Legislative Assembly

Thursday, 22 October 1987

THE ACTING SPEAKER (Dr Lawrence) took the Chair at 10.45 am, and read prayers.

EQUAL OPPORTUNITY AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Cowan (Leader of the National Party), and read a first time.

ACTS AMENDMENT (FINANCIAL PROVISIONS OF REGULATORY BODIES) BILL

Second Reading

MR BRIAN BURKE (Balga -- Treasurer) [10.50 am] I move --

That the Bill be now read a second time.

The need to amend the legislation of a number of minor regulatory bodies for professions and trades is a follow-on from the financial administration and audit legislative package. When that package was being drawn up, it was recognised that a certain group of agencies, namely regulatory bodies, should be treated in a special manner. The bodies concerned have been established under their own Acts, financed mainly from members' registration fees, and do not draw significantly from the public purse.

The feature peculiar to these regulatory bodies is their dual accountability. They are accountable both to the profession or trade they represent and, as entities created by Parliament, to Parliament. Given their dual accountability, it is impractical and undesirable for the bodies to be subject to the full weight of the Financial Administration and Audit Act. However, a modified form of statutory accountability is considered appropriate.

A review of the enabling Acts of these regulatory bodies has revealed that financial provisions covering accounting, reporting, and audit requirements are either non-existent or inappropriate. For example, almost half of the enabling Acts impose no accounting, reporting, or audit requirements on the boards of the bodies. Only seven of the 17 bodies covered by the Bill are required to prepare an annual report, and of the seven, only five require the Minister to table the annual report in Parliament. The Bill now before the House seeks to amend the enabling Act of each of the regulatory bodies by incorporating standard financial provisions to require the board to --

keep proper accounts and prepare financial statements in accordance with the standards issued by the professional accounting bodies; and

produce an annual report and audited financial statements, for submission to the Minister and tabling in Parliament.

In recognition of the dual accountability factor, the Bill also provides for the accounts to be audited by private auditors selected by the board. In addition, the Bill contains some minor technical amendments to the Nurses Act and the Veterinary Surgeons Act, as a consequence of the Financial Administration and Audit Act.

As most of the regulatory bodies concerned operate on a calendar year basis it would be desirable for the legislation to be passed in the current session and to become operative from 1 January 1988.

I commend the Bill to the House.

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

ACTS AMENDMENT (GRAIN MARKETING) BILL

Second Reading

MR GRILL (Esperance-Dundas -- Minister for Agriculture) [10.55 am]: I move --

That the Bill be now read a second time.

The current Grain Marketing Act 1975 has provisions for permit sales of prescribed grains; currently lupins, barley, linseed and rape seed. Under the permit system growers can sell their grain outside the Grain Pool as long as the seller has obtained a permit from the Grain Pool. Permits are issued at the Grain Pool's discretion. The Bill has been introduced to amend the Grain Marketing Act 1975 as it relates to permit sales of grain by --

shifting the onus of gaining a permit from sellers to the buyer; and

making it an offence to either sell or receive a prescribed grain unless the buyer has a permit.

It also seeks to amend the Bulk Handling Act 1967 to enable permit sales of barley to take place.

The amendments allow for effective management of the permit system by the Grain Pool. The amendments give the Grain Pool powers similar to those available to the Australian Wheat Board for management of their stockfeed wheat permit system. The current legislative arrangements preclude permit sales of barley because the Bulk Handling Act 1967 requires that barley must be handled by the bulk handling authority. The amendment to the Bulk Handling Act 1967 will allow permit sales of barley to bypass the bulk handling system. Under the amendments, the Grain Pool will be able to exercise effective control over the permit system. The amendments will enable the Grain Pool to manage the end use and destinations of grain sold under the permit system in the overall interests of maximising industry returns -- in particular, partially-processed grain which may be exported in competition with whole grain sold by the Grain Pool. The fee for a permit is to be determined by the Grain Pool, but must be approved by the Minister. The fee should cover the costs of administering the permit system and research and development levies.

An important provision of the amendments is that which allows for appeals to be made to the Minister should a permit to buy grain be refused, or if a person is aggrieved by the terms or conditions attached to a permit. Appeals can also be made if the Grain Pool refuses to sell lupins to a local buyer who intends to process the lupins and export the kernels. An appeal can also be made on the price charged by the Grain Pool for lupins to be dehulled and exported. The appeals provision aims to ensure continuity for the considerable private investment which has already taken place domestically in research and equipment, including the processing or dehulling of lupins. They should provide private investors with some confidence that supplies of lupins will be available to private operators who can demonstrate overall net benefits to the industry generally, or the State as a whole.

It is envisaged, at this time, that sales of lupins under permit, or from the Grain Pool, will be conducted under the following guidelines --

Private sales of lupin kernels would not be allowed to those markets with which the Grain Pool has sales agreements which would preclude such sales. These arrangements would be reviewed when these current agreements expire.

Permits would be granted for lupins to be processed and sold and used anywhere in Australia for any purpose whatsoever and for use as feed for animals leaving Australia by boat, while they are travelling on that boat and for use in making export feedstuffs which are naturally different from straight lupin kernels, e.g. dogfeed, so long as the real net return to the grower would be similar to that exported to the pool.

All the by-products of lupin processing in Western Australia -- that is, products other than the cotyledons -- could be exported regardless of whether the lupins from which the by-products were derived were purchased under permit or from the Grain Pool.

If local processors are exporting kernels it would be expected that the price they pay the Grain Pool for their lupins would reflect the sum, in real terms, that the pool would otherwise have received if the lupin seed had been sold into that market.

With due regard to the other guidelines which have been set down, the Grain Pool would not refuse to sell lupins to a local processor if that processor requests the sale at the time of the year that the Grain Pool is arranging sales of the local crop, or if at any time lupins in the pool remain unsold. If very large quantities are involved, the Minister would use his discretion as to the fate of any appeal, taking into account the possible effect of the overall operations of the Grain Pool.

The Bill represents an attempt to provide a compromise for various interest groups involved in grain marketing, in particular, lupins. It should help to ensure continuity for the private investment which has already taken place domestically with lupins and aims to provide industry with opportunity to use private entrepreneurship to develop markets for lupins if it is judged to offer net benefit to the grain industry. The new arrangements will be closely monitored and reviewed within two years to determine whether changes should be made to the arrangements introduced by this Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Crane.

ACTS AMENDMENT (ARTS REPRESENTATION) BILL

Second Reading

MR PARKER (Fremantle -- Minister for The Arts) [11.00 am]: I move --

That the Bill be now read a second time.

The purpose of this Bill is to provide for the appointment of the permanent head of the Department for the Arts, or his nominee, as an additional member to the board of the Art Gallery of Western Australia, the State Library Service, the Western Australian Museum, the Perth Theatre Trust and the State Advisory Committee on Publications.

The Department for the Arts was established as a State Government department on 1 July 1986 to facilitate, promote and advance the arts throughout Western Australia and to advise the Minister for The Arts in all areas of the arts in this State. The arts portfolio includes responsibility for the administration of the Art Gallery, the State Library Service, the Museum, the Perth Theatre Trust and the Censorship Office and their respective Statutes.

The Executive Director of the Department for the Arts is responsible to the Minister for The Arts for the effective administration of the department and for coordinating the activities of statutory authorities within the arts portfolio. All directors of the authorities report to the Minister for The Arts through the Executive Director of the Department for the Arts but this does not affect the direct link between the Minister and the chairpersons of the boards. It is essential that these links be maintained.

To effectively facilitate its coordinating role, it is important that the department be represented on the boards of all the authorities in the arts portfolio. It is proposed therefore, that the Statutes of these authorities be amended to provide for the appointment of the permanent head, or his nominee, to the boards as an additional member. The quorum of each board should also be increased by one member, where applicable, to maintain the balance.

In amending this legislation, the link between the Department for the Arts and the authorities will be formalised and this will further assist in consolidating the constructive relationships which are developing. I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

ACTS AMENDMENT (LAND ADMINISTRATION) BILL

Second Reading

MR WILSON (Nollamara -- Minister for Lands) [11.03 am]: I move --

That the Bill be now read a second time.

The Bill before the House is a major step in meeting the Government's undertaking to completely overhaul the Land Act 1933, and to develop a new Act which more properly reflects present day community needs and modern business practices. As it now stands, the Act does not enable the cost efficient administration of the Crown Estate and this Bill will go part of the way towards rectifying that situation.

Members may not all be aware of the events leading to the drafting of the Bill. During 1983 the Department of Lands and Surveys -- as it was then known -- undertook at the request of the Functional Review Committee, a detailed review of the department's land administration functions. The objective was for the Functional Review Committee to gain an overview of

the activities of the department and the manner in which its functions were carried out. It could then be resolved whether all of the functions were appropriate and whether changes in organisation and operations could gain efficiencies and economies. Following the department's review and after further investigations made by its own executive staff, the Functional Review Committee presented to the Government a report on the activities of the department.

Cabinet subsequently approved the implementation of 36 recommendations made by the committee, resulting in the renaming and total restructuring of the department to that of the present Department of Land Administration and, among other things, also resulting in the adoption of a programme of legislative review and amendment. Part of the legislative programme was the review of the Land Act, which was later resolved to be handled in two stages. The Bill now before us is the result of the first stage.

The objective of this first step is to gain immediate improvements in outdated procedures which will complement organisational changes within the department, quickly yield greater productivity, and give better service to the community. The more substantial second stage task of a complete review of the Act has also commenced and this is planned in due course to result in a new Act to be known as the Land Administration Act.

I emphasise that the amendments the House is now considering do not cover every detail in the Land Act which might appear to need modernising. Instead, they are limited to amending those sections of the Act which are in constant, or reasonably constant, use or which may need a consequential amendment. It is not unreasonable to predict that much of the remainder of the Act will be scrapped in the next stage of the project, with the exception of part VI of the Act, which is under separate review as a result of undertakings given to the pastoral industry. The Bill also incorporates amendments to other Acts which need consequential amendments flowing from the Land Act amendments or which are brought about by the Functional Review Committee's recommendations.

To assist in gaining an appreciation of the overall nature of the amendments in the Bill, they may be conveniently grouped into five categories --

Group 1: The selective removal of the need to refer matters to the Governor in Executive Council.

Group 2: The removal of the statutory office of Surveyor General and references thereto.

Group 3: The selective removal of the requirement for gazettal of notices.

Group 4: Powers of delegation.

Group 5: Other amendments.

The latter group includes some amendments to particular Acts as recommended by the Functional Review Committee and some relatively minor amendments to the Land Act which have been in the pipeline and awaiting an opportunity for implementation. They generally fit into the concept of administrative efficiency amendments, in line with the others covered by the Bill. These groups enable a broad perspective to be taken of the framework and the detailed amendments set out in the Bill and I will comment on each of them in turn.

The first group relates to the role of the Governor. In common with the view taken in other Acts dealt with in recent years and, indeed, in common with other amendments made to the Land Act in recent years, it has been accepted that the involvement of the Governor in many aspects of day-to-day Land Act transactions is outmoded. The current 1933 Land Act substantially reflects the terms of the Land Act 1898 and was founded on the premise that the Governor, as the Crown's representative, should hold the ultimate power to dispose of and otherwise deal with the lands of the Crown. So far as the originating action in the alienation of Crown lands is concerned, perhaps there is still some strength in that argument but in practical terms there is relatively little difference between Crown lands under the Land Act and lands of the Crown held in freehold.

When comparisons are drawn with the longstanding processes used by a variety of Government agencies in dealing with freehold lands of the Crown without the involvement of the Governor, the argument loses much of its strength. Added to this is the fact that unless the philosophy is reviewed and changed and there is marked reduction in the volume of

routine matters -- with their very considerable documentation -- passing through the Minister to the Governor, it will not be possible to streamline procedures and gain the economies in administration that I know we all seek. I do not believe we can afford to maintain what amounts to an historical nicety.

What is proposed, and is reflected in part XI of this Bill, is a clear devolution of statutory power and responsibility from the Governor to the Minister responsible for the Land Act for a variety of Crown land disposal actions. Similar amendments are proposed in part XIII of the Bill, dealing with sections of the Local Government Act that relate to Minister for Lands' responsibilities and Executive Council submissions. Part XVIII likewise deals with references in the Mining Act to Land Act processes which will in future be the responsibility of the Minister, rather than the Governor. At this stage of the review of the Land Act it is not proposed to alter the role of the Governor in the creation, amendment or cancellation of reserves under sections 29 and 37, although that may become a possibility in the next stage of the review project. At this point only the procedural actions relating to the vesting of reserves are proposed to become the responsibility of the Minister.

The second group of amendments to which I referred relates to the office of the Surveyor General, which although still existing in a legal sense, is superseded by the appointment of a director, mapping and survey division, in the organisation of the department. Although I share with many a sense of history relating to the office of Surveyor General, and a regret that it should go, the nature of the task has substantially altered over the years and a sensible reorganisation of the department clearly called for a change. The Government accepted the thrust of the Functional Review Committee's report towards encouraging the self-development of the survey profession in the private sector and reducing the Government's supervisory role. I saw no need to continue the department's special responsibility towards the profession as represented by the statutory role of the Surveyor General and by way of this Bill it now has moved towards the elimination of that role. The Bill also deals with the numerous references to the Surveyor General which have over a long period of time accumulated in other Statutes.

I should mention at this point that in respect of the amendments to the Licensed Surveyors Act 1909, under part IX of the Bill, Cabinet has approved the repeal of that Act in favour of a new Surveyors Act. Drafting is proceeding, but as a level of consultation with the survey profession is necessary and there is a possibility that the Bill will not complete its passage through the Parliament during the current session, the amendments in part IX will ensure that interim arrangements are in place. It may come to pass that those provisions will be withdrawn if good progress on the Bill for the Surveyors Act is made.

The third group of amendments I mentioned was that relating to the selective removal of requirements in the Act for the gazettal of notices. These gazettals are mainly linked to Orders in Council made by the Governor, and as I have already mentioned, that procedure is proposed to be substantially amended under this Bill. The requirements for gazettals are numerous, and I am sure it will be recognised that they significantly add to the time it takes to follow the very specific and detailed procedures laid down in the Act; and, of course, they just as significantly add to the costs of administration. Although it is recognised that for the purposes of legal evidence some gazettals need to continue, the decision of when to publish in the Government Gazette -- or in any other medium -- should essentially be an administrative one which should originate from governmental and departmental policy rather than from statutory direction. At this stage it is proposed to make a limited number of amendments that will help gain speedy administration and cost efficiencies in dealings under the Act. I point out that the removal of statutory requirements for gazettals will not preclude gazettals being made, but will allow room for sensible business decisions as to whether gazettal or some other form of notice is more appropriate to the case. In any event, certain orders now proposed to be made by the Minister, in lieu of the Governor, will be required by the Interpretation Act to be gazetted.

The fourth category of amendments in the Bill relates to powers of delegation. It is obvious that unless a general power of delegation is incorporated in the Land Act, there will be little to be gained in terms of the practical and efficient administration of the Act by simply substituting the Minister for the Governor. This would in fact result in the same workload of detailed, routine procedures being addressed to the Minister instead of the Governor. It is surely impractical -- and not necessary -- to burden either the Governor or a Minister of the

Crown with the examination and signing of the ever-increasing level of documentation associated with land transactions, and there are many relatively routine matters which may quite properly be delegated. The Bill therefore proposes that a statutory power for the Minister to delegate any of his powers and functions to any officer of the department be included in the Act, and that this power be extended to the Minister for Land's responsibilities under the Local Government Act. A similar power of delegation exists in section 12 of the Mining Act and section 133 of the Conservation and Land Management Act, where the need for administrative flexibility and efficiency has been recognised.

Also falling under the heading of delegations are the provisions contained in part VIII of the Bill, relating to land administration functions contained in the Public Works Act 1902. These amendments stem from the decision made after the former Public Works Department was disbanded, when it was resolved that the functions carried out by the former PWD land and property branch should be transferred to the Department of Land Administration and the Office of Government Accommodation, respectively, with the functions being appropriately integrated with the existing functions of those organisations. The officers of the land and property branch were transferred and those who went to the Department of Land Administration participated in that department's reorganisation. However, the Public Works Act currently remains the responsibility of the Minister for Works and Services and there is currently no power of delegation in the Act enabling the Department of Land Administration and the Office of Government Accommodation officers to work through their respective Ministers. The short-term answer is to provide a power of delegation in the Public Works Act which will enable appropriate Ministers to become responsible for land acquisitions, resumptions, leasings and disposals to be carried out by departments or agencies under their control. In the longer term, as part of the second phase of the review of the Land Act, it is planned that the relevant land administration provisions will be removed from the Public Works Act and be consolidated in the new Land Administration Act. As may be seen in clause 39 of the Bill, there is a necessity to ensure that actions carried out with the consent of the Minister for Works and Services since 1 January 1970 have been validly performed by non-public works Ministers or staff. I believe this amply illustrates the point that there is a need for a power of delegation if administration difficulties are to be avoided in the future.

The final group of amendments includes, as I mentioned before, some matters recommended by the Functional Review Committee and some additional amendments which will remedy certain procedural inefficiencies and give improved flexibility of administration. Parts XII, XIII, XV and XVII of the Bill each contain a provision for the repeal of rights to make free searches of the records of the Department of Land Administration and other agencies. The FRC recommendation in fact was limited to the department's records, but the view was taken that it would be consistent with the principles of financial management and accountability if all such rights were withdrawn, allowing departments and agencies to show the realistic cost and effectiveness of these activities.

If it becomes necessary, in Committee I will provide more detail of the remaining amendments in group 5, but for the moment I confirm that they will have the following effect --

section 8: To enable property valuations to be dealt with by the Valuer General, rather than by the land purchase board;

section 15: The removal of the need to detail in Crown grants the reservation to the Crown of specific minerals, these reservations to operate by force of the Act only;

section 18: To enable the replacement or correction of easement documents, in a similar manner to other named documents;

section 33: To enable advertising on reserves on a lease basis, where the income is put to the maintenance and improvement of the reserve in accordance with the reserve purpose;

section 117AA: To provide for the issue of a Crown grant without having to first formally surrender the lease;

section 118B: To widen the scope of the section to enable dealings in former emu-proof fence reserves;

section 118CA: To create a new provision in part VIIA of the Act, enabling any

portion of Crown land which is considered not suitable for retention as a separate lot to be sold and amalgamated with a contiguous lot or lots; and

section 172: To enable any forms required for the operation of the Act to be established only under the regulations, rather than being scheduled to the Act.

I believe that in general the amendments proposed in this Bill are quite simple and straightforward in nature and that in summarising their effect in the way I have it becomes clear that there is very real value in bringing the Bill into operation as an Act as quickly as possible. The amendments will result in an early reduction in operating costs in the Department of Land Administration and will lead to better service to the community.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

ROTTNEST ISLAND AUTHORITY BILL

Second Reading

MRS BEGGS (Whitford -- Minister for Tourism) [11.20 am]: I move --

That the Bill be now read a second time.

This Bill provides for the strengthening and updating of the laws for the control and management of Rottnest Island. The Bill incorporates recommendations of the Rottnest Island management plan completed in August 1985. As a result of considerable public comment in 1984 due to a development strategy for Rottnest Island commissioned by the Rottnest Island Board, the Government formed the Rottnest Island Management Planning Group to develop a management plan for the island. One of its major recommendations was that new legislation was required to reconstitute the Rottnest Island Board.

The Rottnest Island management plan of August 1985 points out that certain provisions relating to the appointment of the Rottnest Island Board are not clearly defined under the Parks and Reserves Act and recommends that the new legislation should --

de-limit the membership, terms and representation of the board;

ensure appropriate legislation applies; and

detail the specific functions, duties, operations and accountability of the board.

It also recommended that legislation such as the Health Act and Uniform Building By-laws should apply. A Rottnest Island Reserve was recommended that was defined by the 15 metre water depth contour and the Fremantle Port Authority outer harbour boundary. The plan was accepted by Government in February this year. The Government believes that Rottnest Island is a unique community asset that should be managed within the framework of --

its being primarily a family holiday destination;

equalising opportunities of access to accommodation and holidays;

giving greater access to a broader cross section of the community, especially through Kingstown Barracks -- the Environmental Education Centre; and

assessing all future developments with due emphasis on the preservation of the environment and character of the island.

This Bill is a reflection of the Rottnest Island Management Planning Group's and the Government's views of how Rottnest Island should be managed.

Part I of the Bill includes definitions of the terms used and a description of the Rottnest Island Reserve. The reserve includes Rottnest Island, adjacent rocks and islands and surrounding waters. The outer boundary of the reserve is based on --

the 15 metre water depth contour;

the 800 metre-wide spear gun fishing, netting, and commercial rock lobster exclusion zone around Rottnest Island; and

the Fremantle Port Authority outer harbour boundary.

Mention of "the island" in this speech refers to the Rottnest Island Reserve. Minor areas of

land on Rottnest Island are excluded from the reserve to allow for Commonwealth control of the two lighthouse sites.

Part II of the Bill establishes the six-member Rottnest Island Authority as a State Government agency. This number of people allows for a sufficiently wide range of expertise to properly manage the island. Provision is made for members to be appointed with sound commercial experience and particular knowledge in conservation of the environment and preservation of historic buildings.

Part III of the Bill details the functions and powers of the authority. The authority is given the responsibility of controlling and managing the island. It is also charged with --

providing and operating recreational and holiday facilities;

protecting flora and fauna; and

maintaining and protecting the natural environment and man-made resources.

Priority of access to the recreational and holiday facilities is provided to Western Australian residents and family groups. Also all or part of Kingstown Barracks is intended for educational purposes. This is meant to include accommodation for those conducting scientific research work on the island. The powers of the authority are detailed. In particular the authority can make arrangements with Government agencies or public utilities to carry out works or services.

A settlement area is defined that is to contain all the accommodation of the island. No accommodation would be provided beyond a line defined between Geordie Bay and Kingstown Barracks except for Rottnest Island Authority staff where needed for work purposes. The Bill provides for ministerial direction of the authority and delegation of authority powers. Part IV of the Bill provides for the authority to be constrained by a publicly reviewed management plan, approved by the Minister, that is reviewed every five years.

Part V of the Bill deals with the staff necessary to assist the authority in its duties. It provides for a chief executive officer to handle day-to-day activities. He may participate in all meetings of the authority and its committees but would not have voting rights. Rangers are provided with enforcement powers in relation to the regulations provided for in the Bill, including the power to request people to leave the island for up to seven days.

Part VI of the Bill covers financial provisions. It provides that as far as practicable the authority will be self-funding by the fifth financial year. The revenue derived from administration and enforcement of the Act should then be sufficient to provide for the authority's expenditure.

Part VII of the Bill covers a range of issues including the following --

liability of parents for damage caused by their children;

issuing of infringement notices;

entitlements of the authority to all fines and penalties for offences under the Bill;

the authority using its best endeavours to ensure all building work complies with the State's building laws. This approach is acceptable to the Department of Local Government. In 1988 it is expected that a national building code will provide for professional certification that their work complies with the relevant building laws;

provisions binding the authority by the Health Act. The Executive Director Public Health would have the responsibility to make and police by-laws for the island. These are currently being developed;

other laws relating to the island not being affected by this Bill and continuing to apply. This is to ensure that laws continue to apply that control, for example, marine safety, navigational aids, jetties, wildlife conservation, fisheries and environmental protection. However before any works that could affect the island environment are carried out under these laws, the authority should be consulted;

the use of the words "Rottnest Island," "Rottnest" and "Rotto". Persons or bodies would need permission from the authority to use any of those names. The words could be used only if the people had a proper and sufficient connection with the island or the name or title was being used in good faith; and

the power to make regulations. In particular provision is made for the authority to prohibit, restrict or regulate access in order that the natural or man-made resources of the island can be protected or repaired.

Part VII also provides for --

execution of documents;

review of the Act;

transitional and savings provisions; and

consequential amendments to other Acts.

When this Bill is proclaimed, Western Australia will have legislation that can accommodate the complexities of managing the cherished institution and important recreational and holiday resort of Rottnest Island. In the drafting of this Rottnest Island Authority Bill there has been consultation with a number of organisations and individuals, and their contribution has been invaluable. I am certain that this Bill would not have reached this stage without the assistance and cooperation of all those concerned.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

BETTING CONTROL AMENDMENT BILL (No 2)

Second Reading

MRS BEGGS (Whitford -- Minister for Racing and Gaming) [11.27 am]: I move --

That the Bill be now read a second time.

Following the success of the first Bunbury Golden Classic footrace held earlier this year, some of the original organisers have banded together to form an organisation known as the West Coast Athletic League, which will promote and run professional footraces in Western Australia. As a build-up to the Bunbury Golden Classic, which will be run annually, the league is planning to run similar events in Fremantle, Kalgoorlie, Geraldton and Albany --

Mr Court: What about Nedlands?

Mrs BEGGS: What a good idea. A contributing factor to the success of the first Bunbury Golden Classic was the provision of on-course bookmaking facilities. The Betting Control (Bunbury Golden Classic) Act 1986 provided the authority for betting by bookmakers on the event. The Bunbury Golden Classic legislation was introduced as a separate piece of legislation to allow an initial trial for one year only.

The success of that trial has led to this proposed amendment to the Betting Control Act to allow the fielding of bookmakers on the Bunbury Golden Classic and lead-up events on an ongoing basis. The purpose of this Bill, therefore, is to allow bookmakers to field on future footraces, subject to the approval of the Minister. The legislation provides for an organisation seeking to conduct a professional footrace to make application to the Minister providing such information as will be prescribed by regulation. The Minister may, on the grant of a permit, impose such conditions as are considered necessary for the efficient conduct of the footrace. The Minister may also cancel or suspend the permit if the conditions imposed are not complied with. Further, a penalty of up to $500 may be imposed for the contravention of any condition of the permit. All other conditions and requirements under the Betting Control Act 1954 will apply, including the keeping of records, the production of financial returns and the payment of tax on bets taken.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

MINES REGULATION AMENDMENT BILL

In Committee

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

Clauses 1 to 10 put and passed.

Clause 11: Sections 23G to 23N inserted --

Mr COURT: Has the Government selected people to fill the positions on the Mines Radiation Safety Board and, particularly, has the Government decided who will be its chairman?

Mr PARKER: The Government expects that those persons who have over the last two or three years been members of the interim Mines Radiation Safety Board will follow over and become members of the full board. At the time we set up the interim board we consulted widely about who the chairperson should be and it was decided and announced at the time that we would appoint Associate Professor Phillip Jennings from the Murdoch University and this was accepted by the industry. A number of the other positions are to be filled by persons nominated by different organisations so it will be up to those organisations whom they choose to nominate, but I do not expect any change.

Clause put and passed.

Clauses 12 to 22 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

[Quorum formed.]

SOIL FERTILITY RESEARCH AMENDMENT BILL

Second Reading

Debate resumed from 17 September.

MR TUBBY (Greenough) [11.39 am]: The Opposition supports the Bill, which provides for the appropriate administration of the Soil Fertility Research Fund, which was established by the Soil Fertility Research Act of 1954 to provide funds for agricultural research. The base for the original fund was created by a levy to be paid on each bushel of wheat produced for market.

The original request for the establishment of the fund came from the Morawa branch of the Farmers' Union in the early 1950s because its members realised then that although we were seeing high wool prices and a great future for grain, a lot of our lighter soils had considerable mineral deficiencies. While the Department of Agriculture was doing a great job, its funds were restricted and the need for research into the deficiencies in our soils was considered urgent. A great achievement in our area at that time was the establishment of Wimmera grass as an established pasture. It was considered also to be an achievement at that time that we were able to grow some introduced pasture species. However, it was realised that Wimmera grass on its own was not a suitable pasture and it was necessary to introduce clovers to balance the pastures which had been established at that time.

The levy began in 1954. I do not remember exactly what it was, but I think it was about a penny a bushel of wheat produced for market. I know it produced quite a considerable fund. In 1957 the Federal Government introduced legislation, the Rural Industries Research Fund Act, which actually took the place of the Western Australian research soil levy. Consequently, the levy was collected for a number of years and then it was allowed to lapse. There has been a build-up in the amount of the funds over the years. The fund has been administered by the Soil Fertility Research Fund Trustees which also has a secretariat. The Government now considers it is unnecessarily cumbersome to administer the fund. The proceeds of the earnings from the fund have provided for a postgraduate course annually for two soil research scientists. Therefore, this fund is providing a useful support for the rural industry. A short time ago I asked the Minister whether he had any idea of the amount of

money in the fund. He told me he would inquire and respond accordingly. I hope he will be able to give me that information today. The results of the research carried out during those early years has been responsible for identifying the deficiencies largely of copper, zinc, and molybdenum in light soil types to enable the land to be cleared and farmed profitably and for much of the light land considered infertile to be farmed. Those areas are now producing wonderful crops of white lupins which is a profitable grain at the present time. It is providing nitrogen for nitrogen deficient soils and also very valuable feed for stock.

The Opposition believes the Government's moves to lessen the costs involved in the administration of the fund and the awarding of scholarships which could be handled by the wheat research committee as commendable, and it supports the Bill.

MR GRILL (Esperance-Dundas -- Minister for Agriculture) [11.45 am]: I thank the Opposition for its support of this legislation. I also thank the member for Greenough for his comments on the history of the legislation. He asked me a question concerning the amount of funds presently held in the trust account. As at 1 June this year, the fund totalled $354 055.

Question put and passed.

Bill read a second time.

In Committee, etc

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

MAIN ROADS AMENDMENT BILL

Council's Amendments: Ministerial Statement

MR GRILL (Esperance-Dundas -- Minister for Agriculture) [11.50 am] -- by leave: I intend to move that the Main Roads Amendment Bill be laid aside. In other words, the Government does not intend to proceed any further with this piece of legislation. However, before I move in that way I would like to say that the action taken by the upper House in respect of this piece of legislation is obstructionist and bloody-minded. It is an interference by an undemocratically elected upper House in the administration of the affairs of this State. If the upper House were endeavouring to impose its will upon the people of Western Australia and the Legislative Assembly in relation to a matter of principle or in relation to a matter of policy, I could understand its actions. However, what it is endeavouring to do, and what it has done in this case, is to interfere with the proper running of the administration of this State and the way in which this Government wants to administer this State. Each Government, elected democratically by the people of Western Australia, should have this opportunity. In this case, that opportunity has been denied by an upper House which is showing itself to be simply bloody-minded in an endeavour to impose its will on the people of Western Australia.

Mr Cowan: This is one of the most childish contributions you have made in this Parliament.

Mr GRILL: I stand by every word I have said.

I could understand the actions of the upper House if there were, in fact, some principle or policy at stake. In this case there is no principle and there is no particular policy at stake. The upper House is trying to bludgeon through, by the use of undemocratic numbers, its will in respect of an administrative matter. It is inappropriate and wrong that the upper House should act in this way. It is interfering with the administration of this Act and it is endeavouring to foist upon the Government of Western Australia an unwieldy committee which will be quite ineffective.

The Government put forward a proposal to give the people of Western Australia a greater say in the administration of funds for roadworks. It wanted to set up a board of 11 members which would advise not only the Government, but also the Main Roads Department as to how funds should be spent. The upper House, in its bloody-mindedness and in its perversion

of the democratically elected system, is endeavouring to foist upon the Government an unwieldy committee which will not work. The Legislative Council has endeavoured to scuttle this proposal. The Legislative Council has never been friends of democracy and it has always been elected undemocratically. When the Government tries to introduce a democratic matter -- a board set up to represent a wide range of the community --

Mr MacKinnon: What is undemocratic about asking it to report?

Mr GRILL: There is nothing wrong with asking it to report, but the Opposition is endeavouring to foist upon the Government a committee that is unwieldy and will not work. In matters of administration the Government should be given the ability to govern this State. That ability has been taken away, in this case by the upper House.

Bill Laid Aside

Somewhat reluctantly, I move --

That the Bill be laid aside.

MR CASH (Mt Lawley) [11.54 am]: Members in this House have just witnessed one of the most childish acts of this session. It really was a case of the Minister --

Mr Carr: Rubbish!

Mr CASH: I do not think the Minister for Local Government was in the Chamber to hear the comments of the Minister. He has only just walked in to the Chamber.

Mr Carr: I sat here during the course of the contribution.

Mr CASH: I am sorry, but if that is the case I am surprised that the Minister for Local Government did not hear the words that I heard and which quite clearly indicated an attitude of the Minister for Agriculture which was along the lines that the Government does not like what the Opposition is doing so it is going to take its bat and ball and go home.

When this Bill was introduced into this House more than 12 months ago, the Opposition stated that it was prepared, somewhat reluctantly, to accept two of the three proposals. The Opposition was quite happy with the proposal that the commissioner be granted authority to delegate certain duties and authorities to others. The Opposition raised certain objections in respect of the matter of funding. However, the Opposition disagreed with the creation of an 11-member board, believing it to be unwieldy in the extreme. More than that, the Opposition also said that the creation of such a board was in itself a vote of no confidence in the administration of the Main Roads Department. The Opposition said, at that time, that it believed it was a disgraceful act by this Government.

I am sure that most members of this House -- I would have hoped all members of this House -- would recognise the tremendous administrative skills of the current commissioner, Mr Don Aitken, who has been the Commissioner of Main Roads in this State for more than 20 years. Don Aitken, who retires this Friday, would have been very disappointed when this board was proposed. He, along with the assistant commissioners --

A Government member: How do you know?

Mr CASH: The member asks, "How do you know?" I have had occasions to speak to officers of the Main Roads Department and I have had occasions to speak to representatives from the transport industry in this State. Having listened to their views and waited 12 months for the Government to bring this matter back into this House, I have some knowledge of what the industry believes. I certainly have some knowledge of what the senior officers of the Main Roads Department think about this legislation and the way in which the Government has handled the matter. It has been an absolute disgrace and I am not surprised that the Minister should seek leave of the House today to have this Bill set aside. When this Bill was debated in the other place it was pointed out very clearly that the board which the Government proposed was, in fact, not representative of the various associations and groups that make up the transport industry in this State.

The Minister for Transport, giving a clear indication of how the Government has been hoist with its own petard, made the following statement in his second reading speech --

> The second purpose of the Bill is to set up a Main Roads Board. It has been felt for some time that there is a need, in conformity with overall Government policy, to

> provide for the greater participation of interested groups, including the motoring public, in the development of policies relating to roads and the functioning of the Main Roads Department. To this end, the Bill proposes the creation of an advisory board, whose purpose would be to advise the Minister and the Commissioner of Main Roads on any matter that may be referred to it.

Is it not interesting that the Minister, when introducing the Bill to the House, used the words that he wanted to establish a board that was representative of the community and was to include representation from associations connected with transport? It so happened that the other House of Parliament took up the Minister's expressed wish and it moved a number of amendments that would have included representatives from other groups on that board. Let us not forget that the Government originally intended that the board should comprise 11 members. At the time the Opposition said that it believed that that, in itself, was an unwieldy situation, but if it was the express desire of this Government to create the board, the least it could do was to at least make it representative.

Mr Grill: You are just hoist with your own petard.

Mr CASH: Obviously the Minister is very upset today. He has had to declare his Bill was a failure; it was not accepted by the community, especially by the transport industry. I accept that is disappointing as far as the Minister is concerned, but I am afraid he has to face facts, and those are the facts as represented in the industry.

The other place decided to move some amendments to make the board representative, as the Minister for Transport had said in his second reading speech that he wanted the board to be. The amendments were that there should be an additional three members of the board to take it from 11 to 14. Those three persons comprised one from the Western Australian Chamber of Commerce, another from the Western Australian Farmers Federation and one from the Pastoralists and Graziers Association.

Mr Trenorden: That made it representative.

Mr CASH: That point made by the member is quite right. The other place proposed these amendments so that rural Western Australia would have some representation on the board.

Mr Grill: You say 11 is unwieldy and you add three to it.

Mr CASH: I said earlier that we believed that a board of 11 persons was unwieldy. However, the Minister used his numbers in the House and the Bill was passed.

Mr Grill: You ignore the situation --

Several members interjected.

Mr CASH: They are not here to listen, they are probably ashamed that the Minister is here to have the Bill set aside. We made it clear that 11 is an unwieldy number to have on the board, but the Minister, in his second reading speech, expressed the desire to have a board which was representative of the community and the transport industry in general, and the members in the other place decided to move some amendments to increase the number of members from 11, which was proposed by the Government, to 14. I agree that the board would still be unwieldy, but at least it would be more representative if the Government determined to go ahead with the creation of this body.

I have already said that the mere fact the Bill was brought in was a clear expression by the Government of no confidence in the Main Roads Department. That is an absolute disgrace in itself. The Main Roads Department is one of the finest departments in this State, yet the Government has decided to create a board to tell the Commissioner of Main Roads how to do his business. The Legislative Council decided to move these amendments which were designed to get representation for rural Western Australia so that the board would be more representative.

And what do we have? The Minister says, "I know you are right, but I am not prepared to cop any amendment which has been moved by a member other than a Government member".

Mr Carr: This Government has accepted more amendments than any other Government in this State.

Mr CASH: The Minister for Local Government tells me that this Government has accepted

more amendments than any other Government in this State. Here is an opportunity for him to improve on those statistics.

Mr Carr: If they are any good we will have a look at them.

Mr CASH: The Minister for Transport brought in a ridiculous Bill. The House of Review was not prepared to accept it and made amendments which the Minister is not prepared to cop. Worse than that, we have had an exhibition this morning which can be described only as the act of a five-year-old. The Minister comes in here spitting out his dummy, and he takes his bat and ball home and says, "I am not prepared to accept your amendment." Rather than accept any of the constructive things suggested by the Opposition, he says he will withdraw the Bill. What a negative way to do business! I believe he is one of the four touted as being the next Premier. Now I hear the Minister for Racing and Gaming is also touting for that position.

Mrs Beggs: You do not even know how to read. Did you not read the article?

Mr CASH: I read it with interest. It said there were now five in the running.

Several members interjected.

Mr CASH: I would back the member for Warren, because I reckon he would be the most responsible of all those who have just been nominated as candidates for the position. The Government's attitude this morning is a disgrace; the amendments were reasonable and realistic. The Government should have listened when this Bill was first debated more than 12 months ago.

MR COWAN (Merredin -- Leader of the National Party) [12.07 pm]: The National Party takes a slightly different view from that of the Opposition inasmuch as we have always opposed the establishment of the board. Under no circumstances would we contemplate the establishment of a board over the Main Roads Department. We have always felt that the Commissioner of Main Roads has performed an excellent job and there is no need to establish an advisory board to advise him or the Minister.

One of the reasons for the need to establish the board was some disagreement between local government bodies which were unable to reach a decision as to how funds set aside for roadmaking and construction were to be distributed around the State. But I do not see that as a necessary reason for establishing an advisory board, which is purely and simply to give Government the numbers to be able to direct where road funding will be spent. It may not be able to obtain approval from the commissioner as to exactly how the Government wants the roadmaking dollars to be expended. The position was very clear to the National Party in that we opposed the establishment of a board. Then it became clear that we were alone in that point of view.

Dr Gallop: More double-speaking.

Mr COWAN: I will repeat that, for the benefit of the member for Victoria Park whose academic intellect I would have thought would allow him to grasp the fundamentals of what I am saying.

Several members interjected.

Mr COWAN: I am very disappointed about that. It appears to me that the member for Victoria Park is one of the people who tends to have a lot to say without any great substance to it. Most of it is said when he is in his seat, which is again disappointing. For the benefit of the member for Victoria Park, the National Party has always been opposed to the establishment of an advisory board to the Main Roads Department. That is not a matter of double-speak; it is a fact. But having expressed our opposition to it, we discovered that we were alone in that point of view. A couple of divisions were called in the other place where we showed that we were opposed to the establishment of this board. We felt that if the Opposition wanted to expand the board, it could be expanded, and it may well be that with those additional members on the board it might not be so easily manipulated.

Mr Grill: They argued that the board was too big and unwieldy. With the extra three members it will be even more unwieldy.

Mr COWAN: We do not argue with what the Minister says, but having discovered that we were alone in our opposition to the board we said to the Opposition, "If that is what you

want, you can have it." But we are absolutely delighted with this motion to set aside this Bill. I am delighted that this motion has been moved because that restores the status quo and that is the policy position of the National Party. We are supporting the Government in ensuring that the advisory board is not established because we do not see a need for one. Therefore we are happy to see the motion to set it aside.

One thing that does concern me a great deal about the Main Roads Department relates to the expenditure of funds which are used for roadmaking purposes. That has always been the prerogative of the Commissioner of Main Roads. I do not think there are very many other areas where funds are expended in which we set up these advisory boards to sit over the top of the permanent head of the department. The level of respect that this Government has for the position of Commissioner of Main Roads is indicated by the fact that it had to make two attempts at the advertisement calling for applications for the position of commissioner before it got it right. If members read the Act they will find that the commissioner is required to be a qualified engineer.

Mr Grill: Hang on! That is a very petty criticism, to begin with, but secondly, you are really only criticising some poor clerk within the Main Roads Department, a department which you are apparently defending.

Mr COWAN: I am not criticising the clerk at all. Someone must take responsibility and surely the Minister is responsible for what happens in his department.

Mr Grill: You cannot have it both ways.

Mr COWAN: The Minister must accept responsibility for what comes out of his department and his office.

Mr Grill: If a mistake is made by a clerk, would you say that is a reflection of the Government's attitude? That is what you are trying to say, but that is logically inconsistent.

Mr COWAN: I am suggesting that it is.

Mr Grill: It is not. You know that is untrue.

Mr COWAN: I must confess I am very pleased the advertisement has been corrected and that now there is an advertisement calling for a commissioner with the proper qualifications.

Mr Grill: That really was a very petty and cheap criticism.

Dr Gallop interjected.

Mr COWAN: So do I. Unfortunately he has to be because he must be an engineer and therefore he must get that from an academic institution. I would hope that he also has a vast amount of practical knowledge and experience, because unless the two are applied together one ends up like the member for Victoria Park, and that would be disastrous.

I am very pleased to say that the National Party supports this motion to set aside this Bill because it is in accordance with our policy and we will always vote for our policy in this place.

Question put and passed.

Bill thus laid aside, and a message accordingly returned to the Council.

SMALL BUSINESS GUARANTEES AMENDMENT BILL

Second Reading

Debate resumed from 10 September.

MR LEWIS (East Melville) [12.14 pm]: In talking to this Bill, I would like my comments to be considered as constructive rather than destructive.

Mr Grill: If you do that I will be very pleasantly surprised. It sound very good -- it is a good start.

Mr LEWIS: I thank the Minister for that. I only hope I can please him and get rid of some of the obvious animus and aggro with which he came into the House this morning.

The Opposition supports the legislation because it provides more opportunity for the public and for small businesses in general to take advantage of the provisions in the principal Act.

The Opposition recognises the inadequacies and the fact that it is only right and proper that the Small Business Development Corporation be identified categorically as being the responsible body to administer the guarantees under the Act. There is also a need for the principal sum as stated in the Bill to be clarified; that is, whether the interest and costs of raising those moneys form part of the guarantee.

Clause 6 of the Bill gives the ability to the lender, rather than to take absolute measures, to recover the debt before calling on the guarantee. It softens it up a bit and the lender is allowed to take all reasonable steps, which I think is quite reasonable. The principal Act allows the Government, or the Small Business Development Corporation as it would be, to guarantee loans to small businesses principally on the basis that the only reason the lender would not provide the loan is that there was not enough equity and on the basis that all other parts of the application to the lender were acceptable. Of course, the other criterion is that loans advanced, or the guarantee of the loans, were for capital expenditure, or otherwise working capital as provided.

It is interesting to note the take-up rate under the Act, which has been running for probably two-and-a-half years, bearing in mind that it was proclaimed in November 1984. We have been advised by answers to questions addressed to the Minister for Small Business that as at June 1987 only 47 loans had been approved in 1986-87, for a total expenditure of around $2 million. That represents a figure in the region of $54 000 for the average loan. The interesting thing about it is that only 68 applications were made in 1985-86, and only 47 in 1986-87. To my mind that reflects the need to amend the Act to allow more people to have guarantees. It also identifies to me that there is a need for the SBDC and the Government to inform the public, and certainly the people within the small business community, that such a guarantee system exists. That is necessary because, if we consider the fact that there are more than 70 000 small businesses in Western Australia and that it is said that of that number only two or three per cent exist after 10 years, that implies a take-up rate in small business of about 7 000 per year. If we take into account the number of applications to the SBDC in the last two financial years -- 68 in 1985-86 and 47 in 1986-87 -- the number of people who apparently know about this guarantee facility pales into insignificance. I believe the Government should endeavour to let the business community know that this facility exists.

The other thing that is reflected in the very low take-up rate of the guarantees is the delay associated in obtaining a guarantee. I have had two specific complaints about the time involved in organising a guarantee from the SBDC, which can take up to six weeks. When we consider that an applicant for a loan may have been negotiating with a commercial lender for a month, which would be quite normal, and is then told he does not have sufficient equity but everything else is okay and that it would be worthwhile talking to the SBDC, which the person does only to find it taking up to six weeks while the officers of the SBDC scratch their heads before making a decision, he could be 12 weeks down the track before a decision is made. This is commercial nonsense and the delay is just too long. The SBDC deals only with loans of up to a maximum of $150 000 which these days is not a lot of money when one is associated with small business. Legitimate criticism can be levelled at the SBDC if it is taking six weeks to make a decision to put guarantees in place. I have spoken to the board of the SBDC about this matter and it has agreed that six weeks is probably too long to wait for a guarantee to be provided and it has said it would put in place procedures to speed up the process.

Clause 5 amends section 4 of the Act and provides that the amount of the guarantee shall exclude interest charges and the costs of raising the loan. I have no argument with that. However, section 5(1)(a) and (b) of the Act says something else. Paragraph (a) reads --

> be subject to such terms and conditions as the Minister thinks fit;

That indicates to me that the Minister could at any time include in the guarantee, the interest rates and also provision for the costs of raising the money, whereas the amending clause categorically states that that will not be the case. Section 5(1)(b) causes me further confusion in that it states --

> include any interest charges and expenses chargeable by the lender against the borrower and the expenses of enforcing or obtaining, or endeavouring to enforce or obtain, payment of the debt guaranteed and those interest charges and expenses;

In other words, subject to the guarantee being executed the interest charge may be included, although the amending Bill says the interest charges will not be included. It seems that the Bill and the Act contradict themselves.

I turn now to comment briefly on the operations of the SBDC. I have had three meetings with the chairman and board members of the SBDC in my capacity as Opposition spokesman on small business, bearing in mind that I like to brief myself on areas for which I have responsibility. I indicated to the SBDC that I have had a great deal of trouble quantifying its performance. I must congratulate the SBDC, though, because yesterday we saw tabled one of the first reports for 1986-87; most reports tabled over recent weeks have been for 1985-86. The SBDC is to be congratulated for completing its annual report before the end of 1987, bearing in mind it is a report to the end of June 1987. The annual report gives a summary of key objectives and performance indicators on the second-last page. These read all very well, but if one tries to quantify just how the SBDC is performing in trying to meet its corporate objectives, one has difficulty rationalising its results, bearing in mind that the SBDC will cost the State in a straight allocation from Treasury this year, nearly $2 million. It should be easier to see how it is performing.

I say that because in the last day or so we have seen several reports indicating that in Western Australia, and indeed in Australia generally, bankruptcies are on the up; they are burgeoning. A recent Press report indicated that there were about 600 bankruptcies in 1985 but these have increased this year to about 1 000, representing a substantial increase of 60 per cent. There are many commercial reasons for bankruptcies, but if the SBDC were doing its job maybe the number of bankruptcies would have stabilised or plateaued rather than having increased. This should be one of its briefs -- to look at bankruptcies and try to analyse why they are on the up in Western Australia and then to report to the Government with proposals to abate the problem.

Water rates is another problem facing small business, something that has been said in this House before. I understand that recently a hitherto defunct committee of inquiry into commercial water rates has been re-formed. This has to do with a pay-as-you-use proposal that was put in place some years ago for water used by business and commercial concerns. One of the biggest cost impacts on small business is water rates, and I know this from experience because before I entered Parliament I was a proprietor of a small business in Claremont. We had a permanent office staff of four; we had 17 or 18 other staff members, but only four were in the Claremont office. Our water rate used to run at about $1 000 a year -- and we had only six or seven cups of tea a day and used the conveniences only as any other people would do. Those sorts of costs are exorbitant when rationalised to the amount of water used. If I could give another brief to the SBDC it would be appropriate for it to look at this situation in regard to water rates and liaise with the Minister and the re-formed committee to endeavour to get these costs down.

I am a little concerned after looking through the annual report to find a summary of reasons or an explanatory statement of significant variations in the corporation's budget. One of the glaring examples was in 1985-86 when nothing was budgeted for ministerial expenses. In the 1986-87 budget the SBDC in its wisdom budgeted a figure of $10 000 for ministerial expenses. The actual ministerial expenses were $39 060, 400 per cent more than the corporation had budgeted. Frankly I think that is absolutely exorbitant. I cannot see any reason why SBDC which is alleged to be a completely autonomous Government agency and one which prides itself on operating as a private sector business or corporation should spend that much. I have heard it said in this House many times that the fundamental structure of SBDC is to get people from the private sector who are removed from any influence of Government and let them operate as a corporation to serve the Government. That is all very well, but suddenly they have said, "I suppose we might have to spend some money on the ministerial side", and allocated $10 000. However, the Minister has spent nearly $40 000.

Point of Order

Mr GRILL: It is a fundamental rule of debate that it must be relevant to the Bill being discussed. I understand that the member is trying to be constructive but he is wandering well away from the subject under discussion and getting into the area of total budget management. Even if these matters are properly brought as an Acting Minister at this particular time I would not have the ability to reply to them in any way, and they are irrelevant to the Bill

under discussion. I would request that the member be asked to confine himself to the Bill and the matters pertinent thereto.

The SPEAKER: I have a fairly intimate understanding of this piece of legislation and I ask the member to confine himself to matters relevant to the Bill.

Debate Resumed

Mr LEWIS: Thank you, Mr Speaker. I accept that this Minister is acting in this position and may not be fully conversant with the matter, but the Minister in his second reading speech referred to the operations of the Small Business Development Corporation, and I believe I have the ability to refer to its operations. However, I have made the point and I will not labour it. I invite the Minister to take that point back to the Minister in charge of the Bill and to the board.

Again trying to be constructive, and this touches on the Acting Minister's principal portfolio, I understand the SBDC has made two detailed reports to the Government on rural hardship. Those reports made recommendations as to how the problems could be solved and how small businesses in rural areas could possibly be helped and made more viable. Unfortunately the recommendations in those two reports seem to have fallen on deaf ears and no initiatives have been taken by the Government to support or help small businessmen in rural areas. If I can be constructively critical again, I think the Government has failed in this area. It has not taken advice from its own SBDC, one of whose charters is to identify problems in small business and report to the Government. I challenge the Minister to look at these reports and do something about the problems in commerce and small business in rural areas.

MR TRENORDEN (Avon) [12.37 pm]: The Small Business Development Corporation is an organisation which the National Party takes very much to heart. We would like to see the profile of small business in this State lifted well above its inconspicuous level at the moment and take a much higher place in the Government.

The Bill clarifies the term "amount of the guarantee" as being relevant to the principal loan and not to charges and expenses. It also deals with a couple of other minor details. This is a very important matter. Very few loans have been made under this piece of legislation, and we would like to see that changed dramatically. We have given the lead to this House as to how it can be done and what needs to be done.

In talking about what can be done by way of loans to business without putting the taxpayer's money at risk I point out that in England a scheme operates under which people can apply for this type of guaranteed loan with the English equivalent of our Small Business Development Corporation. It will lend 70 per cent of the capital required at a premium on the interest rate of 2.5 per cent. That means if a person is successful in getting a guaranteed loan he can obtain 70 per cent of the capital required, so long as he has the backing, and can borrow the money over 20 years.

The best one can do with our corporation is 10 years. The fact that a penalty rate is charged by the English organisation becomes a minor problem for the small businessman because even though he is paying a higher commitment to the loan he has a further 10 years in which to pay it back. That loan is provided through the normal banking and lending institutions in that country. That 2.5 per cent penalty used to be three per cent, but the system is working so well that 2.5 per cent is more than covering the cost of administering these loans. In other words, it is working perfectly well in that country.

Mr Grill: That is a charge raised --

Mr TRENORDEN: To guarantee the loan.

Mr Grill: And for the administration.

Mr TRENORDEN: Yes, that is right. It is doing more than that, it is putting dollars back in the corporation's funds. There are good reasons for that and I am glad that the Minister for Agriculture is taking note of what I am saying. I am not talking about a pie in the sky scheme -- it actually works and employment opportunities are being created at an impressive rate in England, France, and Belgium. The only area in which there has been an increase in employment in those countries has been in the area of small businesses which employs less than 20 employees. Those countries, particularly England, have achieved that record by upgrading their small business schemes. We have the ingredients in this country for a similar

scheme; all we need do is to apply ourselves and give it a higher profile. As a result, this country's employment problems could be alleviated and there would be a creation of wealth through small business.

One of the reasons the scheme is working so well in the countries I have mentioned is that their equivalent to our Small Business Development Corporation does not require a person wishing to set up a small business to submit his loan application to the bank manager or the corporation. It is submitted to the local enterprise group in the area in which the person wants to set up business. For example, if a similar scheme were to operate in Western Australia a person who wanted a loan for a small business would approach the local enterprise group in the area, be it metropolitan or country and it would vet the chances of success of that business which would determine the granting of the loan.

One of the problems associated with a loan application for a small business being submitted to a bank is that the bankers examine it in terms of collateral. They do not look at the market and the possibility of the applicant's proposed business being viable. The banking community in England have found that they are far better off having the local enterprise groups, rather than their officers, decide who will receive loans. The system under which they operate is working beautifully and employment opportunities are increasing dramatically in England, France, the Netherlands, and the United States. Without question, we should be looking at a similar system. It would not cost the taxpayers anything -- it is of low cost generally. Our need for such a scheme is greater than the need in the countries I have mentioned. About 60 per cent of employment in this State revolves around small business and if such a scheme were implemented there would be greater employment opportunities.

Mr Grill: These groups have, and are being set up around Western Australia and there have been tremendous successes.

Mr TRENORDEN: Is the Minister referring to the one in his electorate?

Mr Grill: Yes.

Mr TRENORDEN: I congratulate the people in Esperance for their activities, but they need a little support from the Government. Some changes should be made at Government level to support the people who are already engaged in this scheme. No group has been more successful than the group in the Minister for Agriculture's electorate. I take my hat off to them, but there is a limit to how far they can go. They do not have access to the research and marketing information which is already available to the Government. It is only a matter of tying a few ends together to provide assistance.

It has been said that the Small Business Development Corporation has a budget of $2 million and that the South West Development Corporation has a budget of $1.5 million. That is not a healthy difference. I am not criticising the South West Development Corporation. I am saying that the profile of the Small Business Development Corporation should be higher than that of the South West Development Corporation, because, without question, if an effort is put into establishing this scheme the Government will receive a return on its dividend. It will not incur a cost to the taxpayer.

Research after research has shown the reasons that small business fails is the lack of capital and the lack of business skills. One of the problems with small business, whether it be in this country, England, or America, is that in many cases the family takes over the family business and they do not have the necessary skills or knowledge of business management. In Europe and the United States the Governments of the day have gone out of their way to make sure that if a person is running a business a suitable computer course is available to him. The Minister may say that it is available. It is available in the metropolitan area, but it is not available in Esperance or Derby. Resources should be provided to make it available to everyone. Computers are only one area; I could make a conservative list of 20 key areas in which people need easy access to information and education. I agree that a cost would be involved because the Small Business Development Corporation or another group would have to provide that information. The return to the State in terms of wealth, and more importantly, the return to the people in employment opportunities would be dramatic.

This scheme has proved successful in so many places in the world that I can not understand why this Government is not taking a similar course, particularly in areas like the Minister's

electorate, my electorate and those members' electorates where the population is declining. The only method of encouraging people back into country areas is by small business. We cannot move silicone plants from one area to another, but we can use the resources of the State for those people who have the ability to work.

Mr Grill: I think we agree on that. You do not want to run away with the idea that the success we had in Esperance was as a result of some spontaneous feeling at Esperance. It was, in fact, a Government initiative. It was an initiative directly out of my office. The Government is involved in the way you are indicating that it should be involved.

Mr TRENORDEN: There are other schemes operating around the State that are not Government initiatives.

Mr Grill: Where?

Mr TRENORDEN: In Northam. There is an organisation in Northam that was called NEDA and which is now known as the Northam Regional Development Association which is funded by local Government bodies. I could jump up and down and say that the Government is spending funds on this sort of scheme in Geraldton, Bunbury and Esperance and that it should be spending funds in Northam, but I do not want to get into that argument. There are people who want to become involved in employing people, but we need a reasonable structure. The resources should be made available to help people do this. It is vital to keep small business healthy. I do not want to put words into the Minister's mouth, but we all know that the budget of the Small Business Development Corporation is severely restricting its operating capabilities. It does an excellent job considering it receives a $2 million budget. A $2 million budget is a pinprick -- a drop in the ocean. The Minister and I agree to a certain extent in saying that if this particular corporation had a high profile, the right people, and an active attitude, it would take off, employ people, and produce wealth just like any other country one cares to consider. We are very slow on the uptake.

On a Federal issue, in England, in terms of supplying venture capital -- which was the other reason I mentioned as to why businesses fail -- people can invest directly in unlisted companies and obtain a tax deduction up to $90 000. This means that an individual who decides that his tax level is so high that he wishes to have some tax relief can invest in a person out there who has an idea and wants to be creative. That investor may put, say, $50 000 into that venture, and stands a chance of losing his money. On the other hand, he obtains full tax relief for it. What this has done in England is create a market for venture capital which the Minister and I both know the banks do not want to touch.

I know that is a Federal issue, not a State issue, but it is one of the problems of which the Minister will be aware -- venture capital on a reasonably long-term basis. That is something which this country could do. It would not be at a huge cost to the country either, because although the revenue to the Federal Government would decrease, the number of people with ideas who succeed in those ideas would dramatically rise. According to the statistics from the Minister in the Federal Government, three per cent of good ideas in terms of manufacturing, worldwide, come from this country. Less than one per cent have been acted upon. The other two per cent -- building, manufacturing, or whatever the situation may be -- are created in other countries. One of the reasons is lack of venture capital.

We support this Bill, but we would much prefer it had a higher profile. For example, loans are for a maximum of 10 years. I understand why there is a maximum of 10 years. The Government, or the Minister for Small Business, should consider that. I have been highly critical of the Minister for Small Business, and I put it on record again that I am still highly critical of him. The fact that he is not here does not make any difference -- he has done nothing in the time that he has been the Minister. His presence in that portfolio has been virtually useless, and that is a real pity because this is an area of extreme interest.

Some activity by the Government at a local level to encourage the banks to get together and give a guarantee system, which I talked about previously, would be a positive move. The Minister has already partly agreed with me that it would be a positive move, which would enable country and city people to incur loans for a period longer than 10 years. The Minister is a businessman and must know that that is very important. Monthly, weekly, or annual repayments are a matter of concern to someone who is just starting a business and for whom that is their capital base. That is something which could be done right now. It is not a pie-in-

the-sky dream. The Government would not even need to go overseas. The Government should be able to implement such a system through its own resources very quickly. As far as the National Party and I are concerned, if the Government did that it could take all the kudos for doing so, because it would be a tremendous boost for small business and the State generally. I hope that the Minister will do something about this.

I think the Minister will agree that people in small business are hardworking. They do not work 9.00 to 5.00; they work very long hours. We must structure an education and skills programme for these people. They cannot go away for a two-week course. Maybe they can go on a one or two-day course. It does not matter whether we structure such a programme in Osborne Park, in the Minister's electorate, or in my own electorate in Avon. I think the Minister would agree with that. That means that a bigger budget would be required for the Small Business Development Corporation.

The scheme I have proposed will put an extra few hundred thousand dollars in the coffers of small businesses, and will help them to generate their own money without asking taxpayers to dig into their own pockets. That is another point on which the Minister and I agree. The taxpayers cannot be asked to fund everything. In this particular area the net result from increased activity would be of such financial gain to State and Federal Government coffers, it is hard to understand why it has not already happened.

A further point I want the Minister to note and convey to the current Minister and the Small Business Development Corporation, is that we are very pleased to see that a new man has been placed in the Merredin area. He will have the responsibility of looking after a huge area -- a lot of towns and obviously a lot of small businesses. That is a move in the right direction. Considering the constraints of the Budget of the Small Business Corporation, my hat certainly comes off to them, and the National Party thinks that is a good move. Merredin is a good place to put him, because it is fairly central State-wise. That person will have a huge responsibility. I do not know how he will travel his territory and cover those small businesses effectively, but at least he is there, and will be able to give a perspective and positive attitude as the local man on the job. That is a very big plus.

He will be able to bring messages back to the Small Business Development Corporation, although I am sure the corporation does not need them, because it already has messages about how small businesses can be helped and how, if those businesses can be maintained in country areas, people can be maintained in country areas, and the decline can be stopped.

The interesting thing is that the decline can be stopped without subsidising businesses at all. To arrest the decline in country areas does not need buckets of taxpayers' money. This has been proved. I cannot understand why we have not picked up the tab and run with it. At least this person will be on the spot. I have met him, I like him, and I am sure he will do a good job.

The National Party believes that the Small Business Development Corporation must have a high profile. We support this Bill and hope that the Government, now that it has looked at the situation, will look at our messages. I am pleased to hear that the Government has given way on a certain amount of ground. The only thing with which I take issue with the Minister is that, like the Americans say, "If you are going to do something you might as well do it well."

Sitting suspended from 1.00 to 2.15 pm

MR GRILL (Esperance-Dundas -- Minister for Agriculture) [2.15 pm]: I thank members opposite for their support of this piece of legislation. The member for East Melville made certain comments concerning the legislation, some relevant and some not so relevant.

The most relevant comment that he made related to the question of the amount of the guarantee. In fact I think he was questioning the effect of sections 4 and 5 of the Act after it is amended.

I indicate to the member for East Melville that the amendment to the Act makes the situation a more generous one for the person to whom the guarantee has been given. It makes it clear that the amount of the guarantee is the full amount of the loan up to $150 000. There needs to be no deduction from that to cover such contingencies as interest and other charges. That improves the situation of a borrower; it improves the situation of the person taking the guarantee; and it clarifies the situation as it exists. But I understand the member for East

Melville is slightly confused by the wording in the Bill. His confusion probably revolves around the amount of the guarantee which, as I said before, should not include the interest and other charges, but only the principal sum lent.

All the amount under section 5 will, in fact, be guaranteed for repayment; so the amendment to section 4 improves the position of the borrower. It clearly allows him to borrow and be guaranteed any amount up to $150 000 while still being guaranteed the interest and other charges over and above that.

Mr Lewis: If you read clause 5, section 4 is amended. The clause reads --

> "amount of the guarantee" means the principal amount of the loan the subject of the guarantee and does not include any interest charges or expenses chargeable...

We go on to section 5 of the principal Act, which reads --

> (1) Subject to subsection (2), a guarantee executed under section 4(1) may --
>
> (b) include any interest charges and expenses chargeable by the lender against the borrower.

The amendment says they are not included, but the principal Act still has a section which says they may be. That is where my confusion is.

Mr GRILL: I will try to put it more simply. We are dealing here with two different things. Firstly we are dealing with the amount of the guarantee, which is a sum of up to $150 000. That does not include the principal and other charges. However, the guarantee itself, which is a separate thing, something else, can include the interest and other charges. So the borrower gets the best of both worlds. We must appreciate they are two different things. One is the amount of the guarantee, and the other is the guarantee itself. I know it is a bit confusing, but I am sure that is the intent and effect of the legislation.

Mr Lewis: I came to the same conclusion, but I must say it is not articulated very well and if one reads the amendment, it is a little contradictory. If one left that amendment in as part five of section 4, and then read further, one would think that on the one hand one cannot include it, and on the other hand one may include it.

Mr GRILL: I think the drafting is accurate but what the member is saying is that it could be a bit confusing, and I agree with that. However, it is accurate and we at least agree about the effect of it.

I do not think the member for East Melville had any other questions in relation to the legislation itself. He made a number of other points about the number of applications that have been received, and lamented the fact that the number was a bit low and he would like to see it higher. I agree, although I point out that this legislation does make it easier for people to take up loans and have those loans guaranteed. The member made a point about better publicity in respect of the guarantee facility. I understand there has been fairly wide publicity of the guarantee facility, but if the member is telling me that there are business people out there who are not aware of it, then maybe we should look at some further publicity, and I will take that up with the Minister on his return.

Mr Lewis: The number of application manifests that point -- about 200 applications in two years, which is not a great amount.

Mr GRILL: The member also made a point about delays in organising guarantees, and indicated that in some cases it took up to six weeks to arrange guarantees. I am surprised about that, and I would not like to think that sort of delay was brought about by the bureaucracy or by the corporation. I can only presume that a delay of six weeks would be brought about by lack of information being brought forward by the applicant for the guarantee. I see lots of similar applications which come forward in other areas, and very often the delays are caused by inadequate information accompanying the initial application. However, the member has made the point -- and he seems to have some evidence to back up his claim -- and I will ensure that matter is brought up with the Minister.

Bankruptcies in our economy are caused by a whole range of economic factors, as a previous speaker has already commented. One of the principal factors is lack of capitalisation or under-capitalisation. I do not think the corporation can take a large role in preventing business bankruptcies, but it may be that it could take a greater role. The member also

adverted to an inquiry which was made into cases of rural hardship as they applied to small business, and he indicated that the recommendations of the inquiry had not been taken up. I understand that the Minister for Small Business has already canvassed that matter in the House, and I do not intend to go over that but will draw these matters to his attention.

The member for Avon also raised questions about the profile of the corporation and the number of loans approved and the number of applications coming forward. He suggested there should be greater publicity. I am happy to take those matters up with the Minister. The member also dealt with local enterprise groups and ways of stimulating small business. I would like to say to the member -- who unfortunately is not here at the moment -- that the Government has already embarked upon this course and the initiatives were originally taken out of my office. I would like to give credit publicly to one particular officer, Ernesto Seroli, who has set up a number of enterprise groups in different parts of the State. The first group was set up in my own electorate of Esperance, and it was a pilot operation but has been so successful that the process is now being supported by other Government departments, including the Small Business Development Corporation, the Department of Employment and Training, and representatives from technical and further education. Other projects of this sort are being set up at the present time in places like Margaret River, Geraldton, and other places around Western Australia. So while the member for Avon did not seem to be totally aware of the initiatives taken by the Government in this arena, I assure him that the initiatives are being taken and are being supported by a range of Government departments. At the present time, they are having spectacular success, and having that success on a very thin budget.

The concept behind those initiatives is to use people and their ideas, and Ernesto Seroli says what he does and what the facilitators who run the schemes do is to take people's dreams and turn them into reality without a great influx of funds or the necessity for large funds, and without a huge bureaucracy behind them. It operates on the basis of one facilitator, who is fully funded, and an enterprise committee behind that facilitator. The scheme has worked in a spectacular way in Esperance. Thirty-five new businesses have been started there, and all of them have persevered. It was not as though they were set up one day and died the next; they were not ephemeral. It appears as though two of those businesses may well become multi-million dollar businesses.

We are well aware of these types of schemes. We believe we are leading Australia in this respect, if not the world. The other schemes put up in other countries use large amounts of Government resources and have fairly large bureaucracies behind them. The facilitation of the concept that I am talking about, which has been supported very strongly by the Minister for Regional Development, does not require a lot of funding and it has been very successful. So we are aware of these initiatives and I believe we are probably leading the world in them, and we intend to continue with them.

I thank members opposite for their support of this 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

Leave granted to proceed forthwith to the third reading.

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

FISHERIES ADJUSTMENT SCHEMES BILL

Second Reading

Debate resumed from 17 September.

MR GRAYDEN (South Perth) [2.32 pm]: This Bill stems from a need to further stabilise the fishing industry of Western Australia. Major Western Australian fisheries have been

intensively managed for many years. The major fisheries include the rock lobster fishery, and the prawn, salmon, abalone, and southern blue fin tuna industries. As a result of numerous requests for further limited fisheries, the question of access to fisheries for the fishing industry as a whole was considered at length by various professional fishermen's associations. As a result of those lengthy discussions, which were held after a long investigation, a problem was identified in the open access fisheries. Subsequently the main fishermen's organisation, the Western Australian Fishing Industry Council, recommended a buy-back scheme which is to be funded equally by the industry and the Government. It recommended that this be introduced to provide an opportunity for fishing boats, where it is necessary or desirable, to be withdrawn from the industry.

Under this scheme the industry will contribute a levy of $100 per fishing unit over a period of five years, and the Government will contribute an equal amount. In fact $160 000 has already been set aside by the Government in the Consolidated Revenue Fund Budget which is currently before the House. As the Minister acting on behalf of the Minister for Fisheries said when he introduced the Bill --

> The legislation now before the House will enable the establishment, financing, and administration of fisheries adjustment schemes with the aim of reducing the number of licensed fishing boats in the Western Australian fishing industry.

The Bill is a commendable one. It has the full support of the Opposition, and in those circumstances I will not waste the time of the House by discussing the Bill in detail.

I support the Bill.

MR STEPHENS (Stirling) [2.37 pm]: The National Party also indicates its support for this Bill, which is an excellent piece of legislation that will go a long way towards assisting the fishing industry.

There has always been a problem with limited entry fisheries. When a fishery was closed off, the fishermen who were unsuccessful in gaining entry to that fishery tended concentrated on another area which was an open entry fishery. This tended to increase the pressure on that particular fishing regime, and obviously the next thing that happened was another limited fishery had to be created. I believe that as the pressure of increased fishing continues, there will be little scope for fishermen to diversify; therefore, the idea of the buy-back scheme is an excellent one and will be to the advantage of the industry. For some time criticism has been levelled at those who were engaged in fishing these open access fisheries because men who were in a limited fishery would put pressure on the open access fisheries and compete with other fishermen, to the disadvantage of those who did not have the advantage of being in a protected limited access fishery.

I raise one query which I hope the Minister will answer in his reply. Clause 11, dealing with the functions of the committee, reads as follows --

> (d) provide for the composition of the committee and the appointment of members for a term not exceeding 2 years;

I know that when it comes to forming committees, there is invariably a considerable amount of dissension about who will be appointed; in most cases with committees of this type there is an indication of the areas from which committee members will be drawn. However, this clause is completely open-ended. I would be amazed if the Western Australian Fisheries Industry Council actually agreed to that point. I noticed the Minister is raising a puzzled brow.

Mr Grill: I don't understand what you are saying.

Mr STEPHENS: Is it because of my lack of command of the English language?

Mr Grill: No, not at all.

Mr STEPHENS: When it comes to the composition of the committee, nothing has been detailed. Purely and simply it says that the Minister, if he considers it is in the interests of the industry, shall establish a committee and shall provide for the composition of that committee.

Mr Grill: We have not specified it.

Mr STEPHENS: No, it has not been specified in any way, shape, or form. It is open-ended.

Mr Grill: I think it is creditable that there is such a degree of trust between the Western Australian Fishing Industry Council and the Fisheries Department. Forget about me for a moment, because those two bodies will decide, as they have decided on a whole range of committees. The member for South Perth has already indicated that they get on well together when endeavouring to work out who will go on those committees.

Mr STEPHENS: The composition of this committee will be as agreed between the Minister and the council. The Minister has answered my query. It is not written in the Bill, but if the Minister says that is the situation, I can understand those bodies accepting it. It is completely open-ended. I was not aware of what the Minister has just told me, and that is why I raised the query. Like the member for South Perth, I think the Bill is admirable, so there is no need to go through it in great detail. It will be of overall benefit to the industry and I can readily appreciate why the industry is supporting it.

MR CRANE (Moore) [2.41 pm]: I am sorry to come into this debate so late, but I can assure the Minister that I have not been caught with my pants down, although some fishermen have. I want to make a couple of points although the Liberal Party spokesman has already said that we support the Bill. They are matters which have not been raised, and I hope the Minister will defer passage of the Bill so that we can make a couple of amendments in the Committee stage or in another place.

The fishermen are concerned about the $100 levy. They are not all in agreement that they should pay it, but they accept the fact that they will probably have to pay it because in a democracy the majority seems to rule. I am not opposing the buy-back scheme. As other speakers have said, I think it is commendable that we have a system to buy back people in the industry if we can afford to do so and provided they are not buying themselves out of it. I fear that in some instances they may be doing just that. This $100 is to be added to the licence for five years, and I think it is wrong. I draw the attention of the House to this matter -- and those who are reading and not listening -- because there is a lesson to be learned.

Some time ago similar legislation was passed or regulations made whereby a fee was made payable on drivers' licences. It was a contribution towards the Commonwealth Games. The fee was to last only for a short while, but it still exists. This amount of $100 should be payable separately by all fishermen who hold a licence but not attached to their licence. Their great fear, and one I want to record in this House today, is that in five years' time it will not be removed and their licence will cost $100 more than it normally does. Do I make the point, or am I dumb? It will not be removed; it will be attached to their licence and never taken off in the same way as the contribution which was made for the Commonwealth Games. That fee had nothing to do with one's driver's licence.

I do not trust parliamentarians, with the exception of myself.

Mr Brian Burke: Hey, what about me?

Mr CRANE: Perhaps a couple of others. I believe there are a lot of people out there who would agree with me.

My office is discussing with the parliamentary draftsman the form of amendment I would like inserted in the Bill. It would seek to have the $100 paid separately and not attached to the licence. It would be enforceable for five years and then cease to exist.

It is felt by some fishermen that as crayfishermen have their licence as an addendum to their wet fishing licence, they should still be entitled to retain their wet fishing licence if they sell their crayfishing entitlement. Otherwise they are making a contribution to the buying-out of licensed fishermen and they will have been paying money into this fund and will receive nothing back when they sell their crayfishing licence. I hope I make that point clearly, too. That is why I ask the Minister to put a caveat on this legislation for a moment so we can stop and have a look, because that is what caveat means.

I have not had an opportunity to talk to the member for South Perth about this, but I am sure he will understand what I am saying. I hope the House understands the point I am making because I raise this matter as a result of representations I have received from fishermen. I have received one in the last 10 minutes. As a person who represents possibly as many

fishermen as anyone else in this House, I do not believe I could support the Bill in its present form.

Mr Grill: The two matters you have brought up are not dealt with by this particular Bill. The problem is you have been brought into this matter very late and you are going on information given to you by fishermen who probably have not read the Bill either. These matters are not in the Bill at all, and therefore it is not amenable to amendment at this stage.

Mr CRANE: Where will they be dealt with?

Mr Grill: The levy will be set by regulation, not by the Bill, so what you say to me now about the levy being attached to the licence perhaps can be looked at when drawing up the regulations. However, it is not dealt with in this Bill, and nor is the other matter you raised. If you bring them up with me I will look at them.

Mr CRANE: That is all right. I would have liked to hear the Minister say that he will look at them rather than he will perhaps look at them. If you are going to kiss the girl, kiss the girl Minister, do not muck around!

I ask the Minister to take note of the points I have raised because they are important and worthy of the consideration that fishermen are asking us to give them. I appreciate that the Minister has pointed out that these matters will be in the regulations. I hate regulations. I just wish that all matters could be dealt with in the legislation because regulations lend themselves to manipulation from time to time, particularly if Parliament is not sitting. The Minister knows me well enough to know that I will pursue these points.

MR GRILL (Esperance-Dundas -- Minister for Fisheries) [2.49 pm]: I do not think I need to say very much except to thank all members for their unreserved support of the Bill. It is a particularly good piece of legislation, and it is a first for Australia. I think it will do a lot for our fishing industry.

Question put and passed.

Bill read a second time.

In Committee, etc

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

VIDEO TAPES CLASSIFICATION AND CONTROL BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The amendments made by the Council were as follows --

No 1.

Clause 3, page 3, after line 16 - To insert the following -

> "restricted area" means an area of a public place that is set aside for the display of video tapes with a classification of "R", and that is clearly identifiable as such;

No 2.

Clause 47, page 26, lines 5 to 14 - To delete subclause (1) and substitute the following subclause -

(1) Where a person is convicted of an offence against this Act constituted by a

contravention of section 23, 25, 28, 29, 32 or 37 the court by which the conviction is recorded may order that there shall be forfeited to the Crown such video tapes specified in the order as were, at the time of the commission of the offence, in the possession or apparently under the control of the person.

No 3.

New Clause 29A, page 17, after line 36 - To insert a new clause 29A -

Display of video tapes classified as "R" restricted

29A. A person shall not display, for the purposes of sale, a video tape that has a classification of "R", except in a restricted area.

Penalty: $500 in the case of a corporation, and $100 in any other case.

Mr PARKER: I move --

That the amendments made by the Council be agreed to.

There are two principal amendments. Amendment No 2 was moved by Hon J.M. Berinson, as my representative in the Legislative Council, as a procedural matter that was required as a result of amendments which were passed in Committee in this place and which became evident in the drafting of the Bill.

Amendments Nos 1 and 3 were moved by the National Party in the Legislative Council. They are amendments which will, in essence, required video retailers to separate "R"-rated videos from other videos and house them in a restricted area of the shop. A penalty will be imposed on the video retailer who does not do that.

During the Committee stage of the debate in this Chamber, I rejected that amendment and I still believe that it is unnecessary, given the very substantial penalties which already exist and which are the strongest penalties of any similar legislation in Australia. For example, they are much stronger than those which exist in Queensland. I do not think it is necessary to have this provision.

The video retailers organisation has indicated its opposition to this provision. While I would prefer that these amendments had not been moved by the Legislative Council, I do not believe them to be an issue that will create sufficient concern for video retailers to warrant this Chamber disagreeing with the Legislative Council. In my view there is an arguable proposition, both ways -- we can sustain a cogent argument in either direction. It certainly clarifies the situation, that "R"-rated videos must be housed in a separate area. Many video retailers already house them separately. As a result of that, I do not see the reason that we should disagree with the Legislative Council.

Another factor in my consideration was that this Bill has been around for some time and I am anxious for it to become law because it has many positive features and it will measurably strengthen the power of the State with regard to video retailing and hiring. I would not like to delay the implementation of this Bill for the sake of these amendments.

Mr LIGHTFOOT: I thank the Minister and his Government for seeing reason in accepting those three important amendments to this Bill. The Bill was mooted in 1983, and it has taken a long time for it to reach this stage. As these amendments originated in the Legislative Council, it proves again the great significance of that august body to the legislative process. I shudder to think where the State's legislation would be were it not for the Legislative Council. I thank the Government for its concurrence with these amendments. I am pleased to endorse and support this Bill.

Mr COWAN: The National Party supports the motion before the Chair. The member for Avon, who took a particular interest in this legislation for and on behalf of the National Party, was the instigator of the intent behind these amendments. He would be disappointed that he is not present to be able to convey his appreciation to the Government for accepting what was put forward initially in this place and rejected; and on reflection the Government is prepared to accept it.

The amendments tighten the laws in relation to the sale and classification of videos. We are disappointed it does not go further in that there could have been greater classification of

videos in relation to sex and violence and other issues. However, we believe the amendments make a solid contribution to the Bill.

On behalf of the National Party I convey appreciation to the Government for being prepared to accept these amendments.

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

Report

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

ELECTORAL DISTRIBUTION AMENDMENT BILL

Second Reading

Debate resumed from 24 September.

MR MENSAROS (Floreat) [3.03 pm]: Mr Speaker, this is an earth-shattering Bill.

Mr Bryce: It puts Rottnest back on the map.

Mr MENSAROS: When the parent Bill was passed the metropolitan area was specified. To digress, despite the fact that for a long time the Labor Party has said it did not want to have statutory decisions about boundaries -- leaving decisions to the commissioners -- it has now become pragmatic and has made a deal with a smaller party to accept statutory decisions, which shows how the Labor Party sticks to its principles.

Because the metropolitan boundaries were described the situation resembles the Constitution of the Commonwealth of Australia -- the residue became the country. The metropolitan boundaries equal the MRPA boundaries which do not include Rottnest Island; therefore, Rottnest Island automatically becomes part of the country, and as the island's altitude is near to a metropolitan electorate it was decided to slot it into the metropolitan area. The Bill provides that Rottnest Island will become part of the Fremantle electorate, whichever way the Fremantle electorate is to be distributed. Looking at the statistics, I discovered that in 1986, 89 valid votes out of the 92 votes were cast on Rottnest Island, with no real great majority as the ALP had 43 votes, the Liberals 40 votes, with six votes going to the Socialist Workers Party.

The introduction of this Bill will not affect any electorate greatly by having Rottnest Island attached to it. It would be disrespectful to say the Opposition could not care less but that is the situation. We have no objection to the Bill.

MR THOMPSON (Kalamunda) [3.06 pm]: I am amazed that the Minister for Parliamentary and Electoral Reform has the hide to bring this Bill to the Parliament without including a provision for one-vote-one-value. We still have motor cars driving around --

Mr Bryce: The member is a 24-carat hypocrite. We have had Bills with the one-vote-one-value provision coming into this House year after year and the member has never voted for them.

Mr THOMPSON: I told the Minister in the House recently that I had changed my mind.

Mr Brian Burke: One minute the member accuses us of bribery and the next of changing our minds.

Mr THOMPSON: It is because people change their minds from time to time that we have a Parliament, and the opportunity to do things to bring progress to this State. There is no question that the Government has run away from its commitment to have a one-vote-one-value provision embodied in the legislative laws of this State.

Mr Brian Burke: The member told me he was going to introduce a Bill relating to the one-vote-one-value provision. Where is the member's Bill?

Mr THOMPSON: I have sought the support of my party.

Mr Brian Burke: The member does not need the party's support to introduce a Bill.

Mr THOMPSON: I know.

Mr Brian Burke: The member is getting too old for it.

Mr THOMPSON: Mr Speaker, no doubt the Labor Party, and more particularly some of the strategists close to the Government, has done a little arithmetic and found no joy for them in having one-vote-one-value. That is the reason why Arthur Tonkin is no longer a member of this Parliament. As much as I disagreed with Arthur Tonkin he at least was a man of principle who came to this Parliament with the intention of correcting what he saw as being an injustice. He was a crusader, as was the member for Stirling.

Arthur Tonkin crusaded on the question of quality of votes in the electoral system. Members will remember the famous Geraldton meeting of Cabinet where Arthur Tonkin got rolled. He decided Parliament was no longer the place for him when the party that he had so vigorously supported and worked for in the past had walked away from the significant commitment to which the party was supposed to adhere. It is true that there are people within the Liberal Party who are vigorously opposed to the principle of one-vote-one-value.

Mr Bryce: They have not woken up yet, have they?

Mr THOMPSON: No, they have not woken up yet, but there is also a growing number of people within the Liberal Party who are of the view that it is time we moved towards one-vote-one-value. There were historic reasons why we should not have equal votes in each of the elections in this State, but that is no longer a necessity with modern communication and transport.

No-one is advocating that we should move from the system which applies in Federal Parliament, where one-vote-one-value has been in place for a long time, even though that system covers an electorate as large as the Federal electorate of Kalgoorlie. I have not heard any constituents from that electorate complain that they are disadvantaged because their member is required to also represent Wyndham and Esperance.

Mr Peter Dowding: One of the reasons for that is the quality of the member.

Mr THOMPSON: Yes, of course, but a Liberal member also represented them at one stage.

It disappoints me that the Liberal Party -- and more particularly the Minister for Parliamentary and Electoral Reform, who gave a commitment in this House towards the earlier part of this session that he would be coming back to this Parliament with a Bill to legislate for one-vote-one-value -- have not taken action to introduce legislation to provide for one-vote-one-value. We are now fiddling around with determining whether 80 votes in Rottnest should be inside or outside the metropolitan area. It is an absolute waste of this Parliament's time to be fiddling around in such a way. If the Premier and his Government were dinkum, they would honour the commitment which has been given to the people of this State to legislate for one-vote-one-value.

MR STEPHENS (Stirling) [3.13 pm]: The National Party naturally supports this Bill, and as one who was very interested in seeing the metropolitan regional boundary as the boundary for the metropolitan area, I suppose I can also accept some responsibility for not checking to see whether Rottnest was included. I assumed, like the Minister for Parliamentary and Electoral Reform, that Rottnest would come within that boundary; and if we had done our homework no doubt that omission would have been corrected when the legislation was going through.

I would like to comment about the grandstanding we have just heard -- and I use that word advisedly because I learned the word from the member for Kalamunda.

Mr Thompson: You might have learned the word, but you have been following the practice all your life.

Mr STEPHENS: I can understand why the Government did not bring in this legislation, because it recognises that the member is only grandstanding, and that if it had done so there would have been considerable debate and the legislation would have been thrown out some weeks down the track. The Liberal Party in one breath has gone out into the country and said it is the great rural party because it has more votes in the country than the National Party has. However, country people definitely want a weighted vote, which is understandable because it gives them that little bit of protection to which they are justly entitled. If the Liberal Party is true to its cause to represent country people, there is no way it would support one-vote-one-value.

If the member for Kalamunda is going to go on speaking like this, I think that between now

and the next election he had better resolve within the Liberal Party whether it does support one-vote-one-value or whether it is genuinely interested in protecting the broad acres of this country and the areas that are of a low population density, because that is what the National Party is interested in representing, and it will continue to do so. I think it would be as well for the Liberal Party to spell out to the people that a masquerade is going on.

I had intended to make a comment only about Rottnest, but I felt the comments that were made needed to be sensibly replied to.

MR BRYCE (Ascot -- Minister for Parliamentary and Electoral Reform) [3.16 pm]: I appreciate the support for the Bill which has been indicated by the members for Stirling, Floreat and Kalamunda. They are a disagreeable bunch and they found it very difficult to express their support for a very simple provision, which quite explicitly is to put Rottnest back on the map. Who could ever conceive of a situation in Western Australia whereby a Government which became aware of an error which left Rottnest outside the boundary did not move quickly to put that sacred site back inside?

I wish to respond to three things that were mentioned by members opposite. The member for Floreat has become the custodian of the Labor Party's principles, and this is a role that I am sure does not sit very comfortably with him. He has reminded this Chamber today that the Labor Party, if it was going to be fair dinkum, should have brought a Bill back to the Chamber for one-vote-one-value. He expressed his concern that the Labor Party had agreed with another party in this Parliament to accept a compromise.

Mr Mensaros: I was not talking about one-vote-one-value; I was talking about the metropolitan boundary. I said that your policy has always been that the boundary should be set by the Electoral Commission.

Mr BRYCE: The metropolitan boundary and the setting of lines on the map by Statute is the very quintessence of an Electoral Districts Act which provides a system to actually discriminate against the principle of one-vote-one-value. That is the mechanism. The only reason this Parliament draws a line on the map is to prevent people from enjoying one-vote-one-value.

I remind the member for Floreat that the role he has adopted for himself of parading as the conscience of the Labor Party and the guardian of our principles and the keeper of our morals does not really sit very comfortably with him.

The member for Kalamunda made a very generous reference to my old friend and colleague, the former member for Morley-Swan, and referred to him as a man of principle. I remind the member for Kalamunda that never once during the parliamentary career of the former member can I recall the member for Kalamunda having the courage to refer to that member as a man of principle. There is an old reality in politics that so far as reformers in the Parliament are concerned, particularly Labor members when they are dead or have gone from the scene, they become heroes and are placed on pedestals as men or women of great principle, yet the member for Kalamunda never referred to the former member for Morley-Swan as a man of principle when he was in this Chamber. The former member for Morley-Swan was in this Chamber for a period of more than 15 years, and he sought to convince the member for Kalamunda, and his colleagues, of the immorality of the position which they defended and adopted in drawing the wriggly, crooked lines around the metropolitan area according to ballot boxes alone.

We find it fascinating that the member for Kalamunda is currently so sensitive to this question. He is one of the members of this place who actually owes his continued tenure of office as a member of Parliament to the jiggery-pokery that went on in smoke-filled rooms in 1980 when the backroom boys of the Liberal Party drew that line that distinguishes the difference between the city and the country. This is a simple opportunity for me to make this offer to the member for Kalamunda: The Government would happily accommodate him and his colleagues at the drop of a hat when we get a genuine indication that there has been a change of heart.

The Labor Party has introduced Bills to provide for one-vote-one-value on no fewer than 10 occasions in my parliamentary career. I say to the member for Kalamunda: All the Government would need to be is convinced that he is not playing political tiddlywinks in respect of his colleagues in both this House and the other House. We would be the most

delighted people on the face of the earth to accommodate the member for Kalamunda and join Liberal Party and Labor Party members of Parliament, arm-in-arm, to vote for one-vote-one-value. After the passage through this Parliament of the two Bills that have modernised the electoral laws of this State in a very comprehensive fashion, the only fundamental reform that remains outstanding to bring us into the front ranks of electoral systems for democratic Parliaments in this country -- and probably in any Western country in the world -- remains the question of vote weighting.

That brings me to the member for Stirling. I have told him privately, in this Chamber and publicly that country people do not ask for vote weighting. Country politicians ask for vote weighting.

Several members interjected.

Mr BRYCE: One does not meet members of the community in any social sense walking around asking for special treatment and vote weighting. There is a small handful of country politicians who owe their existence in this place and their persistence in the body politic to the fact that the boundaries have been distorted for over 100 years. If we in fact introduce one-vote-one-value, they will be faced with the reality of six members, and three seats; six into three does not go; who will miss out? That is the measure of their principle.

Several members interjected.

Mr Thompson: It is because of that that you backed away from it. The members for Geraldton, Collie and Warren would be history -- that is why you are not pursuing your one-vote-one-value.

Mr BRYCE: It gives me a great deal of satisfaction to have this opportunity today to remind the members sitting directly opposite me of some of the things that will haunt them in years to come when the reality of what they did to the Government's piece of legislation is exposed publicly and properly understood. On this occasion, which constitutes a very small step in a very comprehensive picture, I thank members opposite for their support in helping to put Rottnest back on the map.

Question put and passed.

Bill read a second time.

In Committee, etc

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Bryce (Minister for Parliamentary and Electoral Reform), and transmitted to the Council.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 24 September.

MR THOMPSON (Kalamunda) [3.26 pm]: The purpose of this Bill is simply to enable someone other than the Commissioner of Health to be appointed as the head of the department. The Minister has explained to the House that the work load that has come onto that officer has made it necessary to have this change. The whole programme of legislating in this area has been as a result of an ongoing tripartite consultative process. My understanding is that during the earlier part of that process, there was opposition to those two positions, to which I referred earlier, being split. However, I have taken the opportunity since the Bill was introduced to talk to the people who were involved and I am assured that there is an acceptance on the part of the parties that were involved in that tripartite process for the enactment of this legislation.

The Opposition does not oppose this legislation. I take this opportunity to ask the Minister

whether he could advise the House what progress has been made since the principal legislation was passed in respect of the compilation of the code of practice. There is considerable interest in the community in respect of that code of practice, because clearly, although there are certain powers in the legislation, it is that code of practice that will determine how the legislation will impact on the community. The Opposition supports the Bill but we seek some clarification on the progress that has been made with the code of practice and with those regulations necessary to be promulgated pursuant to the passage of the legislation.

I support the Bill.

MR COWAN (Merredin -- Leader of the National Party) [3.28 pm]: The National Party supports this measure. I think it is quite clear that it is an administrative procedure and the quicker we get this legislation up and running, the better off we will be. It must be remembered that industrial accidents cause substantial costs both to industry and to the State. The National Party thinks that the quicker this Act can be brought into being, the better off we will all be.

I support the legislation.

MR PETER DOWDING (Maylands -- Minister for Labour, Productivity and Employment) [3.30 pm]: I thank the Opposition parties for their support for this legislation. Working parties have been going through the existing legislation in very great detail. The Construction Safety Act, and one other area, are still a matter of some concern in terms of the preparation of new regulations, but I recently received a report which suggests that significant progress is being made. If the member for Kalamunda has any particular area of concern I will be happy to get more information about it. I will endeavour to give him specific information about progress during the course of the next week or so.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Peter Dowding (Minister for Labour, Productivity and Employment), and transmitted to the Council.

ASSOCIATIONS INCORPORATION BILL

Second Reading

Debate resumed from 22 September.

MR MENSAROS (Floreat) [3.34 pm]: This Bill should interest every member of Parliament because every electorate has a number of divergent associations, whether in the sporting, religious, service, progress or environmental field which have, or seek, corporate status. In many electorates, particularly in the metropolitan area, one of the most important ways in which a member may contact his constituents is through various associations. Members are frequently patrons, or honorary or life members of these associations, and are frequently asked for advice as to proceedings or rules which those associations should observe.

Albeit, this is one of those seemingly dry, legal measures, usually shunned by the majority of members, it ought to be followed and studied by each member of Parliament. The purpose of the Bill is that non-commercial, non-business associations shall be able, if they so wish, to have corporate status acknowledged, regulated and protected by the law. An Act of Parliament created for the same purpose and bearing an identical title has been on the Statute book since 1895. That Act has served the community well but, being nearly a century old, it is now considered to be in need of a complete overhaul. This consideration was not born yesterday. About two decades ago, during the term of the Brand Government, interest started to grow about recodification. The proper procedure has been followed, and the Law

Reform Commission -- or its equivalent at that time -- was asked to report on this subject. It did so, as far back as 1972. It revised the whole Act and made detailed recommendations about re-enactment.

Since then, there have been 15 years of preparation for this Bill by the Government on both sides of the House. The Minister in this Chamber representing the Attorney General omitted from his second reading speech the Attorney General's criticism, when in Opposition, of the previous Government's slow progress on this matter, which he claimed was based on lack of experience. That has not been justified. Hon Ian Medcalf QC allocated a lot of his time to this subject.

One of the major points of difference revolves around who was to grant the authority to incorporate. The Law Reform Commission, many years before, had suggested that this power be taken away from the Minister, to whom it still belongs under the present Act, and given to a Government official. Mr Medcalf was not at all happy with this arrangement at the time, particularly as there was a large number of bodies seeking incorporation whose applications seemed to be getting through the Crown Law Department, but were then being held up by the Minister for some technical reason until they put their affairs in order.

There seems to be a consensus that the main deficiencies of the present Act are: The inadequate accountability, both of the association publicly and of executives of the association to their own members; the lack of standard provisions in relation to the holding of annual general meetings; the absence of obligation for disclosure of interests by the executives -- members should be registered, and the register, and the rules themselves, should be made available to other members; the general weakness of the external supervisory role over the incorporated associations; and, the lack of proper provisions for the winding-up of the association. This Bill attempts to address all of these deficiencies and is undoubtedly an improvement over the present Act, without drastically departing from the principles which are embedded in the existing Act. The structure of the Bill, as it is laid out, is much clearer and easier to peruse than that of the Act, which is about 100 years old. The language is easier to comprehend because it is more modern, and avoids over-legalistic and hard-to-follow expressions. That applied not only to the 1985 Act, but to many pieces of legislation introduced today which contain drafting language which is fairly archaic. Clarity and simple terms are always desirable characteristics of legislation, but especially so where the legislation must be accessible to thousands of lay persons who will use it each year to guide them in providing their services without charge for the Western Australian community.

I shall deal mainly with matters omitted from this measure which I think should have been addressed, and with those points of the Bill to which I will either apply criticism as to the solution -- in some cases I will move amendments in the Committee stage -- or will suggest what I think are better solutions. These observations will not necessarily follow the sequences of clauses in the Bill, nor will they be seen as a detraction of my general support for this measure.

Although this is the first time that there are requirements for disclosure of interests and for making accessible to members records and accounts, generally these provisions are less stringent than the Bill's Companies Code counterpart. I agree with the contention expressed in the second reading speech, that it is appropriate that these organisations which are, by and large, voluntary and non-profit making, should be subjected to less rigorous standards of administration than are commercially-oriented companies. However, I still think that, while the position of members has been enhanced, in some areas third parties have less access to important information than they need to protect their interests. My view, by the way, is reinforced by the conveyancing committee of the Western Australia Law Society which prepared a very detailed and useful examination and report on this Bill. I shall use many of its observations in my comments.

Returning to the provisions, it is worth while observing that the decision in the first place in relation to virtually all matters of discretion is now given to the Commissioner for Corporate Affairs. In the present Bill, that discretion belongs to the Minister. It has been removed from him in line with the general tenor of the 1972 Law Reform Commission report with which the former Attorney General agreed. However, the commissioner will no doubt have to act far more strictly now than the Crown Law Department acted in the past.

The commissioner has not been personally concerned with these associations, and he will

now find he has a new and difficult task to perform. In the past, they were always handled by an officer of the Crown Law Department, and the commissioner simply issued a certificate after the Attorney General had given his consent. However, in most of the cases where the commissioner has a discretion in the new Bill, the final decision may be made by the Minister on appeal. There is no quarrel with that; indeed, once the decision is made to give the commissioner the initial discretion, there should be some appeal, and the Minister is the logical tribunal.

The only objection which should be raised is the principal matter which may be determined by the commissioner and subsequently by the Minister on appeal in clause 4 -- that is, the incorporation of associations. It is stated in subclause (6) of that clause that the Minister's decision shall be final. There have been cases in the past where the Minister, having made his decision, was subject to an appeal to the Supreme Court. There were even cases where the matter was dealt with by the Full Court.

I am not suggesting necessarily that there should be provision for unlimited appeals. However, is should be noted that the clause provides that the Minister's decision is final. This appears to exclude even the most involved and hotly contested cases from a judicial decision. I would have liked to have found that out from the Minister if he paid me the courtesy of listening to my speech. If I am wrong, I am sure that I will be corrected.

Clause 33(12), a result of an amendment in the Legislative Council, expressly allows a review by the Supreme Court against the commissioner's decision regarding distribution of assets of wound-up associations. It is easy to come to the conclusion that, therefore, in other cases there is no judicial appeal because in one case it is spelt out in the legislation and, in most of the other cases where the appeal is from the decision by the Minister, it is not spelt out.

Modern administrative law places considerable importance on the reasons for decisions being made available to interested parties, especially where appeal procedures are available. Accordingly, it is recommended that any refusal to approve a purpose under clause 4(1)(f) by the commissioner or the Minister pursuant to clauses 4(5) or 4(6) should be accompanied by reasons for the decision, so that the applicant can make a soundly-based assessment on whether the matter should proceed further by way of appeal to the Minister or via the remedies available under the general principles of administrative law. The same applies to other provisions in the Bill, particularly described in clauses 7 to 9.

Under the present Act, it was not obligatory to add the word "Incorporated" or the abbreviation "Inc" to the name of the association. This is found in section 6 of the Act, which states that one of the purposes of incorporation is to use the name of the association adding "Incorporated" or "Inc". In the past it has been held that it is unnecessary for these words to be added, although it is appreciated that the current practice in most cases is to add one of such words to the name.

However, the problem arises where a body is associated with bodies of a similar name in other States of Australia or in some cases even overseas. It could be a matter of concern that the local body has to have a slightly different name from the body in some of the other States or the ACT. The difference occurs if the local body has to add "Incorporated" or "Inc" after its name. There are a number of bodies which do not add these words after their name, although they are incorporated and such action has been permitted in the past by authorities. We only have to consider, for instance, the Salvation Army, or the St John Ambulance, or other associations, which apparently are incorporated in other States and yet do not use the word "Incorporated". According to this legislation they would have to do that in Western Australia. Australia-wide or worldwide organisations, such as the Salvation Army, would be required to use a specifically different name in Western Australia.

Clause 10 of the Bill states that the corporate name of an association must conclude with the word "Incorporated" or the abbreviation "Inc". In other words, it now appears to be mandatory to use one or other of those terms. That has an interesting side effect which I would like the Minister to comment on. Accompanying this provision was a further provision which made it an offence if an association did not use the word "Incorporated" or "Inc" at the conclusion of its name. Upon representation, the Attorney General withdrew this provision from the Bill, and the amended Bill does not contain that penal provision. I would like to clarify this point; it appears that presently this is a mandatory provision but without

any sanction except that the commissioner could simply not incorporate an association seeking incorporation which did not include that postfix after its name.

Referring to the limitation of the ultra vires doctrines, which was mentioned in the second reading speech, although this limitation is approximately in line with the doctrine as it applies to companies, there is some doubt as to whether it should be extended to the large number of bodies which are incorporated associations. These bodies are numerous and cover all sorts of groups in the community, many without much business skill whose members are not only entirely composed of volunteers but are also fairly simple people; they are not trading bodies. Yet, under the provisions of clause 15, even though an officer of the company may have agreed on something which is beyond the power of the association -- no doubt in ignorance -- the association will be bound by that person's agreement. Such agreement, according to another provision in the Bill, might even be verbal. This is a very hard law in view of the type of groups to which it will be extended. It could have dangerous consequences in connection with small associations, particularly when combined with clause 14(1)(c) which provides that contracts may be made on behalf of an association orally by any person acting under its express or implied authority.

Although one cannot quarrel with the situation where a person is acting with authority, such a person may or may not have the authority to act. There is often doubt about this, particularly with this type of association. But, in future, the association will be bound under the provisions of clause 15 if such an agreement is made by one of its committee members without the association having the legal capacity to do so. I would be interested in the Minister's comments in this regard.

An interesting comment was made in the Law Society's report, to which I referred previously. I shall relate this at least for the record --

> Subsection 4(2) preserves the prohibition on business associations seeking incorporation under the Act but in Subsection 4(3) it is recognised that some associations will need to engage in trading activities eg for fund-raising. Eight categories of trading and profit taking are listed and any activities falling within those categories will not be barred by reason of falling within those categories. However the mere fact an activity can be characterised as coming within one of the exempt categories does not prevent that activity also being characterised in another way that would take it outside the Act.
>
> For example, an organisation called Flower-play decides to develop/exploit the sport of netball. It proposes to establish a competition in which its players are paid for their services, which would be permitted under Subsection 4(3)(c) or (d) of the Act. After engaging in a massive public relations exercise, it finds it can charge healthy admission fees to the fixtures, permitted under Subsection 4(3)(i). At the sporting fixtures it makes a healthy profit selling beer and pies to the public, an activity which could fall within Subsection 3(h). If, however, profits of the operation are dispersed among the members other than by the provision for facilities or services for its members then the association would not be eligible to be registered as or to continue as an incorporated association.

I would be interested in the Minister's view.

An amendment was made in the Legislative Council which improved the Bill, and described the donations which the associations can accept, in view of more modern times where, for instance, television advertisements could be one source of revenue.

I also notice with interest a further amendment to the original Bill which was moved by the Attorney General in the Legislative Council and passed by the House; it prohibits the incorporation of trade unions under this legislation. This is a very welcome improvement to the original Bill which the Opposition would have moved had the Attorney General not done so. In the absence of such express prohibition, a deregistered trade union, for example, could have used this Bill to continue as a legal entity and de facto could have ignored the Australian Conciliation and Arbitration Commission's deregistration decision.

One minor provision in the Bill creates a difference between the existing Act and the Bill, which was not explained by the Minister in his second reading speech. I am referring to the fact that the current Act requires that there be five or more members for an association to be

incorporated, whereas the Bill states that there shall be more than five members. It is not a great difference, it raises the minimum number of members by one, and I wonder whether it was intentional or has crept in on account of different drafting.

Another aspect I would like to mention was brought up by the Law Society's report. It says --

> 6.2 The Committee believes that there are dangers in seeking to prescribe the powers of incorporated associations further by way of an exhaustive list. For example the list included in the Act may not permit organisations to seek registration, incorporation or other form of recognition in other jurisdictions or to engage in raising money by way of Bills of Exchange, an activity considered to be something other than borrowing. If the list is meant to be a guide only to the range of possible activities that an incorporated association could undertake, rather than an exhaustive description, this should be expressly said. At the same time the Committee supports the right of an incorporated association to impose particular fetters on its own power.

The report goes on to say --

> We suggest then, in the light of the suggested modification to section 13(1) above that a new section 13(2) be inserted to provide that the general powers granted in section 13(1) may be limited by the operation of the Act or by the rules of the Association and that unless such prescription is so found, the powers of an organisation shall extend, but not be confined to those powers currently enumerated.

Another interesting point raised in the report says that --

> Generally an association's rules will provide that the general meeting of an association will have the power to manage affairs of the association, and between meetings that power will be in the hands of the Committee.

That power can also be in the hands of an equivalent body which according to this Bill is deemed to be the committee, and this means that for the purposes of the proposed Act, the general meeting, when it is sitting, will continue to be the decision-making body of the association; yet it is not provided that a disclosure of interest should be given by those members participating at those meetings.

The report continues --

> The disclosure of interest and voting prohibition provisions are adopted from the Companies Code.
>
> 9.2 While generally the regulation of incorporated associations should be less strict than the companies, it must be recognised that some incorporated associations deal with larger revenues than some companies and hence provide greater opportunity for improper gain.

The report also says that --

> The Bill should provide scope for more severe penalties so that impropriety of all scales can be dealt with appropriately. As with the Companies Code, the prescribed penalties should provide for imprisonment as well.

Clause 31 provides for winding up of the association by the court if the incorporated association was not at the time of incorporation eligible for incorporation under this Act.

Clause 48 is a transitional clause which gives effect to schedule 2. The effect of schedule 2 is to save and preserve existing organisations which shall be deemed to be incorporated under this Act and to preserve its rules. However, clause 48 does not seem to protect an association if when it was originally incorporated, although eligible under the old Act because of the discretion exercised by the Attorney General, it might not be eligible under the new Act. This will enable any member of the association, the commissioner or the Attorney General, or any creditor, to apply to the court to have the association wound up.

Whoever drafted this legislation has overlooked that there are many borderline cases under the old Act. The criteria for incorporation under the Associations Incorporation Act 1895 are

set out in section 2. Although most of the words used in section 2 in one form or another have been carried forward into clause 4 of the Bill, and indeed clause 4 has been elaborated and clarified somewhat, nevertheless there is part of the old definition which allows institutions and associations formed for promoting "the like objects and any other association, institution or body which the Attorney General certifies as being one to which the facilities given by this Act ought to be extended." This gave the Attorney General wide discretion to incorporate associations and also creates borderline cases where it is questionable whether associations would come under the ambit of clause 48 of the Bill and be continuously deemed to be incorporated.

I remember that when my electorate took in Daglish and Jolimont, I had to take over a progress association in Daglish from the then member for Subiaco, which I suppose had been incorporated as an association 40 or 50 years earlier, and it had no rules or records whatsoever. The association was tremendously difficult to sort out, but there was no way to simply have it wound up. The provisions of this Bill address such a situation.

Questions do and will continue to arise in relation to the original ministerial decisions which were made over the years to permit a group to be eligible for incorporation. Bodies such as these will be in peril under clause 31(1)(a). There really ought to be a more effective saving clause in relation to old associations incorporated under the old Act. I do not doubt that in all cases when incorporation was permitted it was done in good faith, and perhaps some stipulation should be included which would save associations incorporated on the certificate of the Attorney General in good faith under the old legislation. Such a clause should be included in the present legislation in order to include the continuance of these associations.

Clause 33 gives the commissioner the power to vary a distribution plan made by an association in reference to the distribution of surplus property on a winding-up situation. There are no standards supplied for the commissioner in varying the distribution plan, and this seems to give the commissioner a wide-open ability to direct the surplus property to go to whomever he wishes to direct it. This is found in clause 33(4). Under subclause (9) of clause 33, if the commissioner considers that the implementation of the plan would be unreasonable or impracticable, he should cause the surplus property to be paid to the Consolidated Revenue Fund. Clauses 34 and 35 give the commissioner considerable additional powers. Where he is of the opinion that the operation of an association would be more appropriate to be carried out by some other body corporate, he can give notice to the association accordingly. As a corollary, where the commissioner has reasonable cause to believe that the association has not, within three months of the commissioner's notice to it, requested the commissioner to transfer its undertaking to another body corporate, the commissioner may cancel the incorporation of the association.

It seems to be admitted, however, that the commissioner may make an error, as indeed he often does and has, because clause 35(4) states that if he is satisfied that he has cancelled the incorporation as a result of an error on his part he may reinstate the corporation. Nothing is stated about payment of compensation or damages to the association as a result of the error by the commissioner. There have been many cases in the past where the commissioner, acting in good faith, has made a mistake in relation to the business name of a company. This applies particularly in relation to the names of businesses or companies; and now that the commissioner is to be vested with power over associations as well, the same kind of situation could easily arise. Indeed, it needs no argument to say that the commissioner can make a mistake. The Bill admits this, as I said, in clause 35(4); and in the past where such an event has occurred the commissioner has frequently made an ex gratia payment to the aggrieved person who has suffered from the commissioner's error. However, there is no compulsion in this Bill that he should do so; neither is there any other provision to pay damages.

I think there should be some provision for compensation or damages to be paid in the event of the commissioner's making an error. No doubt the Government would resist this, but if the commissioner habitually pays compensation on an ex gratia basis, and he does, under this Bill why should he not also be required to pay when he has made an error?

There was another comment I wanted to make but I note with satisfaction that the Attorney General heeded the suggestions put to him to allow an appeal from the commissioner's decision to the Minister. In one instance an appeal is allowed to the judicial authorities from the Minister, so the question arises as to whether it was meant that the appeal can apply only

in that particular case and, more importantly, whether it means that this provision, applying in one case and not in the others, excludes the normal principle of appeal in administrative cases to a court or an administrative tribunal. Again, this is a question which I think should be addressed, at least by way of interpretation, by the Minister replying to it.

I would like now to mention the question of professional privilege in connection with some provisions of this Bill. It is quite a serious matter and is dealt with in clause 39. There is a very broad definition of the word "records", which includes just about every possible record, however compiled. Clause 39(3) states that the commissioner may by notice give a direction to an association or a committee member, or to an agent, banker, solicitor, auditor, or trustee requiring that person to produce some records. The word "solicitor" appears in this list and also in subclause (2), which provides that the powers of the commissioner can be exercised only in circumstances that relate to a matter that may constitute a contravention of the legislation or an offence involving fraud or dishonesty or concerning the management of the affairs of the association. There is also a penalty provided for this.

The main question concerning the word "solicitor" being in that list is whether professional privilege is not being infringed by virtue of the provisions of this Bill, because a solicitor, according to this provision, would have to produce any type of information to the commissioner. Oddly enough, I looked up an article which may or may not be of interest to the Minister. It was in The West Australian in 1976 and related to matters in which the previous Attorney General was involved affecting legal professional privilege. The legal firm involved in the case in 1976 was Paterson and Dowding. The case involved a search warrant under the Criminal Code, but the principle of professional privilege at stake is exactly the same as I have just mentioned in connection with clause 39 of this Bill.

The first report in relation to that case, on 18 December 1976, refers to the problem and the conciliation of the question by the Full Court. Views were expressed there by the then Solicitor General; and the problem they had was the technical interpretation of the words in the Criminal Code. But this is an entirely similar situation to the wording of this Bill, where it would have to be decided whether or not general professional privilege is being assailed.

There are other provisions in the Bill which could be improved, such as the interpretation of the financial year which seems to exclude the right of an association to specify a financial year not starting on 1 July. There is the desirability that the interpretation of "rule" should include the term "constitution", because most associations call their rules a constitution. There is a question as to what extent the sources of funds ought to be described or, alternatively, generalised. Some of these questions and others will come up in the Committee debate, perhaps. All in all I am satisfied that this Bill has improved the situation but still leaves many questions which I have tried to point out.

I will not endeavour to make a large number of amendments. There are amendments on two or three lines, a number of them repetitive. For instance, I thought it would be better if a written decision were given by the commissioner so that the association in question can consider this before deciding whether to appeal to the Minister instead of leaving it to an oral decision. I also thought the penalties could have been lifted somewhat considering the large amounts of money that could be lost by defalcation to sporting clubs and the like. Short of tackling the very involved question of professional privilege, I simply felt that if the word "solicitor" were omitted from the list of persons from whom the commissioner could demand information we would overcome the problem of professional privilege.

These are roughly the amendments I will move during the Committee stage. I support the Bill.

MR WIESE (Narrogin) [4.21 pm]: I will find it fairly hard going trying to make my points after the contribution just given by the member for Floreat, with his legal background and experience. In comparison I am, I suppose, just an ignorant cocky, but I am also the sort of person who will be affected by this Bill -- the sort of person without a great deal of knowledge of the law who will be affected by the Bill and who will be reading the Act, applying for incorporation, working as part of an incorporated body within this setup, and trying to interpret the requirements of the Act that this Bill will become when it has been passed. With those opening comments, I will launch into my consideration of this Bill.

The Attorney General is to be commended for introducing the Bill, which is an endeavour to

update the Act, which has not been substantially altered since 1895, from memory. The Act is of some importance to a large number of people in the community because they are associated with sporting bodies, religious groups, charitable organisations, and all the other bodies which this Bill endeavours to deal with.

My first query relates to part II which deals with the eligibility for incorporation. Clause 4(3)(h)(ii) deals with trading with the public, something which will be considered by the commissioner when deciding whether a body can be incorporated. Paragraph (h)(ii) provides that an association will not be regarded as being for the purpose of trading if any trading with the public is "not substantial" in volume in relation to the other activities of the association, and that trading is ancillary to the principal purpose of the association. It is the word "substantial" that worries me, and I hope the Minister can give me some guidance on what will be interpreted as substantial trading.

In my electorate we have a charitable organisation which does a magnificent job providing work, training, and rehabilitation for handicapped, disabled, and disadvantaged people. Part of its activities which is vitally concerned with rehabilitation work is the manufacture of simple garden furniture, such as stools and gates; I think members will have seen the sort of article I mention in their local hardware store. The female persons working in the establishment produce dolls, cushions, tea-towels, and other soft goods, which are likewise sold and retailed in this establishment and other establishments throughout the State, because they manufacture goods and pass them on to retailers for which they make the goods on contract. I sincerely hope and trust that the type of activity undertaken by this organisation will not be affected by the criteria of "substantial" trading which will not allow it to be incorporated. I hope the Minister replies to my query.

Mr Peter Dowding: Why do you hope that?

Mr WIESE: Because I would like some guidance whether this provision would prevent this organisation from becoming an incorporated body. I hope my query is filed away with all those the member for Floreat raised, and that the Minister will reply at a later stage.

Mr Peter Dowding: Why do you hope they can be incorporated under this Act? If they have a substantial operation, why do they not seek incorporation under some other Act?

Mr WIESE: I am glad the Minister is now listening, because he obviously was not earlier. I asked for his guidance on how this provision, which refers to "substantial trading", will affect the activities of this organisation. It is a completely charitable body which does not trade for profit but does do some trading. I hope the Minister will respond in his reply to the debate.

Clause 9 deals with incorporation of an association, and subclause (2) states that the commissioner shall not incorporate an association if in his opinion the incorporation of the association is against the public interest. That seems to provide that the commissioner definitely shall not allow incorporation if in his opinion the incorporation of the association is against the public interest. I would like some guidance on the words "in his opinion" so that I know what sort of bodies might be affected by this provision. What criteria is the commissioner to use in forming his opinion that the incorporation of an association would be against the public interest? The Minister should address that point when he replies to the debate.

I deal now with clauses 25 and 26, which refer to the accounting records to be kept and the annual accounts to be prepared. Clause 25 mentions the need for an association to keep accounting records in such a manner as will enable true and fair accounts of the association to be conveniently and properly audited. Clause 26 deals with what shall be done at the annual general meeting, and it says an association shall submit to its members at that meeting accounts of the association showing the financial position. Clause 25 requires the records to be kept so they can be audited, but when it comes to the submission of the accounts to members at the annual general meeting there is no requirement that they be audited accounts. In my view such a requirement would be very important for the protection of members. Likewise, I would have thought for the protection of the officers of the association themselves who are charged with the responsibility of putting the financial statements before the members that it should be a requirement that they be properly audited.

In clause 39 the commissioner may require an audited statement of affairs to be submitted to him. If it is good enough for the commissioner to be able to require audited statements, it is

every bit as important that the members of an association should be presented with audited statements of the association's affairs at the annual general meeting. That provision should be included in the Bill.

Most of the other points I wish to raise have been covered extremely well by the member for Floreat, and far better than I could do it. However, there is a clause which worries me to some degree, and the member for Floreat touched on it. It relates to the distribution of surplus property on the winding up of an association. I am worried that the commissioner has so much say in how the assets and surplus property of an incorporated association shall be distributed. Clause 33(4) contains the words "in accordance with such variation of those provisions as the Commissioner may approve in writing". So the commissioner can step in and alter or lay down provisions as to how the assets shall be distributed. Subclause (9) says that if the commissioner considers the implementation of the distribution plan would be unreasonable or impractical, or if the committee has failed to lodge a distribution plan with him, the commissioner shall, subject to clause 36, cause the surplus property to be paid to the Consolidated Revenue Fund.

These clauses dealing with the commissioner's powers worry me. I would like the Minister to answer this point: I have seen written into the rules and articles of association of organisations and associations a number of rules which direct how the property shall be distributed when the body is wound up. If these provisions are to prevail after this Bill comes into operation, it would be very wise for anyone seeking incorporation to build into the articles of incorporation a clause directing how the property shall be distributed upon winding up. Can the Minister say what will happen to bodies seeking incorporation or bodies which have such a rule in their articles? Would the commissioner be able to overrule the wishes built in by the founders of an association and direct that the funds or property be distributed in a different way to that set down in the articles of the body?

Mr Peter Dowding: What is your question? Is it whether the commissioner may permit a distribution after winding up in accordance with the rules?

Mr WIESE: I would put it the other way. If there is a winding up clause in the rules which has a proviso detailing how the property of the body is to be distributed, would the commissioner be able to overrule it?

Mr Peter Dowding: And not in conflict with clause 33(2)?

Mr WIESE: I am not too sure what that says.

Mr Peter Dowding: It says how to deal with the distribution of surplus property.

Mr WIESE: My question relates to the fact that the commissioner may put forward a distribution plan, and I wonder whether that can overrule the rules built into the original articles. In my reading of it, clause 33(2) applies to a body which is still functioning and has active members who are able to go through the winding up of the organisation. Clause 33(4) talks about a body which perhaps does not have sufficient members or has ceased to exist for all practical purposes but has within its rules when it was originally set up a proviso as to how surplus property is distributed.

Mr Peter Dowding: That is covered by the second schedule, isn't it?

Mr WIESE: I do not believe it is, Minister.

Mr Peter Dowding: Why not?

Mr WIESE: I would have to go back and look at that. From my reading of the Bill and the schedule I do not believe that particular aspect is covered. I would be grateful if the Minister could point out when he replies where that aspect is covered. If it is in schedule 2, I would be happy to be told that because it is exactly what I want to know. Is the situation covered in the Bill? I do not believe it is, but I am open to be convinced by the Minister if he thinks that it is.

The only other matter I wish to touch on briefly is the level of fines set down in the Bill. Some of these incorporated bodies handle very large sums of money. The level of fines set within these Acts, to my mind, does not reflect the amounts of money being handled, and the potential size, shall one say, of breaches of this Act. There are situations which would warrant much larger fines than those built into the Act now before the House. That is my

reading of the Act. I would be very interested to hear the Minister's reaction to the points that have been raised both by myself and the member for Floreat during the debate.

MR THOMAS (Welshpool) [4.41 pm]: I wish to recount to the House a strange tale about how the Opposition has used the power to allow associations to become incorporated in the past, when it was in Government. I shall make some observations about political associations between the people who now constitute the Opposition and some interest groups with whom the Opposition was associated in the recent debate on the Australia Card.

As the member for Floreat said, quite correctly, the issue of incorporation is a very important matter in terms of the powers which the State Parliament has, but because the issue tends to be rather esoteric, it is not often the subject of discussion by members, or necessarily of interest to members. Nonetheless, this issue is very important. By having the Associations Incorporation Act, or similar legislation, we allow private associations of individuals to create legal entities, and by so doing, have additional powers and abilities to facilitate the purposes for which those associations are formed.

If we examine the kind of associations formed in our community, we see there are a great variety with diverse aims. As the member for Floreat said, again quite correctly, most members of Parliament are involved with associations in their electorates. That is basically how the community tends to organise itself -- through associations. We are probably all involved in one form or another with church groups, and sporting groups, and all of us are involved with political associations.

Voluntary associations of citizens can be formed for virtually any conceivable purpose, and they are a very important aspect of our community. The powers allowing, or providing the facility, for an association to incorporate itself -- that is, to become a legal entity or a "legal person", as the lawyers sometimes describe it -- is very important to the activities of an association in furthering its ends. Basically, it allows associations to enter into contracts, because it is a legal person. That means an association can own property, and enter into a wide variety of contracts. Apart from contracts for buying and selling property, it can employ people, and use whatever property it owns to secure loans. An association which incorporates itself is, in many cases, able to further the ends for which it is formed much more effectively than if it does not avail itself of the power of incorporation.

The Associations Incorporation Bill sets out in clause 4 the type of associations which are eligible for incorporation. The clause is headed "Eligibility for incorporation". A number of other members referred to this clause when speaking to the matter earlier. The clause says that an association must have more than five members to be eligible, and then sets out a diverse range of principal purposes: It may be for a religious, educational, charitable or benevolent purpose; it may be for the purpose of promoting or encouraging literature, science or the arts; it may be for the purpose of sport, recreation or amusement; it may be for the purpose of establishing, carrying on, or improving a community, social or cultural centre, or promoting the interests of a local community; it may be for political purposes, which will be of particular interest to all of us; or it may be for any other purpose approved by the commissioner. The legislation sets out such a wide variety of purposes for which an association can be formed that it would seem the draftsman sat down and tried to think of every conceivable purpose for which an association could be formed, enumerated them and then, in case he had overlooked something, added the words "for any other purpose approved by the commissioner". The matter would then lie with the commissioner, without a decision having to be made by the Attorney General. If a person feels aggrieved at the decision of the commissioner, the clause provides for an appeal to the Minister, and the Minister can review the commissioner's decision. A very wide range of associations is eligible to be incorporated. The provision for administering that rests with an officer, not a politician, but there is a right of review or appeal to the Minister if a person feels aggrieved at the decision of the commissioner.

The existing Act which this Bill seeks to repeal and replace, the Associations Incorporation Act 1895, is, as the member for Floreat pointed out, a very old piece of legislation. It is an Act which has provision for deciding which association is eligible for incorporation. The type of association eligible to be incorporated is defined in clause 2. It clearly reflects the period in which the legislation was enacted, prior to federation, in fact. Clause 2 states --

> The word "association" shall include churches, chapels, all religious bodies, schools,

> hospitals, benevolent and charitable institutions, mechanics institutes and all associations for the purpose of promoting and encouraging literature, science, and art and all other institutions and associations formed, or to be formed, for promoting the like objects or any other association, institution or body which the Attorney General certifies as being one to which the facilities given by this Act ought to be extended.

That is the relevant point. The members will notice that the Act does not say anything about political organisations, conservation groups or the sort of groups that are often formed in our community. If a body is not a mechanics institute, for example, or any one of the types enumerated in the definition section of that Act, it is a matter for the Attorney General to decide whether it is one to which the facilities of the Act ought to be extended.

I made the point earlier that an association which has the capacity to become an incorporated body, and be created as a legal entity, is quite clearly given certain extra powers and abilities to further its ends. As we all know, from associations which exist in our community, they are often formed for political purposes. Under the existing legislation "political purposes" is not one of the types of association that automatically has the right to incorporation. There exists within the existing legislation the capacity for a politician -- the Attorney General, the Minister responsible for the administration of the Act -- to effectively apply a form of political censorship, if he were of a mind to do so. He could say that a particular association was, in his opinion, not one to which the facilities or benefits of the Act ought to be extended.

I can understand some people asking why the member for Welshpool is taking such an obscure point. Surely no Minister or politician in Western Australia would ever use the power under the Associations Incorporation Act 1895 to implement what is essentially a form of political censorship or restriction on the right of an association; because that is what it is if the ability of an association to incorporate is restricted on political grounds. In fact, those members in the House who are not aware of it might be interested to know that an application for an association to become an incorporated body was rejected by the then Liberal Government on clear political grounds in 1975 and 1976. The association concerned was the South-West Forests Defence Foundation, which sought to become an incorporated body in order to enjoy the benefits that exist under the Associations Incorporation Act 1895. The then Attorney General, Mr Medcalf, refused the association's application and said it was not in the public interest to incorporate the association.

Mr Peter Dowding: On the instructions of the Premier.

Mr THOMAS: I would have thought so, and I want to make a few comments about what the then Premier said. There has never been any suggestion under the legislation that the Government is now putting forward, or under the existing legislation as it has already been administered by the current Government, that the Act would be used in a way which would restrict political activity.

I presume that the Liberal Party or its associated foundations would have incorporated bodies for the purposes of holding property and furthering their aims. I am not aware that those bodies have ever been refused the benefits of the Associations Incorporation Act. However, in 1975, when members such as the member for Floreat and the member for South Perth were Cabinet Ministers in the Liberal Government, the South-West Forests Defence Foundation -- whose aims essentially were to promote the conservation of forests and their views regarding the best way to manage the natural resources of this State -- was denied the right to form an incorporated association because in the words of the then Minister for Agriculture, Hon R.C. Old -- who was then a member of the Country Party, and subsequently became a member of the Liberal Party -- it was not in the public interest to incorporate that association.

Dr Gallop: According to the member for Stirling, he was a member of the Liberal Party when he was born.

Mr THOMAS: I certainly know he was not a member of the Australian Labor Party; he was a Minister in the Court Liberal Government at that time and happened to be the Minister for Agriculture. When the question was raised, "Is it not a bit rough to deny the South-West Forests Defence Foundation the capacity to become an incorporated body for the furtherance of its aims?" he said, "It is not outrageous. The organisation was formed to oppose the Manjimup woodchipping industry."

The Manjimup woodchipping industry was just being established then, and the Minister said -- quite correctly -- that both political parties supported that industry. So in the view of Mr Old, the universe of acceptable political thought was that which was contained within the political parties that were represented in the Parliament as it was then constituted. That is an outrageous proposition. There are many political views which are not directly represented in this Parliament, whether to the left or right or up or down, and there is no reason why organisations which represent those political views should not be able to enjoy the benefits of political association and of freedom of speech which are enjoyed by the parties that are represented here and by the other organisations that are able to enjoy the benefits of incorporation.

Mr Wiese: Are you proposing to take out the clause to do with the commissioner's power to make decisions for or against the public interest?

Mr THOMAS: Of course not, because we must always have that capacity, but how does one define public interest?

Mr Wiese: You are asking that as well as I.

Mr THOMAS: In the views of the then Government, led by Sir Charles Court -- who described the South-West Forests Defence Foundation and members of the conservation movement as fifth columnists -- these people were not acting in a manner which was consistent with the public interest.

I might think that the National Party is an organisation that is not acting in a manner consistent with the public interest -- and that happens to be my view -- but when one is administering legislation which is quite clearly written in such a way that political associations are able, as of right, to incorporate themselves, it is not intended or envisaged, and for the most part would never be the case, that the Act would be administered in order to allow people to apply the legislation in such a way that an organisation's political rights and rights to free association are severely inhibited.

The Liberal Government at that time described people who were going about their activities and promoting their political views about the conservation of forests as fifth columnists. The then Minister for Agriculture said that any views which were outside the scope of the then political parties represented in the Parliament were views which had no validity or legitimacy. The Attorney General said that the reason their application for association was refused was that the matter was not in the public interest.

Every political regime or milieu has its own jargon, but I would think one could translate Ian Medcalf saying, "It is not in the public interest," as saying, "It is not in the interest of the 'Reich'" because that is essentially what he was saying. He was saying that if one's views are not consistent with the views of the Government -- and with the views of the Opposition on this issue -- one's views are not valid and one will not be able to freely associate and freely promote one's views.

I do not believe -- as the member for Murchison-Eyre said the other day -- that the sins of the father should be visited upon the son, and it is not necessarily the case now that the current Liberal Party -- which includes the member for Nedlands -- would agree with the former member for Nedlands, Sir Charles Court, that conservationists are fifth columnists, or that the views expressed by Mr Medcalf or Mr Old would continue to be the views of the Liberal Party; but it is necessary to ask them what their view is. The present Liberal Party does not have to follow the views of its predecessors, but it is reasonable to ask whether it thinks the views expressed by its predecessors are correct, and would it have administered the legislation in the same way as its predecessors did? Would the member for Nedlands agree with his father that conservationists were fifth columnists?

Mr Lightfoot: He is saying that all conservationists are fifth columnists but not all fifth columnists are conservationists.

Mr THOMAS: I do not think the former Premier became that obscure. He certainly said the two organisations he was referring to -- the South-West Forests Defence Foundation, and the Campaign to Save Native Forests; organisations with similar aims -- were fifth columnists, and it is reasonable on an occasion like this to ask the Opposition to state its position. It is not that long ago; in fact a number of members opposite were Cabinet Ministers at the time -- I notice that they are not leaping up to let the House know what their position is on

that particular issue; perhaps later in the debate they may do so. The reason I draw the attention of the House to the absolutely outrageous infringement of civil liberties perpetrated by the former Liberal Government is that recently we had the debate on the Australia Card. A number of people who became associated with the Liberal Party and the National Party on what purported to be a civil liberties issue may not know that members such as the member for Floreat, the member for Cottesloe and the Leader of the Opposition himself -- who purported to be spokesmen on the issue of civil liberties and exponents of the principle of civil liberties -- are members of a party which when in Government perpetrated an outrageous infringement of civil liberties. I think it is worth noting that the people who associated with those members -- people who were no doubt well intentioned, who included a number of conservationists and peace activists and who felt that the Australia Card proposition was an infringement on their civil liberties and associated with the Liberal Party to promote that position -- did not know they were associating with a political party whose record on the issue of civil liberties is absolutely outrageous.

During that debate members on this side of the House cited a number of examples of the Liberal Party's history on civil liberties which showed how bad that history was. I do not think it is necessary to go through all those examples again but I alluded to one earlier -- that is, the decision to refuse the South-West Forests Defence Foundation the right to become a corporation under the Associations Incorporation Act. Under the Bill now before the House, it will not be possible for a Minister to as crudely and wrongly interfere in what should be a routine administrative action in allowing an association to be incorporated, as he did under the Act in its present form.

Mr Wiese: The commissioner will have that power. He will decide whether the corporation is against the public interest.

Mr THOMAS: If the member reads the entire clause, he will find that there is, under the type of purposes for which an association can be set up, quite clearly listed a host of types of associations, including those for political purposes that do have, as a right, the right to become --

Mr Mensaros: When you look at 4(1), the wording does not include "environment".

Mr THOMAS: I do not imagine they were regarded as being political --

Mr Mensaros interjected.

Mr THOMAS: I do not know; that will have to be tested.

Mr Mensaros: Don't forget those people put the bomb in Bunbury.

Several members interjected.

Mr THOMAS: Does the member for Floreat support the decision --

Mr Mensaros interjected.

Mr THOMAS: I think the member for Floreat is wrong about that; I speak from experience. The member for Floreat was a Cabinet Minister in the Court Government at the time the decision was made. Did he support the decision made then to refuse the South-West Forests Defence Foundation the benefits of the Associations Incorporation Act?

Mr Mensaros: It did not come to Cabinet; it was never a Cabinet decision.

Mr THOMAS: The member for Floreat is the Opposition's spokesman on the Bill.

Mr Mensaros: I am quite prepared to ask Mr Medcalf about it and come back, if I have the opportunity, and tell the House. If Mr Medcalf remembers it, there will be a reason for it. I cannot imagine that Mr Medcalf would have done anything like that but at the time there was that bomb incident, although I do not know whether the two were connected.

Mr THOMAS: I think the member for Floreat will find that it was several months before the bomb incident.

Some reasons for the decision were enumerated in an answer to a question asked by Hon Grace Vaughan in the Legislative Council on 31 March 1976. The Attorney General said, in effect, that it was not in the public interest. I would translate that as not being in the interests of the "Reich" to have an association, which is promoting those views, enjoying the benefits of the Associations Incorporation Act. Mr Old elaborated further on what he thought

constituted the public interest; he saw it as contrary to the public interest to oppose a project that was essentially supported by both sides of the Parliament. He limited the universe of legitimate political thought to that which is represented in the Parliament, which I find an absolutely outrageous proposition. I would think most citizens in the community would think that is an absolutely outrageous proposition. I am sure that most members of conservation groups and peace groups, who would probably not agree with the positions represented by the political parties represented in this Parliament, would regard it as an outrageous proposition. Had they been aware of this obscure event some 12 years ago, we might well have found that they would not have been as eager to march with members opposite a few weeks ago on what purported to be a civil liberties issue.

MRS BUCHANAN (Pilbara) [5.10 pm]: While this Bill is one that might be described as a "nuts and bolts" Bill that would not attract widespread attention, it is nevertheless a very important piece of legislation relating to the changing of an Act which has fundamentally remained the same for almost a century.

My interest in this Bill arises from the fact that I have, over a long period, assisted a number of organisations to become incorporated. This has included providing assistance in drawing up the organisations' constitutions, witnessing the documents required under the old Act to become incorporated and, in a number of cases, actually carrying out the process of incorporation on behalf of some of those organisations. I think members who may have had similar experience will no doubt be aware that many groups go through this incorporation process primarily as a means of making their group eligible for the various Government grants available. Therefore, it was a fairly important process to those people.

Under the old Act, carrying out that process was a somewhat tedious task because of the length of the exercise and also the detail and documentation involved. In fact many organisations once found the task quite daunting. The streamlining of this process under the Bill now before the House will make it significantly easier for office bearers of various organisations -- the majority of whom, I think it is important to remember, act on behalf of their associations and groups in an honorary capacity -- to apply, on behalf of their groups, for incorporation without their taking on an excessive burden, which was the case with the previous antiquated procedure.

Therefore, I welcome the changes which will bring this law into line with modern-day practices and which take into account all the needs of the many clubs and organisations throughout the State. In view of the fact that many organisations have a responsibility for handling public money, it is very important that there be accountability and proper provision for events such as people having pecuniary interests, and also the distribution of assets when an association is wound up. There is provision for that in this Bill, and it is pleasing to note the degree of care and attention which has been applied in formulating those processes of the Bill to ensure that there is a balance between the need for financial accountability and the need to avoid excessive regulation of the associations.

After all, it is extremely important that the many people throughout the State who give freely of their time to community service should be actively encouraged to continue to do so. The requirements of the Bill for better accountability should benefit people handling their organisations' funds by protecting them from the criticism that sometimes arises as a result of other people becoming dissatisfied with the particular system of accounts keeping. Office bearers of newly formed or existing groups seeking to incorporate will also be relieved of some of the burden of the current long-winded procedures. Under the old Act it could take as long as four or five months to complete the process, or maybe even longer if the constitution of the organisation was found to be unacceptable under the old law. On this point, the provision of model rules for the commissioner will greatly help those groups and reduce the length of time of the process. I note this has not been made mandatory, but it was pleasing to see in the Minister's second reading speech an indication that this assistance will be provided. I am sure most organisations will welcome it. As well as that, it should also cut out a considerable amount of work in which the Corporate Affairs Department has previously been involved in sorting out all the documents, and particularly in getting groups to submit suitable constitutions to comply with the Act. The procedure for applying for incorporation under this Bill has been simplified in that it will no longer be necessary to have the Attorney General's certificate before proceeding with the application. The affidavits which have previously been required to verify all the documents will no longer be required.

As well, only one newspaper advertisement will be required instead of the current two, and that will reduce the time and the cost to organisations and groups applying for incorporation. It will also overcome some of the problems some groups have experienced in recent times. Some of the organisations in my electorate were required, under the present Act, to lodge a notice in the newspaper twice at an interval of either not less than seven days or more than 14 days. However, if the newspaper did not get it right, as was sometimes the case, the officers of the organisation involved would be in breach of the Act.

All in all this legislation represents a considerable improvement in the laws for incorporation and therefore I have much pleasure in supporting it.

MR PETER DOWDING (Maylands -- Minister for Works and Services) [5.12 pm]: As everyone knows, it would be a breach of Standing Orders and their interpretation extending back at least to 1924 for me to respond to issues raised by the member for Floreat and subsequent speakers concerning particular clauses of the Bill. It is more appropriate for me to deal with those issues during the Committee stage after I have had a chance to look at them in some detail.

The 1895 Act has served the State well over many years although quite clearly there have been occasions, such as those recounted by the member for Welshpool, where ministerial decision making has been misused, as I guess it often was during the days of the Liberal Government, and that means we can draw some comfort from the structure of this Bill, which is fundamentally to give the commissioner the power to make those decisions. That is very important.

I say to the member for Narrogin that the savings and transitional provisions that are identified in schedule 2 really provide the opportunity for associations which have been incorporated under the 1895 Act to continue to operate in accordance with their rules so long as they are not inconsistent with those provisions in this Bill; and in particular with respect to winding up there are really only a few strictures involved, including the distribution of assets. In looking at the clause I do not see any need for concern by an association which has drawn up in its rules the sort of provisions I would have provided many times when I have put together a constitution, because by and large they follow those principles and those principles have been acted upon by the Corporate Affairs Department when it has been reviewing the rules of association upon incorporation. They have sent them back with requests for changes to be made which are in line with the broad thrust of this Bill.

The member for Floreat gave an indication of a fairly extensive series of amendments he will move at the Committee stage and therefore it is more appropriate now that I simply say that I acknowledge the support of the Opposition on this legislation. It is a very important document and I think the second reading speech adequately explained the reason that there has been some departure from the principles that, say, the Law Society would wish to achieve.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

ACTS AMENDMENT (MEAT INDUSTRY) BILL

Second Reading

Debate resumed from 24 September.

MR BRADSHAW (Murray-Wellington) [5.17 pm]: The Opposition supports the Bill, which deals with three main topics, the first being an amendment to the Abattoirs Act. In 1985 when the Bill to establish the Western Australian Meat Marketing Corporation went through the Parliament it contained a drafting error which this Bill means to correct. This will allow the corporation to trade in all the products coming from the slaughtering process. The 1985 legislation did not provide for the corporation to sell off the other edible parts of the carcase, such as the lungs, the spleen and other by-products which are normally sold off from other abattoirs. This was obviously a drafting error because if members have been through an abattoir they will realise that very little of the beast that goes through is not sold. Members might be surprised to learn that they even sell off the pizzle; even that is eaten by some people. The lungs are sent off to Japan as I imagine would the spleen and other parts

of the animal, parts which the corporation has been precluded from selling. I am amazed at just what people do eat. I do not know whether the corporation has been selling any of these by-products and even if it has been doing so illegally I see no problem.

The second part of the Bill addresses the fact that the Meat Marketing Corporation currently buys lambs at the point of entering the abattoir in accordance with a publicised price schedule. If the Bill is passed, it will allow the Meat Marketing Corporation to buy large numbers of lambs on the open market, directly from the farmer or at auction. I do not see any problem with that because it will probably put more competitors in the market which may help to increase the price of lambs to the farmers. I tended to be a little sceptical about the Lamb Marketing Board in the past because I was not sure that it achieved what it set out to do -- that is, to try to improve the price of lambs to the producer. However, this is another area and if it puts more competitors into the marketplace, which we can do with, with a little luck the price of lambs will rise.

The Bill allows the Meat Marketing Corporation to export live lambs. I do not know what sort of market there is for live lambs. Until this stage the Meat Marketing Corporation was able to sell other classes of live stock, but the Act, until now, has precluded it from being able to export live lambs. I am not sure what potential there is for that, but, as I have said, if it increases the prices of lambs to the producers, there are no problems with it. It could probably be a little detrimental to the other people involved in the export field, but we should be considering the farmers who have had a hard time over the last few years with rising costs and with their incomes not increasing with the Consumer Price Index rises.

The Opposition supports the Bill and hopes it achieves what it sets out to do.

MR SCHELL (Mt Marshall) [5.22 pm]: I join with the member for Murray-Wellington in supporting the Bill. The first part of the Bill grants the Western Australia Meat Commission the power to sell edible by-products of the slaughtering process. It removes the anomaly created by the formation of the Western Australian Meat Marketing Corporation. By removing this anomaly, the Western Australia Meat Commission is free to sell these by-products at the most advantageous time and at a time which will be of commercial benefit to the industry.

The second part of the Bill proposes two changes to the Western Australia Meat Marketing Corporation. The provision for the corporation to purchase lambs at auction or on farms is a much needed change. It gives the corporation wider buying powers enabling it to more adequately meet specialised orders and maintain the supply of lambs during periods of shortage, as in the autumn.

Over recent years, the corporation has pre-inspected lambs booked for slaughter and this has assisted forward sales programmes. However, this proposed change will assist in giving the corporation more flexibility than it has had in the past.

Empowering the corporation to export live lambs widens its powers to export in all classes of livestock. In recent years, our traditional-export live-wether market in the Middle East has developed a liking for younger sheep. We have started to develop an export in that industry. This Bill will give the corporation the opportunity to develop that market further.

The National Party supports the Bill.

MR GRILL (Esperance-Dundas -- Minister for Agriculture) [5.25 pm]: I thank the members of the Opposition for their support of this Bill.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 15 amended --

The clause was amended, on motion by Mr Grill, as follows --

Page 2, lines 12 to 14 -- To delete paragraph (b) and substitute the following --

(b) lungs, spleens, glands and other by-products of slaughtering owned by the Commission and intended for human consumption.

Clause, as amended, put and passed.

Clauses 4 to 13 put and passed.

Title put and passed.

Bill reported, with an amendment.

[Questions taken.]

House adjourned at 6.03 pm

QUESTIONS ON NOTICE

TRANSPORT AUTHORITIES
Fraudulent Claims

1887. Mr COWAN, to the Minister for Transport:

(1) What is the estimated cost of fraudulent claims on --

(a) the Metropolitan Transport Trust;

(b) Westrail,

for pensioners' travel concessions?

(2) Approximately what percentage of that cost is attributable to --

(a) claims made under a false identity;

(b) understatement of income;

(c) other means?

Mr TROY replied:

(1) (a) All surveys taken by Transperth of travel on the suburban public transport system indicate there is approximately 0.6 per cent misuse of the total system; and using this as a base, it is estimated that up to $24 000 per year could be attributable to pensioners' misuse of the system;

(b) Westrail has no evidence of any fraudulent misuse of pensioners travel concessions.

(2) There is no information available to be able to estimate (a), (b), or (c).

TECHNOLOGY: COMPUTERS
Schools: Recommendations

2172. Mr COURT, to the Minister for Education:

(1) What are the computers that the Education Department has recommended for secondary and primary schools?

(2) Have any companies offered incentives in their tenders for the Government to purchase their equipment?

(3) If yes, what are these incentives?

(4) Have they been taken up by the Government?

Mr PEARCE replied:

(1) As a result of the evaluation of submissions from suppliers in response to tender 355A1987, the Ministry of Education has recommended the following computer systems for use in primary and secondary schools --

Acorn BBC Archimedes	Acorn Computers
Acorn BBC Master Compact	Acorn Computers
Apple IIGS	Apple Computers
Apple Macintosh	Apple Computers
Nimrod	Nimrod Computer Services
Squirrel	Southern Technology
Microbee 256TC	Microbee Systems Australia

(2) Yes. A requirement of the tender was that the companies submit proposals describing associated benefits they could provide if their tender were successful.

(3) It is not possible to provide this information. Proposals for any associated benefits are submitted by each tenderer to the Government with the understanding that the information will be kept in confidence, to protect the commercial interests of tenderers.

(4) The negotiations regarding Government acceptance of associated benefit proposals are not finalised. As soon as they are finalised they will be made public.

GOVERNMENT EMPLOYEES
Budget Allocation: Salaries and Wages

2196. Mr MacKINNON, to the Treasurer:

(1) Will he provide the total level of expenditure within the State's Consolidated Revenue Fund Budget on salaries, wages, and allowances in --

(a) 1985-86;

(b) 1986-87?

(2) What is the estimate of the figure sought in (1) above for 1987-88?

Mr BRIAN BURKE replied:

(1) (a) $1 929.5 million;

(b) $2 056.8 million.

(2) $2 179.7 million.

LAND RESERVE
Elleker-Nornalup Railway Reserve

2198. Mr MacKINNON, to the Minister for Lands:

(1) When was an on-site inspection of the portion of Elleker-Nornalup discontinued railway adjoining Hay Location 2299 in Denmark carried out by the Valuer General?

(2) Was it before or after the purchase price of the land was determined by the Valuer General?

Mr WILSON replied:

(1) June 1986.

(2) After.

MAIN ROADS DEPARTMENT
Commissioner: Qualifications

2207. Mr CASH, to the Minister for Transport:

(1) Where is it formally stated that the Commissioner of Main Roads shall be an engineer qualified by training and experience in modern road making?

(2) Did the Government place an advertisement in *The West Australian* on Saturday, 26 September 1987 calling for applications for the position of Commissioner of Main Roads, position No P0000012?

(3) If yes to (2), did the advertisement advise that the position of Commissioner of Main Roads shall be an engineer qualified by training and experience in modern road making?

(4) If not, why not?

(5) Did persons other than engineers qualified by training and experience in modern road making apply for the position as a result of advertisements placed, and if so, is it intended that persons not qualified as engineers be considered for the position?

Mr TROY replied:

(1) Section 7(1) of the Main Roads Act No 5 of 1930.

(2) Yes.

(3) No.

(4) The initial advertisement was incorrectly worded and has been withdrawn. The position was re-advertised on Saturday, 3 October, in line with the statutory requirements of the office.

(5) All applicants for the position were engineers. However, not all applicants are engineers qualified by training and experience in modern road making. Applicants will be considered for appointment if they meet the statutory requirements outlined in section 7(1) of the Main Roads Act.

MOTOR VEHICLE DRIVERS' LICENCES
Non-Payment of Traffic Fines

2212. Mr CASH, to the Minister representing the Minister for Corrective Services:

Is he considering amending the relevant Acts to cancel the driving licences of drivers who fail to pay outstanding parking and traffic fines rather than have them committed to prison?

Mr PETER DOWDING replied:

Such a system has recently been introduced in New South Wales, and is being monitored, together with developments in other States and overseas.

HOSPITAL
Princess Margaret: Child Care Centre

2222. Mr BRADSHAW, to the Minister for Health:

(1) Is he aware of the funding crisis of the Princess Margaret Hospital child care centre?

(2) Will the centre continue in its present form?

(3) If not, what hours will the centre operate?

Mr TAYLOR replied:

See answer to question 2223.

JURISDICTION OF COURTS (CROSS-VESTING) BILL
Dual Hearings

2227. Mr MENSAROS, to the Minister representing the Attorney General:

Is it a fact that under the provisions of clause 7(7) of the Bill for the Jurisdiction of Courts (Cross-vesting) Act 1987 there may still be dual hearings when the Full Court of the Supreme Court commences to hear an appeal, and it subsequently appears that the issue deals with a Federal Act referred to in the schedule of the Commonwealth Act?

Mr PETER DOWDING replied:

It is difficult to imagine that an appeal under one of the Acts in the schedule would ever be made inadvertently to a Supreme Court. Clause 7(7) is included out of caution in case that should occur. It allows the appeal to be transferred to the Federal or Family Court, or even to be heard by the Supreme Court, if the interests of justice require that. Without clause 7(7), a new appeal would have to be instituted in the Federal or Family Court. There can never be a dual hearing of the appeal.

JURISDICTION OF COURTS (CROSS-VESTING) BILL
Queensland Lawyers

2228. Mr MENSAROS, to the Minister representing the Attorney General:

Have the provisions contained in clause 5(9) of the Bill for Jurisdiction of Courts (Cross-vesting) Act 1987 been cleared with the Queensland Government, whether they will apply in Queensland where barristers and solicitors from other States are not allowed to practise without having been admitted in that State?

Mr PETER DOWDING replied:

Clause 5(9) is drawn from a draft Bill which all the States, including Queensland, have agreed to enact.

I should point out that it is already the case that where Federal jurisdiction has been conferred on State courts, barristers and solicitors who are entitled to practise in the Federal Courts are entitled to practise in the Supreme Court of a State, including Queensland.

JURISDICTION OF COURTS (CROSS-VESTING) BILL
State Uniformity

2229. Mr MENSAROS, to the Minister representing the Attorney General:

(1) Has he got a foolproof assurance that all States will pass legislation in similar terms to the Bill for the Jurisdiction of Courts (Cross-vesting) Act 1987?

(2) When is he expecting this to eventuate?

Mr PETER DOWDING replied:

(1)-(2)

Each State, including Queensland, has agreed to legislate in the terms of the draft Bill. The legislation will not be proclaimed in Western Australia until similar legislation is in place in all Australian jurisdictions.

I understand that the Commonwealth, New South Wales, Victoria, South Australia, and the Northern Territory have enacted legislation. Tasmania has introduced legislation, and Queensland has indicated its intention to introduce a Bill shortly.

PLANNING: SUBDIVISIONS
Telecom Cables

2234. Mr COWAN, to the Minister for Communications:

(1) Is he aware of Telecom's proposal to charge land developers --

(a) the cost of cable reticulation within subdivisions;

(b) headworks charges?

(2) Is he able to advise what effect this proposal, if implemented, will have on the cost of industrial lots in Western Australia?

Mr BRYCE replied:

(1) Yes, insofar as it applies to Telecom's enterprise projects policy.

(2) For the developments which come under Telecom's enterprise projects policy -- that is, developments outside the normal long-term telecommunications infrastructure development programme -- Telecom negotiates directly with the developer to determine the developer's contribution, which is based on the assessed degree of risk of the development. Its effect on the cost of individual industrial lots in such developments will vary, depending on the Telecom charges and how the developer chooses to apportion them.

MOTOR VEHICLES: MOTOR CYCLES
Defensive Riding Course: National Safety Council

2238. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is it a fact that a motor cycle defensive riding course was conducted by the National Safety Council?

(2) In view of his Press statement dated 13 August 1987 in which he claimed that the National Safety Council "would be relieved of operational activities it had developed over time and which were adequately carried out by other Government agencies", which Government department or agency is now conducting this course?

(3) What was the fee for the course previously conducted by the National Safety Council?

(4) What is the fee charged by the Government department or agency now conducting this course?

Mr GORDON HILL replied:

(1) Yes, the advanced motor cycle course, levels 1 and 2.

(2) It is not considered necessary to continue this as such service is readily available from trained instructors who will be regularly examined by the Police Department.

(3) Level 1, $20; level 2, $30.

(4) Not applicable. See (2) above.

BREAD ACT
Breaches

2239. Mr CRANE, to the Minister for Labour, Productivity and Employment:

(1) Has the Bread Act 1982 been in force over the last two years?

(2) Has Tip Top Bakery been baking and delivering bread to Bunbury and Geraldton over the last two years?

(3) If yes to (1) and (2), has the Government taken action to prevent this?

(4) If not, why not?

Mr PETER DOWDING replied:

(1) Yes.

(2) Yes.

(3) No.

(4) The hours during which bread is being delivered to Bunbury and Geraldton by Tip Top Bakeries are permitted by the Bread Act 1982-85.

CHEMICALS: SODIUM CYANIDE
Transportation

2243. Mr TRENORDEN, to the Minister for Environment:

(1) Does he intend answering question 1911 of 1987 concerning the transport of sodium cyanide?

(2) If so, when?

Mr HODGE replied:

The question was incorrectly addressed to the Minister for Minerals and Energy and has now been referred to me. I am presently seeking information from the Environmental Protection Authority, and when I have considered that information I will write to the member.

BIRTHS, DEATHS AND MARRIAGES
Information: Supply

2244. Mr CASH, to the Premier:

Further to his answers to question on notice 2034 and question without notice 332 on Tuesday, 13 October 1987, will he say if information held by the Registrar of Births, Deaths and Marriages has been provided to the Commonwealth Government for the purposes associated with the Commonwealth's proposal to establish a national register of births, deaths, and marriages, or for some other purpose?

Mr BRIAN BURKE replied:

No information held by the registrar has been provided to the Commonwealth.

INDUSTRIAL DEVELOPMENT
Esperance Enterprise Development Agency

2245. Mr MacKINNON, to the Minister for Labour, Productivity and Employment:

(1) When was the Esperance Enterprise Development Agency established?

(2) How much Government funding has been provided to the agency?

(3) How many businesses has it helped establish?

(4) Will he list those businesses and the number of people that each of those businesses employed?

(5) How many of those businesses are still in operation?

Mr PETER DOWDING replied:

(1) The Enterprise Development Agency was established in May 1986.

(2) Government funding has been provided as follows --

1986-87 $40 000 from Department of Employment and Training
$36 000 from Department of Local Government and Administrative Services.

1987-88 $10 000 from Department of Employment and Training
$22 000 from Department of Local Government and Administrative Services.

(3) At 15 October 1987, the project has helped establish 50 businesses and employed upwards of 96 full-time and 19 casual people.

(4)

Business	Employed
Mallee roots	1.5
Coffee shop	4
Garment making	1
Panel beater	4
Black boy milling-turning	3
Gardener-backhoe operator-blacksmith	1
Crutching service	3
Builder	3
Kangaroo shooter	2
Garment manufacturer	2
Mallee roots	3 + 2 part-time
Seedgrader	1
Graphic artist	1
Smoked tuna	6
Farm clearing	2
Food van	1
Wildflowers	2
Health Food	3
Trucking	1
Rammed earth building	2 + 2 part-time
Sheep husbandry	3
Post Office	2
Gift shop	1.5
Marine opals	1
Mechanic workshop	1
Antique furniture restoration	1
Safari tour	1
Growers market	3
Small goods	2
Refrigeration service	1
Ice cream van	1
Pest control	1
Sashimi tuna	3+15 casuals
Wood yard	3
Nursery	1.5
Wildflowers	7
Rubbish collection	1
Apiary	1
Coffee shop	2
Horse hire	1

Boomerangs	1
Demolition salvage	1
Health food	1
Chimneysweep	1
Sport store	1.5
Safari tours	1
Coffee shop	4
Boarding house	2
Mobile farm service	1

(5) All are currently operating except for the mobile farm service, which has ceased trading.

PRISONS: PRISONERS
Accommodation on Release

2249. Mr MacKINNON, to the Minister representing the Minister for Community Services:

(1) Will he detail the types of Government assistance that are available in the form of accommodation or financial support to any financially disadvantaged person upon completion of a prison sentence?

(2) What is the role of the Government-funded Civil Rehabilitation Council of Western Australia in assisting former prisoners?

Mr WILSON replied:

(1) The Department for Community Services provides financial support to destitute released prisoners to assist rehabilitation. The prisoner must have served one month. One payment only may be made in any one year equivalent to current basic DSS unemployment benefit.

(2) This part of the question should have been addressed to the Treasurer. It has been referred to him for reply.

ENERGY: ELECTRICITY
Electrical Contractors: Water Authority Employees

2250. Mr MacKINNON, to the Minister for Minerals and Energy:

(1) Will he detail the reasons behind regulation 157(b) of the Electricity Act Regulations 1947, which prevents an employee of the Water Authority of Western Australia from becoming a licensed electrical contractor?

(2) What valid reasons are there not to change this regulatory provision to enable any suitably qualified employee of the Water Authority of Western Australia to hold an electrical contractors' licence?

(3) Is he aware that licensed electricians who do not hold electrical contractors' licences presently carry out private work without advising the State Energy Commission of the commencement and completion of this work, as is required of licensed electrical contractors?

(4) Will he consider relaxing the requirements stipulated under regulation 157(b) of the Electricity Act Regulations 1947, in an effort to encourage proper reporting of electrical work, with subsequent improvements to safety standards?

Mr PARKER replied:

(1) No. The original reasons are not known to me. The Water Authority is an electrical contractor.

(2) The P.J. Sharkey committee considered the existing regulations relating to the licensing of electrical workers and electrical contractors. The committee consisted of Electrical Contractors Association, Electrical Trades Union, and State Energy Commission representative -- that is, the representatives of the electrical industry.

The committee recommended no change to the content or intent of clause 157(b).

(3) Yes. The practice is illegal and offenders prosecuted.

(4) No, for reasons mentioned in (2).

MINERALS: QUARRIES
Clay: Upper Swan

2251. Mr GRAYDEN, to the Minister for Conservation and Land Management:

(1) Has an application been made to the Environmental Protection Authority for approval to excavate clay on land east of the Great Northern Highway, adjacent to Ellen Brook Reserve, Upper Swan?

(2) If so --

(a) when was the application received by the Environmental Protection Authority;

(b) what is the current position in respect of the application?

Mr HODGE replied:

(1)-(2)

A proposal has been referred to the Environmental Protection Authority by IBT Pty Ltd for the staged excavation of clay from land to the east of Great Northern Highway, which is adjacent to Ellen Brook nature reserve. The proposal was received by the EPA on 27 August 1987. The authority has determined that the proposal should be assessed under Part IV of the Environmental Protection Act 1986. The proponent has been requested to provide additional information to enable decisions regarding the level of assessment. This information has not yet been received.

The EPA has also received two recent proposals by Midland Brick Co Pty Ltd to excavate clay from sites west of the Great Northern Highway adjacent to the Ellen Brook nature reserve. The environmental assessment of these proposals has not been finalised.

In addition, there are several existing clay excavations in the Upper Swan locality near the Ellen Brook nature reserve. The EPA did not have a statutory role in their development. However, it did provide advice to the relevant decision-making authorities.

MINERALS: QUARRIES
Clay: Upper Swan

2252. Mr GRAYDEN, to the Minister for Conservation and Land Management:

(1) Prior to the current year, have any applications been made to excavate clay on the land east of the Great Northern Highway, adjacent to Ellen Brook Reserve, Upper Swan?

(2) If so --

(a) when;

(b) what applications were involved;

(c) were the applications approved or refused?

Mr HODGE replied:

See answer to question 2251.

QUESTIONS WITHOUT NOTICE

TEACHERS CREDIT SOCIETY
Interest Rates

363. Mr MacKINNON, to the Treasurer:

Why is the Teachers Credit Society offering interest rates which are two or three per cent higher than banks for investors' funds when the Government is presently funding its rescue operation?

Mr BRIAN BURKE replied:

I am not sure that the Leader of the Opposition is serious about this question. He is not implying, but stating, that I should know why the Teachers Credit Society, or by implication, any financial institution, is offering interest rates at a certain level. I am blowed if I can see what right I have, let alone what obligation I bear, to monitor, control, explain, or excuse the interest rate policies of TCS.

Mr Lightfoot: You are the Treasurer, and you are in charge of the coffers guaranteed to fund those high interest rates.

Mr BRIAN BURKE: Is the member saying that I should be running TCS? The R & I Bank is administering the society, and I have every confidence in that bank.

Mr Lightfoot: So do I.

Mr BRIAN BURKE: If that is the case, why is the member worrying about interest rates?

Several members interjected.

Mr BRIAN BURKE: If the Leader of the Opposition has full confidence in the R & I Bank, why is he asking me why the TCS is offering interest rates at a certain level.

Mr Hassell: For a very simple reason: You, as the Treasurer, have guaranteed to pick up the losses.

Mr BRIAN BURKE: I have guaranteed the R & I Bank in its involvement. Is the member saying that it is my obligation to understand, know, and be able to justify not only the interest rate policy, but also the lending policy, the borrowing policy, and the management policy in other areas like travel, insurance, etc?

Mr Hassell: You have made it a matter of concern to the Government and the taxpayer because you are picking up the losses.

Mr BRIAN BURKE: I will try to break it down even more simply. Is it correct that as Treasurer of this State I am standing behind the R & I Bank? Of course it is. Why not ask me to justify the interest rates being charged by the R & I Bank?

Mr Hassell: Because the R & I Bank is not in financial difficulties, as is TCS.

Mr BRIAN BURKE: There is no justification for the Government of the day, regardless of its political complexion, to involve itself in the running on a day-to-day basis of TCS or of any other financial institution.

What the Government has said, and what it will continue to say, is that the R & I Bank, which has a Government guarantee, it is true, is charged with administering the affairs of the TCS. It has every confidence in the R & I Bank, and I do not propose to interfere in the running of that bank or of the TCS while it is being administered by the R & I except to say to the public that the Government has every confidence in the R & I Bank in its ability to manage the TCS's affairs; and it rejects absolutely the unstated but very strongly implied view of the Leader of the Opposition that the interest rate policy of TCS should be a decision of the State Government.

AGRICULTURE

Tree-planting Scheme: Impact

364. Mr D.L. SMITH, to the Minister for Agriculture:

What would be the impact on agriculture in the south west, if a massive tree-planting scheme such as that proposed by the Leader of the Opposition in today's *The West Australian* was to proceed?

Mr GRILL replied:

The statement made by the Leader of the Opposition really showed a great deal of ignorance in respect of the pesticide residue problem. To suggest that this prime horticultural land should be turned over for the growing of trees really displays the fact that the Opposition do not understand this problem in any shape or form.

The land affected in respect of the pesticide residue issue is basically potato-growing land. The fact that it has some residue in relation to pesticides within it does not mean that the land cannot be used for horticulture. It is prime horticultural land and it should continue to be used as horticultural land. If is used as horticultural land it should not have any deleterious effects on the community.

Those parts of the land --I do not think that it is as widespread as implied in the statement made by the Leader of the Opposition -- will, for some time, remain a problem because of the pesticide residue, but the land can be and should be quite profitably farmed. A very small portion of the land might be, in the future, turned over for the growing of trees. The growing of trees on that land would be one of the lowest priorities, especially in view of the fact that the people in the area have expressed to the Government and to everyone else that they view the growing of trees on horticultural land and on potential horticultural land as one of the very last pursuits they would engage in.

Mr Peter Dowding: What will it do to jobs in the area?

Mr GRILL: It would destroy a whole range of jobs. If any industry in the south west has a future, it is the potato-growing industry. With Edgell Birdseye moving into the arena, the planting of potatoes will double within the next few years.

Mr Watt: What about the processing industry?

Mr GRILL: That adds to the argument I am putting forward.

To suggest that this land should be turned over for the growing of trees demonstrates a woeful ignorance on the part of the Opposition in respect of agriculture matters. The Opposition -- I exclude the National Party and refer to the Liberal Party -- has over the last year or two shown scant interest in agricultural matters. In almost every aspect of agriculture it is out of touch, and this last statement is appalling.

INDUSTRIAL DEVELOPMENT

Silicon Smelter: Announcement

365. Mr MacKINNON, to the Minister for Minerals and Energy:

(1) Is it true that the Government informed the Dardanup Shire Council of its plans to have a silicon smelter constructed at Picton, 12 minutes prior to its announcement to the media?

(2) Is it true that the Dardanup Shire Council, to this date, has never received any form of communication from the Government about the proposed project apart from a Government media release dated 6 October 1987?

(3) If so, will the Government give an assurance that normal town planning procedures will be adhered to in the planning of the smelter despite the Government's inactivity in advising the shire about the matter to date?

Mr PARKER replied:

(1) No.

(2)-(3) No. The Dardanup Shire Council was consulted quite actively during the process of negotiation.

Mr Brian Burke: Do you mean the Leader of the Opposition has it wrong again?

Mr PARKER: Yes, he has it wrong again. The Department of Resources Development and the South West Development Authority, in particular, and the proponents, had extensive discussions with the Dardanup Shire Council and the Bunbury Shire Council -- the location of the smelter is virtually on the border of the two shires -- over a period of weeks prior to the decision being made as to whether the silicon smelter would be at Picton or at some other location.

Once the decision was made, following negotiations between me and Barrack House personnel, further advice was provided to those shires. In particular, so one can verify this, I am aware of some very extensive discussions that Mr Strapp, the Deputy Director of the South West Development Authority, had with both of those shires.

Mr MacKinnon: I think you had better check your facts.

Mr PARKER: No; these are the facts. Mr Strapp had discussions with both of those shires, and other officers of both the South West Development Authority and the Department of Resources Development have had similar discussions with both the Bunbury and the Dardanup Shire Councils about this issue.

A very positive attitude was displayed by both councils to the proposal to have that facility in their shires, and that was one of the factors which led to the decision being made to locate what I believe to be one of the most significant industrial development initiatives ever in the State of Western Australia in that location. I would have thought that was a matter of applause.

I have seen one particular shire councillor of the Dardanup Shire reported in the Press recently, complaining about what he considers was the lack of information which he had received. I do not know the internal processes of communication within those shires, but that particular shire councillor happened to be the person who was the Liberal opponent to the member for Mitchell, and he performed rather disastrously, I might say, in the campaign he ran against the member for Mitchell --

Mr P.J. Smith: He also sits on the regional planning committee.

Mr PARKER: I thank the member very much. Councillor Slater has certainly been in the Press, and one can only speculate that his involvement has a lot more to do with his membership of the Bunbury branch of the Liberal Party than his membership of the Dardanup Shire Council.

HEALTH CLUBS
Laurie Potter: Life Memberships

366. Mr MARLBOROUGH, to the Minister for Consumer Affairs:

(1) Is the Minister aware that several consumers have alleged that Laurie Potter Health Clubs continued to accept payment for life membership in the period immediately prior to the clubs' line of credit being closed off and receivers appointed?

(2) If so, will the Minister instruct the Department of Consumer Affairs to request those consumers to supply evidence of such payments?

(3) If yes to (2), if evidence is forthcoming which suggests prima facie that Potter may have committed serious breaches of the Companies Code of Western Australia, what action will his department take?

Mr TAYLOR replied:

(1) Yes.

(2) Yes, I am aware that the member for Karrinyup raised in this House on Tuesday, when I was absent, the question of what investigations may be undertaken. The Premier has since spoken to me and indicated that he

gave a reply which suggested that further investigations should be undertaken by the Department of Consumer Affairs and the commissioner of that department.

As a result, I have already requested the director of the Department of Consumer Affairs to call for submissions from consumers who paid for life memberships in the period from 1 September. I have also asked for a thorough investigation of the most recent advertising and publicity material by Potter in respect of the possibility of prosecution for misleading advertising.

(3) Such evidence will be passed on to the Commissioner for Corporate Affairs for investigation and possible prosecution against Potters.

This entire matter has placed me, as Minister for Consumer Affairs, in a rather difficult situation in that I perceived my ultimate responsibility to be to the consumers , and it seemed to me that responsibility meant in the first instance that it would be in the interests of consumers for the Laurie Potter Health Clubs to stay open and for the Potter Group to survive. Therefore, I saw it as being necessary to hold my tongue in relation to my attitude to what was happening in this particular area in the hope that the group would survive. That has meant that in many cases I have decided not to respond to some of the comments made by Laurie Potter and members of his staff in relation to suggestions that the Department of Consumer Affairs had given its agreement to certain proposals put forward by that group as far as memberships were concerned and the payment of membership fees. Nevertheless, we are now in a situation where it would appear that the group is definitely not going to continue, and I should say publicly that I have been most dissatisfied with the way in which Potters have handled this situation, and I am also not happy with the way the receivers have handled the situation.

I wrote to the receivers on the first day that they were appointed and asked them to keep me informed at all times of any and all developments in relation to this matter. The receivers have not done this and have only met with me at my specific request to give me an update.

I must say that even the other day when the announcement was made by the receivers, I was not given prior advice of the announcement, nor was the director of the Department of Consumer Affairs, and I thought that was a most unsatisfactory situation when I specifically asked to be kept informed.

This has been a sorry episode, but I must also say that in relation to the questions asked by the member for Cockburn, I am certain that the director of the Department of Consumer Affairs will pursue them vigorously, and if there are problems associated with either the advertising or the taking of life membership moneys after 1 September, we will pursue those matters also.

STATE ENERGY COMMISSION
Chief Manager, Personnel Resources

367. Mr COURT, to the Minister for Minerals and Energy:

(1) Who were the members of the independent board involved in the selection of Mrs Ann-Marie Heine to the position of chief manager, personnel resources, at the State Energy Commission?

(2) Did this independent board recommend Mrs Ann-Marie Heine for this position or were they overruled by a higher authority?

(3) Was the same board involved in selecting a person to fill the position of chief manager, industrial relations, as awarded to Mr David Mansfield?

(4) If yes, did they recommend his appointment?

Mr PARKER replied:

(1)-(4)

I have not had any notice of this question, and I am not aware of, nor have I been involved in, the process of selection of officers at that level within the State Energy Commission. However, I do know two things, and I know one of them because the person concerned is a member of my staff, and he was the recommended applicant. I was advised of that because it had an impact on the operations of my office, which is hardly surprising given that one of the reasons I hired him was because of his extensive understanding and knowledge of industrial relations, dating back to a time when he worked for the Public Service Board for many years during the currency of the former Government's tenure of office. He subsequently worked for the Association of Professional Engineers, which is one of the leading trade union organisations involved with the SEC. So it does not surprise me that he was recommended for that particular position, and I was advised of that so that I would know that there was likely to be an impact in my own office.

As far as the appointment of Mrs Heine is concerned, I did not have anything to do with that, but if the member wishes to place the question on the Notice Paper, I will seek advice from the chairman of the State Energy Commission.

LOCAL GOVERNMENT: WILUNA SHIRE COUNCIL
Councillors: Aborigines

368. Mrs HENDERSON, to the Minister for Aboriginal Affairs:

(1) Is the Minister aware of an ABC news report this morning in which the member for Murchison-Eyre referred to Aboriginal shire councillors of the Wiluna Shire as "they all feed out of the social trough but contribute nothing to it"?

(2) If so, does the Minister consider that this type of inflammatory statement will lead to increased tension between Aboriginal and non-Aboriginal sectors of the community?

Mr BRIDGE replied:

(1)-(2)

It is a fact that news item was carried this morning, and I listened to it with considerable regret. Only yesterday I sought the guidance of the member for Murchison-Eyre in respect of a matter to do with the Ngaanatjarra Council within his electorate.

Mr Lightfoot: I was referring to the shire councillors; I did not say Aborigines.

Mr BRIDGE: In the course of that discussion I thought there was a possibility that some genuine advice was capable of being given to me in respect of the particular issue, but when one hears this kind of comment made publicly, one has to be very doubtful as to any fair input and advice that one could expect. The member for Murchison-Eyre is being most unfair in continuing this saga and attack on the newly constituted council at Wiluna.

It is interesting to note that this situation is not new, and if anyone is well versed with this, it is myself. I remember I came into a local government council when I was 22 years old, and I remember on my entry into local government that comments of a similar kind were uttered in the Kimberley about what might happen to the council as a result of the emergence of me onto the Halls Creek Shire Council. All members know the history of the Halls Creek Shire Council since those days. There is no reason why the Wiluna Shire Council membership cannot proceed with that successful, responsible, effective process which occurred in Halls Creek -- none whatsoever.

Government members: Hear, hear!

Mr Peter Dowding: You don't like a bit of democracy, do you, member for Murchison-Eyre?

Mr Lightfoot: You shut up. You are a disgrace.

The SPEAKER: Order! Order!

Mr BRIDGE: The member for Murchison-Eyre should know this is the 1980s even though I referred to what happened in the 1960s, and that it is generally accepted now that people's entitlements are based upon adult franchise. We have got away from this sectional approach. That has been dispensed with -- those days are gone. Yet I am amazed at how the member for Murchison-Eyre continues to labour that point. He knows that is an attitude that is clearly in the minds of people in the broader society; that they accept that as being the way in which people's entitlements are judged and their rights assessed. That is clear in our society and it ought to be a matter that is acknowledged and agreed upon.

Another thing needs to be understood, and I think the member for Murchison-Eyre would be very wise to consider it. He has a group of people out there in the seven members of that council who represent the Ngaanatjarra council in other areas of activity and who now run a very professional organisation in their own right. At the moment they are operating a very successful airline service.

Mr Lightfoot: They do that with one of the advisers.

Mr Peter Dowding: You are a racist.

Mr Parker: You ought to be expelled. You are a disgrace to the Parliament.

Several members interjected.

Mr Pearce: You could do with a black adviser.

Mr BRIDGE: The member for Murchison-Eyre said to me yesterday that there was a very efficient organisation at Jamieson. He did not say it was because white advisers were involved. There was considerable praise in what he said about that operation, and that operation happens to be one undertaken by the very group he is now criticising for its entry into local government.

The reality simply is that despite the fact that there are members who still hold that view, which was started a long time ago, it was seen to have no substance in the instance of the Halls Creek Shire Council and that is now being further developed in Wiluna, which will go down the same path as Halls Creek. Nonetheless, I am of the view that the broader society has another view and that in the end it will reject such attitudes as that displayed by the member for Murchison-Eyre.

Government members: Hear, hear!

GOVERNMENT BUILDINGS

Avon House: Future

369. Mr TRENORDEN, to the Minister for Housing:

(1) Has a decision been made on the future use of Avon House?

(2) If TAFE is unsuccessful, will the Minister agree to release other Homeswest land in the town for its use?

Mr WILSON replied:

(1) No, but I am in the process of examining the applications for use of Avon House in Northam.

(2) To assist in arriving at an informed decision, I am having examined the options available to TAFE, and one of the options being considered is the use of some Homeswest land, if the land is available.

Mr Trenorden: Can you give me any idea of the time scale involved?

Mr WILSON: I think we should reach a decision in the near future.

SHOPPING: TRADING HOURS
Extension: Fremantle

370. Dr ALEXANDER, to the Minister for Labour, Productivity and Employment:

Is it the case that the Minister has supported an application by the Fremantle Chamber of Commerce for extended trading hours on Saturday, 24 October 1987?

Mr PETER DOWDING replied:

Yes. As members may be aware, on this weekend there is a Challenge Australia Cup race which will be held off Fremantle and, following representations from the Fremantle Chamber of Commerce and the member for Fremantle, the Minister for Minerals and Energy, I have arranged for His Excellency the Governor-in-Executive-Council to approve the opening of shops in Fremantle on Saturday, 24 October until 5.30 pm.

CHILEAN AMBASSADOR
Reception: Government Representation

371. Mr LIGHTFOOT, to the Premier:

(1) Why was not the Government represented at the Perth City Council's official reception for the Chilean Ambassador, His Excellency Mr Jaime Herrera, which was part of his official visit --

Several members interjected.

The SPEAKER: Order! Order! Let us listen to the question. Someone has to answer it.

Mr LIGHTFOOT: Did the Premier hear the first part?

The SPEAKER: Do it all again, please.

Mr LIGHTFOOT: I will read it again --

(1) Why was not the Government represented at the Perth City Council's official reception for the Chilean Ambassador, His Excellent Mr Jaime Herrera, which was part of his official visit to Western Australia organised by the Department of the Premier and Cabinet?

(2) Why did the Premier boycott the reception and allow the members for Perth and Morley-Swan to send a letter of protest to the Perth City Council requesting that the reception be cancelled?

(3) Will the Premier apologise to the Chilean Ambassador and the Lord Mayor for the embarrassment caused?

Mr BRIAN BURKE replied:

(1)-(3)
When was the reception held?

Mr Court: You organised it.

Mr Pearce: Come on! The Premier does not personally organise these things. Don't be ridiculous. That shows how far removed you people are from the business of Government.

Several members interjected.

Mr BRIAN BURKE: I was simply trying to ascertain whether I was occupied somewhere else. If it was today, for example, I was having lunch with other people.

Mr Lightfoot: No doubt you sent a letter of apology.

Mr BRIAN BURKE: I was going to say that would explain my absence, but in respect of the reception I cannot say that there was any deliberate intention on my part to avoid attending the reception and that if I was absent it was because I was otherwise engaged and had not turned my attention to attending the reception for the Chilean Ambassador. That is the first thing. I hardly think the member for Murchison-Eyre can therefore say I was boycotting it.

Mr Lightfoot: It appeared that way.

Mr Pearce: It did not. Does that mean that every time the Premier does not attend a function, he is boycotting it?

Mr Lightfoot: Someone said, "Is the Premier boycotting this?"

Mr BRIAN BURKE: Who said that?

Mr Lightfoot: I am not prepared to name the name.

Mr BRIAN BURKE: The way in which the member puts it now is slightly different; that is, that it appeared to be a boycott.

Mr Lightfoot: Change it to "appeared", then.

Mr BRIAN BURKE: As I said to the member, he can think that and that probably says a lot more about him than about me. So far as the members for Perth and Morley-Swan are concerned, they are perfectly entitled to express their views about the visit by the Chilean Ambassador. I can remember someone writing to Secretary of State Shultz to ask him to bring down the Australian Government.

Mr Lightfoot: I can remember someone saying you had a criminal record, too, but that does not affect this part of my question.

Mr BRIAN BURKE: I have no idea, and I could not care less, about the member's allegation of my criminal record.

Mr Lightfoot: But you do; that is what I am saying.

Mr BRIAN BURKE: Well, I can only presume the member is referring to those convictions that were broadly publicised in 1977.

Mr Lightfoot: My own were broadly publicised when I wrote to Mr Shultz, too.

Mr BRIAN BURKE: I am not worried about that. I will line my convictions up against the member's letter to Mr Shultz; and I tell the member for Murchison-Eyre something else -- he will never be Premier. Does he know why?

Mr Lightfoot: Because I do not want to be, I guess.

Mr Pearce: No-one else wants you to be, either.

Mr BRIAN BURKE: In that case it is fortunate the member does not. I simply say that those two members are perfectly competent and capable of expressing their points of view, and if I compared it with the way in which the member for Murchison-Eyre expresses himself, I must tell him that I find myself a lot more in sympathy with the attitude they adopt towards the Chilean Government than he appears to.

Several members interjected.

Mr BRIAN BURKE: I am telling members opposite what my personal view is of the Chilean Government.

Mr MacKinnon: Why did you allow your Government to organise an official visit by the ambassador?

Mr BRIAN BURKE: Because, as a matter of course, we organise visits for ambassadors from communist and other countries.

Several members interjected.

Mr BRIAN BURKE: Of course we do not have to but I am not so exclusive in my views as to think that because I think something --

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: I am not so exclusive in my views and my own opinions as to say that my own opinions should be those which, for whatever reason, govern the actions of the Government in protocol or courtesy matters. Let me give members opposite some satisfaction: I think the Chilean regime is a horrid and repulsive regime. I cannot accept that any member of Parliament should ever take exception to the expression of opinions by individual members -- in respect of that regime -- that says that it is unacceptable to our democratic way of thinking, as it should be to that of members opposite, and that those members --

Several members interjected.

The SPEAKER: Order! No more interjections.

Mr BRIAN BURKE: There is much that I find repulsive and objectionable about the Soviet Government's treatment of its citizens; about the Rumanian Government's treatment of its citizens; about the Chilean Government's treatment of its citizens; and about the treatment of the citizens of a number of other countries. In fact in the past week, as a member of Amnesty International, I signed a letter objecting to the policies of the Turkish Government. I have consistently said -- contrary to the views of members opposite -- that there is much to be reviled at in the South African Government's policies. I do not baulk at any of those things. The problem with members opposite is that they think, in their rigid and exclusive view of their own opinions, that people necessarily agree with them. They do not. That is why the member for Murchison-Eyre was such a figure of fun when he sent that letter to Mr Shultz. That is why the Leader of the Opposition is yet to be taken seriously, because he drifts from opinion to opinion, perceiving as he goes what appears to be the popular side of an argument.

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: That is why just a moment ago the Minister for Aboriginal Affairs made the member for Murchison-Eyre look so silly and so unkind and cruel in his description of the Aboriginal councillors at Wiluna. The reason he was able to do that is because the member for Murchison-Eyre is unable to see that his own exclusive and rigid views of what he thinks is right and wrong are not necessarily the community's perception. When the day comes that the member for Murchison-Eyre shows some generosity of spirit, then on that side of the House he might legitimately expect to be supported by the majority of people in this State.