Jones (Minister for Cultural Affairs) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Composition of Trust—

Mr DAVIES: I thank the Minister for his comments. I wish the trust well but when I look at the newspaper reports I cannot help but feel the Minister is whistling in the dark. Apart from the Australian Labor Party's platform, the earliest reference I can find to this Government dealing with the trust was in 1976. While it might have been popular on that occasion, it was certainly forgotten in January when the Government decided to appoint TVW to manage His Majesty's Theatre. It was only the furore that arose from that which made the Government think.

Mr P. V. Jones: No it was not. It was the Perth City Council.

Mr DAVIES: I admire the Minister for saying that but if he goes through the Press reports he will find a board was suggested and that the Perth City Council made the suggestion. Then the Government said, "We will appoint a trust." That was about June, I think. It took the Government from January to June to make an announcement, and indeed the Government's decision was not really announced till October according to the Press reports.

Mr P. V. Jones: We were talking with the Perth City Council for some months.

Mr DAVIES: That is not denied. I am pointing out what has been reported in the Press since the beginning of the year. The Government has some explaining to do if it has been talking about the formation of a trust for 18 months, yet in January this year it came out with a decision that TVW should operate His Majesty's Theatre. It was going in two directions. It said, "We will do this and then set up a trust to manage what is left." The Government was culpable and negligent, if that is the case. It is apparent the Government did not know what it was doing.

Sir Charles Court: Even with the TVW appointment—and I made that announcement—there was still going to be a trust. TVW was to be the manager. We were not passing over the proprietorship of the place. That was made very clear.

Mr DAVIES: TVW was to make the bookings and do what it wanted to do with the theatre. I think the Government was to put in something like \$100 000 a year and TVW would do the

bookings, if I remember correctly the announcement at that time.

There was certainly some confusion because apart from the announcement that TVW was to manage the theatre—and I do not criticise TVW because according to what I heard it did not chase the managership but was apparently offered it and thought it was an acceptable arrangement which it could work in conjunction with the Entertainment Centre—perhaps TVW found out later that it was not a "goer" because it was not a lyric theatre and the number of seats would not make it an attractive proposition to bring many shows to Perth. The earliest reference I can find of the Government's intention to establish a trust was in 1976, but while making arrangements to set up a trust it was farming off part of its "assets" to TVW.

The fact remains that at the time the announcement was made it caused a furore. We could never find out who would comprise the management committee—it was never called a trust—and through April, May, and June I was asking the Government who were to be the members of the committee and when an announcement would be made. The Government was not able to tell me. Indeed, when I was critical of the arrangements in regard to bookings for the theatre—because it is necessary to book 12 or 18 months or two years ahead in some instances—I was referred to Mr Townsing. I referred people to Mr Townsing and he did not know anything about bookings. I told the Minister about this and he said, "Refer it to my office." I asked him, "To whom in your office?", and he was not quite certain. In the end I think he said he would take over the bookings himself. I have the correspondence in my office.

Mr P. V. Jones: At first it was being done by Mr Sweeney. It is now being done by Mr Lawrence.

Mr DAVIES: At that time no-one was doing it. The Minister eventually told me to refer to Mr Sweeney. I spoke to Mr Sweeney that night and told him I wanted to book His Majesty's Theatre. He said, "Don't talk to me about it. I know nothing about it."

Mr P. V. Jones: Mr Lawrence took over from him. The bookings have been proceeding.

Mr DAVIES: At that time the Minister was unable to tell me whom to contact. There is no need for us to argue those things now. The fact is a trust has been established. TVW has withdrawn from the management for reasons best known to itself. In the newspaper cuttings it was claimed that many of the entrepreneurs were not happy

about discussing with TVW the bookings they might want to make. That is understandable. I would rather see shows coming to Perth over a spread-out period when one might be able to see all of them if one could afford to do so. TVW would not want people to know what shows it was bringing to Perth, and other entrepreneurs would not want TVW to know what shows they were bringing to Perth. TVW was in the box seat.

The matter was sorted out but there were problems. The Perth City Council was very circumspect about going into the trust. On the 11th July it was pointed out that the Concert Hall would not have made a profit had His Majesty's Theatre been available. A newspaper article by John Ellis on the 11th July stated—

Theatre staff estimated that if His Majesty's had operated last financial year, the Concert Hall would have lost 80 bookings valued at \$80 000.

That is something of which notice must be taken. The Perth City Council was obviously aware of it and pointed out the difficult position in which Perth theatres generally were placed. It said the Entertainment Centre had also recorded losses. The State Government had to buy the Entertainment Centre from TVW and then lease it back to TVW so that it could continue. The same article contains this comment—

Although councillors believed the Concert Hall would be the best money-making prospect in future years, the advantages in paying only \$50 000 a year were too great to ignore.

Councillor Joan Watters, who I see has been appointed to the interim trust, is reported as having said—

It was in the best interests of the ratepayers, as it meant the Concert Hall would cost them only \$50 000 a year, compared to expected bigger losses in years ahead.

If the Trust did not suit the PCC, then the lease could be cancelled and the PCC again take control.

That is an interesting comment. If the trust has these powers I suppose any of the people to whom it leases can opt out at any time and the Perth City Council can do exactly what it likes. It is not bound by the trust; it can opt out. So the trust has to tread a tight rope, it appears, for the reasons I have enunciated. I do not want to go through all the Press cuttings I have here but despite the suggestion by the Minister that it will be a wonderful money-making concern—

Mr P. V. Jones: I did not suggest that.

Mr DAVIES: He suggested it would be good to have this and that. We applaud the measures which have been taken but we are trying to be realistic.

Mr P. V. Jones: I provided some information which you seemed to be seeking on the funding which was to be provided by the Perth City Council. At no time did I suggest it would be a great money-making thing; but I do not suggest it will be a great money-losing thing, either, as you do.

Mr DAVIES: This is a matter of great concern. I am sounding the warnings which need to be sounded. The matter must be carefully policed. We must ensure the trust does not indulge in any extravagances, but more importantly, anyone who wants access to the theatres must not be in any way impeded. I appreciate the enlightenment which has been provided by the Minister but the newspaper cuttings indicate the difficulties encountered at the time, and had the difficulties not been brought well to the fore we would not have seen the trust for some considerable time.

We applaud the formation of the trust. I do not want to say anything more about that clause because the Minister gave me an undertaking regarding the appointments. I pointed out that the Governor appoints one of the trustees to be chairman of the trust, but the Minister was refreshingly honest in his introductory speech when he said the chairman would be one of the Government nominees. I do not suppose it matters who it is; it is what the legislation says that counts.

Mr P. V. JONES: I refer first of all to the interim committee. We announced many months ago that we intended to appoint an interim committee pending legislation. The composition of the committee depended entirely on the outcome of our discussions with the Perth City Council. It would have been quite improper to appoint a committee and then have to alter it or discharge it and start again after our discussion with the council. As it turns out, our discussions were successful, and thereupon we were immediately able to finalise the membership, to which we had given consideration many months ago.

The Leader of the Opposition spoke about a Press comment that the Perth City Council could withdraw at any time. The fine details of the lease agreement with the Perth City Council have still to be ratified by the council and it would be improper for me to discuss them at the present time. I make it perfectly clear that the assertion which was made as a public comment at the time

is remote from reality, particularly as it would be irresponsible of the Government to enter into any arrangement such as that whereby anyone could go in and out almost at will.

I did not mention earlier the comments the various entrepreneurs had made. The Leader of the Opposition referred to a comment in the Press on Sunday. Having spent some time addressing myself to this matter yesterday, I say that one of the entrepreneurs made some extremely irresponsible comments earlier this year, perhaps unwittingly, but one point of interest came out of Sunday's Press item.

Mr Edgley was quoted as having made some comment about what he could not do. Indeed, the name of a show was mentioned in the media.

Yesterday morning, I was telephoned by Mr Edgley's enterprise and this matter was discussed with me. Mr Edgley wanted me to know how far from the truth was the article; in fact he had not even spoken to the newspaper! I did not need to accept his protestations in that regard, because I knew what was contained in the article could not be true in the light of discussions with the Edgley enterprise regarding its use of the venue for the very show mentioned. In other words, the article flew a flag which could not be sustained.

I use that as the best example to give from the point of view of the totally irresponsible approach adopted by some of the entrepreneurs involved, and also by the media in regard to this particular subject. Subsequently, talking with Mr Peterson from the Edgley organisation, I made it quite clear I would take whatever opportunity presented itself to correct the completely wrong assertion regarding Mr Edgley's comments about His Majesty's Theatre.

Mr DAVIES: I thank the Minister for his comments.

The DEPUTY CHAIRMAN (Mr Watt): Order! This clause deals with the composition of the trust. Debate has ranged fairly far and wide; I ask members to relate their comments more directly to the composition of the trust.

Mr DAVIES: I wish to talk about the composition of the trust and the fact that initially it was never mentioned that the Perth City Council should take part. Of course, it was subsequently required that if there was to be any amalgamation of the Perth Concert Hall into the activities of the trust, the Perth City Council would need to be involved.

The legislation provides for the Perth City Council to nominate three of the seven members of the trust. But what would happen if at any time the PCC decided to opt out of the arrangement?

Of course, the legislation need not be changed. Subclause (3) provides that if the Perth City Council, within six weeks, fails to submit names as requested, the Minister can nominate anyone he likes. He can even nominate you, Mr Deputy Chairman.

The DEPUTY CHAIRMAN (Mr Watt): It would be a good choice.

Mr DAVIES: It would be a splendid choice. As I read this clause, if the Perth City Council failed to nominate people, the Minister could appoint anyone he liked. The Perth City Council could easily drift out of the legislation, even though its name would remain. I should imagine the matter of the lease of the Perth Concert Hall would be a job for the trust, rather than the Minister. However, the Perth City Council could opt out of the arrangement if it so desired.

Mr P. V. Jones: It has no intention of doing so.

Mr DAVIES: I am glad to hear that. I quoted from a newspaper report of last June which reported some disquiet to this effect at a council meeting.

I hope the other matter the Minister mentioned in regard to the misquoting of Mr Edgley is corrected by the entrepreneur, rather than by the Minister attempting to do it in this Chamber.

Mr P. V. Jones: It was corrected with the *Sunday Independent* yesterday.

Mr DAVIES: I will look forward with interest to the next edition of that newspaper. I noticed the passage was in inverted commas, implying it was an actual quote, although it looked more as if the words came from Mr Brodziak, rather than Mr Edgley.

I do not think I need argue the matter any further. I am quite certain the legislation will need some adjustment in due course. However, we have established so many committees, trusts, and authorities over the years that the legislation becomes almost repetitive, and a piece of cake.

Clause put and passed.

Clauses 6 to 26 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr P. V. Jones (Minister for Cultural Affairs), and transmitted to the Council.

LITTER BILL*Report*

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Mrs Craig (Minister for Local Government), and transmitted to the Council.

STATE ENERGY COMMISSION BILL*In Committee*

Resumed from the 14th November. The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr Mensaros (Minister for Fuel and Energy) in charge of the Bill.

The DEPUTY CHAIRMAN (Mr Watt): Progress was reported after clause 3 had been agreed to.

Clause 4: Interpretation—

Mr T. H. JONES: The interpretation of "officer" is as follows—

"officer" includes any person, acting within the authorisation conferred upon him, to whom subsection (2) applies;

Anyone—not necessarily an employee of the State Energy Commission—can be appointed as an "officer" and have certain powers conferred on him. As the member for Welshpool mentioned during the second reading debate, employees of Wormald Security are engaged as security guards in some areas of operation of the State Energy Commission. They are entitled to carry firearms, so the power conferred upon them is greater than that conferred upon members of the Western Australian Police Force. Subclause (2) states as follows—

(2) Where a provision of this Act authorises the Commission to enter upon, occupy, carry out works in, on, over or under, or exercise any other power in relation to, any land, premises, or thing the provision shall be construed as also authorising—

(a) An officer or servant of the Commission, acting on behalf of the Commission in the course of his duty; or

There is no misunderstanding as to what this clause is meant to do. It will provide the commission with wide discretionary powers. In fact, the commission will have much wider powers than are conferred upon the Police Force of this State in that a warrant will not be necessary. Subclause (2) goes on to state—

(b) a person acting at the request and on behalf of the Commission under a contract or pursuant to an Agreement of the kind referred to in paragraph (b) of subsection (1) of section 5 and any employee of such a person so acting,

The Opposition is concerned at this unwarranted extension of power. Not only is the Opposition concerned; we have also received opinions from various local authorities contacted regarding these powers. In some instances, the powers conferred upon these "officers" override the powers of the Police Force. No real reason is given to support this extension of powers which are unparalleled in legislation of this State. There is room for great concern.

Mr SKIDMORE: I want to deal with the interpretation of the word "acquisition". It disturbs me that in this interpretation "acquisition", in relation to land, any estate or interest in land includes taking or resuming, and cognate expressions have a corresponding meaning. I am particularly concerned with the word "taking". I take exception to the commission being able to go to someone and say his house or his land will be "taken" as distinct from "resumed". The word "taking" should not be taken to mean acquisition in that sense. It seems a little roughshod to use that term. It seems to indicate there will be no compensation paid and I hope that is not the intention.

I am concerned also with the wide meaning of the term "apparatus" as it relates to generating equipment. I am concerned with the interpretations which could have wide ramifications so far as people in the community are concerned. Nothing seems to be sacrosanct from the powers the commission will have.

I realise there is a need for a fairly wide application of powers, but surely to have such wide powers as these, especially with regard to acquisition and the description of generating works, would be disturbing to most people.

Mr MENSAROS: I cannot understand the concern felt by the member for Collie in connection with the definition of "officers". Neither can I see the relevance or the factuality of his statement that the powers contained in this Bill override the powers of the Police Force. The reason for the definition of "officer" including subcontractors is that the commission has to employ a number of subcontractors. I deliberately say "has to" because we are not dealing with the political question of "day labour". The commission has to draw from the expertise of

worth-while consultants. Unless subcontractors have the same status as SEC officers, the SEC would be directly responsible in all cases, whereas the definitions provide for the subcontractors to be responsible.

In connection with the comments by the member for Swan in regard to the interpretation of "acquisition", I think the member explained the matter himself. One cannot take the normal meaning of the word when it is a legal interpretation; one naturally has to take the legal interpretation. The interpretations indicate that it is the same as the word "acquisition".

His comments in regard to generating works were not reasonable, because if one describes something it must be described precisely; therefore, we talk about apparatus, equipment, plant, and parts thereof. If something is damaged it does not necessarily mean it is destroyed completely. It could be that someone could use a sledgehammer and damaged just part of some equipment.

Mr T. H. JONES: The Minister did not indicate why the broad powers were to be extended to the officers of the commission. Why should they have the powers of arrest? Can the Minister show me an instance where such power is vital?

Mr Mensaros: That is a different clause.

Mr Jamieson: You have to define the officer before he has that power.

Mr MENSAROS: As discussed during the second reading stage, this provision for arrests to be made in a protected way was included during the drafting of the Bill because of the many instances of hooliganism by irresponsible people deliberately damaging plant and SEC lines. This not only creates a hazard to the hooligans themselves, but also to other people, including children. Not everyone takes it upon himself to use the procedures of civilian arrest. The situation has got out of hand and this provision is there to protect the officers of the SEC who may be on hand when damage is done and will thus be allowed to apprehend the offenders and then call to the police. I cannot see anything wrong with this.

Clause put and a division taken with the following result—

Mr Blaikie
Mr Clarko
Sir Charles Court
Mr Cowan
Mr Coyne
Mrs Craig
Mr Crane
Mr Grayden
Mr Grewar
Mr Hassell
Mr Herzfeld
Mr P. V. Jones

Ayes 24

Mr Laurance
Mr McPharlin
Mr Mensaros
Mr Nanovich
Mr Old
Mr O'Neil
Mr Ridge
Mr Spriggs
Mr Tubby
Mr Williams
Mr Young
Mr Shalders

(Teller)

Noes 15

Mr Bryce
Mr T. J. Burke
Mr Carr
Mr Davies
Mr Grill
Mr Harman
Mr Hodge
Mr Jamieson

Mr T. H. Jones
Mr Melver
Mr Pearce
Mr Skidmore
Dr Troy
Mr Wilson
Mr Bateman

(Teller)

Pairs

Ayes
Mr Rushton
Mr Sibson
Dr Dadour
Mr O'Connor
Mr Sodeman
Mr MacKinnon

Noes
Mr Taylor
Mr T. D. Evans
Mr Barnett
Mr Tonkin
Mr B. T. Burke
Mr Bertram

Clause thus passed.

Clause 5 put and passed.

Clause 6: Application of this Act to the Crown, Government Departments, and local authorities—

Mr T. H. JONES: This clause refers to disputations between the commission and any Government department or local authority. The Opposition canvassed the views of a number of local authorities and we received a submission from the City of Canning. It was a lengthy submission and I shall read a part of it as follows—

The new Act follows the same pattern of the old Act and does not require the S.E.C. to carry out or participate in any advance planning and consequently the S.E.C. appears to rely instead on the overriding power of its Act to locate transmission lines along routes many of which are considered unsuitable by the Local Authorities and general public. This is not a satisfactory arrangement from any viewpoint other than that of the S.E.C.

The city planner who prepared the submission goes on to indicate the problems local governments could face because of the provisions in this Bill. The Minister would know they are contained in a subsequent Act in relation to works, realigning of streets and voltage lines and growth problems.

The whole problem with this clause is that the Government has the final say. The clause mentions the Governor, but we know who will have the final say in reality. As I said during the second reading debate, we do not believe the Governor should be charged with this responsibility. In fact, the final determination will rest with the Government because it is the body making the decisions.

The submission from the City of Canning indicates there should be some requirement on the commission to indicate its forward planning. I read from the submission as follows—

It is agreed that whilst service power lines and even 22Kv line routes are generally acceptable without long term advance planning, the need for substations and lines carrying in excess of 22Kv does not arise overnight and they should be planned into a subdivision, especially as they are normally accompanied by 40m easements and impose considerable constraints on the use of land within the easement.

They believe the SEC should consider the local authorities, otherwise the authorities could be penalised.

I would like the Minister to indicate whether the shires in this State were consulted about this legislation and whether the points put forward by the city planner for the City of Canning will be considered by the Government so that it will not be necessary to invoke a number of the penalties contained in the Act.

Mr JAMIESON: Irrespective of the wording of clause 6, no Minister can disregard the coronation oath which requires him to carry out the laws of the land and presumably he cannot then advise the Governor to disregard the laws of the land despite what the clause says and particularly in regard to subclause (3) where the responsibilities of the Minister cut across the provisions of the Local Government Act.

Clause 52 requires street levels and widths to be supplied within 14 days. I referred this matter to the Minister and I do not believe he bothered about the provisions of the Local Government Act in regard to it. I shall read section 350 of the Local Government Act so that the Minister can consult *Hansard* and have ready access to this provision. It reads as follows—

350. (1) Where a council proposes, whether of its own motion, or on being required under subsection (5) of section three hundred and forty-nine to do so, to fix the levels of a street or way or a proposed street or way it shall—

- (a) cause to be available for inspection by persons who desire to inspect them, plans showing the situation of the street or way, or proposed street or way, and drawings showing the proposed levels; and
- (b) cause to be published in a newspaper circulating in the district a notice stating—
 - (i) the name, if any, and the situation of the street or way, or proposed situation of the proposed street or way;
 - (ii) that the plans and drawings may be inspected by persons who desire to inspect them, at a time and place specified in the notice;
 - (iii) that persons who desire to do so may make representations to the council relating to the proposals at a place and a time and on a day not being less than thirty-five days from the publication of the notice.

(2) The council shall meet at the time and place specified in the notice for the hearing of representations relating to the proposals and shall hear persons who desire to make representations.

(3) The council shall consider representations so made and after a consideration of them may decide—

- (a) to abandon the proposals;
- (b) to give effect to the proposals unaltered; or
- (c) to give effect to the proposals with alterations.

(4) The council having made a decision shall cause notice of the decision to be published in a newspaper circulating within the district but shall not give effect to the decision—

- (a) until after the expiration of at least fourteen days from publication of the notice; nor
- (b) if there is an appeal under subsection (5) of this section against the decision, until the appeal is determined.

(5) Within fourteen days of publication of notice of the decision, a person who is dissatisfied with it may in accordance with the regulations appeal against the decision to

the Local Court held nearest the offices of the council.

(6) Local Courts have jurisdiction to hear and determine appeals mentioned in subsection (5) of this section and may make such orders confirming, quashing, or varying, the decisions of the council, and as to payment of the costs of and incidental to the appeal as the Court thinks fit, and orders so made are enforceable as orders made under the Local Courts Act, 1904, and are not subject to appeal.

The Minister could find himself in trouble if people use the provisions contained in that section and obtain an award of the court under which there would be no right of appeal. One might say the Minister is relying on that section, because the Governor may conclusively determine any question. However, that refers only to the situation in which the matter is obscure. There is no obscurity in the Local Government Act. It sets out the position clearly.

The provisions in the Local Government Act must be tied in with the provisions in the Bill. I was surprised the Minister for Local Government was not concerned about the provision and that the draftsman had not considered the situation under the Local Government Act when drafting this clause.

The words, "notwithstanding the provisions in section 350 of the Local Government Act this section shall prevail" should be inserted in the clause; but that has not been done. The matter has been left open to interpretation and, if there is an argument, the ultimate decision will be made by the Local Court.

Legislation introduced on this basis is unsatisfactory, because it is not precise. The matter has been mentioned to the Minister and I would have thought he would place some amendments on the notice paper. He cannot say amendments are not required, because the provisions contradict those of the Local Government Act and a local authority cannot be charged with violating its own Act.

The Minister should explain clearly why no action has been taken to rectify this matter which I referred to clearly during the second reading debate.

Mr MENSAROS: I should like to reply to the member for Collie and assure him that after the second reading debate I was informed by the SEC that a full draft of the Bill had been communicated to the Department of Local Government—not to each local authority—and that discharges the duty of the SEC in that

regard. Surely it should not have to communicate with all the local authorities. The Department of Local Government has not commented adversely as far as the drafting of the legislation is concerned.

Mr T. H. Jones: Do you mean the Government department or the association?

Mr MENSAROS: I mean the Department of Local Government. In regard to advanced planning, I am aware that a problem exists. It does not exist in connection with the Bill we are debating only, but it exists also on other occasions and the question as to who made the first move is always asked.

If the SEC decides to take transmission lines through territory which later on becomes subject to some sort of planning and the lines follow a pattern inconsistent with that planning, it is difficult to say the SEC is at fault. The only practical solution there is for advanced discussions to be held with every Government department, instrumentality, and all private people involved prior to executing the plan.

In reply to comments made by the member for Collie and the member for Welshpool I should like to point out that subclause (2) of clause 6 is designed in such a way that the Governor-in-Executive-Council decides in regard to the interpretation of disputes between Ministers. I can see no fairer solution, because two executive arms of Government are involved. Cabinet decides the matter and the recommendation goes before the Executive Council.

The member for Welshpool referred to subclause (3). I have not ignored his comments in that regard. I ascertained that the Department of Local Government was consulted. During the second reading debate I implied the opposite, because I was not sure. If this Bill becomes law, being the later legislation, and if a clash existed between its provisions and the provisions of the Local Government Act, this legislation would override that Act.

There would not necessarily be a clash between the two provisions, because the local government legislation refers to local government action. Later provisions of this Bill refer to action by the SEC which would result in a similar situation to that which would exist under the provisions of the Local Government Act. A footpath level or some other alignment might be involved; but the provisions in this Bill would not necessarily clash with those in the Local Government Act. However, if a clash exists the normal interpretation is the latter legislation prevails.

Mr T. H. JONES: It is a great pity the Minister did not confer with the organisations themselves. I am not suggesting he should go to every shire in Western Australia and canvass its views. However, whilst he admitted the Department of Local Government had been consulted, surely the Local Government Association and the Country Shire Councils' Association should have been consulted also. They are competent and highly respected bodies and they represent the people in local authorities throughout Western Australia. Had consultation taken place with these bodies a great deal of misunderstanding could have been avoided.

I do not know why the Government is adamant in regard to this procedure. We have raised the matter in relation to a number of Bills. An example is the off-road vehicles legislation where we made a similar suggestion, but no consultation with local authorities took place. That Bill involved the local authorities in administrative costs.

I should like to ask the Minister why he did not consult with the Local Government Association and the Country Shire Councils' Association in regard to the general provisions contained in the Bill.

Mr JAMIESON: The Minister has missed the point I was making. The clause in the Bill specifies levels must be provided within 14 days of the request for same by the local authority, and section 350 of the Local Government Act sets out 60 days as being the minimum time for the provision of levels.

If they are not provided in the time, and the Minister thinks he can use clause 6 to overcome the difficulties, it will only raise further difficulties. A matter may relate to underground cabling; if there is an alteration to the planning, the local authority has to pay the full cost of it under these provisions. That seems to be entirely unreasonable, because local authorities are compelled to act under the provisions of the Local Government Act. If the SEC does something to the contrary, the local authority concerned is faced with the cost of the alteration. This matter must be sorted out; it cannot be left on the basis suggested by the Minister.

A definite time is stated in both pieces of legislation. If the Department of Local Government is too lazy to pick this up in its assessments, it is high time it was given a rocket and made to look at this situation. When an Act under which local authorities are obliged to operate is proclaimed and an amendment to another Act will cut across it, some action needs

to be taken. I do not agree with the interpretation given by the Minister and courts very often have not agreed with it. When there is a specific instruction, there is no rule of thumb that a later Act prevails. Where there is a specific requirement in an Act the courts have held that the provision is clear and the Act shall prevail.

We have a provision in section 350 of the Local Government Act, and now this provision purports to give the Crown certain rights in respect of overriding other Acts when problems arise between two Ministers. One piece of legislation states that action shall be taken within 14 days and the other that action shall be taken within 60 days. The Minister must clear that up.

Mr MENSAROS: Section 59(3) of the existing Act states—

(3) Any question, difference or dispute arising or about to arise between the Commission and any other Government department with respect to the exercise of any rights, powers or authorities or the discharge of any duties by either or both of them may be finally and conclusively determined by the Governor.

I do not want to have a legal argument with the member for Welshpool. I simply say that because of the existence of that provision in the existing Act, and section 350 of the Local Government Act, we have to look at past experience; there was no case in which disputation, particularly legal disputation, occurred in the past. I imagine if any local authority took exception to a construction or to notice being given within 14 days instead of 60 days, it would enter into discussion and finally agree instead of taking the matter to court where the conflicting legislative provisions would be raised.

Clause put and a division taken with the following result—

Ayes 24

Mr Blakie	Mr Laurance
Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr Nanovich
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Tubby
Mr Hassell	Mr Williams
Mr Herzfeld	Mr Young
Mr P. V. Jones	Mr Shalders

(Teller)

Noes 16

Mr Bryce
Mr T. J. Burke
Mr Carr
Mr Davies
Mr H. D. Evans
Mr Grill
Mr Harman
Mr Hodge

Mr Jamieson
Mr T. H. Jones
Mr McIver
Mr Pearce
Mr Skidmore
Dr Troy
Mr Wilson
Mr Bateman

(Teller)

Pairs

Ayes

Mr Rushton
Mr Sibson
Dr Dadour
Mr O'Connor
Mr Sodeman
Mr MacKinnon

Noes

Mr Taylor
Mr T. D. Evans
Mr Barnett
Mr Tonkin
Mr B. T. Burke
Mr Bertram

Clause thus passed.

Clauses 7 to 9 put and passed.

Clause 10: The administration of this Act—

Mr T. H. JONES: We have been talking about the extension of the powers of the State Energy Commission. Subclauses (1) and (2) of this clause give the Minister excessive powers of direction. Subclause (2) refers to "any other Act". We raised this matter in the second reading debate and I asked the Minister what subclause (5) was intended to do. It seems to be a very involved way of spelling out the intention of the clause and we would like to hear the Minister's views on the matter.

Mr SKIDMORE: I want to direct some questions to the Minister in relation to subclause (5). In the interpretations the council is defined as "the body known as the Energy Advisory Council". One would think if an advisory council is set up the Minister would take notice of what it says.

Mr Mensaros: Of course, if you know the connotation of "advising".

Mr SKIDMORE: The Minister has pre-empted what I was about to say, which makes me think the overriding power was deliberately vested in the Minister so that if the advisory council made a recommendation he did not like he could override it, no matter how much value it contained.

The energy advisory council will comprise many people who will have much more knowledge than the Minister has about the distribution of power, the siting of transformers, and other technical matters, and it surprises me that the Minister will have power to ignore them. It makes me wonder whether we need the council.

Mr Mensaros: Would you be kind enough to suggest an alternative?

Mr SKIDMORE: I would get rid of it. Why have it?

Mr Mensaros: That would not change the position.

Mr SKIDMORE: But at least the Minister would not be listening to the council and would not have the power of veto. The councillors would not be in the position of saying, "What is the good of our giving advice when the Minister can override anything we put to the commission?"

I remind the Minister of the transmission line which was proposed to go through the grounds of Guildford Grammar School and which would have destroyed practically all the limited playing area the school had. Tremendous pressure was brought to bear on an advisory body, which might be likened to the energy advisory council, so that the school would escape some of the results of the siting of that transmission line. In that situation the Minister could say, "I don't care about Guildford Grammar School. Because it was the original concept of the planners, that is where the line must go." The advisory council could say it should not go through and the route should be changed. The Minister can override the commission. I would simply get rid of the subclause.

Mr MENSAROS: I cannot help but think, quite seriously, that the Opposition is frustrated because, through some consensus, it has not bitten hard enough on the Industrial Arbitration Bill and it wants to take it out on this Bill.

The Government would be rightly accused if it shed responsibility in our system of democracy, where the Parliament is the supreme authority, to which the Minister is responsible, and omitted the provision which has been in the State Electricity Commission Act ever since it was first introduced and which is contained in most Acts; that is, the provision, "Subject to the Minister". That provision "Subject to the Minister" means exactly what the provisions of clause 10 state. It simply means we have the Westminster type of government where the Executive arm comes out from the Legislature and is responsible to the Parliament, and therefore has to take all the responsibility.

I am not saying the advisers, whether in the advisory council or in the commission, do not understand the technicalities better than I do, as do the engineers in the Public Works Department, and the educators in the Education Department. We could go through all the arms of government and find the same thing; but ultimately the

Minister is responsible. I will not shed my responsibility—and nor will the Government—by deleting the provision as the member for Swan suggests, and leaving the decision-making power to the advisory committee.

Mr Skidmore: It would not do that at all. The commission would have the right to accept a recommendation without ministerial interference.

Mr MENSAROS: I do not accept that, because the Minister should have the responsibility. That is democracy. If his decision is wrong, the voters can vote against him; but they cannot vote against the SEC. We have a democratic system, and that is why we have adhered to this principle. We will not shed our responsibility.

The member for Collie and the member for Swan referred to the provision dealing with the advisory committee. The connotation of the word "advisory" is that the committee will advise the commission, which may either accept or reject the advice. The commission may recommend the advice to the Minister, who can either accept or reject it. I do not think any member of the Opposition would suggest that a Minister from whichever party would reject a technical recommendation. When the member for Collie scolds the Government in his very nice way about generating plant being coal-fired or oil-fired, he then blames the Minister and not the SEC. In that case he wants the Government to be responsible.

Mr T. H. Jones: Don't get excited, there is a long way to go.

Clause put and passed.

Clauses 11 to 16 put and passed.

Clause 17: Commission may make rules—

Mr SKIDMORE: I am disturbed that the commission may make rules, even though the power to make those rules is not given to it under this Act. It is generally accepted that rules and regulations should be made, and that they should be in conformity with the parent Act. If my memory serves me correctly, the defence of persons charged in respect of some actions taken at the waterfront during the loading of a ship was that the regulation could not be sustained because it was outside the power of the authority concerned to make it.

I hope the Minister can tell me I am reading this provision wrongly. I draw his attention to the wording of it. I assume that if it is considered the Act has no administrative power, rules or regulations can be made for the regulation of the procedures of the commission. I imagine that

power is fairly wide. I would like to think the power vested in the commission is not as wide as I suspect it to be.

Mr MENSAROS: I cannot see any difficulty in respect of this. The provision clearly says, "Subject to this Act..." If the Act does not prescribe something in its provisions, the commission can make detailed rules. Therefore, generally speaking, the provision concerns a rule-making power, although it is not called a regulation-making power. The power is restricted by the general provisions of the Act, because the provision commences with the words, "Subject to this Act..." Then it goes on to say that where no provisions are spelt out in the Act the commission may make rules, but it cannot exceed the powers otherwise spelt out in the legislation.

Clause put and passed.

Clause 18: Delegation—

Mr SKIDMORE: I would like the Minister to explain subclause (4). I put it down as a piece of gobbledygook, for the want of a better term. I refer the Chamber to the wording of the provision. I just cannot understand it.

I feel we are entitled to be told exactly what it means, because the clause refers to the delegation of power by the commission. Surely one must be aware of what power is to be delegated. I can understand that the provision involves the exercise of discretion by the person to whom the power is delegated. However, I do not know how this power can be dependent upon the state of mind of the commission. Nor can I understand the meaning of the provision where it says, the power "may be exercised by the delegate upon his own discretion unless the power so to do is limited by the terms of the instrument of delegation". I can understand the latter part of it. However, I would be most interested to hear a lucid explanation from the Minister.

Mr MENSAROS: This matter was dealt with in the second reading debate. The meaning of the subclause is clear. It merely says that there is a delegating power. When the commissioner delegates power given to him under the Act, some sort of discretion is required in the exercise of the power. Discretion can be exercised only according to the state of mind of the person exercising the power. Therefore, it is the commissioner. It means that the delegatee cannot take over the state of mind of the commissioner, so he must use his own brain and decide how he should use the discretion given to him to act within the limitations of the legislation. The "instrument of delegation" is obviously a written delegation from the commissioner to an officer. If it says, "I delegate

to you the powers under sections X, Y, and Z of the Act, but I do not want you to use your discretion regarding those matters", then the delegation is curbed and restricted. That is precisely what the subclause says.

Mr SKIDMORE: I thank the Minister for his lucid explanation of a lot of gobbledygook. I suggest all that is necessary is for the clause to say that where delegated power involves the exercise of discretion by the delegatee, the opinion of the commission will be taken into consideration at all times. I have never seen so much rubbish in all my life. It seems we go to great lengths to arrive at a simple statement like that.

Had I been in a position to write the Bill, perhaps I would have been able to tidy it up. I will have to accept the explanation of the Minister.

Clause put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Composition of the Council—

Mr T. H. JONES: I indicate to the Minister that the Opposition does not intend to argue every clause. We presented our arguments during the second reading debate, and there is no point in repetition. That is the reason we are not dealing with every clause as forcibly as we did in the second reading.

Subclause (2) says that the Confederation of Western Australian Industry and the Chamber of Mines of Western Australia may submit to the Minister a panel of names from which a person shall be selected for appointment as a permanent member of the council to represent the interests of each of those bodies. We mentioned in the second reading debate that, once again, the Trades and Labor Council of Western Australia has been ignored. Of course, that is nothing new; it is quite common in respect of Bills introduced by this Government.

The Trades and Labor Council is a respectable and important body which represents the interests of workers. If the Confederation of Western Australian Industry and the Chamber of Mines are recognised, the Opposition sees no reason that the Trades and Labor Council should not also be recognised. Therefore, I move an amendment—

Page 22, line 27—Add after paragraph (b) the following new paragraph to stand as paragraph (c)—

(c) the body known as the Western Australian Trades and Labor Council,

The amendment is self-explanatory. If the Minister will not agree to it, we want to know the reason that the Government refuses to recognise

the responsible and important role of the Trades and Labor Council.

Mr SKIDMORE: I lend my support to the amendment moved by the member for Collie in relation to the inclusion of the TLC on such an important council. As the member mentioned, the TLC represents many trade unions. In representing those unions, it represents many workers employed by the SEC.

The activities of the TLC impinge upon the activities of the Confederation of WA Industry and the Chamber of Mines of Western Australia. In the mining areas, the unions have members working in the nickel mines and in the goldmines, in the bauxite-alumina industry, and in other areas. Those workers are subject to control from the TLC as far as the rules of the council are concerned.

The Confederation of WA Industry has a direct stake in the activities of the TLC so far as industrial relations are concerned. Liberal Governments recognise consistently the good work that is done by the Confederation of WA Industry, but those Governments do not want to recognise the valid contribution that could be made by the TLC, which represents the people who make it possible for the SEC to function. On all occasions, the Government ignores that fact.

It cannot be argued strenuously enough that the inclusion of the TLC would add depth to the council. It would allow it to operate in a proper way which would be indicative of the needs of the people and which would make it possible for the SEC to exist. It would go a long way towards overcoming the apparent lack of industrial relations in the SEC at present.

The insensitivity of the SEC to the needs of the work force was mentioned by me in the second reading debate. I do not wish to canvass that again. In dealing with SEC officers on the question of industrial relations, we have had confrontation to the extent there had to be a restriction of power supplies, which led to the mass meetings at Pinjarra to overcome the stalemate brought about by the lack of understanding of the needs of the workers in the industry.

I suggest to the Minister that in those circumstances the council ought to include the Confederation of WA Industry on the one hand and the TLC on the other hand. We could have referred to that council the disputes which had reached the stage of not being able to be resolved by the industrial officers or the union. That council could act as a tribunal to resolve the dispute in a way which would allow industrial

relations to be improved. That is one reason for including the TLC on the proposed council.

I do not think the Minister can argue about that. It would be a great step forward if we could have this type of approach to the confrontation situation with the SEC.

Unless we have people who are prepared to accept that workers are human beings and are not numbers on a job card or a ticket that one punches in a bundy as one goes through the gate, we will not have good industrial relations. The workers are entitled to be heard. The abysmal record of the SEC in industrial relations would be improved if the suggestion made by the member for Collie were adopted.

Mr MENSAROS: I give the same reply as I did during the second reading debate. There is provision in the energy advisory council for co-optation. In certain matters, if the advice of the TLC was considered valuable, no doubt it would be co-opted.

I think the member for Swan is confusing the role of the advisory council with that of the executive of the SEC—the five-member commission. The advisory council will not be asked to advise on labour relations. In the few cases it does there is provision to co-opt an employees' representative. It is a highly expert council which advises the commission on policy matters mainly, or on matters on which the commission asks its advice.

The other day I received a report from the South Australian Energy Council for 1978-79. Therefore, that report refers to the term of the Dunstan Government. There are 12 members of that council, and there is not a single TLC representative there.

Mr Skidmore: That does not mean anything, as far as I am concerned. If the Dunstan Government could not do the sensible thing, do not blame me and hold me to ransom.

Mr MENSAROS: I am not blaming the member for Swan. I am simply telling him. That is an indication of the membership of the energy council. That council consists of various experts representing the Electricity Trust, the Director General of Mines and Energy, petroleum refiners of Australia, the South Australian Gas Co., architects—there is no description given for the next one—the Department of Mines and Energy, Flinders University, and Santos. It may be there are people who are members of a union; and there might well be on our advisory council. That does not mean that people are members of the council because they represent a union organisation.

Mr T. H. JONES: Because South Australia did something, that does not mean it is right. Surely the Minister is not suggesting we have to follow South Australia or any other State. It is a matter of what we do in Western Australia in view of the circumstances. I do not agree with the Minister.

The Minister mentioned the Confederation of WA Industry and the Chamber of Mines as experts. Is the Confederation of WA Industry more expert than the TLC?

Mr Mensaros: They do send out an expert.

Mr T. H. JONES: It may be expert in the opinion of the Minister; but the TLC has expertise in its own field. No-one can deny that. What is wrong with canvassing the views of the TLC? The Minister does not have to accept them. He does not have to accept the views of either party. At least the TLC is deeply involved in the power generation system of Western Australia.

I do not go along with the views expressed by the Minister in rejecting the amendment I have moved.

Amendment put and a division taken with the following result—

Ayes 16

Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Pearce
Mr H. D. Evans	Mr Skidmore
Mr Grill	Dr Troy
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 24

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr Nanovich
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Tubby
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Williams
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Rushton
Mr T. D. Evans	Mr Sibson
Mr Barnett	Dr Dadour
Mr Tonkin	Mr O'Connor
Mr B. T. Burke	Mr MacKinnon
Mr Bertram	Mr Sodeman

Amendment thus negatived.

Mr T. H. JONES: In relation to subclause (5) of clause 21, I move an amendment—

Page 23, line 31—Insert after the passage “(Incorporated)” the words “and the

Western Australian Trades and Labor Council".

Here we apply the same principle to our argument. I do not want to become repetitious. The same line of argument applies.

This is a question of whether the Confederation of WA Industry has better expertise than the TLC. It can be said the Government is snubbing the unions in Western Australia.

Mr Jamieson: They wouldn't do that, surely—not this Minister, surely!

Mr T. H. JONES: Of course the Government would not. It has a very keen liking for the trade union movement! It has shown that in recent weeks.

The Government does not have to say anything. It has to indicate only, and the numbers game comes up, and that is it. We are used to that.

Mr Watt: They have a pretty keen liking for us, too.

Mr T. H. JONES: I have heard some unionists who speak well of the member for Albany. They are broad-minded unionists.

Mr McIver: Three-quarters of them vote for you, unfortunately.

Mr Watt: I would not say that.

Mr T. H. JONES: The argument on this amendment is the same as the one I put forward when I was attempting to amend clause 21(2).

Amendment put and a division taken with the following result—

Ayes 16	
Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Pearce
Mr H. D. Evans	Mr Skidmore
Mr Grill	Dr Troy
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

Noes 22	
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Tubby
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Williams
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders

(Teller)

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Rushton
Mr T. D. Evans	Mr Sibson
Mr Barnett	Dr Dadour
Mr Tonkin	Mr O'Connor
Mr B. T. Burke	Mr Sodeman
Mr Bertram	Mr MacKinnon

Amendment thus negated.

Mr T. H. JONES: It is noticeable that the Minister did not bother to reply. Since he has been in this place he has shown a very strong bias against trade unions. He has shown this bias with all Bills he has handled. Nevertheless, I move a further amendment—

Page 24, line 15—Insert after the passage “(Incorporated)” the words “and the Western Australian Trades and Labor Council”.

The arguments I advanced in relation to the previous amendment apply here.

Amendment put and a division taken with the following result—

Ayes 16	
Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Pearce
Mr H. D. Evans	Mr Skidmore
Mr Grill	Dr Troy
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 22	
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Tubby
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Williams
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Rushton
Mr T. D. Evans	Mr Sibson
Mr Barnett	Dr Dadour
Mr Tonkin	Mr O'Connor
Mr B. T. Burke	Mr Sodeman
Mr Bertram	Mr MacKinnon

Amendment thus negated.

Mr T. H. JONES: I move a further amendment—

Page 25, line 8—Insert after the word “recommend” the words “after consultation with the Western Australian Trades and Labor Council”.

Clause 21(10) reads as follows—

(10) Where the Minister considers that the interests of employees engaged in any industry or commercial activity should be represented on the Council, he shall, as the occasion requires, recommended to the Governor for appointment to the Council to serve as a representative member such person as he considers appropriate to represent the interests of those employees.

My amendment would have the Minister consult also with the Trades and Labor Council of Western Australia. Surely there is nothing wrong with this suggestion, as we are dealing with employees.

A while ago the Minister said we were dealing with the matter of expertise. The Minister confers with the Confederation of Western Australian Industry and the Chamber of Mines on matters with which they are concerned. Subclause (10) refers to employees specifically, so what is wrong with my amendment? The Minister does not have to accept the views put forward by the TLC; but surely there is nothing wrong with the Minister hearing its views.

Mr SKIDMORE: It is very important that at least on this occasion we get some support from the Minister. In arguments he put forward against the inclusion of the TLC where we sought to have a representative from that body on the commission's advisory council, the Minister indicated that the expertise of the Confederation of Western Australian Industry would, work only to the benefit of industrial relations issues.

He referred to the expertise in that body in regard to the wide scope of mining engineering, the construction of pylons, and the needs of the many facets of the commission's development. The same could apply to the Chamber of Mines in regard to different energy needs. The Minister indicated that the TLC representation was therefore not necessary, as it did not fit into that area of expertise.

We feel the TLC has within its ranks sufficient expertise to be of considerable help. As the member for Collie so rightly pointed out, where the interests of employees engaged in any industry or commercial activity are involved, an employee's representative should be on the council. The Minister must recognise that this amendment will add depth to the recognition that he will still make the final decision as to any representative to be placed on the council who would represent the interests of employees.

As the member for Collie said, the addition of a TLC representative is pertinent and important. Surely the Minister will find it hard to argue

against this amendment, because it is a responsible one. It deals with the interests of employees and is the basis of good industrial relations; that is, it deals with unions of employees as distinct from a singular employee. The amendment will allow the TLC to put forward its own expert to advise the Minister. A TLC representative would put forward a responsible attitude in regard to employees' needs. He would be responsible to the whole of the trade union movement to see that the interests of those employees were represented in a proper way. I hope the Minister will accept the amendment. I support it as a step in the right direction. It would bring about good industrial relations.

Mr MENSAROS: I cannot accept the amendment, because this clause deals with cases where the interests of employees engaged in any industry or commercial activity are at stake. Frankly, I do not accept that the TLC would most properly represent their interests. This is particularly so when we hear a lot of noise from the Secretary of the TLC in Western Australia encouraging unions to reregister in the Federal field. Therefore, the member for Swan could equally recommend the legislation should take into consideration the advice of the ACTU.

I do not accept the TLC would be the correct body to represent the workers' interests. The Minister can decide who is the proper person to represent the employees. The Minister can select a person from the employees who are involved in this particular industrial or commercial activity. If it happened to be the SEC then an employee of the SEC may be a member of an energy union or a member of an electricity union.

Mr Jamieson: You are a stooge.

Mr SKIDMORE: I take the Minister to task for his fallacious argument because quite frankly it is unacceptable and it is a puerile attitude on the part of the Minister for Fuel and Energy with regard to the recognition of the needs of employees. He said he places no reliance on the Secretary of the Trades and Labor Council because the secretary advocated that unions, if they so desire, should resign and seek the jurisdiction of the Federal arbitration commission. That argument is so weak that it indicates the absolute inability of the Minister to recognise the work that has been done in putting forward this amendment.

If one were to look at the members who could be involved, one would be looking at a very wide field. We could be looking at the members of the Amalgamated Metal Workers and Shipwrights Union, the members of the Electrical Trades

Union, the Federated Clerks' Union, the MOA, as well as other organisations of staff officers. We would be looking at many employees who would be from a very wide cross-section which is represented by the Trades and Labor Council.

To say that merely because the jurisdiction would come from the Industrial Commission of Western Australia to the Commonwealth Conciliation and Arbitration Commission is just arrant nonsense. That statement has no validity at all, and adds nothing to defeat the proposition put forward by the member for Collie. As far as I am concerned, the question of the Trades and Labor Council would still exist because it represents the Federal organisations which fall within its mantle of control.

For instance, the metal trades union in this State has many members covered by Federal awards. The builders workers' industry is another industry I did not mention previously. That has a Federal background. The Builders' Labourers Federated Union is affiliated with the Trades and Labor Council and likewise has Federal cover. One can think of problems arising in the construction field where the interest of the workers would have to be considered by the commission or by the council for recommendation to the commission.

The Minister said he could not envisage the role of the Trades and Labor Council in industrial relations because the expertise was available within the State Energy Commission to look after these industrial relations problems. Here is the classic example of the fact that the Minister's words have not been proved to be true. This is nothing more or less than an industrial relations exercise and I believe the appointment proposed in the amendment will be a good one and it will certainly move towards industrial peace.

It is apparent to me and my colleagues that the Minister is not interested in industrial peace in his organisation of the State Energy Commission by virtue of his refusal to accept the proposal put forward by the member for Collie.

We hope the Minister will reconsider his opposition and give some valid argument for his refusal to allow the industry to make a contribution. He is now saying that the Trades and Labor Council has no expertise in the field in which it operates exclusively. I would be very interested to hear the Minister defend his attitude.

Mr T. H. JONES: I wish to indicate my disappointment at the Minister's attitude. The Minister has argued that the legal advice we obtained is incorrect and that he is going along

with the advice of the Crown Law Department. If he were to accept my amendment at least it would indicate that co-operation was possible in terms of the Bill. It does not seem that the Minister is prepared to talk to anyone in the trade union movement. He is prepared to speak with the Confederation of WA Industry, and the Chamber of Mines where he can delegate powers.

He will not have anything to do with the trade union movement. He would do this if he were genuine in his approach towards industrial peace in Western Australia. In my opinion this legislation is designed to overcome industrial disputes.

If the Minister were prepared to accept my amendment at least it would go some way towards solving industrial problems. If the Minister were prepared to talk to the trade unions and take them into his confidence, even if he does not agree with their views, he could at least listen to them and then make his judgments. However, he has clearly demonstrated he is not prepared to do this. I am very disappointed with the Minister's reply.

Amendment put and a division taken with the following result—

Ayes 16

Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Pearce
Mr H. D. Evans	Mr Skidmore
Mr Grill	Dr Troy
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 23

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Spriggs
Mr Grayden	Mr Tubby
Mr Grewar	Mr Watt
Mr Hassell	Mr Williams
Mr Herzfeld	Mr Young
Mr P. V. Jones	Mr Shalders
Mr Laurance	

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Rushton
Mr T. D. Evans	Mr Sibson
Mr Barnett	Dr Dadour
Mr Tonkin	Mr O'Connor
Mr B. T. Burke	Mr Sodeman
Mr Bertram	Mr MacKinnon

Amendment thus negatived.

Clause put and passed.

Clauses 22 to 26 put and passed.

Clause 27: The function of the Commission, and its duties—

Mr T. H. JONES: In the Opposition's view clause 27 is designed to overcome disputation or strike action taken by the trade unions in Western Australia. It is a very broad clause which extends the powers of the commission to make orders to act in any manner as an agent of the Crown or to carry out functions on behalf of the Crown not normally undertaken. So, by way of regulations, the commission can make orders because of the strong powers which have been extended to it under the provisions of this Bill. This clause gives the Government the power for action to be taken to provide and maintain a supply of energy.

In our view if there were disputation it would probably be on a safety issue. However, orders can be brought down and acted upon and as we have said, this legislation is a designed attack against the trade union movement and we strongly oppose the inclusion of this clause in the Bill.

Clause put and a division taken with the following result—

Ayes 23

Mr Clarko	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Spriggs
Mr Grayden	Mr Tubby
Mr Grewar	Mr Watt
Mr Hassell	Mr Williams
Mr Herzfeld	Mr Young
Mr P. V. Jones	Mr Shalders
Mr Laurance	

Noes 16

Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr Melver
Mr Davies	Mr Pearce
Mr H. D. Evans	Mr Skidmore
Mr Grill	Dr Troy
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Rushton	Mr Taylor
Mr Sibson	Mr T. D. Evans
Mr Dadour	Mr Barnett
Mr O'Connor	Mr Tonkin
Mr Sodeman	Mr B. T. Burke
Mr MacKinnon	Mr Bertram

(Teller)

Clause thus passed.

Clause 28: Powers of the Commission, generally—

Mr T. H. JONES: I hope the Minister will answer my question. It is quite obvious that no matter what queries the Opposition raises, he will sit there and say nothing. I hoped that would not happen. He said he hoped we would not delay the Committee stage. He must remember this is a

very important Bill. Certainly the action he is engaging in will not bring harmony into the Committee debate. If he wants to put his head in the sand, we will take appropriate action on this side. However, if he wants to play a dinkum game, the channels are still open. The ball is at his feet; I hope I have made myself clear.

I raised a question during the second reading debate and the Minister did not answer me. I referred to subclause (3) of this clause which gives the commission power to carry out investigations, surveys, borings, and to enter upon any land. There will be a guarantee that the State will get the maximum benefit of the operations carried out under this provision, but we do not know how this will be put into effect. We do not want to see the private companies gaining the benefit from moneys made available by the State. I hope the Minister will adopt a more reasonable attitude and answer the points we have raised.

Mr SKIDMORE: I wish to refer to paragraph (h) of subclause (3) which deals with the entering into of contracts by the commission. It appears to me that property could be acquired notwithstanding the fact that such property is not subject to the control or management of the commission. This raises the question of payment for the acquisition. Also, could there be compulsory acquisition? I trust the Minister will answer my queries.

Mr MENSAROS: I will reply firstly to the member for Swan. No compulsion is involved. The paragraph commences, "enter into contracts", and that can happen only by mutual agreement.

Mr Skidmore: You could have a contract with a company to knock down a building which you wish to acquire.

Mr MENSAROS: This means there must be a two-sided agreement, and therefore there is no compulsion.

In reply to the member for Collie I am sorry to contradict him, but I can assure him I replied to his query. I have not looked at *Hansard* to give him the page number. Without doubt the commission will be the one to reap the benefit.

Clause put and passed.

Clauses 29 to 44 put and passed.

Clause 45: Claims against the Commission for the use of land and the application of the Public Works Act, 1902—

Mr T. H. JONES: During his reply to the second reading debate the Minister did not deny the problem in this clause. It will give the commission the power to erect a nuclear power

house anywhere in Western Australia. The Minister's reply appears on page 4738 of *Hansard*. This is a very serious matter. In residential areas, land values would be reduced drastically.

The Minister referred to high voltage power lines and told us that such a situation would be taken care of, but it is quite clear that under this provision no claim would lie against the Government for any loss of enjoyment or amenity value. Members should remember that an announcement has been made already that a power station will be built some 60 miles north of Perth.

In his reply the Minister told us the same thing could happen with the siting of coal-fired power stations. That is a totally different argument. People now know what can happen with nuclear power stations. There is no similar problem with coal-fired stations. It may be that Government members are not concerned, but Opposition members certainly are. In his reply to a question I asked on Wednesday, the 14th November, the Minister told us what is intended.

This clause refers to some provisions of the Public Works Act, 1902, but generally speaking a power is to be conferred on the commission to site such installations where it pleases, subject to very minor limitations. For those reasons we oppose this clause strongly.

Mr SKIDMORE: This clause gives some powers to the commission which should never be envisaged by any Government. An environmental impact statement would take note of loss of enjoyment or amenity value. However, if we consider the ramifications of the provisions, it would make valueless any appeal to the environmental authority in regard to the siting of any installation—nuclear or otherwise.

Certainly we must raise queries about the provisions of other legislation. Would the Government have to seek environmental impact statements before siting a power house right in the middle of a residential area to the north of the city? Would it have to take notice of the EPA or of the residents?

One could imagine the number of complaints to the commission about noise. Apparently the provisions of the Noise Abatement Act will go overboard.

It appears to me there is no need for such wide-sweeping powers. The commission should carry out its affairs and functions in the same way as any other body or organisation. Companies involved in the mining of bauxite on the Darling scarp must do so with due regard for the

environment and the Statutes involved. However, subclause (3) states that no claim lies against the commission by reason only of the placing of any works of the commission on any land, other than a claim under the Public Works Act. As the member for Collie said, that Act would have very limited application in these circumstances. I will listen with very keen interest to the reason that the commission should have such far-reaching power. What can the people do for the protection of their environment and their way of life, and to protect their amenities against the overriding power of the commission?

Mr MENSAROS: I do not think the contrast between the Opposition and the Government could be described by the commission having a certain power. It is a simple case of how far the commission should be liable to pay damages.

The member for Collie conceded this matter was debated at length during the second reading stage. I repeat that the commission's liability for damages is limited to physical damages towards any individual. However, the commission is not liable for aesthetic damage. In other words, if a person says, "I have not suffered loss of income or damage to my property, but I do not like the look of your power line" the commission will not be liable to pay compensation. So far, the commission has not paid such compensation, and the provisions of the legislation are to be tightened so that no legal doubt could arise.

Equally, the situation applies to loss of amenities. It is very likely—given the need for a great deal of cooling water—that a power station of the future will be established on the seashore. There are not many areas like Collie, which have sufficient inland waters. If a power station is established on a remote shore, and five people quite justifiably claim they used to swim or fish in that particular remote spot, they would not be entitled to compensation.

I challenge the Opposition to say it wants compensation to be paid in such cases. The reason for compensation not applying is very simple: If an obligation were placed upon the commission to pay compensation for any intangible damage which may occur, the commission would have an undefined contingent liability and, as a result, nobody would give it a loan. They would ask the commission, "What are your assets, and what are your liabilities?" The commission's liabilities would be found to be intangible, because at any stage a person could walk up and slap a damages suit on the commission claiming compensation for "loss of aesthetic pleasure" or something of that nature.

The commission under the legislation is charged with supplying the public of Western Australia with the most efficient and cheapest power possible and it simply could not reconcile that objective with a liability of this nature. If it did, my guess is the effect would be an immediate doubling of the tariff. If the Opposition wants this, let it say so.

Mr T. H. JONES: I am very concerned to hear the answer of the Minister. Quite obviously, the commission can do whatever it likes. For the moment, let us forget about nuclear power stations. The commission under this clause will have the right to construct a coal-fired power station in the middle of a heavy residential coastal area and the people could do nothing about it. To go a stage further, if the commission wanted to construct a high-voltage power line through the middle of a golf course, it could do so.

Mr Mensaros: That is not so.

Mr T. H. JONES: That is my interpretation of the clause. I would very much like to hear the Minister explain this to me. He cannot deny the Bill will give the commission unlimited power to establish power stations.

Mr Mensaros: That is not so; I will explain it to you later.

Mr T. H. JONES: We obtained a legal opinion which differs from Crown Law opinion.

Mr Mensaros: I do not think it is a matter of legal opinion.

Mr T. H. JONES: The Minister is free to obtain whatever legal opinion he desires, just as we are free to seek legal advice. Perhaps the people we approached were more equipped to interpret what is intended by this clause than the Government's lawyers. Certainly, they are far more competent than members of this Committee.

It is all very fine for the Minister to give us his interpretation of the clause; he will not be the Minister for all time. In fact, this legislation probably will not even be interpreted by the Minister but by the judiciary. Men much more learned than we will have to grapple with this problem in the future, and it is important members consider what they are allowing to be inserted in the legislation.

Mr SKIDMORE: I accept what the Minister said regarding aesthetic damage in the general, wide-ranging sense of damage to the environment.

However, let us consider the little man who is affected by the construction near his house of a coal-fired power station. The coal is transported

to the site by rail or road, is dumped and is conveyed by elevators or some other device to the power house itself. If coal dust and dirt drift from that power house to adjacent houses, the residents will have no claim against the commission for loss of enjoyment. Most probably, they would have to leave their homes for another area. They could be subjected to fly ash from the chimneys; dirt and noise from the coal loading plant; noise from turbines and engines, and the like.

Surely in such cases the commission should be prepared to buy out the affected residents to enable them to move to a less polluted area. The Bill does not provide for loss of enjoyment. Surely the mere fact a person could not sit outside on his lawn on a hot night, or have his friends over for a barbecue without being smothered by coal dust represents loss of enjoyment. The commission should not be entitled simply to say, "You are unlucky. You will have to stay there because nobody will buy your house for a private residence. Perhaps you could sell your property for use as a piggery. Certainly, we will not pay you compensation."

I do not believe that situation to be fair and equitable, and I will be interested to hear the Minister's reply. I will be interested to know whether the Minister in fact believes such people should be entitled to compensation, and whether the commission should have the right to purchase the affected properties to enable the residents to move to other areas.

Mr MENSAROS: I sincerely admire the wide-ranging imagination of the Opposition; the situations members opposite have referred to are absolutely impractical, and will never occur.

Mr Skidmore: What—fly ash from chimneys?

Mr MENSAROS: Just let me explain to the member for Swan. The member for Collic and the member for Swan referred to the SEC constructing a power station in a densely populated residential area. Another part of the Bill provides that the commission must acquire land for the siting of any power station, large plant or transmission lines. Can it be said there is a grain of practicality in the suggestion that the commission would select a densely populated area for the construction of such a facility?

The political consequences and the public pressure—quite apart from the cost—would be incalculable.

Mr T. H. Jones: Why have the clause at all?

Mr MENSAROS: The commission must acquire the land for such purposes and it stands to reason it will not go to a densely populated residential area and pay perhaps 1 000-times the amount it would be required to pay in a relatively isolated area. This whole proposition is so impractical it is not worth dealing with. Even the power station on the Hudson River in New York was there before the high-rise buildings; the people came later. There is no practical possibility this can happen.

Mr T. H. JONES: In view of what the Minister said, it is a pity this clause has found its way into the Bill. If the situation will never arise, why include it in the first place?

Mr MENSAROS: I believe the member for Collie wants to know. His colleagues—especially the member for Welshpool—seem to understand the situation a little better. The clause is in the Bill not to provide for the hypothetical situation of the commission going into a densely populated area but to provide for the situation where the commission constructs, say, a transmission line from Muja to Perth. The line would cross farms, and without this provision, a farmer may say, "The line is situated half a mile from my farmhouse, and when the sun sets it makes a reflection for 10 minutes on the exact spot where I have my after-dinner nap." The person could sue the commission for loss of enjoyment. That is the reason it is in the Bill.

Clause put and a division taken with the following result—

Ayes 21

Mr Clarko	Mr Nanovich
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Tubby
Mr Hassell	Mr Watt
Mr Herzfeld	Mr Williams
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders
Mr Mensaros	

(Teller)

Noes 15

Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr Pearce
Mr Davies	Mr Skidmore
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	

(Teller)

Pairs

Ayes	Noes
Mr Rushton	Mr Taylor
Mr Sibson	Mr T. D. Evans
Dr Dadour	Mr Barnett
Mr O'Connor	Mr Tonkin
Mr Sodeman	Mr B. T. Burke
Mr MacKinnon	Mr Bertram
Sir Charles Court	Mr McIver

Clause thus passed.

Progress

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

House adjourned at 1.03 a.m. (Wednesday)

QUESTIONS ON NOTICE

ENERGY: RURAL AREAS

Commitment of Government

2233. Mr BRYCE, to the Premier:

- (1) Is he aware of the article on page 23 in the 23rd September edition of *The Cattleman* which quotes the President of the National Farmers Federation, Mr Don Eckersley, as saying—
 - (a) that the Western Australian Government had given a clear lead to the rest of Australia in making a commitment to ensure stable supplies of energy for the State's rural areas; and
 - (b) that the commitment was made by the Western Australian Premier?
- (2) When was such a commitment given?
- (3) What are the details of such a commitment?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) The statement was made by the Premier in Bunbury on the 22nd July, 1979.
- (3) The commitment was part of a plan drawn up by the Government to ensure stable supplies of energy for Western Australia's rural areas and puts farmers in the same priority category as vital community services, such as transport. The farming community uses only about 5 per cent of the State's total fuel needs but its importance to the State's economy justifies according priority to the fuel supplies for rural areas. The power of the Government—if necessary—to implement such decisions is provided in clause 27 of the SEC Bill presently before Parliament.

ENERGY: STATE ENERGY COMMISSION

Bromyl Chloride

2234. Mr BRYCE, to the Minister for Fuel and Energy:

- (1) What quantity of bromyl chloride transformer oil is used in Western Australia each year—
 - (a) by the State Energy Commission;
 - (b) by individuals or authorities other than the State Energy Commission?

- (2) Where does the State Energy Commission dispose of its share of bromyl chloride used each year?
- (3) What arrangements are made for individuals or authorities other than the State Energy Commission to dispose of quantities of bromyl chloride?
- (4) Is it a fact that bromyl chloride 3 breaks down only in temperatures which exceed 1 200°C?
- (5) Who supplies bromyl chloride to the State Energy Commission?
- (6) Is he aware that CSIRO tests reveal that bromyl chloride is carcinogenic and can cause foetal deformity?

Mr MENSAROS replied:

- (1) (a) Polychlorinated biphenyls are not used by the State Energy Commission for transformers, but the commission possesses several capacitor banks which were supplied with PCBs as the insulating medium. A total of approximately 26 000 litres of PCBs are involved.
 - (b) No information available to the SEC.
- (2) The State Energy Commission is storing PCBs from capacitor units which have failed for the time being and is co-operating with other supply authorities in Australia to arrange for a suitable means of disposal.
- (3) See answer to 1(b).
- (4) PCBs break down in temperatures exceeding 1 100°C.
- (5) The commission no longer purchases capacitors which utilise PCBs.
- (6) The commission is aware of the hazards associated with PCBs and is seeking to eliminate their use completely.

ENERGY: NUCLEAR POWER STATION AND RESEARCH REACTOR

Waste Disposal

2235. Mr BRYCE, to the Premier:

- In the event of his Government proceeding to establish—
- (a) a nuclear research reactor; or
 - (b) a nuclear power station,
- in Western Australia, what arrangements will be made to dispose of nuclear waste materials?

Sir CHARLES COURT replied:

When the Government moves to establish any form of nuclear reactor in Western Australia, the honourable member can be assured that full consideration will be given to the disposal of nuclear waste materials with the most appropriate methods existing at the time.

HEALTH: ALCOHOL DEPENDENCY

Alcohol and Drug Authority, and Voluntary Agencies

2236. Mr BRYCE, to the Minister for Health:

- (1) What is the estimated proportion of the State's alcoholic population cared for and assisted by—
 - (a) the Alcohol and Drug Authority;
 - (b) the community based voluntary agencies?
- (2) What proportion of the Alcohol and Drug Authority budget in 1978 and 1979 was allocated to the voluntary agencies?
- (3) Is it a fact that the financial viability of many of the State's voluntary agencies in this field is threatened?
- (4) Is he prepared to increase the level of assistance to the voluntary agencies?

Mr YOUNG replied:

- (1) (a) and (b) In the absence of a generally acceptable definition of an alcoholic, it is impossible to estimate the proportions cared for and assisted by any organisation.
- (2) Approximately 13 per cent was distributed to voluntary agencies from moneys allocated to the Alcohol and Drug Authority for this purpose. Funds approved under the terms of the Hospitals Cost Sharing Agreement are not available to assist voluntary agencies.
- (3) The Government is aware that certain voluntary agencies have expressed some financial difficulties, however, the recent allocations made by the Alcohol and Drug Authority should alleviate some of these pressures.

- (4) In recognition of the value of the work carried out by the voluntary agencies, the Government, through the Alcohol and Drug Authority, has increased its financial support in the current year by some 67 per cent.

TRANSPORT: BUSES

Pensioners: Two-hour Tickets

2237. Mr BRYCE, to the Minister for Transport:

- (1) In respect of the current system of MTT bus travel for pensioners, whereby pensioners can travel anywhere in the metropolitan area for 15c within a time period of two hours, what was the reason for selecting a two-hour time period?
- (2) To accommodate a reasonable interval of time for shopping purposes or medical consultation, will he give consideration to extending the period to four hours?

Mr RUSHTON replied:

- (1) The current fare system was introduced at the time suburban passenger rail came under the control of the MTT when it was decided that a common fare system to cover all modes was desirable. The object was to enable any patron, not only pensioners, to travel from one point in the metropolitan area to any other—changing modes if necessary—without having to purchase more than one ticket. It was estimated that two hours would be the maximum time required for any journey allowing for the fact that once having boarded the last mode, the journey could be completed.
- (2) No. It was never intended that the system should provide for shopping purposes or medical consultations although return travel is allowed if it can be made within the time limit. The two hours is a very generous allowance for the purpose for which the scheme was introduced.

HOUSING: STATE HOUSING COMMISSION

Land: Purchases

2238. Mr BRYCE, to the Minister for Housing:

- (1) With reference to question 1361 of 1979 relevant to purchase of land by the State

Housing Commission, has the information promised by him been compiled?

- (2) If so, will he indicate when I can expect to receive the material?

Mr RIDGE replied:

- (1) and (2) The work is nearing finality and I expect to be able to forward the information to the member this week.

TELEX FACILITIES

Premier's Department

2239. MR BRYCE, to the Premier:

When were telex machines first installed in the Premier's Department and other State Government offices?

Sir CHARLES COURT replied:

Department	Date of First Installation
Agriculture	7.3.1973
Community Welfare	14.2.1973
Corporate Affairs	3.6.1975
Crown Law	5.7.1976
Education	28.7.1975
Fisheries and Wildlife	12.2.1979
Government Stores	14.6.1976
Lands and Surveys	26.9.1975
Labour and Industry	30.6.1976
Police	3.12.1973
Premier's	8.10.1974
Office of Regional Administration and the North West	10.9.1975
State Emergency Services	26.11.1971
Public Health	14.11.1974
Public Works	30.7.1969
Medical	2.11.1971
Road Traffic Authority	11.8.1976
State Health Laboratories	13.12.1971
State Government Insurance Office	8.12.1977
State Housing Commission	13.5.1975
Tourism	21.7.1971
Lamb Marketing Board	1.12.1972
Main Roads Department	24.5.1971
State Energy Commission	17.12.1969
State Shipping Service	28.6.1961
Westrail	17.1.1969
MTT	16.11.1976

RAILWAYS: FREMANTLE-PERTH

Reserve: Leases

2240. Mr BRYCE, to the Minister for Transport:

- (1) Following the Government's decision to close the Perth-Fremantle railway line,

what will be the future for owners and lessees of buildings situated on Westrail reserves?

- (2) In respect of such premises situated in the Stubbs Terrace area of Shenton Park—

- (a) is it the Government's intention to allow the lessees to remain for the normal period of their lease;
- (b) is it the Government's intention to renew existing leases?

Mr RUSHTON replied:

- (1) All existing leases will be taken into consideration when the future of the Perth-Fremantle transport corridor is being determined.

- (2) (a) Yes, where it is practicable to do so.
- (b) This will depend on the final decision for the future use of the land involved.

Some leases have already been renewed on a short-term basis.

WATER SUPPLIES

Country Area Scheme: Extension

2241. Mr CRANE, to the Premier:

- (1) Is money for drought relief purposes still available to country shire councils for continuation of employment of local people to keep them employed and living in country areas?
- (2) If "Yes", could a project be commenced between the Dalwallinu Shire Council and the Public Works Department to extend the comprehensive water supply east of Dalwallinu to areas not yet served, and to upgrade the water pipe main serving the Kalannie area, which is deficient in water supplies, for stock and which has suffered a succession of droughts?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) The unemployment relief scheme in drought areas involves work projects under the control of local authorities.

Projects such as the extension of the comprehensive water supply east of Dalwallinu and the upgrading of the water supply mains serving the Kalannie area would not fall within the guidelines of the drought unemployment relief scheme, but will be considered separately in conjunction with the proposed Agaton project.

DRAINAGE

Beckenhams

2242. Mr BATEMAN, to the Minister representing the Minister for Water Supplies:

- (1) Is it a fact that the residents of Beckenhams are extremely upset at the 2.2c in the dollar they are being charged for the reason that the Woodlupine Brook runs through the area?
- (2) If "Yes" is it a fact they are contemplating not paying this impost?
- (3) If "Yes", to (2), would this result in their water supply being cut off?

Mr O'CONNOR replied:

- (1) One written and approximately 50 telephone complaints have been received.
- (2) One ratepayer has indicated that he will not pay drainage rate.
- (3) No, "restricted".

DECENTRALISATION

Country Firms: Preference for Government Work

2243. Mr GRILL, to the Minister representing the Minister for Works:

What, if any, preference is given to builders and contractors resident in country areas for Government work programmes in those areas?

Mr O'CONNOR replied:

Country building contractors tendering for Governmental works up to a value of \$20 000, within their respective regions or outside those boundaries but within an 80-kilometre radius of the contractor's premises, are afforded a 5 per cent preference allowance.

The Government has decided that the \$20 000 maximum will be increased and an announcement on a new scheme will be made in the near future.

HEALTH: MENTAL

Patients: Immigrants, and Social Security Pensions

2244. Mr WILSON, to the Minister for Health:

- (1) What were the numbers of patients over each of the past five years within each approved mental institution, hospitals and hostels, whose payments for social security pensions and benefits in cheques or cash were paid to the—
 - (a) mental institution;
 - (b) Mental Health Services;
 - (c) the Public Health Department; or
 - (d) the Public Trustees,
 leaving a proportion paid to the patient for personal expenses?
- (2) What were the numbers of patients in each of the approved Mental Health Services hospitals and hostels who were immigrants to Australia of one, two, four, five or more years' duration over each of the past 10 years?

Mr YOUNG replied:

- (1) (a) and (b) The information the member seeks does not form part of the ongoing statistical collection system of the Mental Health Services.
 - (c) Nil.
 - (d) Currently pensions of six inpatients are paid to the Public Trustee. Figures for previous years are not available.
- (2) Reliable figures relating specifically to immigrants in Mental Health Services hospitals and hostels are not available.

RIVER TONE

Diversion

2245. Mr H. D. EVANS, to the Minister representing the Minister for Works:

- (1) Has a channel capable of diverting the Tone River into Lake Muir or the Frankland River been determined?

- (2) Will the Minister table a copy of the route such a channel, if determined, will follow?
- (3) What is the approximate cost of such a channel expected to be?

Mr O'CONNOR replied:

- (1) to (3) No. The current investigation will determine alternative engineering options and these will be discussed in a progress report which will be completed at the end of March, 1980.

TOWN PLANNING

Service Station: Brand Highway

2246. Mr CRANE, to the Minister for Urban Development and Town Planning:

- (1) Is she aware of an article published in the *Geraldton Guardian* of the 9th November stating that the Coorow Shire has approved the release of farming land on the Brand Highway as a site for a service station?
- (2) Is this proposed site in a gazetted town site?
- (3) Has approval been given by the Town Planning Board for this subdivision?
- (4) Is there a gazetted townsite at Regans Ford?
- (5) Is it the policy of the Government to permit service stations anywhere on the Brand Highway or are they to be confined in the future to gazetted townsites?
- (6) (a) Does the Main Roads Department approve of service stations being sited anywhere;
(b) if so, has that department given approval?
- (7) Is she aware of the possible financial disadvantage in establishing business in gazetted townsites compared to establishing them on rezoned rural land?
- (8) Is she further aware of the possible financial hardship an oversupply of service stations can cause to those who have pioneered these facilities under difficult conditions?
- (9) In view of these matters of concern will she undertake to investigate all the relevant factors before approval is given for such facilities?

Mrs CRAIG replied:

- (1) No.
- (2) No.
- (3) No; no decision has been made on the application.
- (4) Yes.
- (5) The Government has not considered this specific issue but it is an accepted planning principle that such facilities should be provided at regular intervals in association with other facilities normally found in townsites.
- (6) (a) No; the MRD prefer service stations to be located in townsites where those townsites along main roads and highways are within reasonable distance of each other.
(b) No.
- (7) and (8) I am not aware of the particular circumstances which relate to the proposal. However, I can envisage a situation where the disadvantages and hardships mentioned could become a reality.
- (9) While I appreciate the concern, my approval is not required before the facilities can be provided. As there is neither an operating town planning scheme nor a current interim development order, there is no mechanism under the Town Planning and Development Act whereby such facilities could be prevented from being built.

WATER SUPPLIES: CATCHMENT AREAS

Kent and Warren Rivers: Purchased Land

2247. Mr H. D. EVANS, to the Minister representing the Minister for Works:

- (1) Adverting to question 2193 of the 14th November, 1979, is there any reason that all land purchased by the Public Works Department in catchment areas affected by clearing controls cannot be acquired with a view to allowing the opportunity for resale or lease by the department?
- (2) Under what conditions would it be necessary or desirable to purchase such land without giving the opportunity to the Public Works Department to resell or lease to affected farmers?

Mr O'CONNOR replied:

- (1) Yes.
- (2) If the land is uncleared, is salt affected, is considered likely to become salt affected, or is part of an area planned to be used for reforestation.

MINING: COPPER

Mons Cupri Project

2248. Mr DAVIES, to the Minister for Industrial Development:

What is the current status of developments for the Mons Cupri copper project?

Mr MENSAROS replied:

At the Mons Cupri copper prospect the ore occurs in two separate ore bodies, an oxide ore body and an offset sulphide ore body.

The joint venturers in the Mons Cupri prospect, Texas Gulf 68 per cent and Whim Creek 32 per cent, some time ago apportioned their shares in the tenements so that Whim Creek now control 100 per cent of the oxide ore body and Texas Gulf control 100 per cent of the sulphide ore body.

Whim Creek is continuing with metallurgical tests on leaching the oxide ore body.

Texas Gulf is continuing to search for additional sulphide ore in the area.

Both projects could be described as still in the feasibility stage.

INDUSTRIAL DEVELOPMENT

Government Guarantees: Unibuild Pty. Ltd.

2249. Mr DAVIES, to the Minister for Industrial Development:

- (1) Has he received a submission from Unibuild Pty. Ltd. seeking Government guaranteed assistance?
- (2) If so, is the Government prepared to assist the company concerned?
- (3) If "No" to (2), why not?

Mr MENSAROS replied:

- (1) Yes.
- (2) and (3) The application is currently being examined.

COURTS

Coat of Arms

2250. Mr BRIAN BURKE, to the Premier:

- (1) What is the description of the State's Coat of Arms?
- (2) Is this Coat of Arms the appropriate one to be displayed in Western Australian courts?
- (3) In which courts is it displayed?
- (4) What instructions have been issued in this regard?

Sir CHARLES COURT replied:

- (1) I seek leave to table a copy of the description of the State's Coat of Arms.
The paper was tabled (see paper No. 485).
- (2) There is no firm rule applied, but traditionally, it is considered that the Royal Coat of Arms is more appropriate.
- (3) It is known to be displayed in at least one court, and possibly in some others, but a complete answer would involve physically checking each courthouse throughout the State, and the expense is hardly justifiable.
- (4) There are no specific instructions. The furnishing of each new courtroom is the subject of discussions between the Crown Law and Public Works Departments.

POLICE: FIREARMS

Surrender or Confiscation

2251. Mr BRYCE, to the Minister for Police and Traffic:

- (1) How many firearms have been—
 - (a) confiscated by the Police Department;
 - (b) surrendered voluntarily to the Police Department,
 during each of the last five years?
- (2) What happens to those firearms which are subject to (a) and (b) above?
- (3) How many firearms have been sold by tender or any other means in the last 12 months?
- (4) Are any of these firearms surrendered voluntarily sold or disposed of in this manner?

Mr O'NEIL replied:

- (1) (a) Firearms are not confiscated by police. The figures below represent firearms forfeited by the courts to the Crown for the years ended the 30th June—

1975	181
1976	327
1977	110
1978	87
1979	214

(b)	1975	1 773
	1976	1 624
	1977	1 940
	1978	1 437
	1979	1 195

- (2) (a) They are sold by public tender, destroyed or kept for police library reference.
 (b) They are destroyed or kept for police library reference.
 (3) From the 1st August, 1978, 160 by tender only.
 (4) No.

BANK HOLIDAYS

Christmas Eve and New Year's Eve

2252. Mr PEARCE, to the Minister for Labour and Industry:

- (1) Is it a fact that bank officers in other States are to receive the 24th December, 1979 and the 31st December, 1979 as Bank Holidays?
 (2) Is it a fact that bank officers in Western Australia are not to receive these holidays?
 (3) If so, what is the reason for this difference?

Mr O'CONNOR replied:

- (1) The position in other States is—

Victoria and Tasmania—both the 24th and 31st December granted as bank holidays.

New South Wales—the 31st December only granted as a bank holiday.

South Australia and Queensland—Neither day granted as bank holiday.

- (2) Yes.

- (3) The 24th and 31st December are normal working days in the private sector. It is considered that closure of banks on these days would cause considerable inconvenience to business and the community generally.

EDUCATION: SCHOOL BUILDINGS

Community Use

2253. Mr SKIDMORE, to the Minister for Education:

Would he give the names and addresses of schools that are no longer used as such by the Education Department, and would be suitable for community activities to be held at those premises?

Mr Rushton (for Mr P. V. JONES) replied:

The Education Department does not have any vacant schools available for allocation to community groups. There have been some but there are none at the moment.

HEALTH: HANDICAPPED PERSONS

Rehabilitation and Employment

2254. Mr SKIDMORE, to the Minister for Health:

Would he tell me the types of assistance given to enable the rehabilitation and employment of handicapped persons, and what funds are to be allocated to each such project in 1979-80?

Mr YOUNG replied:

The description "handicapped persons" embraces a very wide range of people with handicaps, including the intellectually handicapped. If intellectually handicapped persons are included, then this would be a major activity of the Division for the Intellectually Handicapped, and the funds are included in the Mental Health Services Budget allocation.

The Royal Perth, Royal Perth (Rehabilitation), Sir Charles Gairdner and Fremantle Hospitals provide rehabilitation services for handicapped persons e.g., medical treatment, physiotherapy, occupational therapy, advice from social workers, modifications to patients' homes to

permit discharge from hospital to home environment, aids and appliances, etc. These hospitals are heavily subsidised by the Government.

Rehabilitation and employment is also a consideration of many organisations and the following sums have been provided—

	\$
Association for the Blind	39 000
Asthma Foundation of WA	5 000
Australian Neurological Foundation	10 000
Australian Kidney Foundation	5 000
Civilian Maimed and Limbless Association	6 000
Cystic Fibrosis Association of WA	1 000
Diabetes Research Foundation	10 000
Diabetic Association of WA	1 900
Good Samaritan Industries	25 000
Muscular Dystrophy Research Association of WA	25 000
National Heart Foundation	10 000
Paraplegic and Quadriplegic Association of WA	148 000
Royal Western Australian Institute for the Blind	25 000
Spastic Welfare Association	950 000
Specific Learning Difficulties Association of WA	5 000
Spina Bifida Association of WA	5 000
West Australian Guild of Business and Professional Blind	4 500
Western Australian Arthritis and Rheumatism Foundation	9 700
Western Australian Committee on Access for the Disabled	1 750
Western Australian Deaf Society	25 000
Western Australian Ostomy Association	1 300

The following amounts have been provided in the 1979-80 CRF Estimates for Appealathon, Telehelp Appeal, and Telethon Appeal. Some of the organisations to benefit from these appeals provide rehabilitation and/or employment for handicapped persons—

	\$
Appealathon	20 000
Telehelp Appeal	4 000
Telethon Appeal	20 000

The Alcohol and Drug Authority is funded under the Community Health Programme to the extent of \$994 000 in 1979-80 and a significant proportion of its activities is directed to rehabilitation.

The Independent Living Centre, receives a subsidy towards payment of its director's salary, and the services of a Public Health field nurse are made available for 3½ day per week.

Assistance is provided to certain post polio patients handicapped, to the extent of \$4 000 for 1979-80.

The above cannot be regarded as all inclusive. Very many organisations receive funding and other assistance from time to time and the Commonwealth Government, of course, provides funds under the Handicapped Persons Assistance Act.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Draft By-laws

2255. Mr SKIDMORE, to the Minister for Local Government:

During the debate on the Local Government Act Amendment Bill (No. 3) and as reported on page 3860 of *Hansard* she stated that she would see if a copy of the draft by-laws could be made available to me; I ask her, can those by-laws be made available to me?

Mrs CRAIG replied:

Yes, I will arrange for a copy to be supplied to the member.

HEALTH: NORTH-WEST RESIDENTS

Newman: Transport to Perth

2256. Mr HARMAN, to the Minister for Health:

Is it a fact that non-urgent medical cases referred to Perth from Newman are now informed that only travel by bus is permitted at departmental cost?

Mr YOUNG replied:

The method of transport approved is dependent upon the diagnosis and the degree of urgency of treatment. Financial constraints demand that the least expensive method of transport be used.

ENERGY: STATE ENERGY COMMISSION

Polychlorinated Biphenyls

2257. Mr HARMAN, to the Minister for Fuel and Energy:

- (1) What is the extent of the use of polychlorinated biphenyls commonly referred to as PCBs by the State Energy Commission?
- (2) What steps are being taken to eliminate the use of PCBs in Western Australia?

Mr MENSAROS replied:

- (1) The State Energy Commission has purchased power capacitors in the past which included the use of polychlorinated biphenyls as the insulating medium. Most capacitors supplied prior to 1977 were filled with PCBs and a total of 26 000 litres are presently used by the commission.
- (2) The commission no longer purchases such capacitors and has begun a programme to eliminate the use of PCB-filled capacitors from its power system.

ENERGY: ELECTRICITY SUPPLIES

Alcoa of Australia Ltd.

2258. Mr BRYCE, to the Minister for Fuel and Energy:

- (1) Does Alcoa Australia Ltd. produce its own electricity?
- (2) If so—
 - (a) is any surplus electricity fed into the State grid;
 - (b) what price does Alcoa receive for such electricity?
- (3) (a) Does Alcoa consume any electricity from the State grid;
- (b) if so, what price does Alcoa pay for such electricity?

Mr MENSAROS replied:

- (1) Yes.
- (2) (a) and (b) No surplus electricity is fed into the State grid.
- (3) (a) and (b) There are no substantial sales of electricity by the State Energy Commission to Alcoa at the present time and standard electricity tariffs apply.

EMERGENCY SERVICES CENTRE

Fences

2259. Mr BRYCE, to the Premier:

Will he explain why it was deemed necessary to install a 12-foot high wire fence around the perimeter of the State Government Emergency Centre in Belmont when the existing fence was in perfectly good condition?

Sir CHARLES COURT replied:

The previous fence was one metre high with wooden posts from which were

strung four single strands of fencing wire which provided little, if any, security.

The new fence has improved security and restricted entry by unauthorised persons. Recently installed external air-conditioning systems and 30-metre radio masts with ladders could be hazardous should children or other persons gain access.

EDUCATION: TERTIARY

Recreation Courses

2260. Mr BRYCE, to the Minister for Recreation:

- (1) How many tertiary education institutions in Western Australia provide graduate or diploma courses in recreation studies?
- (2) When were such courses first introduced?
- (3) How many recreation officers are employed by the Education Department?
- (4) Approximately how many people graduate from these particular courses each year?

Mr P. V. JONES replied:

- (1) Two institutions—the Nedlands College of Advanced Education and the University of Western Australia.
- (2) The Nedlands College of Advanced Education introduced the associate diploma and graduate diploma in 1974. The diploma in Applied Science was approved for the 1979 student intake.

The University of Western Australia degree courses have had elective units in recreation since 1974.

- (3) The Education Department employs two people part-time as recreation officers in the Technical Education Division. The department for Youth, Sport and Recreation employs 40 officers in its recreation officer branch, and a further 14 officers in its developmental services branch.

- (4) The total number of graduates in recreation from the Nedlands College of Advanced Education in 1979 was 39. The University of Western Australia could not supply exact figures, but in 1979 approximately eight students will graduate with a masters degree with a recreation emphasis.

WATER SUPPLIES: CHARGES

Difficulty in Payment

2261. Mr BRYCE, to the Minister representing the Minister for Water Supplies:

Further to the Minister's reply to question 1511 of the 20th September, 1979 in which the Minister indicated that people who establish genuine financial hardship are granted permission to pay accounts for water charges on an instalment basis—

- (a) are such people required to pay their accounts on the basis of two equal payments;
- (b) if not, what guidelines are followed by the department in determining the number of instalments approved?

Mr O'CONNOR replied:

- (a) No.
- (b) Arrangements are made in accordance with ratepayer's ability to pay and on the basis that the account is cleared before the next account becomes due.

ENERGY: GAS

North-West Shelf: Condensate

2262. Mr BRYCE, to the Minister for Industrial Development:

- (1) What will be the estimated annual volume of condensate produced as a by-product of the liquefaction process in respect of the North-West Shelf gas project?
- (2) What will be the chemical composition of the condensate?
- (3) For what industrial and/or domestic purposes can such condensate be used?

- (4) Does the Government propose to take appropriate action to ensure that the condensate is made available to Australian consumers?

Mr MENSAROS replied:

- (1) Up to 1.7 million tonnes a year.
- (2) Condensate has the composition of a light crude oil.
- (3) The condensate can be used as a substitute for crude oil and its normal destination would be to refineries as an additional source of crude oil.
- (4) The matter of export of condensate is one for the Commonwealth Government to determine, but the Government understands that the joint venture current plans are for the condensate to be marketed within Australia to satisfy Australia's total requirement for crude oil supplies.

TECHNOLOGICAL CHANGE

Actions of Government

2263. Mr BRYCE, to the Minister for Labour and Industry:

What actions has he or his department taken in the last 12 months to maximise the benefits and minimise the social and economic problems associated with the wave of technological change currently sweeping through the State's economy?

Mr O'CONNOR replied:

The Government has completed its analysis of the Crawford and Williams inquiries and has made submissions generally supporting the findings of these inquiries, insofar as technology is concerned, to the Commonwealth.

The Under Secretary for Labour and Industry has been appointed as the State's liaison officer for the Committee of Inquiry into Technological Change—the Myers' committee—and is currently obtaining detailed information for this inquiry. In addition, the Government has made a substantial submission to the Myers' committee of inquiry.

As I have previously stated, it is pointless establishing either detailed inquiries or new programmes whilst the reports of major inquiries such as the Myers' inquiry are imminent. This

would constitute a duplication of effort and a waste of resources, particularly as hard data on this topic is limited.

The Government is, however, continuing to monitor information and publications dealing with technological change. When the results of the Myers' inquiry are available, the Government will take the appropriate action as required.

ROAD: BEECHBORO-GOSNELLS FREEWAY

Property Acquisition, and Commencement

2264. Mr BRYCE, to the Minister for Transport:

- (1) When does his department anticipate work will commence on—
 - (a) the Beechboro;
 - (b) the Bayswater;
 - (c) the Belmont,
 sections of the Beechboro-Gosnells Highway?
- (2) How many properties have been purchased in preparation for the construction of the highway in the Belmont area between Hardey Road and Great Eastern Highway?
- (3) How many properties in the Belmont section of the highway remain to be purchased?

Mr RUSHTON replied:

- (1) (a) to (c) No date has been set for the construction of the Beechboro-Gosnells Highway through Belmont, Bayswater and Beechboro.
- (2) Seven properties.
- (3) For the current metropolitan region scheme reservation, a further 33 properties remain to be acquired by the Main Roads Department.

JOURNALISTS

Government Employment

2265. Mr BRYCE, to the Premier:

- (1) How many journalists were employed by the Tonkin Government in 1974?
- (2) How many journalists are now employed by the Court Government?
- (3) What are the names of the journalists currently employed by the State Government?

Sir CHARLES COURT replied:

- (1) to (3) The information is being collated and will be passed on to the member as soon as practicable.

TOWN PLANNING

Fremantle-Perth Corridor: Transport Needs

2266. Mr McIVER, to the Minister for Urban Development and Town Planning:

- (1) Have the terms of reference been set for the steering committee of the Metropolitan Region Planning Authority appointed to investigate transport needs in the western suburbs and the Perth-Fremantle corridor?
- (2) If "Yes", what are they?
- (3) If "No" to (1), when will they be set?
- (4) Have they been or will they be discussed with all councils in the Perth-Fremantle corridor?
- (5) Why are there no representatives from councils between Perth and Fremantle, including Fremantle City Council, and with the exception of Perth City Council, on the steering committee?
- (6) Will the committee's terms of reference provide for an assessment of a return to rail and electrification of the rail service between Perth and Fremantle as the best way of planning for the future transport needs of the Perth-Fremantle corridor?

Mrs CRAIG replied:

- (1) Yes.
- (2) and (3)
 - (a) To develop a regional transport strategy for the study area taking use of the Perth-Fremantle railway reserve into consideration.
 - (b) To plan short-term improvements in the Perth-Fremantle corridor following the proposed closure of the Perth-Fremantle rail freight service in 1982.
 - (c) To negotiate any necessary amendments to the metropolitan region scheme with the municipalities involved.
- (4) No. However, no doubt the steering committee's assessment of the scope of work required to comply with the terms of reference, together with how the work might be carried out, will be referred to councils for comment.

- (5) Councils are represented by a member of the group "B" district planning committee. A representative from the City of Fremantle on the steering committee is currently being considered by the Metropolitan Region Planning Authority.
- (6) The terms of reference require that the MRPA consider the best way of planning for the future transport needs of the Perth-Fremantle corridor.

DROUGHT

Stock Removal: Freight Subsidy

2267. Mr HASSELL, to the Minister representing the Minister for Lands:

- (1) What Statute applies to the payment of freight subsidies in respect of the removal of stock from drought affected pastoral properties?
- (2) What Acts and/or regulations apply in relation to applications?
- (3) Who determines whether an application should be granted?
- (4) In making a determination, what criteria are applied and from what statutory authority are those criteria determined?
- (5) What right of appeal, if any, exists in relation to the rejection of an application?

Mrs CRAIG replied:

- (1) and (2) There is no specific Statute or regulation governing the payment of freight subsidies in respect of the removal of stock from drought affected pastoral properties.
The system of such payments arose as a result of a Government policy decision for implementation in periods of drought in pastoral regions when certain conditions had been met.
- (3) Recommendations are submitted by the Pastoral Appraisal Board to the Minister for Lands whose approval is required before the subsidy may be paid.
- (4) When drought conditions prevail, and it is obviously necessary to remove stock to agistment or sale because—
 - (a) the stock would be lost by death through drought; or

- (b) continued retention of the stock would result in undesirable grazing pressures and would inhibit the preservation of the resource base,

the board may recommend payment of a freight subsidy.

This criterion is not statutorily based, and its application is, subject to the Minister, the responsibility of the Pastoral Appraisal Board, which must consider any other factors affecting the subsidy request, before submitting a recommendation for final ministerial approval.

The Pastoral Appraisal Board must satisfy itself that the movement of stock is not a normal sale consignment or that a lease is being destocked without the approval of the board.

- (5) Should an application for payment of a freight subsidy be rejected, the applicant may submit any additional details or information for re-hearing by the board and subsequent recommendation to the Minister.

COMMISSIONER FOR COMMUNITY RELATIONS

Attacks on Law Enforcement

2268. Mr HASSELL, to the Minister for Police and Traffic:

Is his department concerned that attacks on law enforcement by the Commonwealth Commissioner for Community Relations (Mr Grassby) and his staff will inhibit the proper operations of the police in Western Australia?

Mr O'NEIL replied:

Both the department and the Police Union have expressed concern on the effects that recent inquiries either initiated or supported by the Office of Community Relations might have upon the proper operations of the police in Western Australia, as well as the adverse effect such investigations and the procedures followed might have on the morale and confidence of members of the force particularly those stationed in remote areas with large Aboriginal communities.

COMMISSIONER FOR COMMUNITY RELATIONS

Fitzroy Crossing

2269. Mr HASSELL, to the Minister for Police and Traffic:

- (1) In relation to the activities of the staff of the Office of the Commonwealth Commissioner for Community Relations (Mr Grassby) in Fitzroy Crossing in October, 1979, will he advise the House who complained of police behaviour whose complaints occasioned the visit of the commissioner's staff?
- (2) Were these complaints specific?
- (3) Were the police officers concerned provided with copies of the complaints?
- (4) What "proceedings" were taken in Fitzroy Crossing?
- (5) Were police officers summoned to attend?
- (6) If so, how were they summoned?
- (7) Were interpreters involved in the proceedings?
- (8) If so, in what way were the interpreters—
 - (a) proved to have capacity;
 - (b) sworn to interpret truly?
- (9) (a) Was evidence exclusively taken in front of the persons about whom complaint was made; and
 - (b) if not, how was it taken?
- (10) What was the outcome?
- (11) Why has Sergeant Cole requested a transfer from Fitzroy Crossing?
- (12) Are there any indications that the action taken will improve relations between the police and the community in Fitzroy Crossing?

Mr O'NEIL replied:

- (1) According to an undated document signed by a Lorna Lippmann, Director for Community Relations, Victoria, headed "Preliminary Notes on a Visit to Fitzroy Crossing, October 1979" a request was made by the Aboriginal Legal Service, Derby, to the

Commissioner for Community Relations to send an officer to Fitzroy Crossing to investigate complaints under the Racial Discrimination Act, 1975. However, I am advised that a person named Stephen Hawke claimed to Sergeant Cole that he had been responsible for Mrs Lippmann's attendance at Fitzroy Crossing.

- (2) The nature of these complaints which occasioned the visit are unknown to the Western Australian police.
- (3) No.
- (4) Compulsory conferences were called by Mrs Lippmann.
- (5) Yes.
- (6) Three "Directions to Attend a Compulsory Conference" apparently presigned by Mr A. Grassby and later completed by Mrs Lippmann were served, two on Sergeant Cole and one on Constable Hallett at the Crossing Inn Hotel at 5.15 pm on the 2nd October. The conferences were listed to be held at 8.00 am, 8.30 am and 9.00 am on the 3rd October. These "Directions to Attend" were served by Mr Stephen Hawke.
- (7) In one case involving Sergeant Cole an interpreter was used.
- (8) (a) Not known.
(b) No "evidence" was sworn.
- (9) (a) Whilst some information was taken from the complainant in the presence of the particular officer it appears that some information regarding the allegations had been obtained by Mrs Lippmann prior to the hearing.
(b) Evidence was not taken in a conventional manner but consisted of a verbal exchange of information with notes being taken by Mrs Lippmann at the same time.
- (10) Not known. However, on the 10th November Mr A. Grassby wrote to the Commissioner of Police asking whether Sergeant Cole was being transferred as such information would assist him in arriving at a decision.
- (11) Sergeant Cole, in an application for a transfer from Fitzroy Crossing, stated—

In recent months, I have experienced a section of the community working against me,

and whilst I personally am prepared to carry on with my work at Fitzroy Crossing, I have my wife and family to consider, in particular my wife who, because of the harassment being levelled at me is now suffering from severe strain and can no longer remain in the town. I am sure I have the support of the majority of the local residents at Fitzroy Crossing, as many times I have received encouragement from them, and have been told that the town is now under better control and much more habitable than it has ever been. However, in the interests of my wife and daughter, who will soon have to attend the Pre-School Group where she will doubtless be discriminated against, I ask for a transfer at the completion of my leave which will terminate on January 1, 1980.

(12) No.

PUBLIC RELATIONS CONSULTANT

Mr W. W. Mitchell

2270. Mr DAVIES, to the Premier:

- (1) Further to question 2165 of 1979 concerning a contract between W. W. Mitchell and himself, has there been any alterations to the contract since it was tabled on the 24th August, 1978?
- (2) If so, will he advise the alterations?

Sir CHARLES COURT replied:

- (1) and (2) No, except that the contract by verbal agreement has continued under the terms and conditions as specified in the agreement dated the 2nd April, 1978, a copy of which was tabled in the House on the 24th August, 1978.

The continued agreement with Mr Mitchell is on the clear understanding that the arrangement can be terminated at any time at the request of either party.

The original contract negotiated on the 17th April, 1976, for a period of one year has been renewed on only one previous occasion and that was on the 2nd April, 1978, when an increase was

granted from \$1 000 to \$1 200 per month to Mr Mitchell for his services.

All other aspects of the contract have remained the same.

BANK HOLIDAYS

Christmas Eve and New Year's Eve

2271. Mr WILSON, to the Minister for Labour and Industry:

- (1) Is it a fact that no extra bank holidays are to be gazetted in Western Australia over the Christmas-New Year period this year?
- (2) Is it a fact that in other States, bank officers have been granted an extra holiday over this period?
- (3) Why is this extra holiday to be denied to people in this State?

Mr O'CONNOR replied:

- (1) to (3) I would refer the member to my reply to question 2252.

ENERGY: ELECTRICITY SUPPLIES

Domestic Consumption

2272. Mr DAVIES, to the Minister for Fuel and Energy:

What percentage of domestic consumers of electricity use less than 630 units per quarter or less than 2520 units per annum?

Mr MENSAROS replied:

Approximately 35 per cent.

QUESTIONS WITHOUT NOTICE STAMP ACT AMENDMENT BILL

Law Society Reports

I. Mr DAVIES, to the Premier:

- (1) Has he received copies of reports of the Law Society's Parliamentary Bills Committee on the Stamp Act Amendment Bill, 1979?

- (2) In view of these reports expressing objections to 23 clauses of the Bill and the Law Society Council's view that the Bill contains a great number of objectionable features which are contrary to the public interest, does the Government intend to amend the Bill?
- (3) If "No" to (2), why not?
- (4) If "Yes" to (2), when?
- (5) Will the Bill recently before the House be proclaimed in its present form?

Sir CHARLES COURT replied:

- (1) to (5) I have not had a chance to follow up in detail the information requested since my return from Melbourne at lunchtime today. I shall answer in an interim way until I have had a chance to look at the document referred to.

I recall receiving a fairly lengthy document from a Law Society committee when the Bill was under consideration by the Parliament. I have some recollection that, following consultation with the Commissioner for State Taxation, a considered reply was sent to that committee—a reply of some length. I have been able to check the matter out only in a tentative way, but I understand there is a further report from the Law Society's committee although I do not recall having studied it in detail.

My understanding of the matter is that the Bill was the subject of very close scrutiny by the Commissioner for State Taxation and his staff after they received a number of very lengthy submissions from various organisations. Many of those people who made the submissions were people who operated under the Stamp Act and therefore had day-to-day experience of it. I myself spent a lot of time answering some of those queries in conjunction with the commissioner. I thought we had resolved all of those submissions which were of any moment to the satisfaction of all concerned. Where we were not able completely to satisfy everyone, all seemed happy to go along with the explanations of the commissioner who in turn indicated he would keep the matter under review to see whether any practical difficulties arose.

I will follow up the question and see to what extent the Law Society raised new matters additional to those when the Bill was before the House.

KAMPUCHEA

David Lloyd Scott: Execution

2. Mr SHALDERS, to the Premier:

- (1) Is he aware of TV, radio and Press reports, including one on page 5 of yesterday's edition of *The West Australian* regarding the reported execution of a Western Australian man, David Lloyd Scott, in Kampuchea?
- (2) If so, would he make inquiries through the Department of Foreign Affairs to find out—
 - (a) where this information originated?
 - (b) its accuracy;
 - (c) through what sources it reached Australia and, in turn, the media;
 - (d) whether the Department of Foreign Affairs received notification of the information prior to media reports being issued;
 - (e) whether the department was aware that Mr Scott was missing; and
 - (f) whether that department made any effort to advise Mr Scott's parents in Mandurah, as his next-of-kin, of the report, even if it were unconfirmed, in order to prevent the distress to them which was caused by their first hearing of their son's death on a TV news programme?

Sir CHARLES COURT replied:

I thank the member for some notice of the question. The following information is the best we have been able to obtain—

- (1) Yes.
- (2) (a) The information was in a wire service report from Bangkok which quoted Kampuchean officials in Phnom Penh.
- (b) We have no confirmation of the information.

(c) We understand the information reached Australia through media channels specifically on a Reuter wire report.

(d) The Department of Foreign Affairs had no prior indication of the Reuter report. The ABC contacted the Department of Foreign Affairs for comment shortly before it intended using the report on a Saturday night news bulletin.

(e) The Department of Foreign Affairs was advised that Mr Scott was missing on the 23rd February, 1979, and has made extensive inquiries in various countries in the region since that date. The department has kept the next-of-kin informed of all these inquiries.

(f) As the Department of Foreign Affairs had no prior knowledge of the information, it could not have advised Mr Scott's parents. In any case, the department would usually seek confirmation rather than risk distressing next-of-kin unnecessarily by giving information which might not be accurate.

TECHNOLOGICAL CHANGE

Actions of Government

3. Mr BRYCE, to the Minister for Labour and Industry:

- (1) Further to the Minister's answer to question 2263, was it officers of his department who prepared the State Government's submission to the Myer committee in respect of the national Government's committee of inquiry into technological change?
- (2) If so, would he make arrangements to table a copy of the submission for the information of members?

Mr O'CONNOR replied:

- (1) My department was involved in an input.
- (2) I will have discussions with my departmental officers to see whether the member's request can be met.

EDUCATION: COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

Priory Girls' Hostel, Albany

4. Mr STEPHENS, to the Minister for Education:

- (1) Is the Minister aware that approval has been given for the Public Works Department to carry out work on behalf of the Country High School Hostels Authority to the value of \$15 000 at the Priory Girls' Hostel in Albany?
- (2) Will the Minister take appropriate action to see that the work proceeds?
- (3) If not, why not?

Mr P. V. JONES replied:

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

- (1) to (3) I am aware that work is to be undertaken for which drawings have been completed, and that tenders will be called shortly.

WASTE DISPOSAL

Koolyanobbing

5. Mr WILSON, to the Minister for Health:

- (1) What consideration has been given to the possibility of using empty rail trucks on the return journey to Koolyanobbing to transport baled waste for disposal in quarries in that remote area as an interim solution to waste disposal problems confronting many local authorities in the metropolitan area?
- (2) What has been the outcome of these considerations?

Mr YOUNG replied:

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

- (1) Feasibility studies have been conducted conjointly by the Public Health Department and Engineering Division of Westrail.
- (2) It is considered that the idea is technically and economically impracticable.