Legislative Assembly

Thursday, 20 November 1986

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

CRIME RATE

Expert Committee: Matter of Public Importance

THE SPEAKER: Members, I have to advise that this morning I received the following correspondence—

> Dear Mr Speaker
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> In accordance with the relevant Sessional Orders of the Legislative Assembly, I give notice that at the commencement of the sitting of the House today, November 20, 1986 I wish to move the following motion as a matter of public importance—
>
> > "That this House requests the Government to appoint an expert committee to examine the most appropriate ways and means which could drastically reduce the rapidly increasing crime rate including offences against human life and health, sexual offences as well as offences against property—the recent proliferation of which causes grave public concern—and within nine months submit a report containing recommendations as to the legislative and administrative remedial actions to be taken."
>
> Mr Speaker this is a matter of public importance and in my view is properly brought forward within the Sessional Orders of the House.
>
> Yours sincerely
> A MENSAROS MLA
> MEMBER FOR FLOREAT

Eight members having risen in their places,

The SPEAKER: I advise it is my intention to accept this as a matter of public importance. There will be a debate of one hour, with half-an-hour allocated to each side of the House.

MR MENSAROS (Floreat) [10.50 a.m.]: I move—

> That this House requests the Government to appoint an expert committee to examine the most appropriate ways and means which could drastically reduce the rapidly increasing crime rate including offences against human life and health, sexual offences as well as offences against property—the recent proliferation of which causes grave public concern—and within nine months submit a report containing recommendations as to the legislative and administrative remedial actions to be taken.

I think the Government should take this motion very seriously, unlike the treatment it gave to another motion a week or so ago.

This motion is not moved against the Government, and it is not against the Police Force. It does not even ask the Government to interfere with or direct the Police Force. I say this because usually that is the first line of defence by the Minister for Police and Emergency Services; he is always in a hurry to say, "Do you want me to direct the Police Force?" He says it with very righteous indignation.

Surely the fact that the Minister does not have to direct the police does not mean that the Government has no responsibility at all, for instance, as far as the Police Force and its duties go. The Government has a responsibility for every administrative action for which the Parliament appropriates as much as a penny from the taxpayers' money. All this motion does is to request the Government to at least try to find out through an expert committee the reasons for the alarming increase in crime, and then act upon it, implementing appropriate remedies.

All this motion does is remind the Government of its responsibilities towards the people of Western Australia who should expect to be able to live in a peaceful, crimeless society feeling that their lives, their families, their properties, and their belongings are secure. I assure members that people want that security from the Government. They do not want it from the Commissioner of Police whom they have not directed. They want the security of law and order from the Government of the day.

This motion is not a political publicity-scoring exercise. It is not even a condemnation of the Government, of any department, or of the Police Force. It is not a drastic recommendation for the Government to use some untried, unresearched, but spectacular action. The motion does not say to the Government, "Increase the Police Force by X-number, or double the penalties." The motion does not pretend that the Opposition, without departmental help and advice, without resources to gather useful interstate and perhaps overseas

experience, and without adequate staff to properly evaluate even existing statistics, would have the know-how as to the reasons and remedies for the serious crime wave engulfing the State.

All the motion does in a very polite, civil, and parliamentary manner is to request the Government to facilitate finding the reasons for the dramatic increase in crime and, having found them, together with some appropriate remedy, so to organise the affairs of the State and of the Police Force—by legislation, by administrative action, by discussion, by perhaps lifting the Police Force's morale and job satisfaction, or by any other responsible means—so that the public of Western Australia are better served and so that a much higher percentage of crime committed is detected. Only then will the crime rate fall.

The request in this motion is not unwarranted and is not a spurious criticism by the Opposition; it is fully justified.

Let us consider the crime rate. To give an example of the number of breaking and entering offences committed in the last years—I do not want to pick out selective statistics to prove a point as the Premier did the other day—I have taken population figures at random for two years from the year book, and I have taken figures at random for the number of police and used the latest crime figures. According to that simple data, I have used the years 1981 and 1985, the two years for which both the population figures and the number of police are available, but any other years could be taken.

In 1981 the population of Western Australia was 1.3 million and in 1985 it was 1 407 500. The number of breakings and enterings in 1981 totalled 19 223, and in 1985 totalled 29 447. Thus the population increased by seven per cent and the number of breaking and entering offences increased by 53 per cent. Even if we allow for a seven per cent increase in population we will find that, in real terms, the increase in the number of offences is 46 per cent.

It could be shown with the same available data that, between 1981 and 1983, the increase was lower than between 1983 and 1985. I do not care about that; I do not want to prove political merits or demerits. All I want to do is remind the Government of the day of its duties and its responsibilities to the people.

There is a very good reason why this motion does not recommend a ready-made solution. It is quite obvious to me that the often-offered and repeated solutions do not work and cannot achieve the required results, even if we use the perennial catchcry to increase the number of police officers. Let us consider that according to the sources I have used: In 1954, about 25 years ago, the population was 639 771, and in 1985 it was 1 407 500.

The number of members of the Police Force has however increased disproportionately. It was 936 in 1954 and 2 957 in 1985. That means that in 1954 there were 684 people to every one policeman, whereas in 1985 there were only 473 people to every one policeman. That represents a considerable increase in actual terms in staff levels in the Police Force. I cannot cite the increase in particular crimes, but I think everyone would agree that I would be too conservative if I were to say that the crime rate in the last 25 years had increased at least tenfold.

In the 1950s I lived in a large residence in Subiaco. We did not have a refrigerator; we had ice chests. Both the front door and the back door were kept open all day during our absence at work. The fellow delivering the ice blocks came in, put them in the ice chest, and went out again. Never as much as a pencil or a piece of paper went missing.

The SPEAKER: Order! I address some remarks to the people in the public gallery. We are all very pleased to see you here because it is an important part of the parliamentary process to have people come in to watch and participate. However, that participation does not include chatting away at a level which causes the *Hansard* reporter some difficulty in taking down the person who is speaking in the debate. I am happy if you have little talks among yourselves, but they must be in much quieter tones. Before I sit down, I welcome you to Parliament House.

Mr MENSAROS: As a contrast to that freedom in the 1950s, today we talk about burglar alarms, automatic lighting systems, deadlocks, and safety screen doors in connection with our residences. Thus it can be seen that the increase in the numbers in the Police Force, in itself, is clearly no solution to reducing the crime rate.

The other popular remedy offered is to increase the penalties. Generally this does not achieve anything either. Last year the Government amended the Criminal Code and claimed to have increased the penalties. As I said at the time, that claim was illusory. The changes involved shuffling around the terms for various offences, using more modern jargon to name

them, instead of calling a spade a spade. Be that as it may, the claim was that the penalties had been increased for sexual offences. Recently, the most shocking sexually-connected crimes have been unearthed. The lives of several young women from normal family surroundings were taken. Clearly, the claimed increase in penalties had no effect. If anything, it has had the opposite effect.

Increased penalties applied across the board cannot work. First offenders—those with a decent background whom one could not classify as criminals—even if they have committed a serious crime, should be rehabilitated in due course and saved for themselves and society. Even people who may have committed homicide for a never-to-be-repeated reason should not be locked away for a long time because that would make most of them criminals, which they are not and were not.

On the other hand, to apply bail and parole rules liberally to habitual criminals is a menace to society. The Opposition has pointed that out by introducing a private member's Bill in that regard. Increased penalties might work with habitual criminals if for no other reason than that they prevent such people from being a danger to the community.

Insufficient statistical knowledge of crimes committed and of the trend crime follows could well be a grave impediment to detection and prevention. I have asked questions with respect to crime rate figures in my electorate. I have asked how many crimes were reported, how many were detected, and how many charges resulted in given calendar years. The answer was that there were no statistics available. We need only to talk to people over a cup of tea after a church function, or at a Sunday sports day, to discover that the tremendously increased crime rate is on everybody's lips. The more we know the people involved, the more we become concerned.

After a cataract operation I had recently, I was treated by a specialist doctor whose daughter was murdered recently. My very best friend, who is a dentist, said that one of his patients had been murdered. First-hand knowledge of a victim affects people more than reading about unknown persons in the paper.

Vandalism, break-ins, and robberies occur rather frequently in a holiday place I have in the country. Unfortunately, however, the police do not even give me the courtesy of replying to my letters which suggest very politely that the physical presence of the police by patrolling occasionally might help. Perhaps statistics relating to different suburbs and separate geographical entities ought to be available. Perhaps their availability would help in detection. I do not know, but I do care, and that is the reason that I have moved for an expert committee to find out.

The other day I had the honour of speaking to the Chief Stipendiary Magistrate at the opening of a courthouse by the Premier. This tremendously experienced man, who has spent much of his life in this field, said that the physical presence of police patrols on the streets, rather than the use of high technology, cars, and radios, would be some sort of solution, Again I do not know, but I would not ignore the Chief Stipendiary Magistrate's advice.

Should the proposed committee point to some reasons and recommend some remedies, it might cost additional moneys to implement these remedies. When the result of the proposed committee's work comes in, more money may need to be spent. That possibility was taken into consideration when I drafted the motion, and it is very clearly a question of priorities. Our political philosophy believes in the maintenance of law and order so that citizens can arrange their affairs peacefully and have security without being intimidated or threatened by criminals. That is a top priority for us. Implementation of such a priority may not be as popular as building a sports centre, unless it is explained to the public. It may not fetch as many votes for the Government of the day as an arts complex, for instance, but people can pay for those things themselves. Indeed, many prefer to do so rather than be subsidised.

However, it is the Government's duty to maintain a firm and safe system of law, order, and justice. Expenditure on the Legislature is so often neglected as soon as an editorial says that it is not right, yet it ought to have first priority. Expenditure on the police and the courts should also have top priority because they are essential for a democratic society and they cannot be funded or organised by individuals themselves. Only the elected Government can and should be in charge of them.

That is all we ask. Find out the reason of the malaise and apply the proper remedies for the solution, and so return to the pleasant, secure, friendly community that we had some decades ago. All we are asking is—reduced to three words—for the Government to "do its job". If the Government thinks it is not its job, let it say so and the let the people be the judge.

MR HOUSE (Katanning-Roe) [11.11 a.m.]: I believe this is a good motion, and I formally second it. It seeks to find information and then bring recommendations before this Parliament. The motion does not point a finger at the Government or at the police. Concern is being expressed by the people to us, and we are bringing it to the Parliament.

There is no doubt that we must take some action. People out there are concerned. One of the areas the committee should look at is the variation in sentencing by our courts for similar crimes at the moment. One has only to look at the differences in sentences to see that the people who break the law seem to think they might get light sentences in particular cases.

One aspect I feel strongly needs looking at is the area of juvenile offenders. This is a very difficult area for sentencing, and it is difficult to lay down hard and fast rules; but many of these youngsters today, who are products of what we might call our modern society, are finding it difficult to establish their place in our society. Probably this Parliament and the parents of many of these young people have a responsibility to make sure that the legislation we pass takes cognisance of what is happening out there.

Looking at some of the legislation being passed today, much of it recognises things such as de facto relationships and easier attitudes towards parental society. That is one of the areas which needs to be looked at very closely.

The rehabilitation of offenders is another subject which concerns me. We tend to incarcerate people and then let them back into society without any other backup to find out if they are fit to establish themselves in society after having committed a crime. It is an unfortunate fact that one of the girls recently found murdered in Western Australia comes from my area, very close to my home town. The people of that district feel very strongly at the moment. Anyone who has been closely associated with a crime such as that would feel strongly if their families were affected.

Parliaments have a responsibility to enact legislation which protects people. They have a responsibility to enact legislation to protect the family unit, and particularly to allow people who respect the law to go about their business in a way which leaves them free to know that they do not have to look over their shoulders all the time.

The National Party supports the motion.

MR PEARCE (Armadale—Leader of the House) [11.15 a.m.]: I hate to break up this emerging consensus in regard to this motion by announcing it is not the Government's intention to support it. The reason for that is relatively simple. It seems to be the view of the member for Floreat that nobody thought about the business of doing something about crime in Western Australia until he moved this motion. There seems to be a presumption that nothing is being done in the area of seeking to diminish the amount of crime in Western Australia, and that what is required is a committee put together to find out the extent of the problem and to suggest what might be done about it.

The fact of the matter is quite the reverse. A large number of people in this State are very concerned about the crime rate. I do not mean just the general citizenry, but a number of people in the Government and in the system of justice in this State are particularly concerned about those things and are not only working on them at this moment, but have been working on those problems for months. We cannot believe that their work would be assisted or expedited by the setting up of this committee.

Although the member for Floreat attempted to put this proposal before the House as something sincere with no possibility of political point-scoring, perhaps I am becoming a little cynical after 10 years in this place, but I would have thought that if a proposal of this kind was made in that way it would not have been brought up as a matter of public importance on a Thursday morning during what may well be the second last week of the sitting in such a way that the Government has virtually no notice of the proposal and the Minister for Police and Emergency Services is paired all day—an agreement which the Opposition had already entered into.

Mr Rushton: It would not have made any difference if he had been there.

Mr Hassell: It is not a police motion; the representative of the Attorney General is here. The motion was moved by the shadow Attorney General.

Mr PEARCE: It is a question of who is to respond to these allegations.

Mr Cash: The Premier always speaks on behalf of the police.

Mr PEARCE: He does not. In fact I am responding on behalf of the Minister for Police and Emergency Services, who would have handled this motion if he had been here.

I am questioning the Opposition's right to raise this matter as a matter of public importance. I do not believe, and the Government does not believe, that the Opposition is serious in the proposition that the only way to solve the problem of crime in Western Australia is by the appointment of a committee. Members are heartily sick of committees, particularly some of those operating at the present time, because they are not producing anything constructive. In fact these committees are proving to be areas for political point-scoring—precisely what the member for Floreat says he wishes to avoid.

Mr MacKinnon: That is why he has not suggested a parliamentary committee.

Mr PEARCE: He is suggesting an expert committee.

Mr MacKinnon: Exactly.

Mr PEARCE: Look at the comments he made when he wanted to raise this proposition. He implied nobody is working in that field doing anything constructive.

Mr Mensaros: I said you did not achieve any solution; therefore something must be done. That is all.

Mr PEARCE: The member referred to juvenile crime and the area of sexual assaults. That is an area which is of grave concern to the community, and people are demanding that something be done about it. But that is not something which started this week, or indeed this year. When I was shadow Minister for Women's Interests, I put together a Bill which I brought before the Parliament seeking to reform laws with regard to sexual offences. The rationale of the proposal which I put before the Parliament in 1982 was that one of the major problems—

An Opposition member: It had tremendous impact!

Mr PEARCE: I will tell members why. The Government of the day refused to put it through the Parliament. Members opposite voted against it.

An Opposition member: Have you not been in Parliament?

Mr PEARCE: I do not know what the member has been doing while we have been passing laws through the Parliament, because we have legislated and put into the law basically the same proposition.

Mr MacKinnon: It has had a tremendous effect.

Mr PEARCE: That is what the member for Floreat is talking about. The rationale for that legislation, which members opposite rejected and which we put into effect, was that the way in which the system works against victims of sexual offences is such that only a very small proportion of them even reports a crime. It was estimated that at that time between a quarter and a tenth of the victims of sexual assault or rape actually reported the crime. One of the difficulties of bringing rapists to trial and taking them off the streets was that in many cases they were perpetrating crimes without the crimes being reported.

One of the reasons was that, even if they were brought before the courts, the conviction rate for rapists was low and the trauma that the female victims had to go through was so stressful that many of the victims would not press charges.

I sought, as shadow Minister for Women's Interests, to reform the system to ensure a greater level of reporting and a better rate of conviction of the guilty. The Government of the day kicked out that legislation. Thus it delayed the processing of those laws by at least two years. Once we were in Government, after very extensive consultations with all the experts in the field, we introduced the legislation which is currently in place. I believe we are seeing a rise in the incidence of the reporting of these crimes.

Mr Mensaros: That is what I pointed out. What we see as a result is an increase in crime.

Mr PEARCE: It is not necessarily an increase in crime. One would expect to see an increase in the number of reported sexual offences because that is what the Government was seeking to do, to make sure that previously hidden crimes were reported and brought into the open, and the perpetrators of those crimes brought to book. We had very little assistance from the Opposition, and no attempt when it was in Government, to try to do these sorts of things.

Even today, the member for Floreat cast aspersions on our very proper approach to try to reduce the level of sexual offences in our community. He deplored that and said we should call a spade a spade. The clear implication of that part of his speech was that we should go back to the old law which so patently failed and which meant that only one-tenth of rapes in this State were reported. Under our old laws, the victims of rape were put on trial because of the court process. Many of them withdrew in

tears and some even said that the court experience was more traumatic than the rape itself.

The net result was—and the Opposition supported this system and still seems to support it—that many sexual offences in this State went unreported. If anything, this encouraged rapists to repeat their crime, as they had got away with them in the first place.

This Government has taken strong action to try to reduce the incidence of crime in Western Australia. Week after week, during this Government's term of office, the Minister for Police and Emergency Services has reported on the various significant increases in the number of policemen. Compare that to the dismal performance of the Opposition when it was in Government. The Attorney General has, through the normal processes, instituted a lengthy process of law reform. Much of the work on this law reform predates this Government. It was work which the experts in the Crown Law Department had been undertaking for years, but it never got to first base, basically because the previous Government did not want to know about law reform.

So, the situation we have now was allowd to build up. What is the basis for much of the crime in this State? A lot of it has economic and social bases. This Government, through its agencies, is seeking to address the social and economic problems which lead to crime in the community. When the Opposition was in Government it was not in the least bit interested in those sorts of things. The Leader of the Opposition, at one point, was Minister for Police and Prisons and Minister for Community Services at the same time. He made the Department for Community Welfare an extension of the Police Department. In terms of any proper addressing of the social problems which underlined much of the crime in the community, we can forget the period of the Court and O'Connor Governments.

I was at the opening of the Canning Vale Remand Centre when the Leader of the Opposition was the then Minister for Community Services and the Minister for Police and Prisons. Social worker after social worker in the prison system came to me—because I was then an Opposition shadow Minister—and told me about the dreadful things going on.

Mr Hassell: We were keeping the criminals in gaol.

Mr PEARCE: There was no capacity for those social workers, who were trying to work for the rehabilitation of offenders so they would not offend again in the community.

Mr Hassell: Can I remind you about some of those prisoners who used to go out on education leave and work release and commit crimes while away from gaol?

Mr PEARCE: The Leader of the Opposition should not talk because he used to give prisoners leave to hand out Liberal "how to vote cards". That was a matter that has been well-canvassed in this Parliament.

There is a deep concern in the community about the level of crime, and that is something about which the Government is concerned. We are seeking, through agencies and experts available to us, to address these problems. We have to make up for many years of neglect. We cannot believe that the calling together of a committee will drastically alter this situation. In our view the right people—the experts—are working on this problem and they have been for months and in many cases, for years. The problems are now being addressed.

This committee proposal is a political stunt to pretend the Opposition has something to say about law and order. If it had anything serious to say about what we should be doing, it should put it in the motion. All the Opposition can say about law and order is, "Let's have a committee." It is the old process of mirror Government. Opposition members say, "Let's look into it and we will assemble a group of people to do that." That means the problem has gone for two or three years until the report is finally brought down and then a committee will consider the report to see how its conclusions might be implemented!

In the meantime, nothing is done and the situation gets worse. That is what happened in the days when the Leader of the Opposition was a Minister. We have a Government—not of committees, but of action. That action will continue.

MR CASH (Mt Lawley) [11.27 a.m.]: I have pleasure in supporting the motion moved by the member for Floreat. It was moved in good faith and in recognition of public concern in respect of this Government's inaction about crime in Western Australia as we see it today.

For the last few minutes the Leader of the House has been trying to tell us what a magnificent job his Government has done. The recent figures released on crime in Western Australia show that this Government has failed

miserably in any action that it believes it might have taken to reduce crime in this State. It has failed miserably and the figures speak for themselves. Not only have acts of physical violence increased in the last 12 months or two years, but also other acts against property have dramatically increased.

We said in this House only a week ago that a serious assault or robbery is now happening in Western Australia every six-and-a-half hours. A burglary happens every 18 minutes. Before I finish speaking, a house in Western Australia will be broken into and before the next speaker finishes speaking another house will be broken into. Yet the Leader of the House stands here and tries to tell us that his Government understands and has solved the problem of crime in Western Australia. That is blatantly not true.

It would seem that the figures would suggest that this Government is not presiding over law and order as the people would expect, but it is presiding over a lawless disorder which it apparently encourages. People have a right to feel safe in their homes, but what will happen in the next 17 minutes? A house will be broken into.

The fact is that people do not feel safe to walk the streets of Perth any more. We talked about the problem of rape, a problem which this Government has tried to camouflage by referring to it as sexual penetration. The Government has paid only lip services to protecting the women of this State. Why does the Government want to change the name for the offence of rape to that of sexual penetration? Why did it want to decrease the seriousness of the offence of rape? Obviously, it is not really interested in the safety of women or the community as a whole. It could not care less.

The Leader of the House stood addressing members in this House only a few minutes ago, but quite obviously the member for Joondalup was not listening because the Leader of the House suggested that as the Government had reviewed the laws of rape and changed them to sexual penetration, that had encouraged more women to come forward and report the offence. The statistics quite obviously do not prove his point.

In the period 1984-85 in WA, 197 rapes were reported. Last year exactly the same number were reported, so I cannot see that just changing the words from "rape" to "sexual penetration" has encouraged any more women to come forward.

Another point to be made in support of this motion, which calls on the Government to recognise the unacceptable increase in crime in WA, is the fact that the public of WA are sick and tired of having offenders released early from the prison system only to go out into the community and commit acts of extreme physical violence just a few weeks or months after their release. We have seen this happen time and time again, yet the Government has done nothing to protect the community of WA. It pays lip service only to the protection of women and to reducing crime in this State.

When we ask the Minister for Police and Emergency Services to recognise that we need additional police officers in WA to pick up the pieces caused by this Government's inaction in attacking the real source of crime in this State, we get an absolute refusal, a cop out from the Minister, who says, "We don't direct the police. That's an operational area. How could I be expected to know anything about that area? How could you expect me to get involved?"

Is there any question whether this Minister for Police and Emergency Services does not hold the confidence of either the Police Force or the Premier of this State? Every time the Minister gets up to speak in this place we see the Premier having to jump up as soon as he is finished to try to redress the situation and to try to defend the Government's action or inaction with respect to the Police Force in WA.

This morning's paper included a comment on the success of operation Noah in the Eastern States. We were not able to be part of that exercise because of a decision of this Government. The result is that WA is now becoming the Mecca for drug pushing in all Australia.

In closing and in support of the motion moved by the member for Floreat, I say that the Burke Labor Government will be remembered as a Government that was soft on crime and soft on drugs. It will go down in history as the Government that only paid lip service to women in WA.

DR LAWRENCE (Subiaco) [11.34 a.m.]: I rise briefly to enter this debate and to shed a little light on what has been an unenlightened contribution from the Opposition. I have sat here week after week and month after month and listened to the absurd way in which Opposition members choose deliberately to misuse statistics on crime. This is an area in which I do have a little knowledge, so it has been particularly offensive to me to watch the way Opposition members use statistics, because I know

the way they have gone about it. It has been said on many occasions that it is possible to abuse statistics and to use them for political ends.

It is an absurd suggestion that any Government would be soft on crime. Any Government, including this one, has the interests of the electors and the people at heart, and no Government—Liberal or Labor—would put aside the interests of the community for criminals. It is an absurd statement to say that we are soft on crime.

It has been said there are lies, damn lies, and statistics. The sorts of uses to which statistics have been put by the Opposition reveal that their statistics have not been lies but damn lies.

Mr Hassell: Do you deny that the rates of crime, particularly against the person, are rising dramatically?

Dr LAWRENCE: I deny they are rising dramatically, and I will explain why. Mine is a view that the Leader of the Opposition will get back from other people. If he takes this matter to an expert committee it would come back and say, "Ladies and gentlemen, your assertions about the crime rate are patently absurd." Certainly crime has been increasing, but to understand that one must take into account a number of factors, although this view is not popular in the purple Press or with politicians trying to score political points.

It is necessary to look at factors like changes in the population, not crude numbers.

Mr Mensaros interjected.

Dr LAWRENCE: I could not exactly hear what the member said in his contribution, but I accept he was making some attempt. The member for Mt Lawley makes no such attempt.

We cannot use crude figures when considering rates of rape, other crime, or accidents. Crude figures are seen to be deficient by experts.

Mr Hassell interjected.

Dr LAWRENCE: I am not denying there has been an increase, but I do deny it has been as dramatic as members opposite claim. It is very easy for members opposite to score points by waving bits of paper, but it is really necessary to take into account things such as changes in population and changes in the composition of the population. Over time the composition of the population will change dramatically.

If we have more people in the age range of 18 to 45 we will have more crime because they are the law-breakers.

Several members interjected.

Dr LAWRENCE: Members opposite are not prepared to listen to my argument. We also have to look at things like sex ratios in the relevant portion of the population. That is at the very simplest level. We also have to consider the reported rate of crime, or of any other social problem, per unit of population. If we were to do it properly, we would have to do it this way and take account of sex and age.

Mr Hassell: Have you worked these figures?

Dr LAWRENCE: I have not had an opportunity to work the figures because this subject came up today for the first time as a motion. I would be happy to do it with any other criminologist in the country.

Mr Hassell: When you have broken down the figures, even using your criteria, you will find it is a very serious situation, and your academic argument about figures won't convince the public.

Dr LAWRENCE: It is not academic; it is a very sensible and straightforward argument. At the very least we have to take account of those factors.

We must also take account of changes in rates of detection of crime and changes in the rates of willingness to report a crime. There are some clear indications, despite what the member for Mt Lawley said, that although the number of rapes has not increased—and by rape we mean generally sexual penetration—the number of sex crimes has increased. Many such crimes are defined under the Statutes not simply as rape but as minor sexual offences, although still very upsetting to their victims. So there has been an increase in the reporting of those crimes, but the member for Mt Lawley simply chose to ignore the second category.

We must also look at police priorities. If the police are putting more energy into certain areas of crime detection we will see an increase not only in the rate of reporting but in the rate of detection of those crimes. The clean-up rates of our police for serious crimes have been very good over the last few years. There is room for improvement of course; we would all desire it to be better and for there to be no crime. But we have to be realistic about the resources that can be put into detection and into the incarceration of these individuals.

Mr Cash: How do you justify being soft on crime?

Dr LAWRENCE: That is just absolute nonsense. Why would any person in his right mind be soft on crime? There is no justification for the member to say that, and I deny it absolutely.

Several members interjected.

The SPEAKER: Order! The member for Subiaco will resume her seat. I called order three times and at least one member totally ignored me. I do not want to stop interjections, but I will not allow interjections to continue at a rate which stops the member on her feet from making her speech. Interjections, particularly in this debate, are fairly important. They add to the debate. But at the moment they are detracting from it and they should not be quite as incessant.

Dr LAWRENCE: Thank you, Mr Speaker.

Mr Hassell: Would you like to take the point—

The SPEAKER: Order! I will not tolerate that sort of activity. The Leader of the Opposition is the member to whom I referred. He is the member who deliberately ignored my calls to order. As soon as I resumed my seat and before the member for Subiaco had a chance to open her mouth, the Leader of the Opposition again interjected. That is intolerable.

Mr Hassell: With respect, Mr Speaker, I interjected to ask her whether she was prepared to take the point.

The SPEAKER: Order! Is the Leader of the Opposition going to take a point of order or is he making an explanation?

Mr Hassell: I am making an explanation to you, Mr Speaker.

The SPEAKER: No, I will not accept it.

Dr LAWRENCE: In order to be cooperative, because I do not wish to be difficult, I would be happy to take those figures and look at them in the ways I suggested. However, even if we correct for all factors, I am trying to suggest that there will be changes in rates of crime between various categories of crime, depending on a number of factors, some of which may be that our citizens are becoming more nefarious, the circumstances in which they live are becoming more difficult, and the areas in which the Government can intervene are becoming fewer and fewer. It may also be that the police are not sufficiently visible. Again that is an area where it is possible for the Government to intervene. Until we have looked at all the areas that might have provoked change, it is really simplistic and silly to rant and rave about dramatic increases in crime rates and call for expert committees.

Mr Lewis: That is what this is about.

Dr LAWRENCE: We have people already, in the Police Department, the Prisons Department, and in various other areas of this community who are concerned with legislation and protection and who already have that information. The Opposition is asking them to put that information down for its convenience. They are acting upon it already. They advise the Government and the Parliament about methods which might be used to improve the performance of the police, to improve rates of detection, and to prevent crime occurring in the first place.

I am chairing a task force which is looking into child sexual abuse. I know it is an area we are all concerned about and it is an area in which there is vast under-reporting. It is an area about which there is very little community knowledge and information, and a lot of excitement but not much informed comment.

Setting up a task force of this kind is an attempt to prevent crime occurring in the first place. I would always go for methods, especially in areas of domestic and sexual crime, which prevent the crime occurring in the first place. That is not to say that we have gone soft on detection and punishment of those crimes. We are attempting to do something about it before it gets to the point of not only having individuals convicted of crimes, but also having a whole family and a whole section of society destroyed. That is not being soft on crime. That is confronting the problem right at the beginning and attempting, at the same time as we detect and punish, to prevent its occurring in the first place.

Mr Hassell: I know people involved in looking into child sexual abuse who want to exclude all punishment, all police involvement.

Dr LAWRENCE: I will tell the Leader of the Opposition one thing without pre-empting the findings of the task force: That is not my intention as the chairperson of the committee. I think the Leader of the Opposition will find, in the long run, that that will not be one of the recommendations of the committee either.

Mr Hassell: That is the sort of attitude that indicates people being soft on crime, just like the Leader of the House attacked me because I took a strong line about keeping prisoners in prison.

Dr LAWRENCE: I am suggesting that it is not either/or. We should not go about saying that we have to put all our resources into detection and punishment and none into prevention, and we do not go around saying that we are not going to worry about detecting and punishing, but that we are simply going to engage in community education and prevention programmes. That is stupid and nobody would recommend that course of action.

My final comment is that a lot of the anxiety in our community has been generated by the assertions that are made about the rising crime rate, and dramatically increasing areas of crime like burglary, and so on. The purple prose that emanates from members of the Opposition actually fuels that anxiety. I am not saying that they should not honestly reflect on social problems as they see them. However, they have a responsibility to this community not to exaggerate and not to raise fears unnecessarily and not to make people feel that they do not live in a society in which they can be safe. I sheet home quite a lot of the blame to members of the Opposition who have fuelled this very excitable issue instead of addressing the real problems, such as how much crime has increased by, where it is increasing, and who is involved.

I have seen the figures, but the Opposition's contribution to the debate is never an analysis of data. Opposition members never analyse information and it never puts forward policy suggestions. They simply complain and exaggerate and fill the Press with the most extraordinary assertions about crime in this State. This Government is doing a lot about crime through its Statutes, through preventive policies, through detection, and through increasing the strength of the Police Force and its levels of efficiency. The Opposition seems to have no idea about crime and whether it is increasing or staying the same.

Question put and a division taken with the following result—

Ayes 17

Mr Bradshaw	Mr Lightfoot
Mr Cash	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Nalder
Mr Crane	Mr Rushton
Mr Hassell	Mr Schell
Mr House	Mr Stephens
Mr Laurance	Mr Williams
Mr Lewis	*(Teller)*

Noes 23

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Brian Burke	Mr Read
Mr Burkett	Mr P. J. Smith
Mr Evans	Mr Taylor
Dr Gallop	Mr Tonkin
Mr Grill	Mrs Watkins
Mrs Henderson	Dr Watson
Mr Hodge	Mr Wilson
Mr Tom Jones	Mr Thomas
Dr Lawrence	*(Teller)*

Pairs

Ayes	Noes
Mr Watt	Mr Bryce
Mr Tubby	Mr Gordon Hill
Mr Trenorden	Mr Carr
Mr Grayden	Mr Troy
Mr Blaikie	Mr Peter Dowding
Mr Thompson	Mr Terry Burke
Mr Cowan	Mrs Buchanan

Question thus negatived.

MIDLAND ABATTOIR LAND SALE SELECT COMMITTEE

Extension of Time

On motion by Mr Nalder, resolved—

That the time for bringing up the report of the Select Committee into the Sale of the Midland Abattoir Land be extended to 26 November 1986.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.51 a.m.]: I move—

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend relates to the pension scheme for coal miners in Western Australia.

The original Act was introduced in 1943 so that coal miners, who were compulsorily retired at 60 years of age, could cover themselves for loss of earning power between 60 and 65 years, at which time the age pension would apply. The Act also allowed pensions for injured coal miners and dependants of deceased miners.

Since 1980 several amendments to the Coal Mine Workers (Pensions) Act have introduced lump sum payments for new retirees. This Bill seeks to allow the spouse of a deceased mineworker to be eligible to receive the full entitlement—100 per cent—of the amount the spouse would have received upon retirement at age 60 years, regardless of the number of children.

The Bill seeks also to provide to members who have attained more than 480 months' service, benefits for the total months worked. It is also sought to give mineworkers who have an aggregate of 30 years' service, of which the last 10 years is continuous, the option of retirement at age 55.

Interpretation of the definition of "mineworker" under the current Act has proved difficult in the past, and this amendment will help simplify the Act.

Refund of worker contributions with compound interest no matter the length of service is sought by these amendments. The existing Act does not provide for refunds of contributions to persons who resign with less than one year's service and allows a refund without interest only to those with more than one year of service unless they are retiring.

The standardisation of tribunal member appointments to three years is also sought.

I commend this Bill to the House.

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

PIGMENT FACTORY (AUSTRALIND) AGREEMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [11.53 a.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to ratify an agreement between the Government and SCM Chemicals Ltd which will replace the Laporte industrial factory agreement of 1961. Before explaining the provisions of the new agreement to be known as the pigment factory (Australind) agreement, I will briefly outline the events leading to its negotiation with SCM Chemicals Ltd, hereinafter referred to as "the company".

In 1961 the State entered into a 50-year agreement with Laporte Industries Limited in which the State undertook to assist Laporte in various ways with the establishment of a titanium dioxide plant at Australind near Bunbury. The most significant undertaking was the State's agreement to take total responsibility for the disposal of the process effluent.

Laporte initially constructed a 10 000 tonne per annum pigment manufacturing facility which used the technology known as the sulphate process. In this process the locally-mined ilmenite ore—which contains approximately 50 per cent titanium compounds—is digested in concentrated sulphuric acid. Iron is present in the ore body—approximately 50 per cent of the ilmenite—and scrap iron is added as an essential part of the refinement process. The end product is free from both sulphates and iron; thus the main constituents of the effluent are sulphuric acid and iron, diluted in a large quantity of process water and cooling water.

To give an indication of the load and quantity of effluent which the State has to dispose of, there are approximately four tonnes of waste acid and one tonne of waste iron for each tonne of pigment produced, diluted in about 60 tonnes of water. The factory currently produces about 100 tonnes of pigment per day.

When the plant was commissioned in 1964, the State discharged the effluent into the surf zone of the Indian Ocean on the western margin of the Leschenault Peninsula. The discharge caused staining of the beach sands on the peninsula and severe discolouration of the ocean. This discharge method was considered environmentally unacceptable and was terminated in 1968. Since that time the effluent has been discharged into depressions in the sand dunes of the Leschenault Peninsula where the calcareous sands have the ability to neutralise the acid and immobilise the iron.

Laporte upgraded the plant in 1969 to an annual production capacity of 17 500 tonnes of titanium dioxide pigment, and to its present capacity of 36 000 tonnes per annum in 1975. The 1961 Laporte industrial factory agreement was amended in 1975 to allow the company to vary the nature of its effluent, and in 1982 to facilitate the purchase of more land for effluent disposal.

In respect of the State's responsibility for effluent disposal, it has long been recognised that discharge on the Leschenault Peninsula was unacceptable as a long-term solution, the area for disposal being inadequate for absorption of the effluent for the life of the agreement, and because of the exclusion of other land uses on the peninsula caused by the disposal facilities.

Investigations to find an alternative disposal system commenced as early as 1970 under the direction and supervision of the Laporate effluent disposal committee. A large range of disposal options was considered, including ocean disposal by barging and submarine pipeline discharge, chemical treatment, and alternative land disposal options. However until 1983 none of the options studied appeared to have

more favourable environmental consequences than dune disposal.

The breakthrough came in 1984 when the Australind factory was purchased by SCM Chemicals Ltd, a subsidiary of the USA SCM Corporation. SCM had access to the environmentally-preferred chloride technology which reacts a higher purity ore with chlorine. SCM immediately commenced a feasibility study to convert the plant process at Australind to the chloride technology to completely replace the installed capacity of the sulphate plant.

While the company's study was in progress, the Government engaged a consultant to prepare the first stage of an environmental review and management programme—ERMP—on the sulphate disposal problem. This stage I ERMP made an evaluation of the sulphate effluent disposal options and made recommendations for a preferred long-term strategy. The document, which was made available for public review and comment in January 1985, identified the chloride technology changeover option as an attractive alternative for resolution of the disposal problem.

The results of SCM's feasibility study, which was completed towards the end of 1985, indicated that changing the plant technology was not commercially viable. Although it had some benefits for the company it could not be justified without assistance from the State Government.

My Department of Resources Development made a detailed study of the company's proposals and also the expected cost to the State should it have to continue its obligations for sulphate effluent disposal for the term of the 1961 agreement.

At this point I would like to commend the company's positive and helpful approach in this matter. Its openness in supplying detailed data to support the company's position enabled me to fully evaluate the benefits of the project.

Based on the estimated cost to the State for sulphate effluent disposal until the year 2011 the State has offered SCM the sum of $8.5 million in consideration of the company agreeing to cancel the 1961 agreement and to release the State from its obligations for effluent disposal.

Before describing more fully the content of the agreement now before the House—which will replace the 1961 agreement—I will briefly describe the chloride project and its consequences. The chloride plant produces the same end product as the sulphate plant via a completely different chemical route. The company will install a similar capacity plant initially, but it has the ability to expand production up to 51 000 tonnes a year without a requirement beyond December 1989 for the discharge of effluent on the Leschenault Peninsula. Discharge of effluent on the peninsula had been found by the EPA to be environmentally unacceptable.

Whereas the sulphate process uses ilmenite feedstock containing about 50 per cent titanium, the chloride process uses rutile or synthetic rutile—upgraded ilmenite—with a titanium content ranging from 93 per cent to 98 per cent. Reaction of this ore with chlorine produces titanium tetrachloride, which after purification is burnt with oxygen at a high temperature to produce the base pigment. The base pigment undergoes various end treatments, dependent upon eventual use, and this part of the manufacture is common to both sulphate and chloride processes. Chlorine will be required at the site, and the company proposes to install a dedicated 12 000 tonne per annum capacity chlor-alkali plant. Oxygen is also required, and a dedicated air separation plant is planned, having a capacity of about 120 tonnes of oxygen per day.

The chloride process significantly reduces the 21 stages of the sulphate system to a maximum of eight under the chloride route. The liquid effluent will be a neutral brine, and the disposal pipeline to the peninsula will not be required.

With respect to atmospheric emissions, the sulphur-bearing gases will be greatly reduced when the sulphate process is eliminated. Emissions from the chloride plant are vented through one chimney only, after passing through a cleaning process to remove traces of chlorides and chlorine. Gases released would consist of carbon monoxide, carbon dioxide, and nitrogen. Atmospheric emissions must comply with relevant National Health and Medical Research Council of Australia guidelines. There would also be gaseous emissions from the chlor-alkali plant and the air separation plant. After cleaning, the gases from the chlor-alkali plant would contain between one and five parts per million of chlorine, which is less than five per cent of the emission limit recommended by the NHMRC. Gaseous emissions from the air separation plant would consist of those components of the atmosphere remaining after the removal of oxygen and nitrogen.

One of the major benefits of the new plant will be the cessation of effluent disposal on the Leschenault Peninsula, the removal of the pipeline across the inlet, and the removal of the pipeline support structure if not required for alternative uses.

Although the sulphate plant is not scheduled for closure until December 1989, rehabilitation on the peninsula has already commenced and will be implemented progressively consistent with land use planning, disposal requirements, and available funds. The State will bear the cost of the rehabilitation and removal of the disposal pipeline and support structure.

The company has produced an environmental review and management programme, being stage II of the environmental studies requested by the Government in January 1985. The ERMP was approved for public release by the Environmental Protection Authority on 17 November 1986.

The company's ERMP fully describes the project, its likely impact on the environment, and the manner in which the plant will be managed to safeguard the work force, the neighbouring community, and other aspects of the environment.

As already mentioned, a major environmental plus for the project will be the cessation of peninsula degradation from sulphate effluent disposal.

Although Parliament is being asked to ratify the new agreement this session, this in no way prejudices the normal environmental assessment procedures. The Government wants to make it quite clear that final environmental conditions will be addressed prior to final approval being granted, regardless of the ratification of the agreement by Parliament. The company is obliged to address all recommendations made by the Environmental Protection Authority in its assessment report on the company's ERMP. Provisions relating to the company's acceptance of any condition which may be recommended in the EPA assessment report are outlined in the proposals clause, clause 7 of the agreement. If the company is reasonably unable to accept the EPA's determination of the ERMP, the sulphate plant will continue in operation with the State continuing to dispose of the effluent.

The main reasons for executing the agreement and seeking ratification this session is to bring about the determination of the 1961 agreement and to express the Government's support for the company's project in order that it can proceed with confidence along the lines of the agreement.

I will now summarise the clauses contained in the pigment factory (Australind) agreement. Clause 1 contains definitions of specific words and expressions used in the agreement. Clause 2 outlines the intended interpretation or effect of specific references in the agreement. Clause 3 contains the State's obligation to introduce the agreement to Parliament for ratification. Clause 4 details the criteria to be fulfilled before the agreement can become operational. If the criteria are not met by 31 December 1986 the agreement shall determine, unless the parties agree otherwise.

Termination of the Laporte industrial factory agreement, 1961 is provided for in clause 5. Subclause (1) of clause 6 provides for the company to continue to use the sulphate process at the factory until 31 December 1989. Clause 6(2)(a) provides for the State to continue to be responsible for disposal of sulphate effluent until the end of the decommissioning period, which will occur 90 days after 31 December 1989. Clause 6(2)(b) provides for the State to patrol, at the company's expense, the effluent pipeline across the Leschenault Inlet.

Clause 6(2)(c) obliges the company to maintain the effluent disposal pipeline. Clause 6(2)(d) places an obligation on the company to provide, operate, and maintain all equipment necessary for the efficient discharge of sulphate effluent through the pipeline. Clause 6(2)(e) provides for the company to make an annual contribution to the cost of disposal of the sulphate effluent.

Clause 6(3)(a) requires the company to flush the pipeline with clean water before the end of the decommissioning period of the sulphate plant. Clause 6(3)(b) places full responsibility on the company for disposal of effluent and waste generated subsequent to 31 December 1989.

Clause 7(1) requires the company to submit, within 60 days of its acceptance of any conditions in the EPA report, detailed proposals for the new plant on the Australind works site, designed production capacity of the new plant to be not less than the current capacity of the sulphate plant. Flexibility in the manner of submitting proposals is provided for in subclause (2) of clause 7.

Proposals may provide for the use of existing facilities as outlined in subclause (3) of clause 7. When submitting its proposals the company must provide satisfactory evidence of the value

of the new works, the availability of finance, and an indication of the company's willingness to undertake the works detailed in the proposals. These requirements are outlined in subclause (4) of clause 7.

Requirements for consideration and implementation of proposals similar to those contained in other agreements ratified by the Parliament are set down in subclauses (1) to (8) of clause 8. In the event that all proposals are not approved and the agreement is determined as provided for in subclause (6), the company will be able to continue to operate the sulphate plant according to the provisions of clause 6 which will remain in full force and effect. If the proposal's approval date is later than 30 June 1987, then the changeover date from the sulphate to the chloride process will be deferred from 31 December 1989 by an equal period, as outlined in subclause (8).

If during the continuance of the agreement the company desires to significantly modify, expand, or vary its activities beyond those specified in any approved proposals, it is required by the provisions of clause 9 to submit for approval additional proposals in respect thereof.

Under clause 10 the company is required to report to the Minister in regard to measures it has taken, is taking, or proposes to take for protection of the environment. The company must also liaise and cooperate with the Minister on additional reasonable environmental monitoring, protection, and management requirements arising from its operations.

Requirements for use of local labour and professional services are included in clause 11.

The financial contribution by the State for release from the effluent disposal obligation is detailed in clause 12. Subclause (1) outlines the method of payment of the sum of $8.5 million to the company. Payment of each instalment is subject to the constraints detailed in paragraphs (a) and (b) of subclause (2).

Clause 13 makes the provisions of the agreement not applicable to any portion of the works site disposed of by the company. Clause 14 (1) requires the State and the company to reach agreement on water requirements. Subclause (2) establishes the authority for obtaining the agreed quantities of water.

Clause 15 deals with electricity requirements. Subclauses (1) and (2) appertain to supply by the State Energy Commission. Subclause (3) addresses the supply of power generated by the company to third parties on the works site.

During the continuance of the agreement, the company has an obligation detailed in clause 16 to investigate the feasibility of converting the existing sulphate plant to the processing of raw materials.

The road haulage provisions addressed in clause 17 are a reflection of similar provisions contained in the Laporte industrial factory agreement, which is being determined by this agreement.

Clause 18 ensures that the zoning of the works site and the surrounding area delineated and bordered on plan "A" remains appropriately zoned so that the carrying on of the project covered by the agreement is not prejudiced.

I now table a copy of plan "A".

(See paper No. 528.)

Mr PARKER: The company's work site is situated in the centre of the bordered area with the Bunbury golf course to its south, undeveloped ILDA land to its north, and farming land on the flood plain of the Collie River to its east.

Clause 19 contains the usual provisions dealing with assigning, mortgaging, charging, subletting, or disposing by the company of the project covered by the agreement. Clause 20 establishes the terms and conditions under which the agreement may be varied from time to time for the purpose of more efficiently or satisfactorily implementing or facilitating any of the objects thereof.

The force majeure provisions contained in clause 21 are the usual provisions of this nature included in agreements ratified by Parliament. Clause 22 enables the Minister to extend at the request of the company any period referred to in the agreement. This standard provision provides flexibility to make adjustments to time periods that become necessary due to unforseeable circumstances.

Clause 23 outlines the circumstances under which the agreement may be determined. Members of the House will note that if any of the events outlined in subclause (1) cause a notice of determination to be issued by the Minister, the agreement will determine, except for clauses 6 and 24, which will remain in full force and effect. Under this arrangement the company, if not in liquidation, will be able to continue with the operation of the sulphate plant.

Clause 24 establishes the liability of both the company and the State upon cessation or determination of the agreement and ensures that the company pays forthwith any moneys owed to the State. Clause 25 makes it clear that the company is not exempted from complying with the provisions of environmental protection legislation of the State.

Clause 26 mirrors a similar provision in the Laporte industrial factory agreement for the company to seek all necessary Commonwealth licences and consents. Subclause (2) provides for the State to assist in this regard should the company encounter any difficulty.

Clause 27 enables the company or the State to engage contractors to carry out portions of obligatory operations under the agreement. Clause 28 nominates the Commercial Arbitration Act 1985 as the vehicle for settling disputes.

Clause 29(1) requires the company to keep the State informed on progress towards achieving completion of the chloride plant by the changeover date. Clause 29(2) requires operation of the chloride plant in accordance with best business judgment after the changeover date. The company is required under the terms of clause 29(3) to advise and consult with the Minister should it contemplate cessation of production of titanium dioxide following the changeover date.

Clause 30 fixes the means by which either party shall communicate with the other in regard to the provisions of the agreement. Clause 31 provides that the agreement will expire on 31 December 2011. Clause 32 makes it clear that the agreement is to be interpreted in accordance with Western Australian law.

I believe the new agreement will satisfactorily achieve its objectives of relieving the State of its effluent obligations following the shutdown of the sulphate plant and enable the company to construct and operate its plant in an environmentally acceptable manner.

I commend the Bill to the House.

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

BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL

Second Reading

MR BRIAN BURKE (Balga—Treasurer) [12.12 p.m.]: I move—

That the Bill be now read a second time.

The Bill contains measures to combat the threat posed by a small number of operators who have gone to some lengths in their endeavours to avoid tobacco franchise licence fees. The Government makes no apology for the fact that some of the measures are quite harsh.

The Government is committed on health grounds to curtailing tobacco smoking. That commitment remains as strong as ever. However, for as long as the sale of tobacco remains a lawful activity, the Government does not propose to allow a few operators to make windfall profits by the evasion of tobacco licence fees at the expense not only of Government revenue but also of the vast majority of those who pay fees as required under the Business Franchise (Tobacco) Act.

The provisions in the Bill will greatly strengthen the investigative powers of the Commissioner of State Taxation. Where it is suspected that an offence has been committed, or is likely to be committed, the commissioner will be able to authorise the entry and search of premises, and the seizure of all tobacco as well as accounts and other documents relating to tobacco trading.

Mr Hassell: On suspicion?

Mr BRIAN BURKE: Where it is suspected an offence has been committed. The Leader of the Opposition would know as well as I do that suspicion cannot simply be baseless or flippant.

Mr Hassell: For the police to do those things, they must get a warrant. They have to establish their suspicion with a JP.

Mr BRIAN BURKE: That is not always true. They may apprehend a motorist.

Mr Hassell: They do not take his car.

Mr BRIAN BURKE: They sometimes take more. Fisheries inspectors have very wide powers in certain matters.

The commissioner will be able to retain any documents, records, or the like, for as long as it is necessary to take copies or extracts.

The Bill also sets down the general rule that any tobacco which is seized may be retained until the persons involved are tried for the offences which led to the seizure. If they are convicted, the tobacco will be forfeited. If they

are not convicted, the tobacco must be returned.

A person having a financial interest in tobacco which is seized will have the right to apply at any time to a magistrate for its return.

The penalties presently specified in the Act are proposed to be substantially increased. This is necessary to discourage avoidance of the legislative provisions. Penalties for trading in tobacco contrary to the licensing requirements have been increased from $20 000 to $40 000, as has the penalty for failing to keep proper records of tobacco retailing or wholesaling.

Where a person trades in tobacco without a licence, the commissioner will also be authorised to assess a fee equal to twice the amount which would have been payable had a licence been obtained. In short, people who attempt to avoid tobacco franchise fees will leave themselves open not only to having to pay twice the licence fee which they sought to avoid, but also fines of up to $40 000 for each offence.

Where a body corporate commits an offence against the Act, any director or officer involved in the management of the body corporate will also be liable as if he personally had committed the same offence.

In addition to any fine which he may personally incur, he will carry a joint and several liability for payment of any fine which may be imposed on the body corporate itself, or for any double fee which may be assessed against the body corporate in respect of the licence fee avoided. By this means it is intended to discourage those who use $2 companies to trade in tobacco without payment of the fees.

The Bill also contains provisions designed to overcome practical difficulties encountered in enforcing the present Act. It has always been an offence to sell tobacco without a licence. Whether a sale has occurred can often be a difficult legal question and it is open to operators to devise methods of trading which make it hard to identify when a sale occurs.

At the other end of the trading spectrum, an unlicensed retail trader may have a shop full of cigarettes displayed, or ready for sale, but under the present Act he commits an offence only when a customer actually buys a packet. The moment the inspector leaves the shop he can freely continue to sell the rest of his stock. When it comes to penalty, his only offence has been the very minor one of selling a packet of cigarettes.

To deal more adequately with these various difficulties, "sell" has been defined to include—

attempting to sell;

offering, displaying, or exposing for sale; and

supplying, transporting, or holding with a view to sale.

There has also been difficulty in identifying who is actually selling tobacco. This has been aggravated by schemes that seek to achieve the legal result or create the impression that somebody—likely to be a $2 company—other than the actual trader in the shop is, in law, the seller.

The Bill is designed to make it clear that the actual trader in the shop directly and separately offends if he is involved in the selling of tobacco, and that is so even if he is technically an agent or an employee of someone else. The principal, or the employer, will also be guilty of a separate offence in many situations. The provisions deal with all trading situations and are not confined to a shop.

References to "intrastate trade" have been removed because their effect has been unnecessarily to inhibit the application of the Act to many situations within the legislative competence of the Parliament.

These proposals will not change the operation of the Act for legitimate traders. They will continue as before. For the rest, I make it clear that this Bill is not necessarily the last word. To deter avoidance operators, and to ensure stability in the industry, the Government is prepared to introduce further legislation if experience of the present measures and our continuing review of developments in other States indicate the need to do so.

I commend the Bill to the House.

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

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL (No. 3)

Council's Requested Amendment

Amendment requested by the Council now considered.

In Committee

The Chairman of Committees (Mr Burkett) in the Chair; Mr Brian Burke (Treasurer) in charge of the Bill.

The amendment requested by the Council was as follows—

Clause 5.

Page 2, lines 25 to 32—To delete the clause.

Mr BRIAN BURKE: I move—

That the amendment requested by the Council be made.

Question put and passed; the Council's requested amendment made.

Report

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

LAND TAX AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

MR HASSELL (Cottesloe—Leader of the Opposition) [12.21 p.m.]: I have no hesitation in saying that this Bill is an insult to the taxpayers of Western Australia.

In the past four years land tax collections have increased by no less than 66 per cent. After allowing for inflation, that represents an increase of 33 per cent in real terms. The collections in 1983-84 were $42.6 million while in the current year they will be $58 million, an increase of 66 per cent nominal and 33 per cent real.

This legislation, which is said to contain concessions, is an insult because the concessions are as nothing compared with the dramatic increase in land tax. For a start, the Bill does not apply to give any concession until 1 July 1987.

The Treasurer in his second reading speech said that the new rates would provide land tax relief across the board and that every taxpayer would benefit. Even that is a proposition which cannot be guaranteed in every case. It all depends on whether the land values are changed, and on the current projections it is unlikely that very many people will pay less tax.

The Treasurer claims that the new tax scale will result in $11 million in tax relief, but that has to be measured against the fact that the increase in land tax collections has been a staggering 66 per cent, as I have already outlined. It is also dependent on whether the tax has been calculated on the basis of existing land valuations or whether it takes into account projected increases in such valuations.

In the last two to three years land revaluations have been severe. We have on record a dozen actual cases of properties on which land tax is payable. The amount of land tax payable on each one has risen since 1983 up to 530 per cent. The smallest increase was 37 per cent and in 11 out of the 12 cases the increases were over 100 per cent.

The proof of the effect of any tax concessions is clearly visible in the bottom-line figure. The exemption of land tax under the new scale for properties worth less than $5 000 will cost the Government in revenue foregone only $105 000 out of a total land tax revenue of $58 million; that is, less than one-fifth of one per cent of total revenue. As I say, that has to be measured against the dramatic increase in land tax collections.

In 1983-84 the revenue from land tax was $42.6 million and the increase over the previous year was 21.7 per cent; in 1984-85 the revenue was $49.8 million and the increase over the previous year was 16.9 per cent; in 1985-86 the revenue was $52.1 million and the increase over the previous year was 4.6 per cent; in 1986-87 the revenue is estimated at $58 million and the increase over the previous year is estimated to be 11.3 per cent.

The Treasurer cannot argue that the revenue increase has come about because of increases in valuations and that therefore he is not responsible. If he had been prepared to lower the rates of the tax the revenue increases could have been kept down at least reasonably to the rate of inflation, although, as I have said, Government taxes and charges which continually rise at the rate of inflation are themselves feeding inflation and diminishing the opportunity for inflation to be reduced.

So, we have a piece of legislation which swats at a fly when the creature to be dealt with is a large rat. The large rat is the land tax collection system which has taken an extra 66 per cent in four fiscal years, a real increase of 33 per cent, twice the rate of inflation, a system which is now offering some small measure of relief not in the current year but next year.

While we will obviously support the technicality of the Bill, its substance is grossly inadequate. This is the direct and clear face of the impact of a Government going on increasing its expenditure.

As we have pointed out, if this Government had been prepared to maintain expenditure at real-level similar terms over the period of its term in office, the reduction in the total size of

the Budget would have been in the order of several hundred million dollars, but there would have been an increase to account for inflation each year.

Mr Brian Burke: What is your commitment in terms of expenditure by any Government you might form?

Mr HASSELL: I am not prepared to lay that down off the cuff. I will provide figures at the right time in the appropriate forum. I do not want to be misrepresented; we will have very clear and strong commitments in that area because I believe the public are demanding clear and strong commitments.

The real issue is that the Government is not able to continue its operations with its expenditure priorities unless it allows taxes to continue to rise at rates well above inflation. We had the example which the Leader of the National Party trenchantly pointed out in the Budget debate of how the Government had transferred a massive amount of road fund revenue from the fuel tax across to general revenue. Here is another tax where there has been a massive increase in legislation which provides a pinprick of a concession against a massive rise of 66 per cent in four Labor Budgets—twice the rate of inflation for that period.

The Bill is an insult to taxpayers who have been told over and over again they will get relief. There is no real relief. As the member for Darling Range said, there is lots of publicity with nice letters from the Government saying, "We are going to help you, we are from the Government."

We have 12 examples of land tax situations where the tax payable on each has risen by amounts of up to 530 per cent. The smallest increase was 37 per cent, and in 11 of the 12 examples the increase was over 100 per cent. That situation is continuing. The Government has introduced amendments which it says will cost the revenue $11 million, but does that figure take into account further changes in valuations, because those changes are going on all the time? It is those changes in valuation which have so dramatically impacted on figures and contributed to the growth of land tax. We find this Bill extremely unsatisfactory.

MR MENSAROS (Floreat) [12.33 p.m.]: I suppose the proper type of political answer to this amending legislation is that it is much too little much too late. I always took some interest in the history and structure of land tax. I had great expectation when, in answer to question after question, the fact was revealed that a committee was looking into the structure and composition of land tax and would come forward with recommendations. I kept asking questions, and the latest reply by the Minister for Budget Management some weeks ago was that the committee had made some recommendations and they would be implemented in the 1986-87 Budget.

They have been implemented, but what are they? There is absolutely no change, but perhaps they make it easier and take away a little political colouring from what happened last year when land tax was assessed on the old scale, irrespective of increasing values, as the Leader of the Opposition said, and the Treasurer sent an accompanying letter with the assessment saying, "I am a good boy; I will give you 10 per cent discount."

Mr Brian Burke: I did not say I was a good boy.

Mr MENSAROS: Not in those words, but the letter implied it.

The present assessment will incorporate the 10 per cent decrease by virtue of another Statute, but will leave the scale entirely the same. Why on earth an investigation was needed for this I cannot understand. Some light has been thrown on it by a question I raised when i queried the report of the committee and the Treasurer said we could not have it because it was internal advice to the Government, I wonder what sort of advice it was because if it is reflected in this Bill, it was superfluous; nothing has happened.

I would like to use this opportunity to emphasise two main points: Firstly, the tremendous inequity of land tax; and secondly, even if we retain it—and I am sufficiently realistic to know that no Government would abolish it because it earns the second highest State-sourced revenue in the Budget—the sort of structural changes that ought to be made—

Mr Brian Burke: What did you do in nine years about land tax?

Mr MENSAROS: We did quite a lot.

Mr Hassell: Huge exemptions were introduced by the Court Government. After the Tonkin Government people used to pay land tax on their houses.

Mr Brian Burke: But that has nothing to do with the problem you are now talking about.

Mr MENSAROS: Yes it has, because that was a structural alteration to land tax. It fell short of abolishing land tax, but Governments were not in the mood at the time—I hope

Governments after this present one will be—to cut Government expenditure.

Mr Brian Burke: I explained last night that your years in Government saw expenditure increases which were far longer than ours.

Mr MENSAROS: I do not think they were. It has been shown in real terms that they were not. That is a separate argument. I criticise both sides in Government until now because they did not cut Government expenditure which would result in iniquitous taxes like this being done away with.

The reason land tax is iniquitous is that it taxes an asset of people who dare to own land. There are political views which place land ownership as the first virtue, and I do not have to refer to the Henry George League, and people like that, but in America that was the view of the settlers and the people until now. Land tax taxes selected assets of land ownership when other assets are not taxed. Land tax does not tax the revenue derived from the asset because that is taxed separately. It does not tax the increase in value that is provided by a gain in capital because that is taxed separately. It taxes the mere fact that one dares to own property. If one owns gold, silver, or precious metals, one is not taxed on the asset. If one owns valuable paintings or Persian rugs which are of considerable and increasing value, one is not taxed on them. If one owns antique furniture or collects old cars, they are tax free. For some reason, however, and I mentioned before it was a temporary reason but it has been maintained, one is taxed if one has the audacity to utilise the philosophical principle of non-socialistic society and dares to own land.

It is interesting to see how philosophies change. They are turning around in a circle. The anti-Marxist idea now prevailing in the Iron Curtain countries is that a person is allowed two pieces of land—one for his residence and one as a holiday resort—yet they are not taxed as assets. Even if we were to adopt that idea, for pragmatic reasons we would probably retain the land tax which was, incidentally, introduced after the turn of the century simply because landowners were not prepared to divide their land for domestic purposes. Despite the fact that Western Australia was an enormous piece of land compared with other continental countries and the United Kingdom, there was not enough land available for residential purposes around the city because people refused to subdivide their land.

The Government of the day introduced a disincentive to owners for not subdividing their land and that was the reason for the "temporary" creation and implementation of the land tax. Like so many other things the reason for the land tax has been forgotten and the tax remains because it provides a handy revenue for any Government.

If we are to say that the land tax should be retained we should at least look at the composition of the tax, which the committee has omitted to do. Alternatively, it may have suggested it to the Treasurer who did not accept it and, therefore, he is not prepared to release a copy of the committee's report.

This tax is not really a land tax, it is a tax on the proprietor. Each piece of land is taxed differently and it depends on who is the owner. If a person owns one parcel of land in addition to his residence he is charged a tax on a certain percentage of the value of the land. However, if a person owns two, three or four parcels of land an aggregate value is determined and the owner is taxed on the aggregate, using a progressive scale.

Members on the opposite side of the House may consider what I am going to say to be a joke, but it is a good comparison. If one goes into a bar and orders a schooner it costs $x including tax. If he drinks six schooners he pays $3x as the tax increases with larger consumption. The more one consumes the more tax one pays. The same principle applies to land tax.

If the Government wants to retain land tax, a system similar to that applying to water rates and local government rates should be implemented. That means that the tax would be the same on all land irrespective of how much land is owned by its proprietor. If it was not paid it could be recouped when there was a change of ownership of the land. The Government would be able to maintain the same revenue and it would be an infinitely cheaper method of assessing and collecting the tax.

At present the State Taxation Department has to compile lists of those people who do not submit land tax returns. Also, they have to handle change of proprietorship forms and arrange for various penalties to be imposed. I cannot imagine the reason that this was not discussed by the committee. I can vividly recall the Treasurer interjecting on me on one occasion this matter was being debated and saying that my idea was not a bad one and that the current system may be changed. Of course, it

has not; but the fact remains that the method of the collection of tax as I have outlined would be much more equitable. The Government would be able to obtain the same amount of revenue by setting a new land tax rate accordingly, pertaining to the land and not the owner.

Apart from most residential properties some properties are exempt from paying land tax. One, of course, applies to properties on which charitable activities are undertaken. But there are other non-profit-making organisations which are not exempt.

I am sure we agree unanimously with the preservation of historic buildings and objects. However, as a result of the land tax historic institutions' buildings are being thrown into the rubbish bin because the institutions are unable to pay the enormously high land tax. As a result, the buildings are often demolished and this has occurred to a number of institutions, clubs, and the like.

I repeat that the justification of the tax as an asset tax is more than questionable. If an alteration to the structure of the land tax were considered seriously—I do not know whether it has or has not been by the heralded committee—perhaps consideration could also be given to exempting non-profit-making organisations to allow historic institutions to remain and go about their business as in the past.

MR BRIAN BURKE (Balga—Treasurer) [12.47 p.m.]: I thank members opposite for their support of the legislation and for their comments.

I cannot say the Bill goes as far as we would like it to go, but it does promise a tax relief of nearly $11 million in the first year and more than that in the following years.

Mr Hassell: Is that $11 million after the increases in valuation?

Mr BRIAN BURKE: No. The tax relief of $11 million is at the present values.

I point out that there are instances where valuations actually decline and people pay less. It is not as though this problem has sneaked up on us. It has defied Governments for ages. It is a difficult problem to solve and it causes a great deal of political embarrassment to us, as well as financial embarrassment to people who are affected by the tax.

Although members opposite may claim greater change during their period in Government, they failed to address the situation substantially, as it is addressed in this Bill—whether this Bill addresses it substantially is another argument—during the period in which they were in Government. The simple explanation is that Governments are required to raise revenue and cannot easily chop all substantial sources of revenue.

The member for Darling Range can laugh and say that he received a 10 per cent reduction, but an increase of 110 per cent. The truth is he received a 10 per cent reduction.

Mr Clarko: No, he did not and neither did I. I received one like it.

Mr BRIAN BURKE: The revaluation which resulted in the higher payment being levied on the member for Darling Range is an argument about the process of the revaluation of properties. I suppose members opposite can argue about it, but it resulted in a reduction in revenue to the State in land tax of between $6 million and $7 million, and this Bill will result in a further reduction.

Mr Hassell: It was a reduction in increased revenue.

Mr BRIAN BURKE: That is true. There was an increase in revenue.

Mr Clarko: The member for Floreat summed it up when he said that if you did not take a taxi you saved more money than if you had not taken a tram.

Mr BRIAN BURKE: I would not argue about that either. Very meagre credit is given to the fact that we have tried to make changes that will result in substantially lower increases in the collections from land tax.

Mr Hassell: The fact remains that collections have gone up by twice the rate of inflation—66 per cent in four years.

Mr BRIAN BURKE: That may well be true but, as I pointed out last night, it is also true that our expenditure has been curtailed to a far greater degree than it was during the Liberal Party's term in Government. We simply cannot, because it suits the Opposition's political purposes, do the sorts of things it suggests can be done from the Opposition benches. It is popular to eliminate all taxes.

Mr Mensaros interjected.

Mr BRIAN BURKE: It could easily have been done during the nine years when the Liberal Party was responsible. The indications are that it is not as simple as the Opposition paints it to be. No-one appears to have lacked the desire, but it seems to me that probably the application of the desire is a touch more complex than the member for Floreat points out. That it may be more complex is evident by

the apparent inability of the previous Government to tackle the problem. We have tackled it and the member for Floreat says, "Too little, too late".

We have attempted to start making inroads into what the Leader of the Opposition says are the increases in land tax and at least this legislation, as absurd or insulting as the Leader of the Opposition thinks it may be, will mean lower increases in the future. It may not suit the Opposition members but at least it is a step in the right direction.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr Brian Burke (Treasurer), and transmitted to the Council.

LAND TAX ASSESSMENT AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

MR HASSELL (Cottesloe—Leader of the Opposition) [12.54 p.m.]: I know the Treasurer has reason for wanting to complete this Bill and, while I do not wish to inhibit any debate, I will not repeat what has been said already.

However, a separate point is to be made about this Bill concerning clause 8. This clause raises the interest rate on any deferred or delayed payments of land tax from 10 per cent to 20 per cent. The Treasurer claims that the old rate is now inadequate having regard to usual commercial rates. However, I note with some interest that he and his colleague in Canberra, the Prime Minister, have been telling us for some time that interest rates are going to fall. It is interesting to see that parallel with commercial rates—apparently in the expectation that they may not fall, the penalty rate has been increased to 20 per cent. That is a flat rate and could well become 40 per cent or more.

Apart from that, as the member for Floreat well knows, the current commercial rate is not 20 per cent but 18.75 per cent; although it is on the move upwards, notwithstanding the prediction made by the Prime Minister yesterday that it will go down. The Federal shadow Minister for Housing, Mr Beale, very succinctly pointed out that it is almost two years to the day since the Prime Minister said that Australia would receive the benefits of a sustained and continued fall in tnterest rates.

Mr Clarko: Did you believe him?

Mr HASSELL: No, I did not.

Mr Laurance interjected.

Mr HASSELL: It appears from the comment made by the member for Gascoyne that the interest rate has gone up in the last couple of days since my notes were completed.

The other point related to the penalty rate of interest is that the new rate of 20 per cent is in addition to the existing five per cent flat rate penalty for late payment of land tax. So if the taxpayer is late paying land tax, even by one day, he can face a five per cent penalty on the total tax amount. He must pay that five per cent penalty flat rate on the tax plus the 20 per cent penalty rate. Considering the huge increase in the interest rate applicable on late payments, it would have been fairer to reduce or do away with the five per cent flat rate penalty.

Although this Bill is consequential to the Land Tax Amendment Bill, it contains this change in penalties relating to payments. I indicate that we support the Bill for the concessions it contains but we do not support the penalty regime in clause 8. I will vote against clause 8.

MR BRIAN BURKE (Balga—Treasurer) [12.58 p.m.]: I thank the Leader of the Opposition for his support of the Bill, acknowledge the comments he has made, and expect him to vote against the clause to which he referred.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Brian Burke (Treasurer) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 38 amended—

Mr HASSELL: I indicate that we oppose this clause because it creates an unfair penalty regime.

Clause put and passed.

Clauses 9 and 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR BRIAN BURKE (Balga—Treasurer) [12.59 p.m.]: I move—

That the Bill be now read a third time.

In so doing I thank the Leader of the Opposition for his cooperation in this matter.

MR HASSELL (Cottesloe—Leader of the Opposition) [1.00 p.m.]: I place on record the fact that in pursuance of assistance to the Treasurer's position, there was no division on clause 8. We are very firmly opposed to it and had it not been for the time factor, we would most certainly have divided on it. I would like that to be acknowledged so that there can be no misunderstanding.

Question put and passed.

Bill read a third time and transmitted to the Council.

Sitting suspended from 1.01 to 2.15 p.m.

BILLS (3): RETURNED

1. Education Amendment Bill.
2. Reserves and Land Revestment Bill (No. 2).
3. Motor Vehicle (Third Party Insurance) Amendment Bill.

Bills returned from the Council without amendment.

CEMETERIES BILL

Second Reading

Debate resumed from 16 October.

MR CLARKO (Karrinyup) [2.16 p.m.]: This Bill deals with a most sensitive matter. While a few people in our community do not regard the care of the remains of our deceased as a matter of great seriousness, in my experience the majority of people regard cemeteries as places of great significance, or as special, sacred places where respect is traditionally given to the dead.

The current Act is dated 1897, so after 89 years, although there have been a number of amendments—I think only 14—there is clearly need for change.

The method used by the Court Government to set up this major change to the Act was the creation of a review committee in 1979. It produced a report two years later, described as an interim report. Following submissions, a final report was produced in 1982.

Several parts of this legislation concern the Opposition. The first is the length of time allocated the holder of a right of burial. The second deals with redevelopment schemes.

The Opposition is very concerned about the proposal to set up a period of 25 years, with the right of extensions of this 25-year period at the discretion of the board. This concerns the Opposition, especially where the area interrelates with redevelopment schemes. In some cemeteries in Western Australia people have a right in perpetuity, and in others, they have a 50-year right. This position was changed at the Karrakatta Cemetery—which is the major cemetery in Western Australia—to a 25-year period in 1978. This legislation seeks to set up 25 years as the basic time period for a holder to be entitled to that right.

The Opposition proposes a major change. I shall be moving an amendment to propose that a second 25-year period shall be automatic on application. This legislation proposes that after 25 years the holder may be given, if the board agrees, another 25-year period. My amendment will be to the effect that one should be able to apply for a further 25-year period at the end of 25 years, and one shall be granted another 25-year period. After that, a further 25-year period could be granted as a result of agreement.

I have spoken to a number of people about this legislation and talked about the redevelopment schemes. People have been concerned about this proposition. The 1897 Act is based on the Victorian Cemetery Act which was enacted prior to 1897. That Act was amended in Victoria in 1974 to allow for redevelopment and to create pioneer parks. The reviewing committee has recommended that we have such redevelopment schemes. We have had them before, though not in name. It has been done on a voluntary basis.

Some sections of the Karrakatta Cemetery are now being redeveloped in a voluntary way, in the sense that the Karrakatta Cemetery Board has contacted the people who hold the rights, seeking approval to upgrade the area. However, the Bill goes much further than that, and its provisions are wider and more specific.

A matter of real concern to the people holding those rights is what will happen to the remains that lie under the area of redevelopment, and the memorials, headstones, and so on, when the redevelopment takes place. We believe that if we can persuade the Government to extend the 25-year period to a 50-year

period, there will be less pressure in terms of that redevelopment issue.

I have spoken to a senior officer at the Karrakatta Cemetery who was a member of the review committee, and I was very pleased to hear him say in answer to a question I posed that reburial in the same area is not acceptable in Australia, and it is a policy of the Karrakatta Cemetery Board that that does not happen. He pointed out that this procedure—what one might call recycling of graves or plots—takes place in many places in Europe, sometimes in as short a time span as seven years. I believe that would be unacceptable to the overwhelming majority of Western Australians.

The Karrakatta Cemetery is upgrading a number of areas within the cemetery in a voluntary and cooperative way, seeking out the people who are said to hold the rights to a burial plot and asking them to cooperate as sections of the cemetery are improved. Virtually everyone approached agrees to that, but there is sometimes difficulty in making contact with some of the holders of plots.

I return to what I believe is the cornerstone of the Opposition's argument, that we believe, and I believe it is the current policy of the Karrakatta Cemetery Board, that remains in a cemetery should never be disturbed. I give the example of a family case, where a man and his wife are buried in a certain section of the cemetery. Frequently people approach the trustees to ask whether they can bury another close relative in that vicinity, and it is agreed to even though the 50-year period has elapsed.

Under the voluntary scheme, the cemetery people are removing the kerbing and repairing the memorials in need of care and maintenance, perhaps shifting the gardens in some way, and generally cleaning up and bringing the grave sites back to the standards all of us would want to see in a cemetery. As I have said, the major problem is making contact with some of the holders of burial plots.

I will now quote a few statistics. Since the Karrakatta Cemetery began in 1898 there have been 180 000 burials and 82 000 cremations. Members will note that the ratio of cremations to burials is only about half. However, further figures I have indicate that there has been a tremendous increase in the number of people cremated today, as compared with the number buried.

Mr Watt: Do you mean there are 182 000 graves there?

Mr CLARKO: I take that to be the case. In the year 1985-86, the last completed year, there were 1 500 burials and 3 655 cremations, which indicates a dramatic turnaround over the years. The first year in which figures for cremations were kept was 1938, when 140 cremations took place at Karrakatta.

Mr Watt: How many burials?

Mr CLARKO: I do not know.

Mr Watt: How much room is left there?

Mr CLARKO: I do not know the answer to that, but I would say that would be a great factor in the rise of the incidence of cremation as opposed to burial. Also, with the redevelopment schemes, the cremation aspect will be accommodated quite easily. People will not be buried above the present plots, but the perimeters and small niches could be used for the cremations.

Quite a number of people still want to have perpetual rights at cemeteries, but I do not think that would be practicable if we are still to maintain our major cemeteries in their existing locations. It would not be long before a place such as Karrakatta would no longer be able to accommodate burials. We would need to find another spot and it would probably be difficult to find a suitable site within the metropolitan area. In about 1978 or 1979 the Pinnaroo Valley Memorial Park was set up. However, I believe some people do not like that parkland arrangement, and they would therefore want to continue to have a cemetery such as the one at Karrakatta.

The Opposition therefore proposes that holders of burial plot rights be given the right to an additional 25-year period. Although we proposed to give people an "as of right" access to a further 25-year period, we believe that once the first 25-year period is completed many people will not seek an extension. However, we will accommodate the people who do want such an arrangement. Additionally, the areas presently being redeveloped under these voluntary schemes have been used for much longer than 25 or 50 years. I understand the plots being redeveloped on a voluntary basis at Karrakatta now date from the turn of the century, which is a period of 90 or 100 years.

The particular time span that we proposed to change would fit in with that particular requirement. I would ask the Minister, or whoever is replying, for the Government to advise the House of any current plans by cemetery boards in Western Australia to redevelop in a period under 50 years. Presumably whoever is reply-

ing will not have that information readily available, but the advice given to me is that a 50-year period will be more than ample. This will make it easier for the Government to contemplate the Opposition's amendment. It was put to me by a senior person in this field that the Opposition's amendment would present no problems from this point of view. The provisions of the legislation will make it optional anyway, so the Opposition feels that it is a reasonable amendment.

In addition, in respect of these rezoning schemes, naturally enough the committee of inquiry proposed steps by which people could be protected and their interests could be maintained. Redevelopment which is presented too soon and which is against people's wishes could be dealt with. All that is set out in the arrangements whereby the redevelopment proposers have to give 12 months' notice before a scheme can be undertaken. They must set up maps and plans of what they intend to do in the area and make this information available to local people and others. Three months before the development proceeds, the developers must advertise in local newspapers, and so on. They must write to people who are holders of burial rights within the redevelopment area and so on.

Despite all those steps, I do not believe this legislation goes far enough and I intend to move an amendment in the Committee stage to provide an opportunity for opponents of a redevelopment scheme to have their say to the Minister subsequent to the board's decision. Thus, if a board makes a decision which is contrary to the wishes of a significant number of local people, a development plan can go to the Minister for a decision. People who wish to make a submission to the Minister shall be given 90 days in which to put forward their case, and the Minister may then make a decision. I made my own decision on this matter, but when I read through some of the documents, I saw that the Cemeteries Act review committee proposed that there should be ministerial involvement. Therefore, it should not be difficult for the Government to agree to my proposed amendment.

There is another matter in this Bill which I will address. It is a relatively small matter, but one which I regard as important and it concerns the requirement on cemetery boards to collect details of particular tombstones and related matters when part of a cemetery is to be redeveloped, and to store this information in an archival form. Previously it had to be written down, but now various modern techniques can be used to preserve this information. I intend to move an amendment so that instead of the wording being that the board "may" put up maps or plans which show who previously had been interred in the cemetery area adjacent to the redevelopment, it "shall" be required to do so. This information will be of great benefit to people who are interested in cemeteries, either specifically or in general, from an historical perspective.

Another matter which should be considered is the question of by-laws. Under the Bill, by-laws must be approved by the Governor. The Bill proposes a set of model by-laws which would be able to be disallowed by either House of Parliament. The by-laws would be laid on the Table for a certain period, and may be rejected if necessary. There should always be the potential to disallow by-laws. If it is good enough for model by-laws to be treated in that way, it is good enough for these by-laws also, particularly as the Parliament included such an overview in the old Act. This is just an attempt to make sure that the Parliament retains an opportunity to look at these particular by-laws as necessary and it is in step with what was previously proposed for this legislation, and whatever is proposed for the model by-laws which the cemetery boards do not need to adopt.

Cemeteries are more than just places of mourning and they are more than just places where people go to pay their last respects to relatives and friends. They are more than simply places which are seen to be sacred; they are places which add to the historical knowledge of a particular State. Cemeteries are part of our culture.

I will talk briefly about some cemeteries which I have visited and which have stuck in my mind. One of these is at Coolgardie. I do not know whether the Leader of the House has been to that particular cemetery, but I believe it is a magnificent historical record. Ernest Giles is buried there, but the histories of less well-known people can be found as well. For example, one of the headstones tells the story of a man and his family in the 1890s. This story commences by showing the death of one child, then the death of the father, who was only in his early thirties, and then the death of another child, who must have been carried by the mother just prior to the father's dying because the dates are very close. The story concludes with the death of the mother and another child

within just a few years, and it is indicative of the hardship which those people had to face.

Mr Read: In Coolgardie, it was probably typhoid which killed them.

Mr CLARKO: Yes, typhoid and influenza, although the Leader of the House has just indicated that the influenza epidemic occurred after 1911.

I believe that particular cemetery is a magnificent source of information for those of us with an historical bent. Even if one goes into the harder, commercial aspect of the cemetery, it is still very interesting from a tourist point of view. Cemeteries such as Coolgardie's will be protected under this legislation. I believe it is a credit to the people on the review board and for the hard work that they have done.

By contrast I wish to refer briefly to two cemeteries in Broome. The first is the Japanese cemetery. I am sure other members may have been there. It is a most interesting place and walking within its boundaries I found something which was new to me. The Japanese have little vases which are filled with alcohol to assist the deceased Japanese on their way to another world. The story is that the local Australian people used to enter the cemetery late at night and take the liquor from the vases, in the process doing a great deal of damage to that cemetery. I understand some Government, probably a Liberal one, gave a local group funds a few years ago and the cemetery has subsequently been greatly upgraded.

Mr Read: It was raised by the Japanese people themselves.

Mr CLARKO: In any case, the cemetery has been vastly improved from when I was first there. It was then in a bad state, but it is now in good condition. The second cemetery is an older cemetery used by the pioneers of the district. Years ago I happened to be in Broome a day or so after the death of Sam Male. The main store in Broome was named after the pioneer Male family. Sam Male was highly regarded, and I think he was at some stage shire president. In fact his son, Kim Male, was the shire president. However, at the time Ray O'Connor, some other members of Parliament and I were in the Kimberley dealing with some matters which related to Ray's portfolio. We heard of Sam Male's death and changed our travel plans, going to Broome instead. There we attended his funeral, which comprised the most polyglot group of people I have ever seen. People of all races, occupations, standards of dress, and the young and the old, walked down this particular street of Broome, Several hundred people walked to what was apparently the original cemetery of Broome. It is one I am sure a modern-day planner would never allow to be created today because it is right on the edge of the beach; it is located within the first dunes. Sam Male was given special right to be buried in that rather disused cemetery where the pioneers of the Broome district had been buried. Apparently he had requested that his body be placed so that he could look out over the sea. that would remind him of the life he had led which was interrelated with the sea.

Mr Rushton: I had a request when I was Minister in charge of cemeteries for someone's relative to be set in concrete and stood up looking at the sunset.

Mr CLARKO: Did the member agree to it?

Mr Rushton: No. It would have been agreed to had the person been cremated. Others want to be sprinkled over their favourite fishing spots.

Mr CLARKO: It will not be possible to bury people within the Western Australian offshore water area, but one can distribute the ashes of people who are cremated.

The final example of a burial ground which has stuck in my mind—and I nearly mentioned it when members were talking about the area the other day—was at Bungle Bungle and which I saw when I visited there in May last year. I spent a week there, and I told some people it was four or five days too many, because there is not much else to see once one has seen the beautiful rock formations. A few miles from the magnificent Bungle Bungle massif there is a mesa standing up in the flat country on which there are Aeolian wind caves at about the height of this ceiling, in which Aboriginals have been buried in the past. Some of the people in the safari group with me climbed the cliff face and peered inside to look at the bones, and some took photographs. That is the most remarkably located burial ground I have ever seen.

To return to more specific matters, I give credit to the Cemeteries Act review committee which was a well-based committee and included representatives of the Karrakatta Cemetery Board, the City of Fremantle, the Country Shire Councils Association, the Country Urban Councils Association, the Health Department, and the Department of Local Government.

The committee met first in 1979. Two years later it issued an interim report. As a result of that it received numerous submissions from various community groups, including local government, cemetery boards, funeral directors, religious denominations, Government departments, historical societies, and many other organisations and the public. The committee then took note of many of the submissions and produced its final report in 1982, and on that report the Bill is largely based.

The Bill covers various areas including the declaration and management of cemeteries; the establishment, constitution, and function of cemetery boards; the licensing of funeral directors; and the regulation of burials and various other matters. Of the main matters it deals with, it proposes firstly that burials will be in declared cemeteries. There are some exceptions. The Minister or the Governor can grant an exemption. It is interesting to look at the various Acts that have been introduced to deal with cemeteries. The first was in 1847, the second in 1897, and there was a major amendment in 1972.

The 1847 Act, which was an ordinance of some sort dealing with burials, said that people had to be buried within a cemetery if they were within 10 miles of a public cemetery. The 1897 Act persisted with that 10-mile requirement, but in 1972 the Act was changed to set a 50-mile limit. Again there were exceptions; for example, if one was outside the South-West Land Division, he will find that people can be buried in various places if a local justice of the peace gives approval. That approval was subject to subsequent approval by the Governor. I do not know whether the Governor ever overruled a justice of the peace at a later stage, or what would have been the consequences in those days when they did not have the benefit of refrigeration.

The Bill tightens the licensing of funeral directors and inquires into their practices when issuing a licence, but gives them access to a court of appeal. That shows the sensibleness of the people on the committee in providing that right of appeal. In recent times there has grown up a practice among some people of carrying out a single funeral by themselves. That can be approved under this arrangement. The Bill also deals with redeveloping old areas in cemeteries, and I will deal with that in more detail in Committee.

A reason given in the report is that this is to offset the ever-increasing costs of maintaining burial sites. That is part of the reason for seeking a 25-year period so that after 25 years the cemetery board will get another opportunity to charge the holder of a burial right, and in that way the costs will not be borne by others. With the exception of certain cemeteries which are run by local authorities, the rest are self-contained financially. In a sense they do not make a profit or loss. Those people who were responsible for burials 25 or more years ago no doubt were paying for others. I am not sure I am convinced of the accounting argument for redevelopment schemes. I have spoken about grants of right of burial for the maximum of 25 years and the Opposition's intention to make it 50 years.

With the two major reservations I have mentioned, the Opposition supports the Bill. I will briefly touch on the areas where I intend to move amendments.

Mr Pearce: I think I am clear on them. I have had departmental officers speak to the Minister and they are coming up here, and with your agreement I will move to defer the Committee stage for an hour or so in order that you and I can have a talk with the officers and see if we can reach agreement.

Mr CLARKO: I thank the Leader of the House. That would be suitable from my point of view. It may seem I have a lot of reservations and amendments, but there are only four or five points, and it is a large Bill. The Opposition strongly supports many parts of the Bill, but subject to the Government's agreeing to the amendments we plan to move and taking note of some queries I have raised, we will support the legislation.

MR LIGHTFOOT (Murchison-Eyre) [2.49 p.m.]: This Bill could develop into an emotive issue, particularly with respect to people in my area of the State. If the Government takes notice of the member for Karrinyup's comments and his amendments, some of these issues could be resolved. I will outline the reason for some omissions in this Bill.

I refer the House to the multitude of historic and important cemeteries that were established in the latter part of last century and early this century, particularly in the goldfields of this State. Some of those pioneers who opened up the hinterlands of this sub-nation are now resting with their children in these diverse places. Someone from the opposite side mentioned that the children died of typhoid, measles, influenza, scarlet fever, and other ailments including appendicitis. When the pedal set or wireless contact which was

generated by pedal was first used, it was thought it could have saved a jackaroo or station hand in the Kimberley and, in fact a doctor who spoke on this crude pedal-operated radio set advised a station owner how to take an appendix out. The station owner proceeded to do so with a pocket knife which I understand he used for castrating bullocks and sheep. Even though the advice was fairly expert for the time, and the appendix was removed, and the patient stitched up, history records that the patient subsequently died and is buried in one of these remote places.

That may not be important to some people, but I personally find it to be of immense historic value. It conjures up for me an image of someone who was stronger, better, and certainly more brave than I and I would like to keep alive the memories of those people.

Some of the towns that were established in the goldfields in the latter part of the nineteenth century and the beginning of this century have vanished completely, towns such as Davyurst, Mulline, Kanowna, Burtville, Riverina, Bangemall, Tindalls, Londonderry, Jupiter, Metzkies Find, Mendleyarri, Yerrilla, Kookynie, Yundamindera, Erliston, Larkinville, and many more including a misnomer, Niagara, which is the very antithesis of the thought that name conjures up. It is a flat area with a perimeter of rolling hills. It is dry saltbush country, but it has the most attractive, if I can use that word, cemetery. When I visited this small and very sad place in the 1960s the silver and paper flowers were still under the glass domes but the colour had long since been bleached by the sun. It was intact and perfect and it was sad to see the decline of the cemetery that housed the bodies of these brave men and women and their children.

I want to dwell on the aspect which appears to be lacking in this Bill. I acknowledge that much of the Bill is no good. Clause 33 is headed "Preservation of graves, etc." It states—

> A Board may preserve graves, memorials and records which are, in the opinion of the Board, of historical significance.

Like my colleague, the member for Karrinyup, I think it is essential that the word "may" be changed to "shall' because if, in the opinion of the board, the area is of historical significance, it must be preserved. If it is not of historical significance it should not be preserved. I trust the Minister, in having his post-lunch sleep, is taking on board what I am saying.

The township of Niagara no longer exists except for the cemetery. The buildings are gone—just a few bricks remain. The town site is easily visible because there are no mulgas or gum trees and very few saltbushes. It has been reclaimed and has gone back to Mother Earth. It is a most inhospitable country and it was a most inhospitable town site. Men discovered gold there, their women followed them, and eventually their children were born. The hardships they suffered included no running water. Water was condensed with the use of timber in the scrub. There was no electricity or telephone and often there were no houses either. I recall some goldfields houses, particularly those away from the built-up and urbanised areas of Kalgoorlie and Coolgardie. They were made of four-gallon drums which were hammered into rectangular shapes and used for roofs. the walls were made of hessian which was whitewashed. that assisted in keeping the houses cool and closed up the holes in the hessian. Life was tough and I think we should preserve these historically significant places to enable us to recall the hardships and appalling sadness of our forebears.

It is heartbreaking to see the resting places of these pioneers and their children and to know of the toils and sacrifices they must have made. They are unique. I believe that bush boys do not blubber. However, it brings a lump to my throat when I read these rather pitiful signs which are still very visible on the marble. It must have cost a fortune in those days to transport them from Perth to these very isolated areas. There are words such as, "To my dearest Agnus, aged 3. Always remembered by your parents, William and Winsome." And another, "In God's Care". William and Winsome had three children buried there, as my colleague mentioned in his speech to this Bill.

A son of a British noble was buried in Coolgardie. He was 23 and his father shipped from Sweden highly-polished sarcophagus-shaped black marble that covered the length of the grave. It is still in highly-polished order and will probably remain that way for thousands of years, if it is preserved. It is incredibly sad that a migrant should come here, spend a couple of months working in what is now a little gold town called Coolgardie in the 1890s, lose his life underground, and then be buried in what was then a far-flung post of the Empire. It must have been very sad for his parents. Notwithstanding that, we should reflect on the historical value of that grave and other graves which

should give us some idea of what these people suffered and how they moulded this State. These areas have the potential to exceed all other areas of Australia in historical value.

Mr Blaikie: When one goes to Westminster, one goes to look at the tombs and to read the history of Westminster.

Mr LIGHTFOOT: We do indeed. There is no reason that these pioneers should not be treated with the same reverence that other countries show to their pioneers. We should be particularly concerned about these areas because of the hardship that the people went through in developing this nation. They went first; everything else came later. The big miners, and the pastoralists and farmers came later. We should recognise what these people did for this country, but this Bill does not seem to accord any significance, intentional or not, to the preservation of these very significant areas.

Surely if Wagyl—that mysterious, invisible creature that has had no physical manifestation, at least to me—can cost this State at least $1 million to divert a gas pipeline, we could include something in this legislation making it incumbent on local authorities to preserve these wonderful sites. But in some instances, it is too late to recover or to repair or to bring them back to their former significance.

Surely if we can spend $1 million on this mysterious Wagyl that is recognised by a minute fraction of the people of this State, we can do something about the cemeteries that are important to many people with pioneer stock. A high priority for this Government should be to incorporate and enshrine in this Bill the necessary provision to preserve sites of historical significance, the sites that remind us of the tragic deaths of some of our forebears. We owe an immense amount to our pioneers—men, women and children. It is easy to equate our people with those of the United States, and we wonder at those brave men and women in the United States who settled those areas against all sorts of adversity. Here we have something incomparable and it is manifested in all those cemeteries and towns out there that I mentioned, yet it appears that we are doing nothing about it. Unless I am mistaken, this Bill fails to address that situation.

I have said that I do not believe that this Bill is sufficiently concerned with preservation. I trust again that my colleague, the member for Karrinyup, who spoke of some significant changes—minor in action but significant in results—will be taken notice of by the Minister for Local Government. It may be that in the end all that may remain of some of those cemeteries will be the headstones, as most of the graves will have collapsed. There is evidence of bungarras, rabbits and other digging animals. There is even evidence of drinking in these cemeteries. Bottles lie scattered around.

Mr Blaikie: I hope you are saying that the drinking is introduced?

Mr LIGHTFOOT: I do not think that anyone from those graves escaped, not in these areas anyway. It is too harsh an environment.

I have a very sincere attachment to Sandstone and like to call it my home town, even though it is not. Someone was buried there very recently for the first time in 40-odd years.

Mr Read: Ha, ha!

Mr LIGHTFOOT: For the member opposite who is not in his place to laugh so raucously over something that is not funny is quite unsuitable.

Mr Pearce: It was just that you phrased it in such a way that the person could have been buried 40 years ago and reburied in Sandstone.

Mr LIGHTFOOT: No, I said that no-one had been buried there for 40 years. Recently someone who died in Sandstone expressed the wish to be buried there. Unfortunately, the coffin could not be lowered into the hole because the hole was three or four inches too short. The service was, nevertheless, still held. That is another example of the adversity gone through by outback people. They cope with all sorts of indignities, but one of them should not be to see the destruction of headstones and graves in the cemeteries in which their fathers and their fathers before them and their great grandfathers are buried.

Perhaps we should say that these areas should be designated "A"-class reserves or that they should be given historical significance by giving them the status of "A"-class reserves. That would mean that the consent of both Houses of Parliament would be needed before the titles could be altered. I am sure that one day local authorities will want to crib some of these cemeteries to put a road through, that mining companies may want to mine in them and that they may assume some sort of value as extended townsites. They should be preserved. The Government should make special grants to local governments and the cemetery sites should be collated. I do not even know whether the sites are listed or whether there is a manifest of them. There should be a collation of

these sites and local authorities should be induced or made to maintain these areas for the benefit and recognition of all the people to come after us.

When I visited Motherwell in Scotland where my mother's forebears came from in the early part of last century, I was able to trace her forebears from the departure of my ancestor who arrived here in the 1830s back to the twelfth century. The cemeteries there had been maintained. Some of the headstones were not readable, but they were easily identifiable by the documentation held within the Presbyterian Church at Motherwell. That went back 700 years; ours go back only 70 years, but we cannot maintain them properly. That is an indictment of the fact that too many people live in Perth and as a result dwell on what is good for Perth. Not enough is thought about the rest of that hinterland that is so important to the very survival of the people in Perth.

I understand that the Country Shire Councils Association concurs with this Bill. I do not know whether its concurrence is 100 per cent.

Mr Clarko: It had a representative on the review committee.

Mr LIGHTFOOT: I wonder whether some of these matters have been brought to the notice of the Country Shire Councils Association and whether its concurrence will be sought before the Bill is enacted.

Mr Clarko: It made a submission to the second review body.

Mr LIGHTFOOT: Is that reflected in this Bill?

Mr Clarko: The committee received 65 submissions, some of which were from the CSCA.

Mr LIGHTFOOT: I thank the member for Karrinyup for that information.

The legislation seems to be significantly inadequate with respect to the sites that I have spoken of and with respect to other sites that are not in town sites. I lived on a station in the north-west for several years. When people of Aboriginal descent died there, they were buried alongside the creek. If the station owner happened to be in town, which was 180 miles west, over the next few weeks, he reported it to the police station in Carnarvon and it was noted. I am not saying that we should go back to that sort of system, but the sites and the notations made of them should be recorded. The Bill does not seem to address that problem.

The second reading speech refers to the power of the Minister to authorise burials outside declared cemeteries. That is a step in the right direction; it will go some way towards addressing the problems faced by people in the outback, particularly those who live beyond Wiluna, Laverton, and some of the other frontier towns. They certainly do not want to be caught up in a cobweb of legalities because they have or have not buried their dead.

I also congratulate the Minister for the provision authorising the concept of single funerals conducted by a person with approval of a cemetery board. That is also a step in the right direction. The Minister's second reading speech states—

> Some cemetery authorities have already recognised the need for these funerals and have allowed family members or friends of the deceased to undertake such funerals.

I mentioned one such funeral that was held recently in Sandstone.

I do not agree with the provision for renewal of the right of burial in a specified area of a cemetery after the maximum of 25 years. My colleague, the member for Karrinyup addressed that point and I trust that the Minister listened to the points raised by the member.

The member for Karrinyup also addressed that part of the legislation that would provide for the limiting of current grants of right of burial in excess of 25 years to be limited to that period from the commencement of the new Act.

In summation, I exhort the Minister who is acting on behalf of the Minister for Local Government to listen to people outside the metropolitan area. I am not denying the significance of people inside the metropolitan area, but people outside that area should also be considered.

We have special problems. The Bill does not address those problems. It does not appear to address the problem of preserving those historic sites where our brave men and women pioneers, who sacrificed their own lives, and indirectly the lives of their children, are buried.

MR COURT (Nedlands) [3.11 p.m.]: I take this opportunity to add some comments to those made by the member for Karrinyup and the member for Murchison-Eyre. The Karrakatta Cemetery is in my electorate. Recently—I think it was last year—I raised in this House a problem regarding that cemetery.

I make a plea to the Government to address a problem which has arisen over the years, and that is the very dangerous traffic situation alongside the cemetery in the Railway Parade area. Traffic tends to speed, and people attending the cemetery have to park and back out onto a very busy road. If the cemetery is busy, which is often the case in the mornings, it is very dangerous. Elderly people often have to cross this very busy road.

It is not as if there is a shortage of land there. Some design work and road construction could be undertaken to improve the parking situation and make it safer. The last thing one wants to worry about when attending a funeral or a cemetery is becoming involved in a nasty traffic hazard. Some tragic accidents and many other incidents have occurred, causing considerable concern.

I ask the Government to be good enough to see whether something can be done to upgrade the facilities for people attending the Karrakatta Cemetery, because it is an extraordinarily busy place and I am concerned that further tragic accidents may occur if the necessary steps are not taken to get rid of the hazard.

MR PEARCE (Armadale—Leader of the House) [3.13 p.m.]: I reply on behalf of the Minister for Local Government, who is paired today and unable to be here. May I make a point about procedure? Last week when we sought to deal with this legislation, the member for Karrinyup asked for it to be held over on the basis that he had not had sufficient time to consider it. I was happy to concede that.

Mr Clarko: One of the groups approached was the Funeral Directors Association, and I was still awaiting information from that group.

Mr PEARCE: I have no problem there. I want to try to accommodate all members of the House, but as we are in what we hope will be the second last week of the session, it is important to move with some efficiency as well. In order to do that I am trying to avoid jumping all over the Notice Paper, so I have taken the opportunity to respond on behalf of the Minister, who is in Geraldton for the day and outside the metropolitan area. The member for Murchison-Eyre is doubtless pleased to know that.

That puts me into a difficult position. Although the Bill has been on the Notice Paper for two weeks, the member for Karrinyup produced amendments only today; they have not been put on the Notice Paper and we will require some time to assess them.

I am not being critical of the member for Karrinyup because he has been very cooperative in the time I have been Leader of the House, but may I ask members if they have amendments to raise in the remaining part of the session that they put them on the Notice Paper if it is at all possible, or at least raise them with me or the relevant Minister before the House sits so that arrangements can be made to deal with them.

Mr Clarko: I agree with that very strongly. My mistake was that I did not realise the Minister for Local Government was paired. I came prepared for a chat with him but he was not here.

Mr PEARCE: I understand the problem, but we have a lot of legislation to deal with. Could members please make sure that amendments are properly considered, because the alternative is simply for the Government to defeat everything in the amendment line because the numbers are there. However, that is not the attitude we have adopted, although Governments have done that sort of thing for years.

I propose to seek to defer the Committee stage until a later stage of this day's sitting. I will discuss the matter with officers of the department, and then I will seek to reconvene the Committee stage in about an hour's time in order to finalise this piece of legislation.

The following Bill is the Cremation Amendment Bill, although it is not contingent on the member's amendments to this Bill. Then we will take the Agricultural Protection Board Amendment Bill, and return to the Committee stage of this Bill.

Mr Clarko: There will be no delay with the Cremation Amendment Bill from my point of view.

Mr PEARCE: On the basis that members are generally in support of this legislation, with some reservations with regard to the areas indicated by the member for Karrinyup, I thank members for that support.

Two extraneous matters were raised during the course of the debate. One was by the member for Murchison-Eyre regarding cemeteries in remote and isolated areas. This Bill deals with the problems building up because of costs and space, particularly in large metropolitan cemeteries and in some other areas. The member's arguments are based more on heritage than cemeteries' legislation. The Government is sympathetic. My great-grandfather is buried in one of those cemeteries. He died of thirst in the

early years of this century while prospecting for gold.

It is not just for personal reasons, but the Government is sympathetic. It is a matter which could be dealt with separately from what we are doing here. These cemeteries are not having overcrowding problems at present. Equally, though, maintenance costs are involved, and that is a charge which we should not be trying to place on boards of other cemeteries.

Mr Clarko: Because you are not handling this completely under your own aegis—the previous Bill of 1897 had a section which allowed Governments to give money to cemeteries to help them do these things you are talking about. This provision does not exist in the present Bill.

Mr PEARCE: That is true, but there was no heritage legislation in 1897. The heritage legislation will be before the Parliament in the autumn session next year and there may well be heritage concerns in some of the cemeteries to which the member refers. The question could be dealt with then.

With regard to parking at Karrakatta, I admit that we allow some laxity in the way we discuss this legislation. That appears to be well clear of anything this Bill deals with. It is a matter of concern, and I will refer it to the Minister for Transport.

Question put and passed.

Bill read a second time.

CREMATION AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

MR CLARKO (Karrinyup) [3.19 p.m.]: As I indicated to the Leader of the House a few minutes ago, the Opposition supports this Bill.

MR PEARCE (Armadale—Leader of the House) [3.20 p.m.]: I thank members opposite for their support of this piece of legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr Pearce (Leader of the House), and transmitted to the Council.

AGRICULTURE PROTECTION BOARD AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

MR HOUSE (Katanning-Roe) [3.23 p.m.]: This Bill is a very important one for the agricultural and pastoral areas of Western Australia.

My first recollection of coming into contact with people involved with the Agriculture Protection Board was in my early days as a shire councillor when the board was structured quite differently from today. In those days the Government paid half the salary of the APB officers working in the field and the shire councils paid the other half. In that way the APB officers reported to the local authorities once a month on the activities in their areas and they also received feedback on problems being encountered with animal and plant pests.

The Act was later amended by the Minister for Agriculture of the day so that we changed from a regional system to one where the Government alleviated the need for shire councils to pay half the cost of the salaries of the APB officers. However, this brought some problems with it.

We went from a situation where we had people actively working in the field to one where they were acting only as inspectors, inspecting different areas and then telling the farmers what they had to do about a problem. Unfortunately many farmers did not have the proper equipment to cope with different problems and others lacked a desire to do the job. It is fair to say that the situation got out of hand for a while.

By good sense we then reverted to a situation of having inspector-operators who not only made judgments about what had to be done but also performed the necessary work for a fee for those farmers who did not want to do the work themselves.

I was a little sad at the passing of the era when some of the responsibility for this work was taken from local councils, because I strongly believe that local councils had a very sound input to make.

We now see some dissension about the composition of the Agriculture Protection Board. The membership of the board must be distinguished quite clearly in peoples' minds from the membership of the zone control authorities. Each zone has representatives of local people, from shires, from the Pastoralists and Graziers Association and from the Primary Industry Association, and these people liaise with local authorities and the inspector-operators in each area. They have done a fine job over the last few years and have contributed greatly to our having kept a lot of noxious weeds and animal pests to a manageable level. Primary producers must recognise that we cannot afford to lessen our vigilance in this area or this problem will very quickly get out of hand.

The amendments in the Bill aim for a compromise between the representation of some of the rural industry bodies and the Country Shire Councils Association with respect to representation on the APB. The real debate on this issue was fuelled initially some years ago when the then Minister for Agriculture, in appointing the board, left one group in this State largely unrepresented. Any fair-minded person would agree that each area needs to be represented because each area has its own problems. I indicate now that during the Committee stage I will move an amendment to clause 4 and I will explain the reason for this as I go along.

The Bill indicates that part of the board will be made up of one or two persons selected from a panel of seven names submitted by the Primary Industry Association, and one person selected from a panel of six names submitted by the Pastoralists and Graziers Association. I am sure the Minister would be aware that the Primary Industry Association has a membership of about 8 000 and that the Pastoralists and Graziers Association has a membership of about 1 500. My amendment will provide that the panel of names submitted by the Primary Industry Association should have two people selected from it with one person selected from the panel of names submitted by the Pastoralists and Graziers Association. That does not balance mathematically the distribution of membership of these associations but it would make their respective representation much fairer and more equitable.

I want to touch on two other things in a more general sense in regard to the board. One matter concerns the way it raises its funds. The Minister will be aware that the funding for skeleton weed control comes from a levy imposed on each primary producer. That funding is taken from a primary producer's first delivery of each season to Co-operative Bulk Handling Ltd. The unfairness of this arrangement is that some primary producers deliver under two separate names. There might be a husband and wife family partnership with a son also employed on the farm who pay part of the son's salary or bonus by way of grain produced.

They would have been paying two levies to the wheat fund from the one property and the one grain producing unit. I believe that is a little unfair and it is not the time in debating this legislation to address that problem, but it is something that needs to be remembered about the way funding for the Agriculture Protection Board is raised.

The other thing that concerns me greatly is the number of officers in the field working for the Agriculture Protection Board. I think we need to be very vigilant about the problems of animal and wheat pests in agricultural areas. I am sorry to say that a number of farmers do not see it that way, and need to be reminded by their local officers, or by the due process of law, that they do have a responsibility to their fellow farmers to do something about those pests. I am aware also of the budgetary restraints on the Government.

Any lessening of the field staff, or any move to spread them more thinly over the agricultural areas, would surely result in an explosion of some of these problems. I believe we cannot afford that to happen. In some areas these officers are becoming too dependent on the income provided by shire councils through contract work like reserves and road verges.

The Agriculture Protection Board's senior officers need to be very vigilant so they do not let some of these officers do the easy jobs and not the more difficult ones.

That sums up the National Party's attitude to this proposal. We do support the Bill. However, as I pointed out, we will be moving an amendment to clause 4 in the Committee stage.

MR CRANE (Moore) [3.33 p.m.]: While we will not oppose this legislation, there are several points in it with which the Opposition and the representatives who have made up this board, over previous years, are not entirely happy.

It is a fact that the board previously consisted of 11 members. That number is to remain the same, but it is the structure of that membership which does concern me, and the way in which those members can be

nominated. In one area the Government representation of three people is to be reduced by the removal of the Treasury official. In the original legislation, provision was made for one representative from the Pastoralist and Graziers Association and two from the Primary Industry Association. The Country Shire Councils Association representatives were to make up the rest of the board. One of the criticisms we have is that a certain amount of unwarranted power is to be given to the Minister.

I make the point about these organisations nominating so many members, and one to five being selected from that nomination. This procedure is, in our opinion, contrary to the true provisions of a democracy where people who have a very real interest ought to be able to nominate the people they desire to represent them and those nominations ought to stand. But it does not work that way. A number of names can be put forward and from those names will be chosen the people the Government decides to have on that board.

It is not a criticism of any particular Government. It is a criticism of government. This has happened in many other organisations, and one in particular which has caused much controversy of late and presently with the representatives of the fishing industry, is the rock lobster advisory committee. The fishermen are complaining for the same reasons. I use that example to illustrate my point.

The Pastoralists and Graziers Association is not happy with this Bill at all. It believe's it gives too much power to the Minister and it lends itself to politicisation of the Agriculture Protection Board as the Minister has a wide choice of candidates from which to choose the members of the board. I do not believe this is very desirable. However, it seems that this is the way in which the Government wishes to go with this legislation.

The Country Shire Councils Association also opposes the Bill for the reasons I have stated. It believes the existing structure has served rural areas very satisfactorily. I do not believe we can take issue with that. I think it would be a reasonably accurate assessment. It points out that shire nominees are carefully selected for their local knowledge and suitability for the position. As members know, there is no subsititute for experience. An ounce of experience is worth a ton—perhaps two—of academic knowledge.

If we are to move away from this practical experience in the field, we run into the danger of being talked down to theoretical "idiocracy". The PIA is not entirely happy with the legislation although it is prepared to go along with it. It claims the proposed changes are as it expected, but they are not the ones originally requested. This does not surprise us because any Government with a majority will do what it wants to do. I believe the PIA has put its case very succinctly, fairly, and squarely. At the moment the PIA is prepared to go along with the amendments proposed. It will continue to take up the fight and pursue the implementation of direct representation.

The one part of the provision with which I can agree entirely is that which relates to reducing one more representative from a Government department. That is certainly going along the right track.

The National Party has given notice that it will move an amendment to clause 4 to retain the status quo. In the old legislation there was one representative from the Pastoralists and Graziers Association and two from the Primary Industry Association. This has been a bone of contention between these two organisations. One organisation claims that because it has a greater number of members, it should have greater representation. The other organisation claims its membership is not numerically so important as the value of the industry its member represents. It claims it is, in monetary terms, of far greater value than is numerically suggested. These are arguments between two organisations and I do not intend to become involved in them.

The representation in the past was for one member from the PIA and one from the Pastoralists and Graziers Association. This amendment is proposed by the member for Katanning-Roe. It does not change the status quo and we will go along with it. I hope the Government will also agree to it.

I believe it is wrong for organisations to have to choose a number of people from which Governments will select their choices. It lends itself to stooges being set up to be accepted into an organisation. This does happen and we see it in all walks of life. If one is able to put forward two names to be selected, there is a far greater chance that they will be accepted and that there is not a possibility of misrepresentation by a stooge who is put up and who may—I use the word "may" advisedly—be acceptable to the Government for reasons which the Government may feel are important enough for it to make that decision. I would prefer to see, in legislation of this type when it comes before the House, a more direct and responsible decision

by the people who nominate the representation, and that they not put up a bevy of names for someone to be selected by the Government, because that lends itself to skulduggery. I am not suggesting there is skulduggery, but it lends itself to that.

One often hears the phrase, "Justice must not only be done, but it must be seen to be done." Many people do not believe it has been done in the example I have mentioned in the fishing industry; that is, in the rock lobster industry.

Mr Blaikie: There is no opportunity for temptation.

Mr CRANE: Temptation is wicked and should not be encouraged.

The legislation provides for another amendment to increase to $100 000 the value of contracts which require sanctioning by the Governor. At present if contracts exceed $10 000 they need the Governor's sanction. When one considers the rate of inflation, the amount of the contract is low; and the Minister explained this in his second reading speech when he said that the increase is necessary as many of the board's routine contracts such as aerial baiting, fence maintenance, and building extensions exceed the existing figure. At present the costs do exceed the existing figure, and it is appropriate that it be amended in this legislation. The three-year provision is practical.

I have put forward the views of the associations which do have an interest in this legislation. They are not entirely happy with what has happened, but feel that at some time in the future, perhaps the not too distant future, there may be a possibility for further change.

I support the Bill.

MR LAURANCE (Gascoyne) [3.42 p.m.]: Comments I made about a previous Bill apply also to this Bill. The Minister would know, sitting as he is in almost solitary splendour, that the remarks I made previously refer to this legislation also. I complimented the staff of the Agriculture Protection Board and placed on record the historic facts concerning my electorate and this legislation.

Mr Grill: I have taken note of what you said.

Mr LAURANCE: In a bipartisan way I spoke about the contract doggers and commented on how a small group of people can organise themselves, with Government funds, to employ staff to carry out a job on behalf of themselves and the State and that they can bring about significant savings. They do things more effectively than perhaps other organisations, and they receive a better result. That is not a criticism of the public servants, but this method does work better in the bush. Money is given to people to undertake a contract instead of it being funded through a bureaucracy. It works well. I am aware that the Treasury was concerned that the money would not be spent wisely.

Groups of pastoralists come together and employ a dogger. They apply for a contract from the Government to carry out the work, and the dogger is responsible not to the APB officers in Perth, but to the patoralists. He travels from station to station and the only question he has to answer is that from the boss when he says, "How many dogs did you get?"

It has worked effectively and it overcame the difficult problem in the pastoral areas of the State. It has been a great success and is a lesson to anyone involved with the Government in this State.

MR GRILL (Esperance-Dundas—Minister for Agriculture) [3.44 p.m.]: I thank members opposite for their qualified support of this Bill. The matters they have raised which qualified their support will no doubt be brought up in the Committee stage.

I indicate to the members who have contributed to the debate that the changes to the Act have been put forward in an endeavour to better represent country areas, to gain a more even spread of representation from the various districts, and to balance all the competing interests that there are in the bush in relation to this particularly important activity of the Government's.

There is bound to be disagreement between the various competing interests. I assure members opposite that there has not been anything political in relation to the recommendations for these particular changes. The changes have been recommended by the Agricultural Protection Board in association with the Department of Agriculture and without any input at all from the Government or me.

I am assured that the officers who have looked into this matter have simply tried to bring about a spread of representation which more effectively represents the various competing interests in country areas. The legislation is probably not perfect, but it is a compromise which we can achieve at this stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Dr Lawrence) in the Chair; Mr Grill (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 5 amended—

Mr HOUSE: I move an amendment—

Page 2, line 24—To delete "not less than one and not more than".

When speaking during the second reading stage of this Bill I explained that there is a great difference in the numerical strength of membership between the Pastoralists and Graziers Association and the Primary Industry Association.

One could interpret from reading the Bill that there would be one representative from the PIA because the Bill states, "not less than one", and one representative from the Pastoralists and Graziers Association. We could have one person representing approximately 8 000 producers and one person representing 1 500 producers, and that is out of balance.

The amendment seeks to redress that imbalance, and it does not do it in a numerical way, but it will enable the composition of the board to be more evenly balanced and there would be a fair representation on the board.

Mr CRANE: I also support the amendment proposed by the member for Katanning-Roe. During the second reading debate I explained the numerical differences in membership of the two organisations. In some instances the value of one part of an organisation does not rest on numerical strength. Over a number of years the Primary Industry Association has taken a considerable and increased interest in the pastoral areas. Mr P. B. Lefroy has represented the association. He is a well-known pastoralist in this State and comes from a well-known pastoralist family. He has done a lot of work for the PIA in representing the pastoral industries and those people in the far north. Therefore, the PIA has a fairly well-represented interest in the pastoral areas. For that reason, it is quite reasonable to expect that there would be one representative from the PGA and two from the PIA.

I hope that the Minister recognises those points. After all, agricultural protection legislation exists for the benefit of not only Western Australia but also the pastoralists and the farmers who are most directly connected with agriculture in the State. Therefore, those people must have a fairly important input into the administration of what will be their destiny.

Mr GRILL: The Government is not prepared to accept the amendment, at least at this stage. Had the member given a bit more notice, I may have been able to obtain some instructions from officers of the department. As I indicated earlier, there has not been a great deal of Government input in respect of these changes. Basically, the industries affected by the Bill have appreciated that there needs to be some change in representation, that there needs to be a wider representation. In response to that, the officers of the Department of Agriculture and the Agriculture Protection Board have endeavoured to put together a compromise which would suit all the competing interests.

Any compromise probably will not suit all the parties concerned. Although I concede that there appears on the surface to be a rough justice in ensuring that the PIA has representation at least twice that of the PGA, I am not sure how in all cases that would affect the compromise that has been put together. I would also imagine that in most cases the Minister administering the Act would endeavour to ensure that the PIA had twice the representation of the PGA. As members would appreciate, he is given that flexibility within the legislation. It would be an unusual circumstance if that were not the case.

The first change in respect of representation on the board is that there will be fewer Government members—everyone probably appreciates that fact and applauds it. The second change is that there will be representation from the zone councils—everyone would appreciate that those zones should be represented. Thirdly, the Minister is probably given a little more discretion in determining the make-up of the final board because of the various considerations that need to be taken into account to get a balanced board and to represent all the zones and to ensure that all of the areas and interest groups are represented fairly. That is why that flexibility is built in. It is a balancing act.

I indicate to the members who have supported the amendment that I am not irrevocably indicating that the Government will not consider it. I will take the suggestion back to the department. It may well be that if the amendment is not likely to do too much damage to the compromise put forward in the Bill it could be accepted in another place. If members take my remarks in that spirit, I indicate that at this stage the Government cannot accept the recommendation.

Mr STEPHENS: I am amazed that the Minister cannot accept the amendment. I am also surprised that he said he was waiting for "instructions" from his officers. I would expect the Minister to make the decisions. His words give credence to the popularly-held public belief that the bureaucrats make the decisions and we just rubber-stamp them. I hope that was not his intention when he spoke.

There is no question that the PIA have more than twice the numerical superiority of the Pastoralists and Graziers Association. On that ground the amendment is very fair and well-worded. It is also consistent with Labor Party philosophy. That is another reason I find it difficult to accept the Minister's rejection of the amendment. The Minister for Local Government has been going around the country forcing local government to bring in one-vote-one-value, yet this Minister is not prepared to accept the same principle.

I object also to allowing the upper House to amend the legislation on our behalf. We should not let legislation go out of this place until we are satisfied with it, because if we allow the other Chamber to implement amendments that were really conceived in this place, in years to come those amendments will be shown statistically to have been made in the Council. That is another reason I oppose the point of view put by the Minister. The Minister should accept the amendment that has been moved so capably by the member for Katanning-Roe.

Mr HOUSE: First, I apologise to the Minister for not giving him enough time to consider the amendment. I also thank him for his offer to consider the amendment before the legislation is debated by the other place. However, I remind the Minister that a previous Minister for Agriculture left a large area of this State unrepresented on that same Agriculture Protection Board. I for one am not prepared to run the risk of that ever happening again. The representation must be fair and even. I make the point that we feel very strongly about that.

Amendment put and a division taken with the following result—

Ayes 19

Mr Blaikie	Mr Lightfoot
Mr Bradshaw	Mr MacKinnon
Mr Cash	Mr Mensaros
Mr Clarko	Mr Nalder
Mr Court	Mr Rushton
Mr Crane	Mr Schell
Mr Grayden	Mr Spriggs
Mr House	Mr Stephens
Mr Laurance	Mr Williams
Mr Lewis	

(Teller)

Noes 24

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Terry Burke	Mr Read
Mr Burkett	Mr P. J. Smith
Mr Peter Dowding	Mr Taylor
Mr Evans	Mr Thomas
Dr Gallop	Mr Tonkin
Mr Grill	Mrs Watkins
Mrs Henderson	Dr Watson
Mr Hodge	Mr Wilson
Mr Tom Jones	Mrs Buchanan

(Teller)

Pairs

Ayes	Noes
Mr Watt	Mr Bryce
Mr Tubby	Mr Gordon Hill
Mr Trenorden	Mr Carr
Mr Cowan	Mr Troy
Mr Hassell	Mr Brian Burke
Mr Thompson	Mr D. L. Smith

Amendment thus negatived.

Clause put and passed.

Clauses 5 and 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 Mr Grill (Minister for Agriculture), and transmitted to the Council.

COAL MINERS' WELFARE AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [4.06 p.m.]: This Bill proposes to amend the Coal Miners' Welfare Act which was originally introduced in 1947. Its purpose was to provide amenities for the workers on the coalfield which were not otherwise being provided, and catering for their physical and cultural well-being as well as providing education for their children.

The rate originally set was a halfpenny per ton of coal and that figure has not changed since 1947. The Bill authorises an increase of that levy to 2c per tonne and also states that the levy will in future be imposed by regulation.

Although the Opposition will not oppose the legislation, we do not want this agreement to be interpreted as approval in principle for the procedure of imposing taxes, levies, or charges by

regulation. We do not approve of that course of action.

We have no objection for small charges such as this and that is why we are supporting the legislation. However, I do not want to be misrepresented at a later date when we may take issue with a major charge being imposed by regulation.

With those few words the Opposition indicates that it has no objection to, and is pleased to support, the Bill.

MR STEPHENS (Stirling) [4.08 p.m.]: The National Party does not object to a slight increase in that levy, bearing in mind that it was first set in 1947 and taking into account the existing situation.

Like the Deputy Leader of the Opposition, I make the point that this is another instance of Parliament deferring its powers to a regulatory process. The National Party is strongly opposed to that action. We reiterate that items such as this should be brought before the Parliament. It is not sufficient to say that the levy can be raised by regulation and, if Parliament does not agree, it can move for the disallowance of that regulation. The satisfactory method is to bring the matter before Parliament.

We indicate our opposition to that principle of raising charges by regulation, but we shall not seek to divide the House.

MR PARKER (Fremantle—Minister for Minerals and Energy) [4.09 p.m.]: I thank the Deputy Leader of the Opposition for the Liberal Party's support of the Bill and the member for Stirling for, if not supporting it, at least not going to the extent of opposing it.

The point raised is not an important one in this context. I recall that in the last three years of the previous Liberal Government—in my first three years in Parliament—Bill after Bill came to this Parliament from the former Government precisely in order to change the method of raising these forms of levies and taxes from that which required each and every change to have the approval of the House to one which required them to be done by regulation. That is the history of the matter.

I do not quite understand the added opposition to the whole concept which has been expressed by the member for Stirling; nevertheless, I thank him for agreeing to allow the Bill to proceed.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

METROPOLITAN REGION IMPROVEMENT TAX AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

MR HASSELL (Cottesloe—Leader of the Opposition) [4.14 p.m.]: With the introduction of the new land tax scales from 1 July 1987 the Government will do away with the existing 10 per cent rebate because the new scales are lower than previously.

The 10 per cent rebate also covered the metropolitan region improvement tax. However, that tax is not dependent on the new scales, so in order to preserve the 10 per cent rebate this Bill provides for a 10 per cent reduction in the metropolitan region improvement tax. The Treasurer claims this measure will result in $1 million of revenue being forgone; however, it is most unlikely that this figure takes into account future land revaluations. Indeed, in the debate on the Land Tax Assessment Amendment Bill this morning the Treasurer confirmed that his estimates in relation to land tax had not taken into account future land revaluations. The rate may have been reduced by 10 per cent, but the actual tax payable is also a product of land valuations, so if land valuations have not been taken into account it may well be that the actual tax does not reduce as predicted by the Treasurer in his second reading speech.

As with any tax, the burden is demonstrated by the total level of revenue collections. Until the second report of the Auditor General is released the latest figures we have for the metropolitan region improvement tax receipts are for 1984-85. Between 1982-83 and 1984-85 the total MRIT revenue increased from $6.3 million to $7.9 million, which represents an increase of 25.4 per cent, when the prevailing rate of inflation was less than 14 per cent.

Once again, in the case of this tax we see that the increase has far exceeded the rate of inflation. The real increase is substantial, although the dollar figures are smaller in this

case. As a result of that, we see that the Government is sustaining a high level of expenditure on the basis that its taxes are growing; certainly they are growing substantially in this field, as in others. What is needed in this State is a substantial, sustainable, long-term commitment to reducing Government spending, at the very least making sure that the growth does not exceed the rate of inflation in any year. However, the details of that are to be worked out and determined in our policies, and we will be putting them forward in due course. In the meantime the Government's spending continues and is sustained by the growth in these sorts of taxes.

The legislation before us provides for a concession. As I have pointed out, the concession does not amount to much; but needless to say, it has our support.

MR PEARCE (Armadale—Minister for Planning) [4.16 p.m.]: It is the nature of Government and Opposition that the Government will always seek to present its tax measures in the best possible light, and the Opposition will seek to present them in the worst possible light. It does seem that the argument about the rate of tax versus the sum total of all taxes is one which has been much bandied about in recent times.

It may be the case that because of growth in the community, or increases in valuations, or the like, the amount of tax taken in any tax measure will continue to increase from year to year. Nonetheless, the Government is following a regime of tax constraint and is seeking to do so by introducing a rate of taxation on individuals. That applies in a whole range of ways. It may well be true to say that if we cut back on the rate of tax the amount still increases because of increases in valuations. Although that is true, if we do not change the rate it is equally true that the amount of the tax take would increase even more dramatically.

We believe the tax regime on which we have embarked is a regime of restraint, which is reflected in the proposals to amend the metropolitan region improvement tax which are currently before the House. I might say that this tax is one that is applied directly to improvements in the metropolitan region; that is, it is not a sum of money which disappears into the maw of the Consolidated Revenue Fund. The tax is applied directly back to improvements in the metropolitan region, from the acquisition of land for freeway construction, to road development, to public open space, often going to very large and expensive projects which the State would neither be able to afford nor manage otherwise. That would leave us with a much poorer metropolitan environment.

The member for Karrinyup in recent times has said what a beautiful city Perth is, and I think he meant that in the largest terms rather than merely the Perth central area. I agree with him that Perth is a beautiful city, and one of the reasons for that is the very large sums of money that both this Government and preceding Governments have been able to apply to the acquisition of large tracts of land for public purposes and public open space.

I appreciate the support of the Leader of the Opposition for this legislation, qualified though it was. I believe it will continue to be the basis of a fair and just tax for the good of all Western Australians.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

INHERITANCE (FAMILY AND DEPENDANTS PROVISION) AMENDMENT BILL

Second Reading

Debate resumed from 14 October.

MR MENSAROS (Floreat) [4.23 p.m.]: This is a very simple small Bill which amends the Act so that the de facto widower is also taken into consideration, as is the de facto widow, when he is not adequately provided for by will or general intestacy laws. The Opposition reluctantly accepts the Bill, but I would like to say a few words about the principle it incorporates.

While I realise the necessity of the amendment according to the prevailing custom of people living together without marriage, I do not condone it, and indeed I rather condemn it. It is a habit not becoming to a civilised society of Judaeo-Christian tradition. However, the institution of marriage is based not only on religious rules. It cannot be held to be solely the result of various religions, as it is also based on human nature. This human nature—whether one accepts its divine origin or not—

was codified by the different religions in the interests of humanity itself. There were trends which wanted to assert themselves against this not only divine, but also human institution of marriage, but they did not survive for very long.

After the revolution in Soviet Russia, the Communists wanted to abolish the status of marriage. If one looks at the history of that time—and some very old people who came from there remember and relate it, if one can talk to them—one sees that Soviet authorities at the time encouraged men and women to live together. Indeed, they made it difficult to obtain legal marriage status. After a very short-lived initial success, however, the situation changed and not only reverted to the pre-revolutionary status quo, but also there were and still are infinitely fewer cases of de facto cohabitation in the Soviet Union than anywhere else in the western world.

I find it strange that under the currently prevailing vogue of extreme so-called non-discrimination, the legislation, apparently under the impression of following public opinion, condones de facto relationships. Indeed it encourages people to flout the institution of marriage by giving them an incentive to do so. That is what the Bill does, and that is what the respective provisions of the parent Act did.

I wonder to what extent will we by negative tolerance or positive legislative measures continue to follow this tide? To what extent will we further demolish natural, logical, and ethical discrimination? The logical sequence of the present measures would be to statutorily allow convicted criminals or bankrupts to become members of Parliament because, after all, the present rules discriminate against them.

I shall discontinue asserting my apparently lonely views. I hope and trust that after a historically short period of time, in the not-too-distant future, they will be generally accepted as they were until a generation or two ago. Because today I am alone in expressing such views, I will not oppose the Bill.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [4.28 p.m.]: I thank the Opposition for its support of the legislation. I must say that the member's prescriptive view of society in suggesting that a piece of legislation that seeks to recognise the end result of reality—which is that some people are currently disadvantaged by loopholes in the law when they have lived for extended periods in cohabitation and one of the parties dies and the surviving partner is disadvantaged—encourages a situation that exists, is a slightly odd view of the role of Parliament and this legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BILLS (2): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Miscellaneous Repeals Bill.
2. Rural Housing (Assistance) Amendment Bill.

PIGMENT FACTORY (AUSTRALIND) AGREEMENT BILL

Message: Appropriations

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

STIPENDIARY MAGISTRATES AMENDMENT BILL

Second Reading

Debate resumed from 16 October.

MR MENSAROS (Floreat) [4.33 p.m.]: The net result of the Bill is, according to the Attorney General, that apart from the six persons who have either already passed or who are in the process of passing the prescribed examination, in the future only practising lawyers, those from any of the Australian States, England, or Northern Ireland, can be appointed to positions of stipendiary magistrates.

The Government's reason for this appears to be twofold. Firstly, there are now enough practising lawyers to fill the stipendiary magistrate positions and therefore the expected non-lawyer applicants should not be embarrassed. Secondly, the jurisdiction generally has become so much more complex and will be so extended that qualified lawyers will be needed to fill the positions of magistrates. Both arguments are true, per se. However, I wonder whether they necessarily beg the solution contained in the

Bill. That there are more lawyers is in itself a salutary thing. The number of them has always been restricted, I have felt, in comparison with continental countries. One only has to look at the restricted numbers of admittances to law schools at universities to prove this statement.

One could be tempted to say that the restriction has been caused by the influence of the profession itself to keep the supply always below the expected demand. Until 1957, as I understand it, there was no necessity for someone who wanted to become a practising lawyer to pass university studies and examinations. It was enough that they were articled clerks. In my humble way I would like to mention that I passed two post-graduate degrees at different continental universities but never used the letters. I practised for seven years on the continent, and yet was not able to practise here when I arrived in 1950. There was no other university course at that time except one in the morning run by Professor Beasley of the Law School. If one did not have sufficient capital to live without working for three or four years one could not do the course. Looking around legal offices to be articled, the best offer I received was that if I paid them three guineas per week I would be accepted.

There are enough lawyers now to fill positions and, as I said, that is a salutary thing because it might more equalise the supply and demand situation and might at some stage make the law and particularly litigation more accessible to the general public.

I wonder whether it necessarily means, though, that appointments to the magistracy should be restricted to lawyers. There is no guarantee that young applicant lawyers would have more experience than someone who has served for a period as a clerk of the courts, a mining registrar, or in other capacities. The law has undoubtedly become more complex and will become more so, day by day, particularly as we pass legislation in an accelerated way year after year. Lawyers, therefore, become so specialised that an all-round lawyer is not imaginable today. Often, for this reason, experience and commonsense might do more to assist a magistrate than academic knowledge without any practice.

Anyone sitting in judgment needs more than a legal qualification; he also needs a lot of commonsense and compassion. In view of the circumstances mentioned by the Minister in the second reading speech, I wonder whether the Bill is not superfluous. The Minister spoke about six persons, three of whom had been certified as having completed the prescribed examinations and three of whom had been authorised to undertake the course for examinations. If they have to be authorised to undertake the course, could we not have achieved the same aim simply by not authorising anyone else who applies to do the special examinations? We could have left things as they were and appointed, in a pragmatic sense, only lawyer applicants. The non-lawyers would have fallen away anyhow because they could not have done the special examination.

Should circumstances change in the future and not enough lawyers apply for the positions, the Attorney General of the day would have the opportunity to appoint experienced lay people and allow them to do the examination before appointment to the bench. Had we implemented that simple method of not authorising people to undertake the course, it would have had advantages over the legislation. I would be interested in the Minister's view about my suggestion. After all, he has lived in that environment.

MR HOUSE (Katanning-Roe) [4.42 p.m.]: The Bill ensures that stipendiary magistrates will have to be legally qualified in the future. I find it very difficult to support the Bill. I have a great deal of faith in the natural ability of people to act responsibly in certain situations. The law is one of those areas in which a bit of understanding of the local situation and of what is happening in the world in a commonsense way is as important as some legal training. Perhaps the Bill recognises that the laws are now so complex that they are getting beyond the comprehension of ordinary people. The member for Floreat has just pointed out that much of the vast amount of legislation we pass is very complicated. That is a pity because the law should be for the people and it should be able to be understood by them.

The vast majority of people who come into contact with the judicial system in Australia do so at the magisterial level. Perhaps that enforces the point that it is very necessary for people to understand what is happening to them in the courts. It is important also that the magistrate have some sort of feeling for the people with whom he is dealing. I have difficulty in being persuaded that someone with academic legal qualifications would necessarily be a good adjudicator of a dispute. It seems to me that they are two very different things. I acknowledge, of course, that a magistrate needs a good comprehension of the law, but suggest

that he does not necessarily need to be a qualified solicitor.

Although understanding of the law is important, application of it is even more so. Any person who sits in judgment on others needs to have understanding of and compassion for the people on whom he sits in judgment. I am not suggesting that lawyers would not have such compassion, but I am suggesting that people who have a more broad experience, without necessarily having high academic qualifications, are more likely to have it.

I am greatly concerned that the only way to get into university courses at present is to get higher and higher marks in an academic way. There is no other assessment. For example, if the law school or the medical school wants to take 100 applicants in a year, it simply raises the level of the mark that is necessary to weed out those applicants in excess of that 100. That sort of system will mean that we will finish up with many academic eggheads in the positions of lawyers, doctors and so forth.

Mr Watt: They reckon that there is only a fine line between insanity and genius, so you could very easily have a person highly qualified academically who may not have it up top at all.

Mr HOUSE: The sort of system that I have just described needs to be looked at because if we do not change it we will ignore the people who have some natural ability in making decisions. The same sort of argument can be used with respect to the justices of the peace system. Justices of the peace over the years have served the State in a magnificent way, but when they make a mistake scorn is heaped on their decisions, particularly by the Press. Magistrates and judges also make mistakes. I am sure that even High Court judges can make mistakes.

Mr Peter Dowding: And you cannot challenge them.

Mr HOUSE: That is right.

We could upgrade the system to the point where everything was out of proportion. We should be judged by our peers. I would like to think that if I were being judged it would be by somebody who exercised all the necessary discretion, not just discretion on points of law. The pertinent point is that lawyers now can be appointed to the magistracy. Therefore, this Bill is not necessary.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [4.48 p.m.]: In answer to the member for Floreat, I point out that the method suggested by him was not chosen because, for the reasons expressed in the second reading speech, it was thought appropriate to make a decision to abandon a course of action that hitherto was an option. In fairness to those who might want to plan their careers, it was felt that the situation should not be left as it was and that there should be more than a possibility of appointment. It would seem fair and just that the attitude of the community should be expressed in this way—that is, by simply putting an end to the method of getting to the appointment.

The member for Katanning-Roe painted a halcyon, somewhat romantic picture of the processes of the law. The last thing this community should be talking about is fewer skills. We ought to encourage everyone to gain more skills. The law itself is becoming increasingly complex. A court is not an opportunity simply for a cosy, fireside chat in front of a good fellow who makes a determination. It is quite often a very adversarial activity in which lawyers will be paid by these common folk—as they pull the hayseeds out of their hair and the wallets out of their pockets—to fight the case to the bitter end. It is terribly important in that circumstance that the magistrate should be at least as skilled in terms of academic qualifications as the persons who are arguing in his or her presence.

The issue of compassion, of course, is relevant and is one of the determining factors for the appointment of a person to the office of magistrate. I thank the House for what appears to be support for the legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ACTS AMENDMENT (RECORDING OF DEPOSITIONS) BILL

Ministerial Statement

MR PETER DOWDING (Maylands—Minister for Employment and Training) [4.53 p.m.]—by leave: An amendment stands on the Notice Paper in respect of this Bill.

Under the Bill as introduced, a certified transcript of a deposition given and tape-recorded at a Coroner's inquest or committal hearing may not be used as evidence at trial if it is proved that the transcript is not a correct transcription of the recording.

Comment on the Bill has raised the question as to when and how a person may challenge the accuracy of a transcribed deposition. The amendments I am moving are intended to prescribe the basic requirements for that procedure.

It is envisaged that parties will be able to obtain a copy of the transcribed deposition well in advance of the trial in which it is intended to be used. A person intending to assert that a deposition has been incorrectly transcribed must give the prosecutor at least seven days' notice of this intention. The notice will be in a form to be prescribed by regulation. This notice procedure will facilitate the resolution of the issue and avoid unnecessary delay at trial.

In view of the nature of the proposal, I seek to draw it to the attention of the House before the second reading debate proceeds.

Second Reading

Debate resumed from 23 October.

MR MENSAROS (Floreat) [4.56 p.m.]: I did not want to respond to the Minister because I could answer this point at the Committee stage. The present requirements in connection with the subject matter are that the evidence given by the witness at an inquest and in committal proceedings are to be in writing, read, and signed by the witness and the coroner. The Bill allows for an electronic audio transcript as an alternative—not exclusive—method to be used for this purpose.

The transcript must be certified by the authorised persons. The Bill provides penalties of $5 000 or two years' imprisonment, and gives power for regulating authorised persons and the like. One might say we welcome the provisions coming a little late, but I do not do that because with every institution, custom, or tradition we should be quite sure before instituting a change. A change may occasionally do more harm than good.

This change has been based on experience, and it is a proven method with various safeguards. The safeguards are built into the provisions, so there is not much to be criticised.

I wonder whether the Minister can answer one question which has not been explained in the second reading speech—neither can I see any provision in the Bill regarding it. It is clearly provided that the use of electronic devices is an alternative method to the present one, although not a substitute. The question is who or what decides which alternatives to use?

There are several possibilities. Is the alternative to be used only if the coroner or the magistrate has no electronic recording equipment? Is it in case the equipment fails? This is not spelt out in the Bill. According to my reading, the Bill does not provide what method is to be used and at the discretion of whom.

What about the witness? If he chooses to state his case in writing and he does not want to use the device, can he be compelled to do so? Or is it, as the Minister implies, at the discretion of the coroner or the magistrate?

I would appreciate the Minister's explanation. If he feels he cannot give one, he might refer the matter to the Attorney General who might then clear up the matter.

There is no doubt that in an inquest and in committal proceedings both methods can be used, and properly used. The only doubt I have is who is to decide which alternative can be used.

I also express the view that streamlining of the process of obtaining transcripts generally could and should be done, because that process is tremendously slow and very cumbersome, and often the transcripts are unobtainable. The Opposition spokesman on legal matters should not be burdened, as I am, with several complaints by all and sundry to the effect that they cannot properly receive a transcript of court proceedings. I wish to place that on record, because it is a matter to which the Attorney General should direct some attention.

I support the Bill.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [5.01 p.m.]: My clear reading of proposed section 13 in clause 4 of the Bill, and proposed section 73 in clause 8 of the Bill, is that it is left to the decision of the magistrate or the coroner, as the case may be, to make that determination, and I do not see that to be at all equivocal.

As to the second comment made by the member for Floreat, I will certainly refer it to the Attorney General.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Thomas) in the Chair; Mr Peter Dowding (Minister for Employment and Training) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 15 amended—

Mr PETER DOWDING: I move the following amendments—

Page 3, line 26—To delete "subsection" and substitute the following—

subsections

Page 3, after line 35—To insert the following subsection—

(3) A person shall not allege that a deposition intended to be read as evidence on a trial is an incorrect transcription of a recording unless, not less than 7 days before the commencement of the trial, that person has given the prosecutor notice in the prescribed form of his intention to raise that allegation.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 6: Section 107 amended—

Mr PETER DOWDING: I move the following amendments—

Page 4, line 18—To delete "subsection" and substitute the following—

subsections

Page 4, after line 28—To insert the following subsection—

(3) A person shall not allege that a deposition intended to be given in evidence at the trial of the person against whom it was taken is an incorrect transcription of a recording unless, not less than 7 days before the commencement of the trial, that person has given the prosecutor notice in the prescribed form of his intention to raise that allegation.

Amendments put and passed.

Point of Order

Mr MENSAROS: On a point of order, Mr Deputy Chairman, I seek your guidance. I was very happy with the procedure you are adopting with these amendments, and ask whether we can take it to be a precedent for future occasions.

The Opposition is very often in a difficult situation when it moves an amendment to delete certain words or passages, intending subsequently to substitute other words or passages. My experience in this Chamber is that in the past the Chairman has always put the first question first; that is, that certain words or passages be deleted. That having been defeated by the Government, which has the numbers, the Opposition was not previously in a position to put the substitution before the Chair and thereby place on record what it really wanted to do. We had to go around this in circles in order to have it recorded. It was only with the tolerance of the Minister for Parliamentary and Electoral Reform that we were able to do this when debating the Acts Amendment (Electoral Reform) Bill in Committee.

However, three times I have now heard you rule that the Minister's combined amendments should be moved and accepted by the Chair, deleting certain words and substituting other words. I rose to welcome this procedure, because I do not want *Hansard* to make a different report of this, which undoubtedly it would have done when the Chief Hansard Reporter looks at it, because he would go according to the custom, by recording the deletion moved first separately, and only when this is carried reporting the substitution.

I really welcome your ruling, and hope it will be the precedent for the future.

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN (Mr Thomas): I advise the member for Floreat that, as I understand it, the Standing Orders require that amendments be put separately, which would mean that in the normal course of events a question that certain words be deleted would have to be put prior to a subsequent question that other words be inserted. However, where the concurrence of the Leader of the House is obtained and it is agreed, deletion and substitution amendments can be put together; but if any member wishes them to be put separately, they can be.

Committee Resumed

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 73 amended—

Mr PETER DOWDING: I move an amendment—

Page 6, line 19—To delete "retained. "; and" and substitute the following—

retained;

(h) with respect to such other matters necessary or expedient to be prescribed for the purpose of ensuring that a transcript of a recording is correct. "; and ".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Section 103 repealed and a section substituted—

Mr PETER DOWDING: I move an amendment—

Page 9, after line 15—To insert the following subsection—

(3) A person shall not allege that a statement intended to be given in evidence against a defendant is an incorrect transcription of a recording unless, not less than 7 days before the commencement of the trial of the defendant, that person has given the prosecutor notice in the prescribed form of his intention to raise that allegation.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13: Section 109 repealed and a section substituted—

Mr PETER DOWDING: I move an amendment—

Page 10, after line 9—To insert the following subsection—

(3) A person shall not allege that a deposition intended to be read as evidence on a trial is an incorrect transcription of a recording unless, not less than 7 days before the commencement of the trial, that person has given the prosecutor notice in the prescribed form of his intention to raise that allegation.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Peter Dowding (Minister for Employment and Training), and returned to the Council with amendments.

PRISONERS (INTERSTATE TRANSFER) AMENDMENT BILL

Second Reading

Debate resumed from 23 October.

MR CASH (Mt Lawley) [5.10 p.m.]: The Opposition is pleased to support this Bill as it is an amendment to the 1983 Prisoners (Interstate Transfer) Act which, when that legislation was before the Parliament, was agreed to by both sides of both Houses. It was seen by the Parliament that it was in the public's interest that such legislation be placed before the Parliament and generally it was in accord with the then Attorney General's committee's recommendations which had considered the matter for some years. The Bill is therefore the culmination of a matter which was originated by the former Attorney General for WA, Hon. Ian Medcalf, and later carried on by the present Attorney General.

The original legislation was complementary between the various States of the Commonwealth, but at the time the Commonwealth itself did not have the same legislation in place and so was not a party to the original negotiations. The Commonwealth has now proclaimed legislation along the lines of the States' Acts, and this Bill seeks to amend the 1983 Act to recognise the Commonwealth's legislation.

The Bill generally provides for combination prisoners to be able to be returned to their home States and for the transfer of State prisoners to another State or Territory for the purpose of standing trial for Commonwealth offences.

In supporting the Bill the Opposition accepts that when someone is imprisoned for a lengthy period, it is in the interests of society that that person, before he is released, is placed in a position where, on release, he has been rehabilitated and is able to return to society and become an effective member of it just as he was prior to his offence.

It is generally for those reasons that the Opposition is prepared to support the Bill, although in the Committee stage I will seek some advice from the Minister on specific areas of the legislation on which I would like him to expand so that we might know exactly how the Government sees the wording of certain areas of the Bill.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [5.13 p.m.]: We thank the Opposition for its support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Peter Dowding (Minister for Employment and Training) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Sections 5 and 6 repealed and substituted—

Mr CASH: This clause deals with the requests for and orders of transfers of prisoners and subclause (1)(b) refers to "where the Minister is of the opinion" etc. As the clause talks about "in the interests of the welfare of prisoners", can he provide examples of just what circumstances he foresees as representing the interests and welfare of prisoners? What criteria would be used to determine the welfare grounds that might enable a prisoner to be transferred?

Mr PETER DOWDING: It would be very dangerous to speculate on the occasions and the incidents because they could be as broad and as long as we could imagine. It would be wrong of us to try to predict what might be involved, because any prediction based on purely hypothetical cases could ultimately suggest some interpretation of the clause when really we are relying on the plain meaning of the words.

Mr CASH: I am surprised at the Minister's comments. As I said earlier, we are amending the principal Act of 1983, the provisions of which have been in use over the ensuing period and I assume that the Minister for Prisons or the Prisons Department has had to consider the various grounds that have been put forward to date when making determinations on whether to accept a transfer of prisoners into WA or a prisoner's request that he be transferred out of WA. I would like the Minister to reconsider his answer because it is in the interests of this Chamber that we know just what criteria are used, both by the department and the Minister, in determining the grounds that are referred to in the use of the words "in the interests and the welfare of the prisoner".

Who will be responsible for the payment of the costs when a prisoner is transferred? Is restitution of the transfer expenses to be sought from a prisoner who has the means to pay? If restitution is not asked for from a prisoner who is capable of paying, can the Minister explain why not?

Further, could the Minister indicate how many prisoners are likely to be affected by these amendments, remembering that we are talking about incorporating into State legislation the ability to transfer combination and joint prisoners. How many prisoners have been transferred under the existing Act?

Subclause (1)(a) appears to allow prisoners who are normally resident in another State to transfer to a State other than their home State. Obviously that is subject to the corresponding Minister's consent to that transfer. I would like the Minister to comment on the effect of this provision as it concerns WA.

Some comment was made recently, albeit flippantly, that we could have prisoners from the Eastern States determining that Perth was an easy place in which to serve time and deciding to request to transfer here. I do not necessarily believe that would be the case but this legislation makes that a possibility if this State's Minister for Prisons was prepared to accept the transfer of the prisoner. Does the Minister see it as likely that prisoners other than home State prisoners will seek to transfer to various States in Australia? If he thinks that is unlikely, does he have evidence to substantiate his belief?

Clause 6(3) states that the prisoner is required to make a request for transfer. Is it sufficient for the prisoner only to make that request? In some circumstances, the Director of Prisons, the Minister, or some other person may wish to request that a prisoner be transferred.

I believe the Chamber is entitled to reasonable answers to my questions. This is a matter of public importance. We have said already that the Opposition is prepared to support the Bill. We expect the Minister to be able to give adequate responses to the matters raised.

Mr PETER DOWDING: If the member were serious he would have made inquiries about statistical information before this Bill got to the Committee stage or has the thought occurred to

him only on the spur of the moment to ask detailed statistical questions?

I am not in a position to answer the question and I do not think, having regard to the fact that this legislation is rearranging legislation that has been in place since 1983, that statistical information will advance the issue in terms of the Chamber's attitude towards it. If the Opposition wants the information, I suggest the member put his questions on the Notice Paper.

Secondly, in relation to the question about the welfare of prisoners being relevant, the Act that this Bill amends incorporates in section 5 exactly that phrase so that from 1983 on there has been the power to transfer when a transfer is in the interests of the welfare of the prisoner.

The second reading speech indicated that the legislation is the result of a great deal of activity throughout Australia and it is necessary for this State to be a participating party and pass the legislation in this form.

I do not believe the material before the Chamber is inadequate. This operation of clause 6 means that, in relation to any other State, the request for transfer must come through the appropriate channel which is the State Attorneys General or the Commonwealth Attorney General. That is as it should be. Surely the Opposition is not suggesting that Mrs Smith next door should be able to apply to anyone for the transfer of a favoured prisoner and nor should she be.

This legislation is part of a Commonwealth framework and that is the reason it has been cast this way.

Mr CASH: Obviously my questions sought to obtain information about the existing legislation and how it works. It is obvious from the Minister's limited answers that the Minister is unsure about the operation of clause 6. It is regrettable that he has come into this Chamber lacking that knowledge.

Clause put and passed.

Clauses 7 to 18 put and passed.

Clause 19: Section 26 amended—

Mr CASH: How does the remission system work in other States in relation to prisoners transferring to this State and how does it work in relation to prisoners transferring out of Western Australia? Under the Prisons Act, I think prisoners are entitled to one-third remission of their sentences under certain circumstances. How does that compare with other States?

Mr PETER DOWDING: The answer to that is to be found in the definition of translated sentences. It relates to sentences originally imposed, or by virtue of the Act, deemed to be imposed and, under section 25 deemed to have been imposed by a court of Western Australia. The transferred prisoner has a translated sentence which is then dealt with when she or he comes here as though it were a sentence of the Western Australian court.

Clause put and passed.

Clauses 20 to 24 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 Peter Dowding (Minister for Employment and Training), and passed.

[Questions taken.]

Sitting suspended from 6.03 to 7.15 p.m.

BILLS (2): RETURNED

1. Sale of Goods (Vienna Convention) Bill.
   Bill returned from the Council with an amendment.
2. Forrest Place and City Station Development Amendment Bill.
   Bill returned from the Council without amendment.

ACTS AMENDMENT (PORT AUTHORITIES) BILL

Second Reading

Debate resumed from 11 November.

MR LAURANCE (Gascoyne) [7.17 p.m.]: The Opposition has no quarrel with this measure. I take it from the Minister's speech that the reason for bringing this amendment to the various port authority Acts is simply to provide more flexibility to the appointment of members. It will enable each of the other port authorities to be brought into line with the Dampier Port Authority Act, which is the newest of these Acts.

Until this matter came forward I was not aware of a difficulty in replacing members of various port authorities around the State. However, it has been pointed out there is a set term of three years at present, and the arrangements

do not allow for membership to be staggered so that various members retire at different times, resulting in continuity of service.

I understand that the Minister wishes to make one or two appointments for a short period of time, and for very good reason. The Opposition accepts that position also. The amendment is required to give that flexibility so that some members who have given long and faithful service and who may wish to be reappointed for a very brief period for some reason can be reappointed.

I have checked with some of the port authorities to ask whether they are aware of this amendment, whether they approve, or whether they have any comments to make. Those I contacted were not aware of the position. However, when I indicated what was intended there appeared to be no problem. For those reasons we do not have any argument with what the Government is trying to do in this measure.

However, a number of matters in relation to the operation of port authorities give the Opposition a great deal of concern. I want to take the opportunity during the second reading stage of this Bill to indicate that we intend to take a very close look, particularly at the operations of the Fremantle Port Authority. We have no argument with the quality of the people serving on that body at the moment or their integrity or capacity. However, I believe their charter must be examined and we certainly intend to do that.

Ports in general are cause for great concern. This was highlighted to the Opposition recently when some 17 members of the Opposition visited the Port of Fremantle in order to meet with a number of the parties involved in the operation of the port. We met with the Fremantle Port Authority and I must say we were looked after very generously. The authority members gave of their time and their hospitality in a most generous way, and we appreciated that. We met also with a number of private sector employers, and with the Association of Employers of Waterside Labour.

I did seek a meeting with the Waterside Workers Federation Fremantle Branch, and an appointment was made. The federation did not want to see 17 of us because it thought we might outnumber its executive, so it asked that only three members of the Opposition be present at the meeting. In order to ensure that the meeting would proceed, I agreed to that, and another two members of the Opposition and I promised to meet with the executive of the WWF. However, on the day of our visit to Fremantle I was advised by the State President of the Waterside Workers Federation that officials from its Federal body in the Eastern States had come to Fremantle that week, and that the local executive was tied up with those officials. Therefore the meeting with the executive did not take place, but the appointment was made by the Opposition.

From our visit to the port we learnt that the productivity of the Port of Fremantle, as at most of the other ports in Australia, is about half the world average, and certainly less than half that of most of our competitors. For instance, the number of containers handled per hour from wharf to ship in Fremantle is between 10 and 12 per hour. In recent months ports in the United States of America were criticised for handling about 20 containers per hour—roughly double the rate handled at Fremantle. The United States authorities and industry were very critical and said they must lift their game because they were seen to be only two-thirds as efficient as their European counterparts, where some ports handle 30 containers an hour. The Port of Fremantle handles 10, 11, or 12 containers an hour, which indicates its lack of productivity.

I am not laying the blame on any single party involved with the wharf, but it is a problem for the whole State. The ports should act as funnels for our products to go out of the country and overseas for export, but instead they act as bottlenecks. There are hold-ups, delays, bad work practices, poor transport arrangements, and a number of other factors which cause our ports not to operate in the way in which they should.

There are also problems from the point of view of the port authorities. It is unacceptable that the costs of the waterfront are compounded by port authorities which use their monopoly powers to impose charges entirely out of step with other ports around the world. It is surely unacceptable that over the past three years port charges at Australia's main container ports have increased by up to 25 per cent, while the costs of the private enterprise stevedores using them have been static; while inland haulage costs have also been stable; and while ports in Malaysia, Bangkok, and Singapore, with costs well below Australia's, have not increased their port handling charges for 10 years.

That gives an indication of why we are not keeping up with the rest of the world, why our dollar—or the Australian peso, as it is being called these days—has been devalued. It is little wonder, when one considers the situation at our ports.

It is also totally unacceptable that the Fremantle Port Authority is involved as one of the stevedoring operators. I believe the authority has no role to play in that regard. It should be purely a facilitator; it should be the umpire and not one of the players in the game at the port.

While the Opposition will allow this amending Bill to go through because it contains minor amendments dealing with the terms of appointment of the various members, it is unhappy about the productivity, the costs, and the throughput of our ports; and when in Government in this State in 1989, the Opposition intends to closely examine these matters to try to improve them. It will do so not because we are against anybody at the port but because it is vital that we do so—vital for the success of our export industries and the success of this State as a competitive and vital economy that could produce jobs and new enterprise for the people of the State. We are committed to it, and dedicated to it, and we will achieve it.

There is another matter on which we believe some criticism of the Fremantle Port Authority's handling of an incident is warranted. The member for Moore wants to bring that matter to the attention of the House. Having said that, I indicate that the Opposition is prepared to support the amending legislation.

MR CRANE (Moore) [7.29 p.m.]: While we support the amending legislation before the House, the Minister would be aware that there is a real concern for some of us, and me in particular, about the manner in which the Fremantle Port Authority has conducted itself over the last couple of years concerning the incident of the sinking of the *Leschenault* at Fremantle on 19 December 1984. I know the Minister was very concerned, and that he has looked into this matter and is awaiting a report on it from the Ombudsman.

It is not the fault of the Minister or the present Government, but it is the fault of previous legislation which was evidently not worded according to the spirit of what this House was endeavouring to do at the time. All I wish to do tonight is draw to the attention of the Minister the Fremantle Port Authority Regulation No. 109 of 1971. As some of us have been associated with the sea for many years, I am sure members will appreciate the point I am about to make. This regulation is only repeating an obligation which has been known internationally for many years; that is, to render assistance at sea. The regulation states—

> Every Pilot shall by every means in his power aid and assist any vessel in distress or observed to be running into danger.

That is very simply worded. I do not believe there could be any misunderstanding about it. That is why I bring it to the attention of the Minister, not as a criticism of the Government, but as a criticism of the officers of the Fremantle Port Authority who were negligent in their duties at the time the *Leschenault* ran into the windmill buoy which had been knocked over and put out of position a few days earlier by a Japanese tuna boat. The result was that the buoy was incorrectly marked, and that is apparent through documentary evidence. There is no doubt of finding it was incorrectly marked in accordance with the regulations that specified it had to be marked in a certain way, with a certain coloured flashing light in addition to radio warnings to mariners which were not broadcast.

When the *Leschenault* ran into the buoy and it was in imminent danger of sinking, it received a message from the Fremantle Port Authority over channel 16—which is the VHF channel on the radio—that it was sending out a pilot boat. That is quite understandable. The message stated that the owners and the crew of the *Leschenault* were not allowed to ask for assistance as the pilot boat was there only to take off survivors in case of danger. The fact remains that the pilot boat carried a large pump on board which could have saved the *Leschenault* from sinking by pulling alongside the boat, securing its lines, and pumping it out.

Point of Order

Mr TROY: I do not wish to frustrate the genuine desire of the member to raise this issue, but I point out that there was a full debate on it prior to the last recess. I refer to Standing Order No. 133 which says that no member shall digress from the subject matter of any question under discussion.

The DEPUTY SPEAKER: With due respect to the point of order raised by the Minister, I feel the words that the member for Moore has uttered are relevant to the Bill before the House, and therefore I am prepared to accept the member's continuance along those lines. I

would ask him to have regard to Standing Order No. 133.

Debate Resumed

Mr CRANE: I do appreciate your ruling, Sir, and the concern of the Minister. For that reason I will not proceed much longer.

I was not criticising the Minister or the Government, but merely bringing to the attention of the House the deficiencies in the Act and the fact that there ought to be other amendments to it. No doubt, during the course of the next 12 months the Government will see to that.

Mr Williams: We have had a debate about the fact that this boat was capable of being saved. Don't apologise to the House. Get stuck into them.

Mr CRANE: If this were in the days of Captain Bligh, the master of that pilot boat would have been flogged and hanged. Unfortunately —or fortunately, whichever the case may be—Captain Bligh was not in charge of this vessel at the time. A marine inquiry is needed in instances such as this. I am concerned because if a motorist runs someone over and does not stop to render assistance, that motorist faces a very serious charge. The sea is a hard mistress and it is well-recognised throughout the world that vessels in distress must be rendered every assistance possible from any other vessels in the vicinity. That is the point I am making. I know the Minister is very concerned about this, and he is having a good look at it so I have every confidence something will be done.

I wish to point out the deficiences of this Act and the fact that while it may not be today, there will be further amendments. I promise members that as sure as there is a God that while I stand in this place—whether it be by a private member's Bill or by the Government—those amendments will be introduced. There has been a serious deficiency in this instance. I have every confidence in the Minister and I know that the matter will be corrected.

I refer also to the cruel and disparaging remarks that the Chairman of the Fremantle Port Authority made to the master and owner of the *Leschenault*. This man lost his vessel after travelling 100 000 miles and was told if he did not remove it by 1400 hours on the following day, the Fremantle Port Authority would blow it up. If that is the way the authority—a Government department—acts, then I have lost my confidence in Government authorities. There should be a court of inquiry but that will not be necessary because I have every confidence this matter will be corrected. I have served on a Select Committee inquiring into the wine industry with the Minister, so I know he is a concerned, compassionate, and capable person.

Mr Williams: Everyone in the boating fraternity would be disgusted to hear what the Minister said tonight. It is an indictment on the department and there ought to be a court inquiry.

Mr CRANE: I will not pursue the matter any further.

I must be fair, and members must be fair. The Minister is waiting for a report from the Ombudsman on this matter and I am sure when he receives that report, he will act. I have merely brought it to the attention of the House in order to remind the House that, like an elephant, I never forget.

MR TROY (Mundaring—Minister for Transport) [7.42 p.m]: First of all, it is appropriate that I comment briefly on the most recent aspect of the legislation which has been referred to with regard to the *Leschenault* incident. The House would be aware that both the Federal and State Parliamentary Commissioners are involved in inquiries. In fact the Federal commissioner made his report quite recently, and the State commissioner is still pursuing his report, which will be available shortly.

Subsequent to this matter being brought to my attention, I referred the matter for Crown Law Department advice on a legal point, and I shall be receiving that advice shortly. I know the member for Moore is well and truly aware of that, but to hear the member for Clontarf carry on, completely without relevance to the facts, really surprises me. I am not quite sure what he is on about tonight because the reality is that there is a process of law to which everyone is required to give due consideration, and that is being pursued.

The relevance of the Bill lies in the question of one word in terms of appointments to the various port authorities in the State, and that word is "flexibility". I think most people are aware that the simple provisions of the Bill are really drawing into account the difficulties there have been with fixed three-year appointments and the fact that this has prevented any sort of flexibility in shortening terms where a lesser term may have been to the benefit of the respective port authorities and the nominee. It was not possible under the old legislation. There is also the significant difficulty of conti-

nuity of members when all of them retire in the one year.

With this development there will be staggered appointments which will allow continuity. Members will note that the provision which forces people, through ill-health or for other reasons, to leave their appointment, has only ever provided for the balance of that period to be temporarily covered, so that all reappointments became due at the same time. There was a great deal of difficulty there.

The other aspect of the Bill ensures that the chairman's appointment coincides with the members' appointments, and members will note that is part of the amendment we propose to move when this legislation reaches the Committee stage.

I thank the Opposition for its general support of the Bill. It is welcome.

I should make some reference to the member for Gascoyne's comments in respect of the port authorities not being aware of this matter. That is not quite the situation as I understand it. However, they have probably been surprised at the rapidity with which this legislation has come on, not really fully appreciating the circumstances in regard to a couple of the port authorities. Certainly, the proposals have been before the authorities for a considerable period of time and they have all welcomed that change, and it is part of the process of quarterly meetings that the respective port authorities hold. I know it was discussed with them prior to that. I think the point the member was attempting to make was that we have brought this legislation on fairly rapidly. I am unaware of the people to whom he spoke in the respective authorities, but I think that is the explanation of that particular point.

I noted the comments about the Fremantle Port Authority and its close examination. Quite honestly I would be very surprised if the port authority does not welcome that itself. With due fairness to the Fremantle Port Authority and other port authorities generally in Western Australia, they have made rapid strides over the last 10 years or so and they will certainly welcome the challenge to stay on that path. It will serve as a significant learning process for Opposition members to really expose themselves to those changes to any degree. There is no doubt the Government sees the relevance of these port authorities in terms of the State's export and import handling, a matter which is very crucial to this nation and to this State.

Certainly the Government, in cooperation with employees and employers of wharfside labour, will be attempting to accommodate that. I draw the attention of the House to situations where the Government is currently examining container handling within Fremantle, and I suggest to the member for Gascoyne that one has to realise that most of the cranes operating there, and the particular area that has supported them in terms of feedlines, are now approaching 20 years of age. So by comparison with some of the other ports he chose to select, I think he will find there is a vast difference in the age of the handling processes. It is well-recognised that in Fremantle there is difficulty in transporting the feedlines of containers up to the cranes. That is being addressed and there is an investigation along those lines currently going on. It is important to tidy that up.

In all fairness we have to recognise the present handling facilities in Fremantle are somewhat older than those in the ports with which the member for Gascoyne compared them, and there is scope for improvement. This will certainly be pursued.

I think members also need to be aware—and I know they support this philosophy—that wherever a monopoly exists, there is some loss in efficiency. That is one of the things that must be recognised about port handling. Wherever an authority is looking after or associated with crane handling, there is a strong tendency, if it is not competitive, for some efficiencies to slip. I think that probably is a situation that exists with the Fremantle Port Authority, but it has wider implications and reflects the scene throughout Australian ports generally. I think the recent actions of the Federal Government in respect of examining this matter, and the recent report brought down by the Federal government looking at port operations, present a wonderful opportunity to pursue that function. I certainly welcome the findings of that report and I think it rests with us to pursue it.

I will carry on no further, other than to say that I welcome the Opposition's support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BETTING CONTROL (BUNBURY GOLDEN CLASSIC) BILL

Second Reading

Debate resumed from 11 November.

MR BRADSHAW (Murray-Wellington) [7.50 p.m.]: The Opposition supports the Bill. This event will certainly create extra activity and increase tourism in the Bunbury area. We have seen with the Bunbury race round what can be achieved by promotion because the race round has provided a great deal of tourism in the region with people often coming to stay for the week.

The proposed Bunbury Golden Classic is to be held on the Anzac Day weekend next year and it will certainly provide an interest with $50 000 being put up for prize money. This is sure to attract a good number of people to participate in the event.

An added attraction will come from on-course bookmakers being allowed to field at the event. The TAB should not be able to open for this event and I am pleased to see that the legislation does not allow for that.

The Stawell Gift in Victoria is a good example of the interest that can be generated in footraces. The Stawell Gift has been around for 100 years and has generated a lot of tourism in Stawell. We expect to see a similar situation develop in Bunbury. We must bear in mind of course that Victoria has the benefit of a larger population and more prize money.

I am surprised that the Bill has a sunset clause providing that the legislation will lapse after 30 June 1987. This will prevent licensed bookmakers from operating on course in future years because they can operate only if legislation provides the legal backing.

This race will not be the first footrace held in Western Australia. Earlier this century footraces were held in Mullewa. Although they ended after a time I have been told by the member for Greenough that they have been resurrected in the town in recent years. Obviously no official betting can take place and I do not know whether unofficial betting takes place. I understand also that years ago in Collie footraces were held. I do not know whether there was any betting on those races.

While we support the Bill I would like the Minister to indicate the need for the sunset clause.

MR P. J. SMITH (Bunbury) [7.56 p.m.]: This is not only a gambling Bill but also a tourism promotion Bill and a community involvement Bill. Certainly the Bunbury community has got right behind this project.

As the member for Murray-Wellington has just said, foot racing was a big thing at the turn just said, footracing was a big thing at the turn become something of only minor signficance. Some events have been held at major sporting events such as at half-time during football matches or at cricket matches, and the prize money has been in the order of only $200 or perhaps $1 000 for the winner.

The idea for the Bunbury Golden Classic first surfaced about five years ago when a Mr Bob McCormack approached the Bunbury Chamber of Commerce with the suggestion that such an event be held. The idea was debated but eventually lapsed. Three years ago Mr Doug Wenn, who is now the MLC for South-West Province, approached the chamber to promote the idea again. This time the chamber picked up the idea and ran with it. It has a very strong committee working on the project and has been assisted by the south-west Tourism Commission office and also by the small business corporation for the area.

The original plan was for the event to be held at the beginning of the year as part of Bunbury's 150th celebrations, but owing to various constraints in getting the legislation together the event is now to be run on the Anzac Day long weekend in 1987, basically at the end of Bunbury's 150th celebrations. The idea is to get tourists into the area and to provide an exciting event to help celebrate Bunbury's 150th.

The Victorian Athletics Association was contacted and it sent across representatives who have been very helpful in giving us ideas on how to run the event.

They have had a look at the Hands oval and declared it to be an ideal site.

The main event is to be run over 120 metres. Most people tend to think of the Stawell Gift as just one race, but in fact they have six other events, as Bunbury will, up to 3 000 metres, all

of which will be professional races with lesser prize money for the winners and place getters.

Tremendous enthusiasm has been generated for the Bunbury Golden Classic, surely because there will be betting on the race. Over the years we have seen a general lack of interest in the promotion of footraces, but an interest in these events is now starting to build up again. I have been an athlete of sorts for 25 years now and I have been involved in major promotions of sporting events with big names. It seems that only a small percentage of the public will come along to see anything but the greatest names, but once we have bookmakers on course a carnival atmosphere is created and more people become involved.

The Bunbury Golden Classic will be held the week after the Stawell Gift is run in Victoria. We are hoping the competitors, who will be at their peak, and also the bookmakers, will come along to our event and really make it something special.

It is a one-off event at the moment in that the legislation has a sunset clause which I understand is there basically because the event is to be seen as a trial. It should be a well-organised event and everyone in Bunbury hopes it will become a regular event on the south-west calendar. Perhaps this time next year or even earlier we will be applying to have similar legislation introduced again.

The people of Bunbury are pleased to promote and trial at this professional athletics event. We hope it will promote Bunbury and the south-west and become a success to the benefit of Western Australia.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [8.01 p.m.]: I also support the Bill. Without a doubt, if the tourism industry in this State is to flourish, it has to use imagination in promoting events that will encourage tourists to come to Western Australia. If we are to have regional tourism, businessmen and tourist organisations in the regions will have to become involved in promoting and encouraging different events. This time it is Bunbury. The chamber of commerce is promoting an event based in Bunbury and the south-west which it hopes will receive national attention. I think it will. I extend my congratulations to all involved.

I have two concerns about this legislation. Firstly, I am concerned about the same matter as that raised by the member for Murray-Wellington; that is, the shortness of the sunset clause. Ministers know that I am very interested in sunset clauses and generally argue in favour of their imposition because this Government does not impose them very often. I think it would have been better for the Government to have come to an agreement with the chamber of commerce for a three-year trial, than to have this legislation come back to the Parliament next year for review.

Mr Grill: We have imposed more sunset clauses than previous Governments.

Mr MacKINNON: I cannot remember one sunset clause in the true sense being imposed since the Minister's party has been in Government. By that I meant that the Bill should expire on a set date. The sunset clause imposed by the Government is only a review clause. My experience with Government departments and agencies is that sunset clauses in the strict sense impose discipline because if a date is set for expiry of the legislation, it is amazing how hard those departments or agencies will work. If they are told they will go out of business on such and such a date, they work hard to justify their existence. Of course, the Parliament then has to make a positive decision to review their charter.

Mr Grill: It is a matter of definition.

Mr MacKINNON: That is my definition and the one I consistently pursue in the interests of efficient and good Government and I will continue to pursue it when we return to the Government benches.

Mr Grill: We have included sunset clauses in a fair range of Bills—you call it a review clause.

Mr MacKINNON: I am not disagreeing with that. I am saying that I do not think review clauses are effective and time will prove that to be the case.

Madam Acting Speaker (Dr Lawrence), you would be aware of my second concern, having made a speech recently in this House about the matter. I find it very difficult to understand the attitude of people in this Parliament, without any disrespect to the Chair in this instance, who have indicated a concern about chronic gamblers, when we have a Government that has, more than any other in the history of this State, expanded the opportunity for people to gamble. I find that hypocritical in the extreme. Members have come into this Parliament and have said that they are interested in looking after inveterate gamblers but, at the same time, they have supported legislation which gives them every encouragement to gamble. An habitual gambler will not be encouraged by a footrace meeting at Bunbury. An habitual gam-

bler would be encouraged by a casino, something that I opposed when the legislation was introduced into this House and which I continue to oppose.

Mr Court: It will be open on Christmas Day.

Mr MacKINNON: The member for Nedlands said it will be open on Christmas Day. That is ludicrous in the extreme.

With those few comments I support the legislation. I believe that the Bunbury Chamber of Commerce should be commended for taking this initiative. As shadow Minister for The South West, I extend to the organisers my best wishes and hope it is a great success and that it continues for many years. I hope that, in time, it will rise in stature to rival the Stawell Gift.

MRS BEGGS (Whitford—Minister for Racing and Gaming) [8.06 p.m.]: I thank the Opposition for its support of the Bill and welcome the comments made by the members for Bunbury and Murray-Wellington and the Deputy Leader of the Opposition. The Bunbury Chamber of Commerce was farsighted enough to see that the south-west, and particularly Bunbury, would be the best place to hold a series of events to support the tourism industry. Don Dunstan from Victoria was here recently and he coined a new phrase in relation to tourism—"experimental tourism". It means that no longer are tourists happy just to see the sights. They want to participate in events like the Bunbury Golden Classic as well as enjoy the beautiful scenery of the south-west.

I also give credit to all the organisers in Bunbury. One of the great innovators in this State in these matters has been a former Premier, Mr Ray O'Connor, who has attempted to bring to Western Australia events of this kind. While some of the events have not been as wildly successful as we hoped they would be, I understand that the America's Cup Festival of Sport is an attempt by a group of people to ensure that Western Australia continues to have events which will attract large numbers of people to this State and which will, of course, increase our tourism product.

Mr Laurance: I think many of the events started a bit slowly but they are picking up now.

Mrs BEGGS: They certainly are. If we are to have a successful tourism industry in Western Australia, we have to rely on people to think up new ideas so that our product is as different as possible.

One aspect of the legislation worried both the Deputy Leader of the Opposition and the member for Murray-Wellington. A sunset clause was inserted at my request because of my concern about a new form of gambling, and it is a very new form of gambling. Previously gambling in this State has been mostly on horseracing and dogracing. This form of gambling will be on human beings.

Mr Thompson: What makes you think it has not occurred before?

Mrs BEGGS: I am talking about legalised gambling. I admit that when I was approached about this type of gambling I thought long and hard about it. However, as Minister for Tourism and also Minister for Racing and Gaming, I was in a position to consider the pros and cons under both portfolios and I think that the chamber of commerce, the small business community, the tourism industry, and the public will be responsible enough to ensure that the footrace is run in the best interests of footracing generally and will ensure that the proper controls are enforced.

I placed the sunset clause in the legislation to ensure that everyone will be able to assess how successful the event is and whether it is considered possible to control the fielding of bookmakers and monitor the results of the gambling that will take place.

For the information of the Deputy Leader of the Opposition, I will not have to bring another piece of legislation before the Parliament because if the Government decides that the event has been run properly and can be controlled, it will be a simple matter to make a small amendment to the Betting Control Act. I extended the date to June in case there was any difficulty in arranging the event and the people in Bunbury needed that extra time to stage it.

I thank everybody for their support of the Bill. As I said earlier, I congratulate the Bunbury Chamber of Commerce and also Hon. Doug Wenn who has given a great deal of support to the committee to ensure that the event gets off the ground. I am sure it will be a success and will contribute greatly to the tourism product in Bunbury.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mrs Beggs (Minister for Racing and Gaming), and transmitted to the Council.

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 11 November.

MR CASH (Mt Lawley) [8.12 p.m.]: The Opposition is pleased to support this Bill which amends the Road Traffic Act. The purpose of the Bill is to honour an election promise made by the Government prior to the February 1986 election when it promised the people of Western Australia that it would, if it was returned to Government, make a concession to the licence fees payable in respect of motor vehicles owned by pensioners. At the time of the Government's promise all persons in receipt of a pension were of the opinion that they would be eligible for this concession.

While the Opposition is prepared to support this Bill it is concerned that the Government's election promise was somewhat far-reaching when it referred to "all" pensioners. The Bill before the House provides for the concession to apply to those persons who are in receipt of the age pension under the Social Security Act 1947 of the Commonwealth, or a service pension under section 38 or a wife's service pension under section 40 of the Veterans' Entitlements Act 1986 of the Commonwealth.

I am concerned that the Government said the concession would be applicable to all pensioners. A number of pensioners who have approached members of the Opposition are in receipt of a pension, but not an age or service pension, and we have had to advise them that they will not be eligible to receive this concession.

At the time the Government made its promise those people in receipt of superannuation payments from privately funded schemes thought they would be eligible for a concession. It is regrettable to read that they will not be covered by this legislation.

On a number of occasions in this House I have taken the opportunity of making the point to the Premier that often superannuated persons are in the same financial predicaments as are the people receiving age or service pensions. However, because they are not in receipt of a pensioner health benefits card they are not accredited the various concessions that the Government is prepared to make to other pensioners. That is an area at which the Government may wish to look in due course. I have no doubt that quite often superannuated people are discriminated against by both State and Federal Governments.

I understand that the Leader of the House is handling the Bill on behalf of the Government, and during the Committee stage I will raise a matter in respect of whether a form which was mentioned in the Minister's second reading speech is available because many people want to apply for the concession when it comes into effect on 1 January 1987.

The Leader of the House will need to make clear the various classes of people who will be eligible for this concession. Unless one reads the Commonwealth Acts—the Veterans' Entitlements Act and the Social Security Act—there is some confusion about which pensioners will be eligible to apply to receive this concession. I refer in particular to war widows. I would like an undertaking from the Leader of the House that war widows will be eligible for this concession when it comes into effect early next year.

Mr Crane: He is not here.

Mr CASH: The reason I am continuing to speak is that I hoped that the Leader of the House would return to the Chamber. However, if I again confirm the Opposition's support of the Bill we can deal with the matters I have raised in the Committee stage.

MR SCHELL (Mt Marshall) [8.16 p.m.]: I agree with the member for Mt Lawley that this Bill does not go far enough. I commend the Government for keeping its election promise. The National Party supports the Bill.

Question put and passed.

Bill read a second time.

PERTH BUILDING SOCIETY (MERGER) BILL

Second Reading

Debate resumed from 12 November.

MR COURT (Nedlands) [8.19 p.m.]: The Government appears to be short of Ministers to handle legislation in this House but the Minister in charge of this legislation is diligent and is ready to go.

The Perth Building Society is one of this State's best-known institutions, and this Bill is part of a series of steps to change it from a building society to a savings bank.

Mr Peter Dowding: Who regulated the finance market—the Liberal Party or the Labor Party?

Mr COURT: I will get onto that point.

It is a sign of the times that a large building society such as the Perth Building Society has made what must have been a very important decision; that is, to change from a building society to a savings bank.

The Opposition would like to say a few words—

Mr Peter Dowding: Congratulating the Labor Party.

Mr COURT: Does the Minister for Employment and Training want to interject all night, or does he want to deal with the business of this House in an orderly fashion? The Opposition had every intention of handling this Bill in an orderly fashion and I am sure that the Minister for Housing wants to hear the comments we want to make about this legislation. The Minister for Employment and Training should not be such a smart alec, when the Government has just mucked up the previous legislation by not having a Minister in the House to handle it. The Leader of the House has just come into the Chamber.

Mr Pearce: I am sorry; I was in a meeting. Had you paged me, I would have been here in 30 seconds. I was just out in the corridor.

Mr Thompson: It is not our job to get you in here.

Mr Peter Dowding: You just do not want to admit that the Labor Government has done a good job on this issue.

Mr COURT: I do not know why the Minister has decided to make these inane comments when I have spoken only one sentence of a speech. I accept the explanation of the Leader of the House, but I do not see why the Minister for Employment and Training should try to turn it around.

Mr Pearce: I am sorry that I was not here when the matter came up, but be fair: We agreed to drop two Bills to accommodate your members, for example, so that the member for Floreat could be away this evening. I am sorry that I did not get into the House more quickly, but let us just calm down.

Mr COURT: The Minister should not worry about telling me that. He should have a quiet word to the Minister for Employment and Training.

Tonight I put a few words on the record about a great institution and mention the path it is taking as it becomes a bank. Many people are very keen to know just how the Perth Building Society will change. Many people save with the society and they will be interested to know how it is making the move to becoming a savings bank.

In recent years, we have seen quite major deregulation of the financial markets as a consequence of the Campbell and Martin reports. The advantages that building societies had over the savings banks have largely disappeared. The savings banks can now compete on an equal footing with the building societies in the area of housing loans. Housing interest rates were deregulated in the savings banks on about 26 April this year, at about the same time legislation was introduced in this State. I think that the major building societies legislation went through earlier this year when banks were given far more flexibility in the different functions that they could carry out.

The management of the Perth Building Society has made a decision that it wants to ensure the ongoing significance of the institution. In its judgment it has recognised that there are certain advantages in being a savings bank. To achieve this, legislation is required in this State and in Victoria where the Perth Building Society controls the Hotham Permanent Building Society. The Perth Building Society moved into Victoria as part of a plan to get a better geographical spread in the industry. It purchased two building societies, one small one and the Hotham Permanent Building Society which was the major one.

In December, subject to legislation which is currently going through the Victorian Parliament, members of the Hotham society will vote to merge with the Perth Building Society at a future date. That legislation will enable the merger at a future date. In January next year Perth Building Society members will vote to put the society under the Companies Code as a corporation, again at a future date. The two will then be brought together with a banking authority from the Federal Government and a new bank—the Challenger Bank Ltd—will commence operations and the Perth Building Society will cease to exist. That is the sequence of events that will take place for the building society to become a savings bank.

By becoming a savings bank, the society will be able to raise funds at the lower rates that apply to banks. It will have access to different sources of funds. The building societies have all

taken a different attitude towards how they will plan for the future. Most of the building societies in this State believe that there will always be a role for building societies, providing that Governments make sure that they can maintain their position. I am sure that those building societies which wish to retain the status of a building society will be able to remain competitive.

The Perth Building Society was established on 17 October 1862. It has been in operation for a long time. Several prominent public figures in the colony of Western Australia inititated the society. Their motivation at the time was to stabilise the population—which had been recently swollen by the short-term migration of people from the Eastern States—by encouraging home ownership, an aim which we all very much support today. At the same time, the newly-founded society was to be a savings institution. The first chairman, Mr G. F. Stone, when addressing his members said, "Here then we have a superior kind of savings bank". It is interesting that more than 100 years later the society is to become a savings bank.

Perth Building Society has been perceived by the community as a public institution. It is interesting to consider the stability of the society's board and its senior management. In its 124 years, the society has had only 15 chairmen, 55 directors, and eight secretary-managers. I do not know how eight secretary-managers could control the society for more than 124 years.

Mr Peter Dowding: It might be a matter for criticism, not commendation.

Mr COURT: Anyone getting into that job must have kept it for a while.

Mr Wilson: That is certainly true of Mr Sorensen, who has held the position for a great number of years. I think he has been with PBS for 30 years.

Mr COURT: He is only a young man, so he has a long time to go. The growth of the Perth Building Society in its first 100 years was slow, but it was consistent with the growth of the State of Western Australia. The rapid growth of the building society occurred in the mid-1960s when total assets grew from $21 million in 1965 to $1.23 billion currently. That is a quite remarkable growth. Last year the Perth Building Society provided 40 per cent of building society lending for owner-occupied housing in Western Australia. That represented approximately 15 per cent of all housing lending by financial institutions in this State, thus demonstrating the significance of this organisation. Over the years it has been an initiator and major supporter of schemes of cooperation with the State Government housing departments to make home ownership available to many of the less affluent groups in our society.

This is an interesting statistic; 350 000 people in a population of roughly 1.2 million hold accounts with the Perth Building Society. That indicates how important a financial institution it is in Western Australia. I have given that brief history of the society so that we can appreciate how it has grown.

I make it clear to the Minister that the Opposition fully supports this legislation and the steps taken by the Government. It will not be easy; the banking field into which the PBS is moving is very competitive. We wish the society every success in this venture. No doubt it will take a few years to get bedded down in its new role and we wish to do all we can to help it.

On the general subject of building societies, I ask the Minister to reply to a query I have. He mentioned during the recent debate the Registrar of Building Societies.

Mr Wilson: We have advertised the position of the new registrar.

Mr COURT: There is some concern in this area. Currently that position is kept independent of, and separate from, the Treasury's operation. I have received feedback that the registrar may be placed under the control of the Treasury.

Mr Wilson: That decision has been taken.

Mr COURT: He will be under the control of the Treasury?

Mr Wilson: Yes, the registrar will be moved to the control of the Treasury early next year.

Mr COURT: When was that decision made?

Mr Wilson: About three or four weeks ago.

Mr COURT: Has it been made public?

Mr Wilson: Yes. The Press release was issued to that effect.

Mr COURT: That surprises me. Is the industry aware of it?

Mr Wilson: Yes, it has been advised.

Mr COURT: I was talking to members of building societies recently and they said that it was very important that the function of the registrar be kept independent of the Treasury. The Minister has said that the Government made a decision approximately three weeks ago that the registrar would be under the control of

the Treasury. Does that mean that the registrar will report to the Treasury and not to the Minister for Housing?

Mr Wilson: That is correct.

Mr COURT: Does the Minister support that move?

Mr Wilson: Yes, I do support that move.

Mr COURT: The Minister was a little reluctant in his answer.

Mr Wilson: I do not have any territorial ambitions necessarily in respect of that registry. I will answer your comments when I speak.

Mr COURT: I appreciate that. With the changes that have taken place and, bearing in mind that the major building society will become a savings bank, the registrar and the Government will require a sensitive touch to ensure that building societies are able to remain competitive. I find it interesting that the move has been made already and I look forward to the Minister expanding on that decision. It worries me a little and I hope that the Government will not use it as a political tool, by turning housing loans on and off in the same way as it controls liquidity in the building industry.

The Perth Building Society, as we know it, will cease; many people will be sad that the name will not be around and it will take them a while to become used to the new name. When the Bank of New South Wales changed its name to Westpac many people did not like that change and to this day they have difficulty coping with the new name. However, the person who chose the name must have had considerable foresight because the growth of that bank has been in the western Pacific region. Many people did not understand the significance of the new name and I did not appreciate it at the time. I am sure that members of the Perth Building Society will soon become used to the new name, the Challenge Bank.

The Opposition supports the legislation.

MR WILSON (Nollamara—Minister for Housing) [8.36 p.m.]: I thank the member for Nedlands for his support of this Bill and his complimentary remarks directed to the long history and success of the Perth Building Society as the major, non-banking, financial institution in Western Australia.

In dealing with the request put to the Government, a number of discussions were held between the Government and the Perth Building Society, as were discussions held between the Perth Building Society and the representatives of the Victorian Government. The State Government of Western Australia, in being very supportive of the proposal, sought and gained assurances from the society along a number of lines.

For instance, assurances were sought and gained that members of the Perth Building Society would be kept fully informed of activities concerning the planned merger and conversion; that ownership—this is a particularly important area—of the society's reserves at the time of conversion will be equitably ascertained; and that the present staff of the society will continue to be employed with similar conditions as those which currently exist. Of course, it was a major concern of the State Government in Western Australia that the proposed new savings bank should be headquartered in Perth rather than in Melbourne. Those assurances were sought and readily gained from the Perth Building Society.

The society has indicated that the decision to apply for a banking authority had involved consideration by its board over a very lengthy period and had not been entered into lightly. The Perth Building Society and Hotham, as indicated by the member for Nedlands, had been very successful building societies—the Perth Building Society for more than 124 years—and changes to building societies' legislation in the recent past have enabled building societies in general to offer a wider range of services to compete with banks in the deregulated financial system.

The management of the Perth Building Society has made it quite plain that in moving to the merger and obtaining a licence to operate as a savings bank, it will be in the same business as in the past with its primary role as providers of housing finance. But it will, as a bank, do more in its own name. For example, its cheque accounts, which are provided through agency arrangements with another bank, will in future be provided direct. The banking structure will also simplify the work of the group of companies of which PBS is a member and permit an economy of operation which is difficult to achieve as a building society.

The points raised by the member for Nedlands with respect to general issues affecting the move of the Registry of Building Societies from the Housing portfolio to that of the Premier and Treasurer were made public several weeks ago. The decision was made largely on the basis that with the deregulation of the financial markets in Australia, and with smaller, non-bank financial institutions, par-

ticularly building societies and credit unions, which are at a disadvantage competing with banks, perhaps a higher profile needed to be given to the administration and work generally of the Registry of Building Societies.

As I indicated previously, at the same time as that announcement was made and the position of registrar was advertised following Mr Brotherson's retirement, an announcement was made also to the effect that a working party had been established to review the appropriateness of current legislation for permanent building societies and credit unions in Western Australia. That working party will involve representatives of both the Western Australian Permanent Building Societies Association and the Credit Union Association of Western Australia.

The terms of reference on which that working party will operate include considerations which are of great concern to many building societies, and include, of course, conversion to banks, mergers across State boundaries, the possible intrusion of financial institutions, and the possible takeovers of building societies. These matters are of considerable concern to smaller societies and they have been included in the terms of reference which the working party has taken on board and which will be addressed in the recommendations to be brought out.

Mr Court: Have you put out a Press release?

Mr WILSON: Yes.

Mr Court: I will get it from the library.

Mr WILSON: If the member likes, I will give him a copy of it. I have a copy of a letter sent to the executive officer of the Western Australian Permanent Building Societies Association with a copy of the terms of reference, to which the member is welcome.

Mr Court: That talks about moving the registry?

Mr WILSON: No, that was a separate announcement.

Mr Court: That was a Press statement too?

Mr WILSON: Yes. That Press statement was issued by the Premier's office.

While we are dealing with this special Bill to enable the merger to take place prior to the resultant body being able to succeed in its application for a savings bank licence, we have to look at the overall context of what is happening in the deregulated financial market and the concerns which have been expressed and continue to be held by smaller societies with regard to their future as independent financial institutions within that deregulated situation.

I make those comments in response to the queries raised by the member for Nedlands and trust that they are helpful.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1: Short title—

Mr COURT: I meant to ask during the second reading debate about the shareholding in the new bank. Has the Government been given some sort of assurance concerning the spread of the shareholding? Will the control be in the existing shareholding of the building society, or will the new partners come into that shareholding?

Secondly, I see problems with the registry being under the control of the Treasury. The registrar has had direct access to the Minister for Housing, and the housing industry as such, whereas under the Treasury this will be just one of many other important functions carried out by that department. It will tend to be further down the line. When one is dealing with housing finance in the housing industry, it is an advantage to have the Minister and the registrar working together.

I realise that building societies will have to promote many of their non-housing financial activities in order to remain viable. However, I still believe it is unnecessary for this association to come under the control of the Treasury. I could expand on that, but during the debate on the Financial Administration and Audit Bill I made the point that Treasury was gaining more and more control over statutory authorities and their finances. I do not see anything wrong with these institutions having more autonomy.

Mr WILSON: In response to the member for Nedlands, I advise that the proposed new bank will be listed on the Stock Exchange and will be seeking to raise a substantial amount of capital. Priority in allocation of the shares in the new bank will be given to individual members of Perth Building Society and Hotham. The new bank has made clear to us in our discussions with it that it wants the people who have supported it in the past as holders of redeem-

able shares, depositors, and borrowers to have the first opportunity to own the bank and to share in its success. I think those assurances can be accepted by the member for Nedlands as being bona fide assurances, as they have been accepted by us. All those who have been members of or who have had direct membership in the society are well and truly assured on those counts.

With respect to the other comments of the member for Nedlands, I can only say that in other States in Australia the Registry of Building Societies does not rest with the Housing portfolio. In most States it rests with the Office of Corporate Affairs, and that was also considered as an alternative. The main reason for moving the registry is not to downgrade it, nor to lessen the direct access between the registrar and the responsible Minister, nor to take anything away from the significance and importance of building societies. If anything, it is intended to have the reverse effect.

As the Minister responsible for Housing, I have had an excellent relationship with the registrar during the time I have been responsible for the registry. I have found it very easy to work with, and to have direct contact and consultation with, the registrar and with the building societies. That has worked exceedingly well.

Mr Court: And with the acting registrar?

Mr WILSON: And with the acting registrar. Indeed, he has done an excellent job since he was called on to fill that role. He is a very conscientious and skilled officer.

It is my belief, and the belief of the Government, that the move to the Treasury of the registry to bring it within the ministerial responsibility of the Premier and Treasurer highlights the fact that the Government sees it as a central concern of a State Government that everything possible is done to ensure the independent survival of our building societies; to ensure that they remain State-based financial institutions and that their activities and commercial operations are to the benefit of Western Australia and the Western Australian economy.

In regard to the point made by the member for Nedlands, the reverse intention is behind this move. I am sorry to lose that responsibility, which I have enjoyed, and future Ministers for Housing, and I must continue to take a special interest in the activities and operations of building societies because of the important role they play in providing home finance in Western Australia—perhaps a more significant role as building societies than in any other State in Australia.

Clause put and passed.

Clauses 2 to 5 put and passed.

Preamble 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 Wilson (Minister for Housing), and transmitted to the Council.

ROAD TRAFFIC AMENDMENT BILL (No. 2)

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Pearce (Leader of the House) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 19 amended—

Mr CASH: Earlier today, during the second reading stage of this Bill, I pointed out my concerns about this Bill. I have since had some discussions with the Leader of the House, who is handling this Bill, and called to his attention the fact that while the Bill nominates certain classes of persons who will be eligible for this concession, it does not specifically nominate war widows. This is an area of concern to the Opposition, and I am sure it concerns some Government members.

I would like the Leader of the House to confirm that the Bill is intended to cover war widows. If for some reason it was found that war widows were not to be included, I request a guarantee be given that the matter would be resolved when it reaches another place.

My second point relates to the fact that people in receipt of superannuation pensions have expressed concern that they are not included in this legislation. I would be pleased to hear the comments of the Leader of the House in respect of those people.

Mr PEARCE: I appreciate the member for Mt Lawley's raising this matter. The intention is that war widows be covered, although I agree the Bill is ambiguous. I believe the wording covers them, but if not I will ensure the Bill is amended in another place to make that clear.

On the other hand, it is not intended that all superannuated persons generally should be covered by the Bill because some are remarkably wealthy. When the member for Mt Lawley and I leave this Parliament we would expect to have a reasonable level of income after our many years of service—although I do not know if the member for East Melville will make it—and it would not be reasonable to expect a concession. I will raise with the Minister for Police and Emergency Services the possibility that people on an unrealistically low level of superannuation may be missing out on a benefit that people on social security pensions would receive. If an amendment is required, I will ensure it is done in another place.

Mr RUSHTON: I refer to servicemen who have an entitlement to a pension at 60 years of age. Could the Minister confirm that they are entitled to receive this benefit?

Mr Pearce: I think the wording is quite unambiguous with regard to that point. People in receipt of a war pension are entitled to a concession and if they get the war pension at 60, it means they will receive the concession at 60.

Clause 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 Pearce (Leader of the House), and transmitted to the Council.

CEMENT WORKS (COCKBURN CEMENT LIMITED) AGREEMENT AMENDMENT BILL

Second Reading

Debate resumed from 12 November.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [9.04 p.m.]: This Bill amends the initial agreement to bring it into line with modern practice and update certain clauses relevant to today's operation of a modern industrial company. It will also bring the legislation into line with the 1978 Mining Act and it exempts, in certain circumstances, some of the conditions pertaining thereto, updates the environmental requirements imposed upon the company, makes sure the company has to comply with the proper approvals relating to its dredging programme in Cockburn Sound, alters leasing arrangements at Woodman Point now that the State has responsibility for that land, and also gives approval to the Minister to allow the company to sell off land it no longer requires.

I have had discussions with the company and it indicated that it has no concerns. Like all companies it finds that some of the environmental requirements are a little severe, but it is quite happy to live with those. As in any bargaining situation, companies always think they could be better off. However, as the company has negotiated the agreement with the Government, it is happy with the Bill and the Opposition lends its support to the legislation.

MR PARKER (Fremantle—Minister for Minerals and Energy) [9.05 p.m.]: I thank the Opposition for its support. It is a good measure and one of those we have embarked upon for a couple of years to try to bring all our agreement Acts into line with modern day practice. Of course, companies would prefer to have as little restriction on their activities as possible, but I have found the management of Cockburn Cement Limited to be very sensible in its approach. The agreement offers considerable advantages from its point of view as it gives it greater security of tenure, in particular, over its lime mining operations. That is something it has wanted for some time. This State is very lucky to have a company such as Cockburn Cement and I am very happy with the cooperation we have received from it.

I thank the Opposition for its support of the Bill and commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

VALUATION OF LAND AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 13 November.

MR LEWIS (East Melville) [9.08 p.m.]: I convey from the outset that the Opposition supports this Bill except for clause 13, which I

consider to be retrospective in its intent and in its application.

I wish to highlight an anomaly which currently exists within the various Acts which provide for rating of land specified as a lot. It may not be understood by members that the rating base of land is specified as a lot and under the Transfer of Land Act it is known as a lot. For the purpose of rating under local government, land tax, and the water authority, the definition of a lot in the Town Planning and Development Act is used.

For the benefit of members a lot is defined as follows—

> "lot" means a defined portion of land—
>
> depicted on a plan or diagram publicly exhibited in the public office of the Department of Lands and Surveys, or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificate of Title has been or can be issued; or depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the Town Planning and Development Act Amendment Act, 1956, approved by the Board and includes the whole of the land the subject—
>
> of a Certificate of Title issued under the Transfer of Land Act, 1893; or

This interpretation means that a lot is not formally created unless it has been depicted on a diagram or plan of survey approved by the State Planning Commission and has either a certificate of title issued for it or is in such a form that a certificate of title can be issued. Otherwise it includes the whole of the land which is the subject of the certificate of title. To me in my professional capacity as a licensed land surveyor, that means that a lot does not exist until the diagram or the plan of survey on which that particular lot is created is lodged in the Office of Titles and has been approved by the inspector of plans and surveys.

Unfortunately, the rating authorities, especially the Valuer General's Office, do not accept what I contend. The office considers that a lot is created when the survey is approved by the SPC, notwithstanding that the diagram has never been lodged in the Office of Titles and that a separate certificate of title has never been issued, and indeed cannot be issued until that plan of surveys is deposited. If it is not deposited, the plan of survey cannot be approved by the inspector of plans and surveys.

As I have just explained this evening, the situation exists today where there are surveys that have never been deposited in the Office of Titles but have been approved by the SPC, although as lots, as legal entities, as parcels of land depicted on a deposited survey document, they do not formally exist. The owner of the land, which by the way is still held in a single certificate of title, is rated on the basis of lots which were approved from a planning point of view only.

As may be appreciated, the matter is rather difficult to understand for those who are not knowledgeable in the subdivisonal process and as the determinations of the rating authority have not been subject to a legal challenge. Of course, people have been rated for lots that legally and technically do not exist because the Valuer General, accepting the definition in the Town Planning and Development Act, has deemed them to be lots. I am aware of one such example whereby a company has been rated on a subdivisional basis of seven lots, which are held as one parcel of land in one specific certificate of title.

Mr Peter Dowding: What is wrong with that?

Mr LEWIS: If the Minister listens to me, I will explain it to him. Of course, there is an anomaly—and I would like the Minister to take particular note of what I am saying—in that in accordance with section 20A of the Town Planning and Development Act whereby reserves for recreation, roads, and rights of way are set aside under this section for open space and roads on the plan of surveys, they are not legally created until the survey is approved by the inspector of plans and surveys.

Mr Peter Dowding: The nature of the title affects the value of the land.

Mr LEWIS: I am trying to explain to the Minister that a subdivision can be approved by the SPC. Because the Valuer General and the rating authorities recognise that a lot is created by the definition in the Town Planning and Development Act, they start rating that property, notwithstanding that the survey has not even formally been lodged with the Office of Titles and has not been approved by the inspector of plans and surveys.

Section 20A of the Act sets aside reserves for recreation, rights of way, easements, and indeed the creation of a road on a subdivision. Those are not created until the plan of

subdivision is registered and deposited in the Office of Titles or the registry of deeds and is approved by the inspector of plans and surveys.

Mr Peter Dowding: That is a matter which was taken into account when surveying the land.

Mr LEWIS: I am trying to explain to the Minister—and I am quite surprised that with his legal intellect he cannot understand this—

Mr Peter Dowding: A law degree does not give you intellect.

Mr LEWIS: —that by virtue of the Valuer General's acceptance, a lot is created without a plan being deposited in the Office of Titles. That same Act, under section 20A, will not recognise that reserves for recreation and roads created on that same plan of subdivision are not created until the inspector of plans and surveys has approved them. I suggest that the Minister listen because he might learn something.

Mr Peter Dowding: Not at the rate you are going.

Mr LEWIS: I will explain it again. A plan of survey which deems a lot or creates a road does not exist legally. The Minister is suggesting that this is equitable and fair. I suggest that the Minister should cease being argumentative—

Mr Troy: That is an interesting comment from you.

Mr LEWIS: Now the Minister for Transport wants to contribute to the debate.

Mr Peter Dowding: Let him go; he wants to be argumentative.

Mr LEWIS: No, I do not; I just want to put the matter straight. If the Minister does not understand, I will explain the matter again.

Several members interjected.

The DEPUTY SPEAKER: Order! If the honourable member were to direct his comments to the Chair, his speech would not draw the flak which it appears to be drawing. I greatly enjoyed my three hours and 21 minutes of sleep last night, and I am looking forward to a similar amount tonight.

Mr LEWIS: That may be so, Mr Deputy Speaker, but I suggest the rights of the individuals of this State are sometimes more important than the leisure time of parliamentarians.

I drew that analogy to the attention of the House and I ask the Minister to take note of what I have contended. I suggest that there is an anomaly there and it should be looked at in the legal sense so that people are not rated on the basis of allotments that technically and legally, both in my opinion and in learned opinion, do not exist. On that basis, and because I know there is present litigation before the courts and application for consideration of review of valuations because valuations have been made on the basis of subdivisions which, in my contention, do not exist, I cannot accept clause 13. This clause would remove the right, retrospectively, of people to claim adjustment of rates and taxes for previous years when it is found that an error has been made in a valuation by the Valuer General.

It is very interesting that if litigation is pending or otherwise, if a right of appeal has been properly lodged within the 42 days of the current rate notice for recovery of overpaid or back rates, the ability for people to claim the back rates they have paid will be abrogated, if this legislation now before the House is passed.

Hon. Joe Berinson, the Attorney General, in his second reading reply contended that—

> The principle that a valuation which has been amended on objection or appeal should apply only from the year for which the objection was made, is sound.

He suggested there should be no retrospectivity to claim rates that had been overpaid by virtue of an error made by the Valuer General.

Mr Peter Dowding: An error you have not challenged.

Mr LEWIS: But that is an error a person may not have been able to challenge within the 42 days. Again quoting from *Hansard*, Hon. Joe Berinson said—

> It would be unsatisfactory if there were always some contingent liability hanging around the neck of these authorities because landowners might at any time in the future challenge a valuation and then demand a refund for past years.

I cannot accept that. If an error has been made and then, because of the force of power the rating authority has, it pressures the individual and claims the payment of the rates, that individual should have the right to claim any overpaid rates. Although the Attorney General enunciates the principle that people should not be able to go back into previous years to claim rates they have overpaid, he goes on to say in his second reading reply, seemingly contradictorily—

> However, it should not be thought that the insertion of the proposed new section 34A means that it is not possible for the Valuer General to retrospectively adjust a

> valuation where he discovers that some serious act or significant error has occurred in its determination.

He was saying that, notwithstanding clause 13, people still have the ability to apply to the Valuer General for a revaluation and then to claim overpayments made over that period. He went on to say—

> Section 23 of the Valuation of Land Act has always allowed the Valuer General to make an interim valuation of a particular piece of land where, among other things, in his opinion it is necessary or expedient for any reason that such land be valued.
>
> Subsection (5) of section 23 provides that the Valuer General may determine the effective date of any such interim valuation, whether that date be retrospective or prospective.

The Attorney General has completely misinterpreted that section and is incorrect in what he said. I quote section 23(1) of the existing Act—

> The Valuer-General may, at any time, value or cause to be valued any rateable land where such land has not previously been valued or separately valued under this Act or where in his opinion it is necessary or expedient for any reason that such land be valued.

That specifically provides that the Valuer General does not have the ability to go back and revalue land that has been previously valued or separately valued under the Act. The Attorney General said that the door was open under section 23, but a reading of the section shows clearly that it prohibits the Valuer General from revaluing land valued subsequent to 1979 when the Act was proclaimed. The Attorney General apparently inadvertently misled the Council.

Point of Order

Mr PETER DOWDING: Standing Order No. 127, I think, prohibits the quoting of *Hansard* in this manner.

The DEPUTY SPEAKER: That is correct. I ask the member for East Melville to bear that in mind in the continuance of his speech.

Debate Resumed

Mr LEWIS: The amendment proposed by clause 13 is retrospective and will remove people's rights by disallowing a right to claim any overpayment of rates, something now possible under the existing Act, if an error or incorrect valuation has been made. For that reason we will be opposing clause 13 at the Committee stage.

MR SCHELL (Mt Marshall) [9.30 p.m.]: The National Party has only one query regarding this Bill and it relates to clause 13. We believe the removal of retrospectivity in this case of reduced valuations as a result of successful objections for appeal is unwarranted. We believe if a mistake has been made in the assessment, the fact that it may have passed undetected for two or more years warrants compensation. We want to know why the Minister has included this clause and also whether, if this case is a common occurrence, how many times it has happened. If the clause is removed what revenue loss will be involved?

The National Party will support the Bill, subject to clause 13 being reconsidered.

MR PETER DOWDING (Maylands—Minister for Employment and Training) [9.32 p.m.]: Both speakers on this Bill have completely missed the point by making reference to the difficulties they have with the Bill being based on an alleged retrospective effect. Nothing is further from the point. This legislation does not provide for retrospectivity; it provides for no retrospectivity. It says that if a valuation is unchallenged in any one year, that is the valuation for the year. If in a subsequent year the valuation is challenged and in that subsequent year is found in the challenge to be appropriately altered, for that year and that year only the effect of the alteration will apply and the alteration will not have retrospectivity.

Mr Lewis: Why change it?

Mr PETER DOWDING: Members of the Opposition cannot just throw up a buzz word like "retrospectivity" and expect us all to fall in a heap and say, "Retrospective legislation, it must be bad". The Bill intends for the exact opposite to occur. It says there will be no retrospectivity.

Mr MacKinnon: How many cases does the Government have before it now involving retrospectivity of this kind?

Mr PETER DOWDING: The Opposition's spokesman on this Bill has done a good job and I do not think that the Deputy Leader of the Opposition's interjection is useful.

The member has raised the issue and I am saying in answer to it that this is not retrospective legislation. It protects the integrity of the valuation until it is challenged and only in the year in which it is challenged.

Mr Lewis: Why change it?

Mr PETER DOWDING: To clarify the role of the valuation which is effected clearly during the year in which it is unchallenged. It is not clear that a challenge in a subsequent year would require some reimbursement over prior years.

Mr Lewis: That is the intention of the Act.

Mr PETER DOWDING: The member is now talking about the intent of the Act as opposed to the plain words of the Act. That is not the intent of the Act and it is not spelt out in plain words of the Act. It is not supported by the second reading speech when the Bill was introduced in 1978. The Minister has given no justification for the proposition that that was the plain meaning of the Act.

It is entirely incorrect to say that that was what the Act said or intended to say.

Mr Lewis: But there have been successful claims.

Mr PETER DOWDING: This is an amendment to the Act designed to demonstrate quite clearly that the Act should not have retrospectivity. Given the member's support for the legislation subject to this clause—no doubt we can discuss it in the Committee stage in some detail—I thank members for that support.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Burkett) in the Chair; Mr Peter Dowding (Minister for Employment and Training) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Section 34A inserted—

Mr LEWIS: I cannot accept the Minister's proposal. I think that if the *Hansard* of the other place is read it will be seen that the Minister in that place was having a bet each way when he suggested that the Bill would allow for retrospectivity.

Mr Peter Dowding: He did not say that.

Mr LEWIS: If the Minister reads the *Hansard* he will see that he did say that. The Minister was saying that it was never intended to be retrospective and the only reason this clause is in the Bill is to make it unequivocal that that was the intent of the Act. I cannot accept that. I do not believe the Attorney General accepted it either. If he did he was having a bet both ways and the Opposition cannot accept that. We will vote against this clause.

Mr PETER DOWDING: This is nonsense. The member has got himself quite worked up about a nonsense.

Mr Lewis: I have not.

Mr PETER DOWDING: He has. We cannot run a system, whether it is a rating system or a valuation system on the basis that at some stage in the future—the member does not even put a limit on it—someone will challenge it.

Mr Lewis: There have been revaluations every three years. Didn't you know that?

Mr PETER DOWDING: That is right.

Mr Lewis: You have not thought about this at all.

Mr PETER DOWDING: I have thought about it. If the member thinks about it he will see it is an impossible proposition to suggest that at some stage in the future there is a challenge to a rating or valuation which then affects the position of the relevant revenue-receiving authority back years in the past.

Mr Lewis: Two years at the most.

Mr PETER DOWDING: All right, let us assume it is two years at the most. The member is suggesting that a rating authority should be prepared to have, as some sort of uncertain contingency, the possibility that two-thirds of the revenue might be removed because a whole stack of people will successfully appeal against a valuation.

Mr Lewis: Two-thirds of what revenue?

Mr PETER DOWDING: The reductio ad absurdum of that is a good way of indicating how "abusurdum" it all really is. The Opposition, in 1978 when in Government, introduced the principal Act which made no provision for the retrospectivity of appeals against valuations and it has been said previously that section 23 has been a mechanism for providing for the Valuer General to deal with occasions of which there has been a demonstrable error. Under section 23 with a demonstrable error, the Valuer General has been in a position to deal with things retrospectively and prospectively and that is not being removed.

Mr Lewis: It is.

Mr PETER DOWDING: All right, the member has his point of view and I have mine, but I may well have the numbers to prove I am right.

I seek to persuade him with intellect and if that does not work—

Mr Lewis: Look up to the Press Gallery and smile.

Mr PETER DOWDING: The member is off the beam; he is incorrect. It has been demonstrated quite clearly that he is incorrect except to the extent that he is right in saying that, as a result of this proposal, it will not be appropriate for the effect of a normal appeal to have a retrospective effect.

He is right to that extent; it is a policy issue. What is being said is that it is the same policy issue put in place by the Liberal Party when it was in Government in 1978 when it introduced this legislation.

Mr Clarko: It does not need this clause.

Mr PETER DOWDING: Has the member for Karrinyup read it? To which clause is he referring?

Mr Clarko: Clause 8.

Mr PETER DOWDING: That is very good; to which subclause is the member referring?

Mr Clarko: Is it clause 8 or isn't it?

Mr PETER DOWDING: The policy was clearly enunciated in 1978. Nevertheless, an element of doubt has crept into it since then. Members opposite should not wish to introduce the principle of retrospectivity and neither does this Government; and in order to clarify it it has introduced this amendment. I hope the member for Karrinyup will wake up soon because we have gone past clause 8 and we are debating clause 13.

Mr Lewis: It took you a while to work that out.

Mr PETER DOWDING: Does the member for East Melville mean that he knew that also?

Mr Lewis: Yes.

Mr PETER DOWDING: That is good.

The principle is being enunciated and it is being clarified, but it does not derogate from the power of the Valuer General to correct errors, and section 23 of the Act has been used for that purpose.

The objection by the Opposition really has no substance and the Government insists on the amendment to section 34 of the Act by the addition of this clause, notwithstanding the comments from the Opposition.

Clause put and a division taken with the following result—

Ayes 23

Mrs Beggs	Mr Parker	
Mr Bertram	Mr Pearce	
Mr Bridge	Mr Read	
Mr Terry Burke	Mr P. J. Smith	
Mr Burkett	Mr Taylor	
Mr Peter Dowding	Mr Tonkin	
Mr Evans	Mr Troy	
Dr Gallop	Mrs Watkins	
Mr Grill	Dr Watson	
Mrs Henderson	Mr Wilson	
Mr Hodge	Mrs Buchanan	
Mr Marlborough		*(Teller)*

Noes 18

Mr Cash	Mr Lewis	
Mr Clarko	Mr Lightfoot	
Mr Court	Mr Nalder	
Mr Cowan	Mr Rushton	
Mr Crane	Mr Schell	
Mr Grayden	Mr Spriggs	
Mr Hassell	Mr Stephens	
Mr House	Mr Thompson	
Mr Laurance	Mr Williams	
		(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Watt
Mr Gordon Hill	Mr Tubby
Mr Carr	Mr Trenorden
Mr D. L. Smith	Mr MacKinnon
Mr Brian Burke	Mr Bradshaw
Mr Tom Jones	Mr Blaikie
Mr Thomas	Mr Mensaros

Clause thus passed.

Clause 14 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 Peter Dowding (Minister for Employment and Training), and passed.

House adjourned at 9.48 p.m.

QUESTIONS ON NOTICE

MEDICAL INCORPORATED

Establishment: Technology Park

1769. Mr COURT, to the Minister for Industry and Technology:

(1) When will the company Medical Incorporated be locating at the Technology Park?

(2) Is this company still involved in manufacturing heart valves?

(3) What other products will it be manufacturing at Technology Park?

Mr BRYCE replied:

The member will be advised in writing in due course.

ENERGY

Petrol: Cost

1821. Mr LAURANCE, to the Minister for Transport:

Is it a fact that Western Australia now has the dearest petrol in Australia?

Mr TROY replied:

This question has wrongly been addressed to the Minister for Transport. It has been referred to the Minister for Consumer Affairs, and he will answer the question in writing.

POLICE STATION

Mandurah: Establishment

1822. Mr CASH, to the Minister for Police and Emergency Services:

(1) What is the current establishment of the Mandurah Police Station?

(2) Given that the population of Mandurah fluctuates due to a substantial increase in residents during the summer months, is the establishment increased to cope with seasonal fluctuations?

(3) If yes to (2), what were the increases in personnel in the past three years?

Mr GORDON HILL replied:

(1) Twelve general duties and two CIB officers are attached to Mandurah Police Station. Nine traffic officers and two Police and Citizens Youth Club officers are located elsewhere in the town.

(2) Yes.

(3) Since March 1983 there has been a permanent increase to the police station strength of three general duties officers and two CIB.

In addition, patrols are provided from Fremantle station and other specialist branches as required.

Relief staff are provided over the Christmas period to ensure the approved strength of the station is maintained.

BOAT HARBOUR

Hillarys: Boat Pens

1829. Mr MacKINNON, to the Minister for Transport:

(1) Further to question 1286 of 1986, how many boat pens have currently been leased to the Hillarys Boat Harbour Association?

(2) What has been the average price of the leases involved?

(3) Have negotiations with the Hillarys Boat Harbour Association yet been completed?

(4) If so, what was the outcome of those negotiations?

Mr TROY replied:

(1) None.

(2) Not applicable.

(3) No.

(4) Not applicable.

MOTOR VEHICLE DRIVERS

Licences: Organ Donation Information

1831. Mr HOUSE, to the Minister for Police and Emergency Services:

What action has he taken for the inclusion of organ donor information on drivers' licences?

Mr GORDON HILL replied:

The matter is currently under review by the Police Department, and a report is expected shortly.

FIRE BRIGADE

Volunteer: Mt Magnet

1834. Mr CASH, to the Minister for Police and Emergency Services:

(1) When is construction on the Mt Magnet Volunteer Fire Brigade Station to be commenced, and when is it due for completion?

(2) Is he aware that the northern zone volunteer fire brigade demonstration is to be held at Mt Magnet in February 1987, and that any further delays in the commencement of the project may cause unnecessary disruption to this demonstration?

Mr GORDON HILL replied:

(1) The new Mt Magnet Fire Station is a prefabricated structure, and erection of the building will commence early in January 1987 to be completed by the second week in February 1987.

(2) The northern zone volunteer fire brigade championships are scheduled for 28 February and 1 March 1987.

Delay in the building schedule is not anticipated, but cleaning and tidying of the site and occupation will take additional time.

Because the new fire station is on a separate site from the existing building, changeover can take place at the convenience of the brigade, obviating any disruption to the championships.

FARM WATER ADVISORY COMMITTEE

Functions

1840. Mr SCHELL, to the Minister for Water Resources:

(1) What are the functions of the Farm Water Advisory Committee?

(2) What relationship, if any, does it have with the Rural Adjustment and Finance Corporation?

Mr BRIDGE replied:

This question has wrongly been addressed to the Minister for Water Resources. It has been referred to the Minister for Agriculture, and he will answer the question in writing.

WATER RESOURCES

Agaton: Feasibility Study

1842. Mr SCHELL, to the Minister for Water Resources:

(1) Has a feasibility study been carried out on a proposal to use part of the Agaton water supply for consumption by residents of the metropolitan area?

(2) Is he considering any such proposals?

Mr BRIDGE replied:

(1) No.

(2) Following my visit to part of the area last week, I propose to examine all aspects of the scheme.

WATER CONSUMPTION

Public Relations Campaign

1844. Mr MENSAROS, to the Minister for Water Resources:

(1) Has the Water Authority of Western Australia or the Government undertaken any planned public relations campaign with the aim of reducing the increasing quantity of water consumption, like the Court Government did under Graham MacKinnon's Ministry in the years 1977-80?

(2) If so, can he describe the elements of such campaign and its results?

(3) If not, will he undertake to organise such a campaign with the aim of reducing present and future consumption, thus preventing inevitable increases in charges?

Mr BRIDGE replied:

(1) Yes, in the Pilbara.

For Perth the drought-type campaign has not been appropriate in recent years. Instead, the Water Authority and Water Resources Council have been laying the foundation for a co-ordinated water conservation programme which will have sustained effects and thereby slow down the demand for future source development works.

(2) In the Pilbara, the water conservation campaign has included pamphlet material, videos, displays, and advice on water-efficient gardens. This is coupled with a community acceptance

of limited watering hours away from the heat of day.

In Karratha and Wickham, which are traditionally large water consuming towns, average water consumptions per service in 1985-86 have fallen by approximately 20 per cent and 25 per cent respectively from consumption levels of 1982-83.

(3) As indicated in (1), the Water Authority and Water Resources Council have been actively organising an integrated campaign designed to encourage lasting benefits. With these actions in mind, the Western Australian Water Resources Council sponsored a national conference which I opened in Perth during April 1986. I am pleased to say that the recommendations from that conference have already been endorsed and acted on nationally by the Australian Water Resources Council.

In a few days time I will be releasing a report by the Western Australian Water Resources Council which proposes a general State strategy for promoting the efficient use of water. The council's strategy has my endorsement and is being actively supported by the Water Authority.

Within a few weeks I will also be releasing another important document in the form of a water conservation book prepared by the WA Water Resources Council as a practical guide to architects, landscapers, and planners in the effective use of water for gardens. This book will be supported by a video presentation.

The Water Authority is currently developing a multi-pronged approach to promoting water use efficiency. More specifically, within this the Water Authority is planning a public information campaign to begin in the new year and designed to encourage and assist responsible water use in the community. The authority is concerned that such information campaigns should be part of a total coordinated programme and has arranged for one of its senior engineering staff to work full-time on planning and liaison for such activity.

PLANNING: CANAL DEVELOPMENT

Dawesville Cut: Completion

1868. Mr BRADSHAW, to the Minister for Conservation and Land Management:

(1) At what stage is the planning for the Mandurah Cut?

(2) When does he expect the cut to be completed?

Mr HODGE replied:

(1) An environmental review and management programme on the proposal is nearing completion and is expected to be made available for public comment early in 1987.

(2) Any decision to proceed will be subject to environmental clearance and Cabinet approval.

LAND: CROWN GRANT

Midland Abattoir: Transfer

1873. Mr HASSELL, to the Minister for Lands:

(1) I refer him to a Crown grant, volume 1744, folio 830, signed by him and His Excellency the Governor on 11 November 1986, which granted the Midland abattoir and saleyard land to the Western Australian Meat Commission, and note that below the Minister's signature it is stated that the land in question was transferred to Pilsley Investments Pty Ltd at 2.44 p.m. on 10 November 1986. How was it possible to transfer the land to Pilsley Investments a day before the Minister and His Excellency the Governor signed the Crown grant?

(2) Was His Excellency the Governor made aware before he signed the document that the land had already been transferred to another party?

(3) Which party was the registered proprietor of the land before it was transferred to Pilsley Investments Pty Ltd at 2.44 p.m. on 10 November 1986?

Mr TAYLOR replied:

(1) Permit to occupy No. 3142/9164 was issued to the Office of Titles on 6 November, and enabled the transfer to Pilsley Investments Pty Ltd to be registered under section 73 of the Transfer of Land Act, on 10 November.

(2) The Governor had on October 22 approved the grant of the land to the Western Australian Meat Commission, which enabled the issue of the permit to occupy, and dealings on the permit.

(3) Western Australian Meat Commission.

DEPARTMENT OF THE PREMIER AND CABINET

Staff Cuts

1879. Mr HASSELL, to the Premier:

Will the Department of the Premier and Cabinet be subject to the same level of staff cuts as that imposed on the Department of Health?

Mr BRIAN BURKE replied:

The Public Service Board has approved a three per cent staffing reduction target for the Department of the Premier and Cabinet.

SUPERANNUATION

Public Servants: Private Schemes

1880. Mr HASSELL, to the Treasurer:

(1) Has the Government taken any action to assist State public servants who have opted out of the State superannuation scheme and who have subsequently had claims for tax deductions on contributions to private schemes denied?

(2) If the Government has not taken action to assist such public servants, what action does it intend to take?

Mr BRIAN BURKE replied:

(1) Yes. Representation has been made to the Federal Treasurer.

(2) Not applicable.

TRANSPORT: BUSES

School: Review

1884. Mr BRADSHAW, to the Minister for Education:

(1) Is a review of the school bus service currently being undertaken?

(2) If so, what are the terms of reference?

(3) When is the report expected to be completed?

Mr PEARCE replied:

(1) There is a review of school bus policy currently being undertaken.

(2) The terms of reference are as follows—

(a) Requirements for the establishment and alteration of school bus and minor contract services.

(b) Rules relating to the admission of pre-primary, primary and secondary students to contract school bus services.

(c) Guidelines under which students from non-government schools may be transported.

(d) Policy and procedures in relation to carriage of students to Education Support facilities.

(e) Conveyance and allowance provisions.

(f) School Bus Advisory Committee role and function.

(g) School and Regional control methods.

(h) School Principal's role in bus management.

(i) Any further aspects of School Bus Services policy that may arise from submissions received.

(3) Early in the 1987 school year.

HEALTH

Policy: Families

1885. Mr BRADSHAW, to the Minister for Health:

(1) Adverting to question 1648 of 1986 concerning a health policy for families, in what form was the policy distributed to health units?

(2) Has representation been made to the Health Department to issue the policy in booklet form?

(3) If yes to (2), does the department intend to do so?

Mr TAYLOR replied:

(1) Internal circular No. A5140.

(2) Discussions have been held with the Association for the Welfare of Children in Hospital WA Inc. to reprint the policy with revisions.

(3) When staff and funds permit.

TOURISM

Publications: Cost

1886. Mr BLAIKIE, to the Minister for Tourism:

(1) What has been the cost of the publications—

(a) "Western Australian Visitor"—summer 1985-86 edition;

(b) "The Official America's Cup Directory",

to the Western Australian Tourism Commission and other State and Government agencies?

(2) Further to (1), what number of copies have been produced in (a) and (b)?

(3) What firms, and at what cost, were involved in—

(a) editorial;

(b) typesetting;

(c) graphics, etc.,

of each publication?

(4) Where and by whom were the publications printed?

Mrs BEGGS replied:

(1) Nil. Neither publication was published by the Western Australian Tourism Commission nor other State Government agencies.

(2) to (4) Not known as these were commercial projects undertaken outside the State Government structure.

LAND: NATIONAL PARK

Ningaloo: Expenditure

1887. Mr BLAIKIE, to the Minister for Conservation and Land Management:

(1) With the Government proposing to spend some $340 000 on capital works in the Ningaloo National Park in 1985-86, what were the reasons for non-use of the allocated funds?

(2) (a) Why does the Government seek $500 000 for Ningaloo in 1986-87;

(b) what commitment can he give that the funds, if approved by Parliament, will be spent?

Mr HODGE replied:

(1) and (2) The funds referred to are instalments of a special grant from the Bicentennial Authority to assist the development of the Ningaloo Marine Park, paid into the capital works budget of the Department of Conservation and Land Management for convenience. Funds unspent in any year are carried over. The main purpose of the grant is to construct an interpretation centre and provide other public facilities for the park in 1988. There have been delays in beginning the design and construction work but I am confident that the project will be completed on schedule and within budget.

FORESTS

Pine: Area

1888. Mr BLAIKIE, to the Minister for Conservation and Land Management:

(1) Would he advise the total area of pines under the control of his department in each area and division of the State?

(2) What is the Government's policy on further pine plantings in the Donnybrook sunklands?

Mr HODGE replied:

(1) To December 1985, the approximate areas were—

Northern forest region	25 124 ha
Central forest region	34 327 ha
Southern forest region	1 060 ha
Metropolitan region	500 ha
South coast region	200 ha
	61 211 ha

(2) Further pine planting in the Donnybrook sunklands is suspended.

FORESTS

Pine: Private

1889. Mr BLAIKIE, to the Minister for Conservation and Land Management:

What is the total area of pine in private plantations in the State?

Mr HODGE replied:

I do not have ministerial responsibility for private pine plantations. However, the best information available to the Department of Conservation and Land Management indicates that at December 1985 there were approximately 13 400 ha.

FORESTS

Pine: Private

1890. Mr BLAIKIE, to the Minister for Conservation and Land Management:

(1) How many farmers have committed agreements with his department to plant pine trees on private property to be milled in the Manjimup region?

(2) What is the total area involved?

(3) (a) What is the location of the areas concerned;

(b) how many hectares of pine will be planted during the year?

(4) Will it be necessary for forested areas of private land to be cleared to plant pines under the Government's private owner land arrangements?

(5) If yes to (4), how does he reconcile this action with the often stated policy of his Government?

(6) If no to (4), will he table maps showing locations concerned and areas to be planted with pines?

(7) What is the projected cost of agreements and plantings in 1986, and how will the cost be made up?

Mr HODGE replied:

(1) Nil.

(2) and (3) Not applicable.

(4) Not known at this stage.

(5) and (6) Not applicable.

(7) At this stage it is not possible to predict accurately the cost of the softwood share farming scheme for 1986.

TOURISM

"G'day from WA" Campaign: Family Entertainment Days

1894. Mr BLAIKIE, to the Minister for Tourism:

(1) Would she give the dates of the eleven family entertainment days to be held in Fremantle during the America's Cup period that is part of the "G'day from WA" campaign?

(2) What is the cost to the Government of—

(a) G'day campaign;

(b) family day programmes?

(3) What is the extent of the Government's involvement in the family day programmes and will she provide full details?

Mrs BEGGS replied:

(1) The eleven people's days events commenced on 16 November 1986, and will finish on 25 January 1987.

(2) and (3) The State Government's estimated contribution to the total G'day project is up to $250 000. This includes advertising and the people's days which are a Government initiative and were incorporated in the MOJO MDA concept of the "G'day" campaign.

EDUCATION

"Evening Star": Purchase Price

1895. Mr BLAIKIE, to the Minister for Education:

(1) What was the initial purchase price of the Youth Sailing Foundation of Western Australia sailing ship *Evening Star*?

(2) What has been the subsequent cost of—

(a) bringing the ship to Australia;

(b) repairs;

(c) refurbishing?

(3) Who is the ship to be chartered to, and from what date?

(4) (a) What has been the total cost of the charter;

(b) has the Government made any commitment to underwrite any losses;

(c) if so, would he give details?

Mr PEARCE replied:

(1) $336 000.

(2) (a) $30 000;

(b) and (c) $178 000 has been expended on repairing and refurbishing the vessel.

(3) Corvette Pty Ltd from 1 December 1986.

(4) (a) Not applicable as costs are being met by the charterer, Corvette Pty Ltd;

(b) and (c) No.

LIQUOR TRADING HOURS

Extension: Country Areas

1898. Mr BLAIKIE, to the Minister for Tourism:

In view of the concession to a number of licensed premises within the metropolitan area to be permitted extended trading hours for selling alcohol, does the Government intend to extend this measure to country areas and, if so, would she please detail?

Mrs BEGGS replied:

It is my intention to advise the Liquor Industry Council that as from 1 December 1986, I will consider applications for extended trading hours from tourist-related country licensed liquor outlets which experience increased demand because of the increase in visitors expected during the America's Cup period.

LEEUWIN-NATURALISTE REGIONAL PLAN

Development

1899. Mr BLAIKIE, to the Minister for Planning:

(1) What progress has the State Planning Commission made in developing a Leeuwin-Naturaliste region plan?

(2) What level of involvement have his officers had with the Shires of Busselton and Augusta-Margaret River on a—

(a) shire council level,

(b) officer level?

Mr PEARCE replied:

(1) The working group of officers from various Government instrumentalities is meeting next week to prepare draft final proposals for stage one, following which a report will be submitted for consideration by the steering committee.

(2) (a) A meeting has been held with Busselton Council and separately with the shire president;

(b) the planning officers from each district are members of the working group, and the councils have been requested to nominate a councillor to join the steering committee; a reply is awaited from one council, Busselton.

BOAT HARBOUR

Geographe Bay: Sites

1900. Mr BLAIKIE, to the Minister for Planning:

(1) What areas in Geographe Bay are being considered as future potential sites for boating facilities as a result of the Leeuwin-Naturaliste region study?

(2) Has the Wonnerup estuary been considered and, if not, why not?

Mr PEARCE replied:

(1) A number of sites have been examined and the preferred sites are in the process of selection.

(2) Yes, but rejected for environmental reasons as well as problems of development and maintenance which would be costly.

WA DEVELOPMENT CORPORATION

Wharncliffe Pty Ltd: Interest

1902. Mr COURT, to the Minister coordinating Economic and Social Development:

(1) The 1984 annual report of the Western Australian Development Corporation states that it has accepted an invitation to take a small equity interest in Wharncliffe Proprietary Limited. Does the Western Australian Development Corporation still hold this interest?

(2) If no, when was it sold?

Mr BRIAN BURKE replied:

The member might properly address questions of this nature to the Western Australian Development Corporation.

WA DEVELOPMENT CORPORATION

Wesfi Pine Pty Ltd: Interest

1903. Mr COURT, to the Minister coordinating Economic and Social Development:

(1) The 1986 annual report of the Western Australian Development Corporation states that it has a 20 per cent interest in Wesfi's pine sawmilling and marketing operation based at Dardanup. In what corporation is this investment made?

(2) When was this investment made?

Mr BRIAN BURKE replied:

See my reply to question 1902.

GOVERNMENT INSTRUMENTALITIES: STAFF

Air Travel: First Class

1904. Mr COURT, to the Premier:

What guidelines have been introduced by the Government in determining which officers and members of statutory authorities are entitled to first-class air travel?

Mr BRIAN BURKE replied:

A copy of a circular to heads of departments covering this matter follows.

OFFICE OF THE PREMIER

24th June 1986

CIRCULAR TO HEADS OF DEPARTMENTS

Overseas Travel

(1) As from 15 July 1986, first class travel should be available to Ministers and Heads of Departments and statutory authorities only.

(2) As a general rule, all other officers to be entitled to economy class only. However, Ministers may nominate officers, including class of travel (business/first class), to be exceptions to the rule. (On this point, the fact that an officer is travelling with a person entitled to first class travel should not of itself be acceptable as an "exceptional circumstance".)

(3) Where any travel outside the above guidelines is now provided by an industrial award, an application should be made for an appropriate award variation.

(4) All proposals for overseas travel to be submitted in the first instance to the Minister for Budget Management for recommendation by him to the Premier.

Interstate Travel

(1) As from 15 July 1986, first class travel should be available to Ministers, Heads of Departments and statutory authorities, and a maximum of one other officer accompanying a Minister or Head.

(2) All other officers to be entitled to economy class travel only with Ministers having the discretion to authorise exceptions for business class travel. Ministers are to report to the Minister for Budget Management on a six-monthly basis with regard to such discretionary approvals.

(3) Where any travel outside the above guidelines is now provided by an industrial award, an application should be made for an appropriate award variation.

(4) All bookings to be made through Holiday WA.

PREMIER

WA EXIM CORPORATION

Staff: Merger

1905. Mr COURT, to the Minister co-ordinating Economic and Social Development:

(1) Will the present directors of Exim Corporation become officers of the new Exim Corporation?

(2) Is it intended that the present Exim staff will be the staff of the new body?

Mr BRIAN BURKE replied:

(1) and (2) These are policy matters that will be decided in consultation with representatives of the Government, the Western Australian Exim Corporation Ltd, and the Western Australian Overseas Projects Authority.

MINERALS

Iron Ore Industry: Capital Investment

1906. Mr COURT, to the Minister for Minerals and Energy:

Is the Government intending to promote, approve, or encourage any further capital investment into the iron ore industry, either directly by the Government or by any of its statutory authorities?

Mr PARKER replied:

It is the policy of this Government to promote, approve, and encourage economic capital investment in pursuit of the economic development of

this State. Private investment often requires complementary investment in infrastructure by the State and its statutory authorities. Such investment may be required for further expansion of the iron ore industry.

MOTOR VEHICLES

Government: Telephones

1907. Mr COURT, to the Premier:

How many ministerial and other Government departments and Government corporation vehicles are now fitted with telephones?

Mr BRIAN BURKE replied:

The information sought is not readily available and would take a considerable effort to obtain. Should the member have any specific concerns and informs me of them, I will give consideration to obtaining the information he is seeking.

TOURISM

Time-sharing Resorts: Consumer Affairs Inquiries

1908. Mr BLAIKIE, to the Minister for Consumer Affairs:

(1) Has his department made any inquiries into the operations and management of time-sharing development projects, and if so would he detail?

(2) What safeguards are available for purchasers entering into time-sharing schemes against possibly unscrupulous developers?

Mr WILSON replied:

(1) Any inquiries into the operations and management of time-sharing projects would more appropriately be dealt with by the Corporate Affairs Department rather than the Department of Consumer Affairs.

(2) Time-sharing schemes constitute offers of "prescribed interests" under the Companies (Western Australia) Code and therefore must comply with the requirements of division 6 of part IV of the code.

The National Companies and Securities Commission has issued a 12-page policy statement—issue 3 of release 117—on this subject, which further outlines safeguards for prospective purchasers.

TOURISM

Bed and Breakfast Accommodation: Introduction

1910. Mr BLAIKIE, to the Minister for Tourism:

What consideration has she given to introducing home-style bed and breakfast accommodation in Western Australia along similar lines to that already available and registered with the South Australian Department of Tourism?

Mrs BEGGS replied:

A home-style bed and breakfast accommodation scheme is already available in Western Australia and is operated by Homestay of WA. This is a private enterprise scheme similar to that operated by Adelaide Homestay in South Australia, and is promoted by the Western Australian Tourism Commission.

PRISON PROJECTS

Expenditure

1911. Mr BLAIKIE, to the Minister representing the Minister for Prisons:

Would he explain of the $8 978 million proposed for expenditure in the capital works programme headed "Prisons" for the year ending 30 June 1986, what projects, and value were—

(a) commenced;

(b) in progress;

(c) completed;

(d) rejected;

(e) held over,

that led to an actual expenditure of $3 752 million in that financial year.

Mr PETER DOWDING replied:

I am advised that this information will take some time to compile. The member will be advised of the answer in writing.

MOSMAN PARK TEAROOMS

Environmental Report

1913. Mr BLAIKIE, to the Minister for Environment:

(1) On what date was the Environmental Protection Authority requested to make a report on the Mosman Park tearooms project?

(2) Will he table a copy of the report?

(3) Will he table a copy of his advice to the Minister for Transport concerning licensing and other provisions for the tearooms project?

Mr HODGE replied:

(1) 16 October 1986.

(2) Yes.

(3) Yes.

(*See paper No. 529.*)

MINING ACT

Farmers' Veto

1914. Mr BLAIKIE, to the Minister for Minerals and Energy:

Is it the Government's intention to amend the Mining Act during the current session of Parliament to take away from farmers their "right" of veto?

Mr PARKER replied:

No.

WA EXIM CORPORATION

Offices: Overseas

1923. Mr COURT, to the Minister co-ordinating Economic and Social Development:

(1) In how many countries does Exim Corporation have offices?

(2) How many officers are employed overseas by Exim Corporation?

Mr BRIAN BURKE replied:

(1) The Western Australian Exim Corporation Ltd has an office in Hong Kong and is examining the feasibility of extending its operations in Malaysia.

(2) One.

MOTOR VEHICLES: GOVERNMENT

Use: Criteria

1924. Mr COURT, to the Minister for Public Sector Management:

What criteria has been established by the Government in determining which persons on the public payroll are provided with motor vehicles?

Mr BRIAN BURKE replied:

Vehicles may be provided to permanent heads and some other officers on a demonstrated needs basis to assist them in discharging their official duties.

It is expected that these vehicles will be made available to meet more general transport requirements of the department when they are not in use by the officers to whom they are allocated.

Permanent heads are responsible for the control, custody, and use of Government vehicles, and for the overall efficiency and economy of their respective fleets.

WATER RESOURCES

Dams: Construction

1925. Mr RUSHTON, to the Minister for Conservation and Land Management:

Further to question 1639 (4) of 1986, is it proposed to construct water supply dams outside the Lane-Poole Reserve on tributaries that run into the Lane-Poole Reserve?

Mr HODGE replied:

This question has been incorrectly addressed to the Minister for Conservation and Land Management. It has been referred to the Minister for Water Resources, and he will answer the question in writing.

MOTOR VEHICLES

Baby Safety Capsules: Leasing

1926. Mr CLARKO, to the Premier:

Does the Government have any plans to purchase and subsequently lease out through local government authorities, baby safety capsules as has recently occurred in both New South Wales and South Australia?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Premier. It has been referred to the Minister for Police and Emergency Services and he will answer the question in writing.

TEAROOMS

Swan River: Approvals

1927. Mr HASSELL, to the Premier:

(1) (a) Are any approvals necessary for construction of a tearooms or restaurant over the Swan River;

(b) if so, what are they and which authorities or departments are responsible for giving such approvals?

(2) In which order must these approvals be obtained?

(3) (a) What provisions are there for lodging objections to any such application before it can be approved;

(b) who can lodge such objections?

(4) What specific requirements are there for any other authorities or departments to be consulted on the matter of any such application?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Premier. It has been referred to the Minister for Planning, and he will answer the question in writing.

QUESTIONS WITHOUT NOTICE

WA EXIM CORPORATION

Annual Report

389. Mr HASSELL, to the Leader of the House:

This question should be directed to the Premier, but I understand that in his absence the Leader of the House has the answer.

Why has there been a delay in the release of the annual report of the Western Australian Exim Corporation Ltd when its last annual report was released on 17 October 1985?

Mr PEARCE: replied:

Before responding to the question asked by the Leader of the Opposition, may I apologise to the House for the absence of the Premier, who had anticipated being here at question time. Unfortunately, he has had to undergo a slight surgical procedure with regard to a tooth problem and has been unable to return in time.

I thank the Leader of the Opposition for some notice of this question. There has been no delay and the annual report will be released in accordance with what we outlined in answer to a similar question asked in this session.

WA DEVELOPMENT CORPORATION

Short-term Cash Surpluses: Fee

390. Mr COURT, to the Leader of the House:

(1) Why is the Western Australian Development Corporation now charging the Treasury a fee for handling the Treasury's short-term cash surpluses, when the Government had previously stated that no fee would be charged?

(2) When did payment of the fee by Treasury commence?

(3) What fee structure is being charged by WADC?

(4) Why has not the public been notified of the change in practice?

Mr PEARCE replied:

(1) to (4) I regret to inform the member for Nedlands that I have not been able to assemble the information in response to his question in the time provided. I apologise for that, and I suggest that he either put the question on notice or raise it with the Premier during questions without notice next week.

INDUSTRIAL RELATIONS

Productivity and Employment Conference

391. Mrs HENDERSON, to the Minister for Industrial Relations:

Could the Minister please explain to the House the significance and impact of the productivity and employment conference instigated by the State Government?

Mr PETER DOWDING replied:

Today the Government's productivity and employment, management and work practices conference concluded with a communique which was endorsed by all the major participants in the industrial relations arena in this State. Those present included a representative from the Confederation of Western Australian Industry, a representative from the chambers of commerce, and representatives from the Trades and Labor Council, as well as a number of other important participants.

The most important aspect of the communique is a recognition of the need for change in our society. I am glad that the recognition of that change was not achieved simply by assuming it was somebody else in the community who had the responsibility to achieve the change.

At its conclusion, the conference urged employers, employees, and unions to address a number of issues at the enterprise or industry level, and they included education and skills formation, demarcation issues, technological change, dispute-settling mechanisms, employee and employer communication, and work organisation.

Mr Cowan interjected.

Mr PETER DOWDING: No, it is not. It is a very good answer. If the member would bear with me, I will give the answer.

What was so important about the conference was that it achieved that result in a harmonious atmosphere without the sort of acrimony that we have seen the Opposition try to build up for so long in the industrial relations sphere. It is to the credit of the participating bodies that they were prepared to put so much effort and time into a conference of such importance.

WA EXIM CORPORATION

Acremaster Tractors: Losses

392. Mr TUBBY, to the Leader of the House:

(1) Is the Premier aware of the large losses which have been incurred due to the Western Australian Exim Corporation Ltd's marketing joint venture with Acremaster Tractors?

(2) If yes, what is the extent of these losses?

(3) Has the Acremaster operation now been relocated in South Australia?

Mr PEARCE replied:

(1) to (3) I am astounded at the way in which that question has been worded. The clear indication is that Acremaster Tractors has only been involved in losses because it entered into a marketing joint venture arrangement with Western Australian Exim Corporation Ltd.

The fact is that when we became the Government in 1983 the Acremaster Tractors question was one of the first which the Cabinet addressed; and that was a long time before there was the Western Australian Development Corporation or Exim.

The reason we had to address the question of Acremaster Tractors is because it had not been properly addressed by the outgoing Government. In the four years we have been in Government, we have tried very hard indeed to assist that Merredin-based company to be successful, including, in part, being involved in a joint marketing venture with Exim to ascertain whether that company's economic problems could not be overcome.

In the time available I have not been able to obtain information on whether losses or profits were made by Acremaster Tractors. I can report only that it is a matter which has been constantly discussed by Cabinet.

I understand that South Australian interests have now bought into this company, and I guess that means that there is a likelihood of the operation being relocated to South Australia; and that is unfortunate. However, it is unfair to say that this Government has not done everything it could to assist Acremaster Tractors and it is certainly very unfair to imply that the involvement in Exim, as part of the Government's total efforts to assist with the economics of that company, led to large-scale losses. I do not believe that to be the case.

However, if the member wishes a full statement on the economic circumstances of Acremaster Tractors, I suggest he puts a question on notice and I will ensure that he is given the information which is available to the Government.

ABORIGINAL PEOPLE

Parliamentary Attacks

393. Mrs BUCHANAN, to the Minister for Aboriginal Affairs:

(1) Has he received representations from any Aboriginal persons or groups expressing concern at recent unprincipled and unjustified attacks on Aboriginal people in Parliament?

(2) If so, will he provide details.

Mr BRIDGE replied:

(1) and (2) Yes, a number or people have approached me today, both by telephone and personally, about the findings of the Select Committee. I would like to read to the House a letter I received this afternoon from the Aboriginal Lands Trust. I am sure that the letter has been prompted because of the continued comments made by Hon. Norman Moore in respect of this matter.

Members must understand that the Select Committee handed down its findings yesterday in this Parliament, and one would ordinarily expect that that would be the end of the matter and that a debate would take place in this Chamber at some later stage. It appears that in this case that procedure has not been followed and that public comments have been made today about the merits of the inquiry.

Mr Hassell: An amended Press release was put out by Hon. Tom Stephens.

Mr BRIDGE: I do not doubt that that occurred. It appears that in this instance there has been a departure from the normal procedure.

It is sad for Aboriginal people to hear comments on the radio such as the one made by Hon. Norman Moore. He said, "To me there are quite a number of outstanding matters and, therefore, I have asked the Minister for Aboriginal Affairs to take further action on certain matters and to report those actions to the Parliament so that we will then know what the answers are."

One should consider also Hon. Eric Charlton's comments in his attachment to the report wherein he said that there were certain aspects of Hon. N. F. Moore's recommendations which he was prepared to support. He said also that he was of the view that any further action by the Minister for Aboriginal Affairs, as recommended in Mr Moore's report was unnecessary.

Given the conflict that emerges, it is not unreasonable to understand the anxiety Aboriginal people suffer regarding these sorts of allegations.

As a consequence of that, today I received a letter from the Aboriginal Lands Trust. Everybody in this Parliament must understand that allegations were made in respect of three Aboriginal people, in particular, along with many others. Let us just pause a moment to consider these three Aboriginal people. The three of them appeared before the inquiry and in each instance were cleared of the allegations. The letter refers to two of those people and states—

> During the course of the Aboriginal Lands Trust meeting today, the members noted that the result of the Select Committee on the Aboriginal Land Inquiry monies was that no misappropriation of any money was shown to have occurred by any person.
>
> Many Aboriginal people and others have been wrongly accused by the Hon. N. Moore MLC and his colleagues in Parliament over this matter. In particular, the Chairman of the Aboriginal Lands Trust, Mr Aubrey Lynch, and Aboriginal Lands Trust member, Mr Leedham Cameron, have been the subject of unjustified attacks.
>
> The Aboriginal Lands Trust has accordingly resolved to request that you seek in Parliament, an apology from Hon Norman Moore to all those persons who have suffered as a result of these accusations, including the

abovementioned two members of the Aboriginal Lands Trust.

The Trust also wishes to draw attention to what it considers to be a waste of tax-payers money in holding the Select Committee Inquiry when there were no reasonable grounds for it to be held.

The letter was signed by the Secretary of the Aboriginal Lands Trust.

AGRICULTURE

Rural Adjustment Schemes: Allocation

394. Mr COWAN, to the Minister for Agriculture:

The 1985-86 financial year shows that an estimate of $75.2 million was set aside for rural adjustment and interest rate relief schemes. Only $6.17 million was actually paid out.

(1) How much of the $75.2 million was allocated in the 1986-87 financial year?

(2) Will any of the unappropriated balance be made available to complement funds of $39 million set aside in the Estimates for 1986-87 for rural adjustment and interest rate relief schemes?

Mr GRILL replied:

(1) and (2) We need to go back to first base. The 1985-86 budget showed that some $6 million was allocated to RAFCOR for the rural adjustment scheme, RAS. Increased subsidy from the Commonwealth meant that RAFCOR could support a larger lending programme for the RAS during 1985-86.

The 1986-87 Estimates for the General Loan and Capital Works Fund show that a total of $35.221 million has been provided for RAS. An amount of $6.177 million was advanced for loans approved under RAS in 1985-86. However, a total of $10.221 million was approved under RAS in 1985-86 as State loans. Approvals of $4.044 million in 1985-86 were to be funded, then, in 1986-87.

An amount of $25 million has been provided for the RAS in 1986-87 for applications to be received by RAFCOR in 1986-87. We will not know the extent of uptake from these funds until the end of the 1986-87 financial year.

The amount of $29.044 million shown as proposed for 1986-87 is composed of $4.044 million approved in 1985-86 and $25 million as available for allocation in 1986-87.

The $29.044 million proposed for 1986-87, plus the $6.177 million advanced in 1985-86, totals the estimated total cost of $35.221 million against RAS to 30 June 1987.

The Government is committed to provide $40 million under the interest rate relief scheme. No loans had been approved under the scheme to 30 June 1986. The $10 million proposed for 1986-87 is for approvals and advances during 1986-87. To date RAFCOR has approved $3.13 million and advanced $1.541 million under the scheme. The balance of $30 million—$40 million as total cost less $10 million proposed in 1986-87—is to be provided in 1987-88.

The $75.2 million estimate referred to by the member comprises the following—

$10.221 million approved under RAS in 1985-86 of which $6.17 million was advanced in 1985-86 with $4.04 million to be advanced in 1986-87;

$25 million estimated for State lending under RAS in 1985-86;

$10 million estimated for approval and advance under the interest rate relief scheme in 1986-87;

$30 million under the interest rate relief scheme to be provided in 1987-88.

HEALTH

Tobacco Smoking: Death Cards

395. Mr BERTRAM, to the Minister for Health:

Is the Minister aware of the smoking "death cards" programme launched today by the Western Australian branch of the Australian Medical Association?

Mr TAYLOR replied:

Yes, I am aware of this particular project, and I thank the member for Balcatta for asking the question. I know that he has a special interest in this area of health care in our society. I have here a copy of the actual launch document from the Western Australian branch of the Australian Medical Association. It is headed, "Smoking: The Death Cards Project".

I understand that when individuals die of diseases caused by smoking, the patients' doctors will fill out black cards recording the patients' deaths and details of the disease—without any confidential information, names, or personal details—and will then send these to the patients' State members of Parliament. This project was launched today in Perth by the President of the WA branch of the Australian Medical Association, Dr Peter Thompson, and Professor Sir John Crofton, one of the world's most distinguished figures in the field of respiratory diseases.

The AMA's purpose is to draw the attention of politicians to the magnitude of the smoking problem and the very real tragedies that lie behind each of the 1 700 premature deaths caused by smoking each year in Western Australia.

As the Minister for Health in this State and as a member of Parliament, I applaud this project. It will ensure that members of Parliament are made aware that deaths caused by smoking are not merely statistics. Clearly, not all doctors will have time to register the deaths in this manner, but nonetheless I hope that the project will have considerable impact on each and every member of the State Parliament. As Sir John Crofton has said, "You may think black cards are ghoulish—but surely they are not more ghoulish than those who entice the young into a fatal and disabling habit." We are used to thinking of notifiable diseases in this State as being those that are notified to the health authorities on the basis that they are best placed to take the appropriate action. The AMA is rightly notifying politicians of deaths caused by smoking, and reminding us of our responsibilities in this area.

AMERICA'S CUP DIRECTORY

Tourism Commission Role

396. Mr LAURANCE, to the Minister for Tourism:

(1) Is the Minister aware that the America's Cup booklet referred to in questions over the last two days was originally marketed as the "America's Cup Visitors' Guide", but had to be withdrawn when it was found that this name had already been registered by another party, and the booklet was then renamed "The Official America's Cup Directory"?

(2) As production and printing costs of this booklet are estimated by people in the trade to be several hundred thousand dollars greater than the advertising revenue, will all of this loss be met by Telecom or will the Western Australian Tourism Commission or any State agency have to foot any part of the Bill?

(3) Is the Minister aware that several totally private sector America's Cup guides have been produced, such as the "America's Cup Intelligence Report"—I have several copies here of that report which is produced fortnightly and apparently has a very good standing in the market place and does not contain any advertisements for massage parlours—and does she believe that the Premier and the Tourism Commission should be supporting and sponsoring a guide produced by Government agencies and printed by the Government Printer in competition with the private article?

Mr Taylor: Is this a question or an essay?

Mr LAURANCE: It is a long question.

(4) I thank the Minister and her officers for so carefully preserving the 1980 tourism booklet she provided for the Premier at question time last night, which apparently I endorsed.

Point of Order

Mr PETER DOWDING: Is the member being permitted to make a speech as an apology for his own conduct, or is he asking a question of the Minister?

The DEPUTY SPEAKER: I do not believe that is a point of order. I ask the member to quickly round off his question, otherwise I doubt whether the Minister will finish replying by 6 o'clock.

Questions without Notice Resumed

Mr LAURANCE: I thought that if long answers were in order, long questions would also be in order. I continue—

(a) Will she confirm that that booklet was wholly and solely produced by private enterprise;

(b) can she indicate whether it is still in big demand?

Mrs BEGGS replied:

(1) No.

(2) The member for Gascoyne should know, as I do, that Telecom is an autonomous body.

(3) Yes.

(4) (a) Telecom is a trading name and it is entitled to compete in the free market just as private enterprise companies can. There has been no compulsion on the part of the Government to produce any booklet or to force anyone else to produce a booklet.

We have given positive encouragement if those involved thought they could make a dollar out of it, and obviously they have done that.

(b) No, the booklet is not in big demand except perhaps for those sections of the advertisements which are of course always in big demand when someone like the member for Gascoyne endorses them.

PASTORAL LEASES

Emanuel: Aboriginal Groups

397. Mr BLAIKIE, to the Leader of the House:

(1) What progress has the Government made in meeting its commitment to provide 25 per cent of the Emanuel properties or equivalent land for Aboriginal people?

(2) Further to (1), has the State Government been required by the Commonwealth Government to meet a performance schedule?

(3) Is the commitment to provide land to be the responsibility of Exim, as it controls the land, or will it be by State Government direction?

Mr PEARCE replied:

(1) to (3) I am sorry to advise the member for Vasse that I do not know the answer to that question. I have a feeling my chance of becoming Premier has slipped away in the last half hour. If the member puts the question on the Notice Paper, an answer can be provided.

STATE ENGINEERING WORKS

Land Sale

398. Mr COWAN, to the Leader of the House:

My question relates to the statement in the Press and some speculation that the North Fremantle riverfront land, upon which the State Engineering Works are located, will be the subject of a sale in the near future. Can the Minister give an undertaking that that land will be sold by public tender?

Dr Gallop: Notice, Leader of the House, that they didn't want to sell the saleyards by public tender.

Several members interjected.

Mr Pearce: The member for Victoria Park answered very well, I thought.

Mr Cowan: No, he didn't. You did not call tenders for the Midland abattoir site. It is not an answer at all.

Mr PEARCE replied:

I do not believe that a decision has been made to sell the North Fremantle site, but the Cabinet has discussed the question of the disposal of Government lands. It is our general view that in the disposal of Government assets we should be looking at the best interests of the State all the time and seeking to make an arrangement in the best interests of the State. The members on either side who have been Ministers will be well aware of a whole range of circumstances in which Government properties are disposed

of to individual purchasers by private treaty negotiation without any difficulty at all.

If every single item of land had to be put to tender, it would cause great difficulties in the functioning of Government land sales. I sit at Exco meeting after Exco meeting where, because of the age and complexity of our land laws, all sorts of tiny land deals have to go through a massive process and finish up being endorsed by the Governor.

Nevertheless the Cabinet has discussed the issue of major land sales of the kind the Leader of the National Party points to, and has in general terms made a decision that where land is disposed of in that way there should either be a call for registration of interest in a public way with regard to the land, or the land sale should be dealt with by public tender.

SEWAGE DISPOSAL

Gosnells City Council

399. Mr SPRIGGS, to the Minister for Health:

(1) Has the Minister noted the decision by the Gosnells City Council to close the Kelvin Road liquid waste tip?

(2) What does the Government intend to do to establish a permanent solution to the septic waste problem?

(3) Where will contractors dispose of septic tank waste after the closure of the Kelvin Road site?

(4) When will a genuine permanent facility be established?

Mr TAYLOR replied:

(1) Yes.

(2) In relation to a solution, I shall be holding a meeting of the Cabinet subcommittee which will look at this matter, hopefully next week, with a view to finding a long-term solution. There is not an easy solution, but nevertheless we shall endeavour to find one.

(3) In relation to the disposal of the waste currently going to the Gosnells site, it will have to be distributed among the existing sites. There is no alternative to that.

(4) I am afraid we are faced with a difficult problem but, having today talked to the officers involved, I can see good solutions on the horizon which can be implemented in as short a space of time as possible.

EDUCATION

Teachers: Appointments

400. Mr CLARKO, to the Minister for Education:

What opportunities exist for pre-primary, primary, and secondary school teacher trainees who complete their courses this year, to be appointed to teacher positions in 1987, especially from the beginning of the year?

Mr PEARCE replied:

In recent times a change has developed in the way teachers are employed. When the member for Karrinyup and I left teacher training college, almost all teachers were employed at the beginning of the year. In the time he and I have been Ministers, because of a range of circumstances, more teachers have been employed during the year than at the beginning.

Figures recently obtained indicate that a little less than 70 per cent of primary graduates from last year have been employed; about 95 per cent of pre-primary graduates have been employed; and about 95 per cent of secondary graduates have been employed over the course of the year. Between one quarter and one half of those graduates were employed at the beginning of the year.

I expect a similar set of figures for employment during 1987, with two possible caveats: Firstly, that the rate of take-up might be slower at the beginning of the year because of the number of teachers sent back to schools from the head office. That will have a marginal impact. Also, because the drop in student numbers seen in primary schools has now reached year 8 of high school, there may be a slower take-up of secondary teacher graduates during the year. Therefore, we may not achieve the close to 100 per cent employment of secondary gradu-

ates which has been typical of recent years.

CASINO

Christmas Day Opening

401. Mr HASSELL, to the Minister for Racing and Gaming:

(1) Is it correct that the Casino Control Committee has approved the opening of the casino until 3.30 a.m. on Christmas Day and its reopening at 10.00 p.m. on Christmas Day?

(2) If that is correct, is such action consistent with Government policy and consistent with the recent attitude expressed by the Minister in relation to the Telecom Partyline as it affects family life?

(3) Is it also the understanding of the Minister, as it is mine, that no other casino in Australia will open on Christmas Day?

Mrs BEGGS replied:

(1) I am not aware of any application by the operator of the casino to have those trading hours outlined by the Leader of the Opposition.

Mr Hassell: Will you check it?

Mrs BEGGS: I certainly will.

(2) I see no connection whatsoever between the opening of the casino and the Telecom Partyline.

Mr Hassell: I am talking about the attitude you expressed.

Mrs BEGGS: The opening of the casino may mean that some irresponsible people will not spend the time they should with their families on Christmas Day. However, I do not think it will threaten the security of people's homes.

Mr Hassell: The member for Subiaco spent the whole of her Budget speech speaking about gambling.

Mrs BEGGS: I support everything she is doing in that regard, so I have no problems with that either.

Mr Hassell: You will not have a problem if this is open on Christmas Day!

Mrs BEGGS: Does the Leader of the Opposition want me to answer the question? Anyway it is two minutes past six, and I think the Deputy Speaker wants to leave the Chair.

The DEPUTY SPEAKER (Mr Burkett): I thank the Minister for Racing and Gaming, but that is really a decision which I would make. I am so tolerant I would have sat for a couple of more minutes. I was thinking during question time how well mannered were the member for Karrinyup, the member for Mt Marshall, and member for Warren.