Legislative Assembly

Tuesday, the 23rd October, 1979

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

EDUCATION

Objectionable Literature: Petition

MR BATEMAN (Canning) [4.32 p.m.]: I have a petition similar to those already presented to the Parliament. It concerns the complaints by many groups and individuals, both privately and publicly, to the Education Department—apparently to no avail—about objectionable literature being used in junior high schools, senior high schools and colleges. The petition bears 44 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 96).

QUESTIONS

Questions were taken at this stage.

BILLS (2): INTRODUCTION AND FIRST READING

1. Builders' Registration Act Amendment Bill (No. 2).
2. Constitution Acts Amendment Bill.

Bills introduced, on motions by Mr Tonkin, and read a first time.

BILLS (2): ASSENT

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

1. Reserve (Woodman Point-Jervoise Bay) Bill.
2. Stamp Act Amendment Bill.

FAMILY COURT ACT AMENDMENT AND ACTS REPEAL BILL

Third Reading

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

ESPERANCE PORT AUTHORITY LANDS BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The history of land acquisition by the Esperance Port Authority dates back to soon after its establishment when the board determined that if the port was to develop as expected, it would need to acquire more land in the vicinity of the port.

Acting on this policy, an initial purchase was made in 1970 and from time to time thereafter, additional land has been acquired.

One area of land has since been disposed of to the State Housing Commission as part payment for another more suitably located site.

Apart from land located within the port boundaries, the authority currently holds three tracts of land. One comprising three lots was originally acquired as a site for the port's administration block although it is no longer suitable for this purpose.

Another tract is divided by Harbour Road. The part lying to the north of the road was of little value until recently because of its topography. However, when the port area was dredged, the spoil was dumped on this site making it suitable for residential purposes. Since this piece of land is not now required by the authority for port purposes, arrangements are being made to dispose of it for residential development.

However, a legal opinion recently obtained suggests that the authority has interpreted too liberally the provisions of its Act relating to its power to acquire and dispose of real property and there is very real doubt about the validity of its land transactions.

This Bill has been brought down to put the issue beyond doubt by validating all land transactions undertaken by the authority to date and to enable it to dispose of the land purchased since 1970, subject to the Minister's approval.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

HEALTH ACT AMENDMENT BILL

Second Reading

MR YOUNG (Scarborough—Minister for Health) [4.58 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to clarify and emphasise what was intended by the original

provision in the Health Act for the making of regulations in relation to meat inspection and the prohibition of the sale of unbranded meat. It also validates, in two particular respects, the fees already collected for meat inspection.

This 1911 enactment gave the Governor power to make regulations in relation to meat inspection and the branding of meat. The present regulations were made on the 17th December, 1950. They have been amended considerably since then with the setting of fees, additions and changes of brands being registered, and other matters, but have been considered satisfactory for their purpose and have not been questioned until recently.

In November, 1978, a High Court writ was served on the Minister for Health, the Commissioner of Public Health and six local authorities carrying on meat inspection, by the operators of eight abattoirs in this State, claiming that fees being charged under the present regulations are contrary to the Commonwealth Constitution. In this action, the plaintiffs seek to recover the inspection fees raised under these regulations.

This action is based on the argument that the inspection fees imposed are not a fee for service but an excise duty, the raising of such duties being the exclusive prerogative of the Commonwealth. The State and other defendants are fully defending the action.

I cannot discuss this aspect further as the matter remains *sub judice* but the proposed amendments are not intended in any way to affect the constitutional issue raised by the plaintiffs' claim in relation to past inspection charges.

Preparation of the defences to the proceedings has necessarily involved a close examination of the Act and the regulations. This has brought to light a need to improve some aspects of the powers providing for and controlling the making of the regulations and to legislate to overcome some doubts whether parts of the existing regulations have been completely valid within the terms of the Act.

The first section proposed to be amended relates to the relevant regulation-making power. The present power to make regulations relating to meat inspection and branding is to be replaced by a paragraph specifying in much greater detail what these regulations may cover.

An additional section proposed defines the purpose of the inspection fee authorised in the meat inspection and branding regulations and authorises the State Treasury and each local authority concerned to create a special account to which all fees collected are credited and from which all expenses of meat inspection incurred by that organisation are paid. This is to avoid any allegation in the future that the fees may be used otherwise than to defray the cost of the inspections in respect of which they are collected.

The second aspect of the Bill is, as I have already said, to overcome doubts whether some parts of the existing regulations have in the past been completely authorised by the Act. Those doubts can be totally removed only by validation of the kind here proposed. The opportunity is also being taken to rectify the situation that arises by reason of the fact that, due to oversight in the past, some persons who conducted meat inspections under this Act had not been formally appointed for the purpose. The Bill also validates the collection of the fees which were levied in respect of the inspections carried out by those persons.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th October.

MR DAVIES (Victoria Park—Leader of the Opposition) [5.02 p.m.]: Mr Speaker, might we debate both this Bill and the Armorial Bearings Protection Bill at the same time, in view of the fact that they are tied together?

The SPEAKER: Provision exists for them to be debated together by leave of the House. If you seek the leave of the House to have a cognate debate, leave will be given.

Mr DAVIES: I seek leave of the House to have a cognate debate on Orders of the Day Nos. 12 and 13.

Leave granted.

Mr DAVIES: I thank the Premier for bringing these Bills forward. I will not be in the House tomorrow, when they might have been dealt with, and as they are not contentious Bills we can get them off the notice paper quickly.

It might be remembered that when the Premier introduced these two measures he drew attention to the fact that they were both tied together. A portion of the Unauthorised Documents Act has been made into a separate piece of legislation to be called the "Armorial Bearings Protection Act, 1979". He mentioned that while the original Act spoke about printing, publishing, and causing to be printed or published, it did not mention

manufacturing or causing to be manufactured or used.

There was in existence a woven coat of arms which was of very poor quality but as it was not printed no action could be taken. In the opinion of the Attorney General it should not have been used but no law existed to prevent its being used, so it could not be said it was being improperly used.

In effect, the Armorial Bearings Protection Bill protects the Royal coat of arms, but in his second reading speech the Premier referred to "Royal, State, or other arms" being protected from unauthorised reproduction. As far as I can see the Royal and State coats of arms are properly covered in the wording of the Armorial Bearings Protection Bill where it says, "the Royal Arms or the Arms of any part of Her Majesty's Dominions". That wording would cover a State or Commonwealth coat of arms.

I do not know whether the Premier's reference to "other arms" means the Bill extends protection to the coat of arms of a private family. I do not know that in this country many families have their own crests or coats of arms, although it seems to be a popular pastime to pay to have one searched and produced. I cannot see in the Bill any provision relating to "other arms". Perhaps the Premier can indicate whether it is intended that the coat of arms of a private family should be protected by this legislation. It was only at the last minute that I noticed the word "other".

As I said, the Armorial Bearings Protection Bill lifts from the Unauthorised Documents Act the sections dealing with coats of arms and makes a second piece of legislation of them. The Bill also provides for the penalty for improper use to be increased from £20 or $40 to $500.

In the Unauthorised Documents Act Amendment Bill the penalties for the unauthorised use of documents and the use of documents which purport to be something they are not have been increased to the same amount as the penalty for the improper use of coats of arms. In effect, the legislation is the same in each case, except that one measure deals with coats of arms and the other with printed material. No action in relation to improper use can be taken unless it is authorised by the Attorney General.

I do not know how successful the Unauthorised Documents Act has been or how many prosecutions have been made under it since it was introduced in 1961, but I do know that up to the time it was introduced there had been a public call for this kind of legislation because certain people were issuing documents which looked like official or court documents but which in fact were not official or court documents. That practice then became illegal.

I remember that a trade union used to issue a form saying, "Pay up or else", and it was printed on blue paper similar to the paper on which summonses were printed at that time. The union had to desist. Debt collectors and other people had adopted similar practices.

In the original Bill coats of arms were incorporated because the Bill dealt with printed matter, but it was not possible to launch a prosecution where coats of arms had been woven.

We now have two pieces of legislation where we previously had one, and the law is much more clearly set out. I wish the Government had done the same thing with section 54B of the Police Act, which might have been much easier to follow had we had two measures instead of one.

We have no objection to either of these Bills. The only question I raise is that relating to coats of arms belonging to private individuals.

SIR CHARLES COURT (Nedlands—Premier) [5.10 p.m.]: I appreciate the support and co-operation of the Leader of the Opposition. As I understand it, the only point which calls for an answer is the question how far the reference to coats of arms extends.

When I used the phrase "Royal, State, or other arms", I was thinking of instances where reference is made, purely in a conversational way, to the Royal coat of arms, the State coat of arms, and perhaps the coat of arms, for example, of New South Wales. There was no intention of extending it to the coats of arms of the Davies and Court families! My understanding is that the legislation does not cover those anyway. They are covered in another way. The proper channels exist for the protection of private coats of arms. It is certainly not my business or the Government's business in this Bill to protect individuals in respect of their own coats of arms. My understanding is they have ample protection under the law if they find someone is mischievously or wrongfully using a properly registered coat of arms.

The Bill is intended to deal only with the coats of arms referred to in it. It could of course extend beyond the Royal and State coats of arms to those of other States or countries within the British Commonwealth or dominions.

The **SPEAKER**: I draw the attention of members to the procedure being adopted. For the first time since our Standing Orders were amended, we are now dealing with two Bills under the provisions of Standing Order No. 258, which relates to a cognate debate. Two Bills are the

subject of this particular cognate debate and I will put the question in respect of each Bill separately.

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 Sir Charles Court (Premier), and transmitted to the Council.

ARMORIAL BEARINGS PROTECTION BILL

Second Reading

Order of the day read for the resumption of the debate from the 16th October.

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 Sir Charles Court (Premier), and transmitted to the Council.

FISHERIES ACT AMENDMENT BILL

In Committee

Resumed from the 10th October. The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr O'Connor (Minister for Fisheries and Wildlife) in charge of the Bill.

Clause 11: Section 35K repealed and substituted—

Progress was reported after the clause has been partly considered.

Mr SKIDMORE: My understanding of the debate on the last occasion was that the Minister had gone away to seek information. I delayed rising on the assumption he would have done the Chamber the courtesy of giving it an explanation. I now ask whether he is able to advise the Committee of the position.

Mr O'CONNOR: I spoke earlier today with the member for Yilgarn-Dundas regarding this matter, which refers only to licences for processing, and includes new licences, renewals, and cancellations. I think the member for Geraldton was of the opinion that the provision refers to all licences.

Mr Carr: It says, "under this Part", and the part contains about 15 sections.

Mr O'CONNOR: The information I received from the Crown Law Department is that the provision refers only to processing licences. It is included mainly to protect the crayfishing industry. As members know, that is a protected industry and only a certain number of boats are permitted to operate in it. The same situation will apply in respect of processing factories.

If we went further with this legislation, the position might arise in which the department and the Minister would lose control over the number of processing factories. For instance, without this control a person might obtain a licence to operate a processing plant for wet fish. He could then approach the court and be granted a processing licence for crayfish, as an extension of the licence he already held. It is not intended that situation should apply, nor do we want it to.

The provision refers only to processing licences, and to no other licences. However, I emphasise it refers to new licences, the renewal of licences, or the cancellation of licences as far as processing is concerned. I hope that clarifies the position.

Mr CARR: I do not find the Minister's explanation really satisfactory. He said the appeal situation applies only to processing licences. However, the part referred to in the provision contains 15 sections dealing with processing licences; so we are looking at a situation in which a whole range of legal problems could arise.

Mr O'Connor: Part IIIB is the one you are referring to.

Mr CARR: Yes, but it starts with section 35A and goes through to section 350; and if I understand the situation correctly it applies to all those sections, because they are all contained in part IIIB. Is that correct?

Mr O'Connor: I will reply in a moment.

Mr CARR: If that is correct, I would repeat my comment that there is a distinct possibility that a whole range of legal situations could arise which certainly were never intended when the recommendation was made by the South Coast Fisheries Study. The committee made a

recommendation regarding a particular set of circumstances, and had no intention of dealing with the entire range of situations which could arise regarding processing licences. We are not at all happy that the appeal should be taken away from a court.

Mr O'Connor: Perhaps I could let you know while I am sitting down. The information I have from the Crown Law Department is that this refers to licences issued for processing establishments. It then lists the following sections regarding licences in this part: 35CA, 35CB, 35D, 35F, and 35J. They are the provisions to which it actually refers, according to the Crown Law Department.

Mr CARR: Those sections deal with such things as the fees which may be assessed, the cancellation of a licence, the removal of a licence, and the licence fee where a processor's licence has been in force for less than a year.

Mr O'Connor: But only as far as processing establishments are concerned.

Mr CARR: Yes.

Mr O'Connor: Then that is clear.

Mr CARR: The Minister has cleared up the situation and we now understand what the Bill means. We still do not like this provision, and we will oppose it.

Mr GRILL: I did not hear the Minister's explanation as I was not in the Chamber. When I participated in the debate on this clause on the 10th October I raised two points. The first concerned the meaning of the words "normal legal processes" which will be available to aggrieved parties in respect of any questions of law which may arise; and in respect of the other point the Minister showed me some notes earlier today, which he may since have explained to the Committee.

Mr O'Connor: I did in respect of the other point, but not on that one.

Mr GRILL: The Minister indicated to me privately that the words "normal legal processes" mean a legal form of process by way of injunction where a question of jurisdiction is concerned.

Mr O'Connor: That is correct.

Mr GRILL: In respect of that matter I suppose it would be fair to reiterate what I said previously: There is no right of appeal in respect of questions of law over and above the very formalised type of appeal in respect of jurisdiction. Where a substantive point of law arises the person concerned would be in the same position as a person appealing against a question of fact; there is no real right of appeal.

The other point concerned the ambit of the amendment in respect of processing licences. I put forward the view that it would affect the renewal of licences, the transfer of licences, and the suspension of licences, as well as a whole host of other subsidiary areas. I think by and large the Minister agrees that ambit has in fact been opened up.

Mr O'Connor: I explained that situation to the Committee prior to your coming into the Chamber.

Mr GRILL: Then the position as I put it forward earlier is, by and large, correct. If that is true, it seems to me this provision goes far too far. The Minister, if not in the second reading debate, then certainly in the Committee debate, indicated that the Government was merely implementing the recommendations of the study committee. It is now clear the amendment goes a long way further than the recommendation of the committee. Several members of the committee are present in the Chamber now; certainly the members on this side who were on the committee are adamant that they were not dealing with the questions of the cancellation of licences, the suspension of licences, and the transfer of licences, as distinct from the simple question of deciding on the number of licences and their distribution. Therefore, the amendment in clause 11 goes far too far.

I think if the Chairman of the South Coast Fisheries Study (the member for Cottesloe) were here, he would agree that a recommendation of this sort was never put to the Government. That is my understanding of the situation, but I am open to correction. So this is not just the implementation of that recommendation; in fact, the Government is going much further than that.

Therefore, questions must be asked as a result of that. Are we allowing the bureaucracy to have too much power? Is there a proper right of appeal? It would seem to me it is not a proper right of appeal when we are merely allowing an appeal to the Minister from the director. Apparently the problem of the Government is that it wants to keep fairly strict control over the fishing industry and, more particularly, over the crayfishing industry. The Minister told me he would have liked to amend this section further, but when the Crown Law Department endeavoured to draft an amendment which would bring the matter more strictly within the confines of the recommendations of the study committee, it was not able to do so without emasculating the powers it was hoped to have over crayfish processors. I think I have presented that situation correctly.

If that is correct, I can understand the Government wanting to have such power; but it seems to me that in a democracy such as ours—especially where the ultimate rights of people in respect of large investments of money, their employment, and their vocation are concerned—these matters cannot be decided quite arbitrarily by a bureaucrat without having a proper right of appeal. So we are allowing ourselves to wander into a very dangerous area.

That is no reflection on the present members of the department; I am quite sure each of them would exercise his authority in the most strict manner. However, we cannot guarantee the performance of future heads of departments or of any of their underlings; nor can we guarantee the performance of future Governments in this area.

This legislation will open up a situation in which an autocratic person—be he a head of department or even an official down the line who has authority over these matters—could make his view, no matter how biased, the view of the Government and, therefore, of the people of this State. I know that sounds very theoretical and probably a bit quasi-legal in many respects. However, this clause will allow a takeover by bureaucracy. It is a terrible pity if people do not have some form of judicial appeal against decisions which could affect their whole future. This clause will do away with judicial appeal not only in respect of questions of fact but also, in reality, in respect of questions of law. I would suggest that is a very sad and sorry situation.

It is most unfortunate the Crown Law Department cannot come up with an amendment to this Act which would satisfy the Government without giving such wholesale powers to the department. It is also unfortunate that, day by day, we see our powers in one way or another being handed over to the bureaucrats, firstly from the Legislature and now, it would seem, from the judiciary. It is a trend I would not like to see continue; it is a situation against which we should all endeavour to guard.

I hope that if the Government insists on proceeding with this clause now, it will examine the matter when it gets to the other place, or perhaps at a later date. It is an important matter. The Bill deals with an important industry of this State and I can understand the Government's concern, especially with the crayfishing industry.

However, over and above the concern for any particular industry is the concern we must have for the basic freedoms which exist within this country. One of those basic freedoms is the right of appeal against decisions which affect one's livelihood. We do not have enshrined in our Constitution any of the guarantees of rights written into the American Constitution; we do not have anything like the amendments which the Americans moved to their Constitution so long ago. We can endeavour by common sense to enshrine in our legislation the sort of safeguards the Americans have placed in their Constitution in a very formal way.

Most Australians believe we have a Constitution very much along the lines of the American Constitution and that these basic rights are enshrined therein. I suppose if we asked this question of people in the street, about nine out of every 10 people asked would think we had those basic rights as a matter of law. In fact, we do not and it is because we do not that Governments must be very careful in respect of this sort of legislation or, indeed, any sort of legislation which strips people of the simple right of appeal to a judge, magistrate or some judicial body.

It is a very sad thing that we are passing laws like this. I hope that in the interim period before this Bill comes on for debate in another place, the Minister can bring forward an amendment to the Bill which will cater for both situations. I hope that in the future, this will be so.

Clause put and a division taken with the following result—

Ayes 25		
Mr Blaikie	Mr Mensaros	
Mr Clarko	Mr Nanovich	
Sir Charles Court	Mr O'Connor	
Mr Coyne	Mr Old	
Mrs Craig	Mr O'Neil	
Mr Crane	Mr Ridge	
Dr Dadour	Mr Rushton	
Mr Grayden	Mr Sodeman	
Mr Hassell	Mr Spriggs	
Mr Herzfeld	Mr Tubby	
Mr P. V. Jones	Mr Young	
Mr MacKinnon	Mr Shalders	
Mr McPharlin		*(Teller)*

Noes 19		
Mr Bertram	Mr Hodge	
Mr Bryce	Mr T. H. Jones	
Mr B. T. Burke	Mr Mclver	
Mr T. J. Burke	Mr Pearce	
Mr Carr	Mr Skidmore	
Mr Davies	Mr Taylor	
Mr H. D. Evans	Dr Troy	
Mr T. D. Evans	Mr Wilson	
Mr Grill	Mr Bateman	
Mr Harman		*(Teller)*

Pairs	
Ayes	Noes
Mr Sibson	Mr Jamieson
Mr Grewar	Mr Barnett
Mr Laurance	Mr Tonkin

Clause thus passed.

Clauses 12 and 13 put and passed.

Clause 14: Section 55A repealed and substituted—

Mr CRANE: I refer members to the wording of the clause. It deals with the transferring of a licence from one vessel to another vessel which has just been built.

Under the present legislation, any convictions recorded against a vessel stay with the vessel for the whole of its life in the fishing industry. This amendment provides that such convictions will automatically go to the vessel which is being built to replace the vessel which has incurred the convictions.

Whilst I do not disagree in principle with this amendment, and accept that the fishing industry has asked for it, certain aspects of it will cause hardship in some cases. We know what has gone on in the fishing industry over the years, especially within the crayfishing industry, where there are a few "Henry Morgans" who are up to all sorts of tricks to try to boost their incomes. The only reason they have incurred convictions has been that they have tried to beat the system to increase their incomes. So, it is reasonable these convictions should pass to the new vessel.

In the past, it has been easy for a person who has had several convictions recorded against him, when things started to get tough, to build a new vessel and transfer the licence and, in the process, lose the convictions. So, there is a very good reason for this amendment.

Unfortunately, some people will get caught up in the legislation through no fault of their own. In fact, I have a letter from a man who will find himself in such a situation. If a person who has never had a conviction recorded against him purchases a vessel which carries convictions, he will find that when he replaces the vessel with a new one, the convictions will carry over to the new vessel, and will apply for a period of up to 10 years. This will apply regardless of the fact he did not incur the penalties.

Mr Carr: No, that is the exact opposite of the actual situation. The situation you have outlined used to exist; in other words, someone could come into the industry, purchase a boat, and the convictions incurred by that vessel would continue to be recorded against the vessel. This Bill in fact will correct the situation you have outlined.

Mr CRANE: No, it will not. The present legislation provides that convictions recorded against a vessel shall remain with that vessel for its lifetime in the industry.

Mr Carr: Irrespective of who owns the vessel after the offence has been committed.

Mr CRANE: The situation now is that convictions will be transferred from one boat to another, when a boat is built to replace another licensed vessel. So, if someone enters the industry and purchases a vessel against which convictions are recorded, and later decides to build a new vessel, those convictions will be transferred to the new vessel. This is the bone of contention in regard to this clause. The member for Geraldton does not agree with me; I am sure the Minister agrees with what I am saying. For the edification of the member for Geraldton, I draw his attention to proposed new section 55A (2).

Mr Carr: According to that new subsection, the conviction will stay with the owner, and not with the boat.

Mr O'Connor: No, with the licence.

Mr CRANE: The conviction stays with the licence. However, the licence does not apply to the owner, but to the vessel, Therefore, the licence and the vessel are as one. If a person enters the fishing industry and purchases a boat carrying a conviction, even though he may have abided strictly by the rules and regulations of the industry, he will be penalised when he decides to build a new vessel. I know it is too late at this stage to move an amendment; however, I ask the Minister to examine the situation.

I am fully in support of the principle that the "rogues" in the industry should carry their convictions with them, from vessel to vessel. However, it is important that the legislation does not penalise someone who has done no wrong; he should be able to build a new vessel, and carry on in the industry with a clean sheet.

I believe also that we should examine the regulations pertaining to the transferring of licences. Officers of the department should be required to record on the transfer of licence papers whether any convictions have been incurred by the vessel up to the time of transfer, so that people purchasing fishing boats will know exactly where they stand.

Most of us are wary when we buy boats from other people. We check out this sort of thing. However, it could happen that people would not be aware of a conviction. They might make a purchase in a hurry and pay a deposit of, say, $50 000, which is not very much in the crayfishing industry; and having done so they discover there is a conviction against the vessel. They cannot have their money returned because they have entered into a contract.

I ask the Minister to comment on what I have suggested. He should consider making allowances for such persons.

Mr O'CONNOR: I could not agree to the suggestion by the member. At the moment a licence applies for a 20-year period or more. The convictions run for the length of the licence. This legislation provides, like a traffic infringement ticket, that the convictions are written off after a 10-year period. This is fair.

We are all trying to upgrade the industry. I appreciate the points made by the member, but I certainly could not agree to them.

Mr Carr: He is wrong.

Mr CRANE: Does that mean if a person has a vessel which has two convictions attached to it, and one conviction is six years old, in four years the first conviction will be wiped off?

Mr O'Connor: Correct.

Mr CRANE: So he has four years only to go?

Mr O'Connor: Correct.

Clause put and passed.

Clause 15 put and passed.

Clause 16: Amendment of penalty provisions—

Mr CARR: This clause deals with penalties, and a schedule is attached which is apparently part of the clause. During the second reading debate I indicated that there was a vast change in penalties. Some penalties were increased dramatically and in others there was no change. At that stage I asked the Minister what was the philosophy behind those penalties. Is there a particular approach by the department? Are certain offences regarded as more serious than they were previously?

The DEPUTY CHAIRMAN (Mr Watt): Clause 16 will be put separately from the schedule. The comments you are making would be discussed more appropriately in relation to the schedule.

Mr CARR: Very well. I have made all the comments I wanted to make.

Clause put and passed.

Schedule—

Mr STEPHENS: During the second reading debate I made reference to minimum penalties. I do not intend to move an amendment; but I drew to the attention of the Minister the fact that I thought there should be no minimum penalties. I go along with the concept of a maximum penalty, but there are circumstances in which a person is technically guilty and the magistrate has no option but to impose a minimum penalty. We should not inhibit magistrates in making judgments. If the legislation lays down a minimum penalty, the magistrate is forced to impose it.

I ask the Minister to give consideration to the removal of minimum penalties from the legislation so that in relation to technical offences magistrates have more flexibility.

Mr O'CONNOR: Like most members, I normally disagree with minimum penalties. However, in connection with this Bill I think they must be retained in the interests of an industry which brought us $75 million this year, and hopefully will bring us $85 million next year. I do not know whether members are aware of a recent case of a man who had $10 000-worth of crayfish which were undersized. If we allow that sort of thing to continue we will not be able to protect the industry.

We should be fairly severe in connection with these matters so that we can protect the industry, otherwise we will lose a tremendous amount of income. I could not agree with taking away that income which is of such importance.

I apologise to the member for Geraldton in connection with the matter he raised. I forgot. I undertake to refer the matter back to him.

Mr Carr: Would you leave the third reading until tomorrow so you can tell us?

Mr O'CONNOR: Yes.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (3): RETURNED

1. Credit Unions Bill.

   Bill returned from the Council with amendments.

2. Credit Unions (Consequential Provisions) Bill.

3. Education Act Amendment Bill.

   Bills returned from the Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 4th October.

MR CARR (Geraldton) [5.55 p.m.]: The Bill before us is the usual rag-bag of amendments which comes before the Parliament towards the end of each year. On this occasion, seven different measures have been included in the Bill.

When the Minister introduced the Bill, she said that this continual amendment of the Local Government Act is an indication of the dynamic nature of local government. Perhaps that may be so. I would suggest to her that, as well as that, it is also indicative of the archaic monstrosity that we call the Local Government Act in Western Australia.

Mr Nanovich: You would like to get rid of it altogether.

Mr CARR: That is not true. The member for Whitford knows very well we are keen to upgrade the role of local government. We certainly would not want to be rid of the Act altogether, as much as we claim that it needs considerable amendment.

The Government is very slow-moving in bringing major amendments to the Local Government Act before this House. Often it brings in minor amendments, but the major amendments do not seem to be forthcoming. I refer in particular to the electoral provisions of the Local Government Act. Four or five years ago the previous Minister took steps towards the amendment of the electoral provisions of the Act, but they have not yet come before this House.

The first four pages of the Minister's second reading speech deserve a few comments before we concentrate on particular measures in the Bill. Those pages contain a number of what can only be termed "platitudes" about autonomy for local government.

The Minister made comments about the need to give freedom to local government to make more decisions. I will quote a couple of extracts from her speech which put her comments into context. She said—

> I must say that the Government supports the notion that the legislative structure on which our system of local government has been built, should provide municipal councils with adequate freedom to make their own decisions for the good rule, convenience, comfort, and safety of their own communities.

That sounds very attractive, but it is words only. If we consider the record of this Government, it is words only. If we compare those words with the performance of the Government, we see that the words are nonsense. The Minister is simply reacting to a policy commitment which has been made by the Leader of the Opposition—a policy commitment by the Australian Labor Party to review those sections of the Local Government Act which require the final decision of a council to be referred to the Minister or to the Governor for approval.

The Minister is well aware that the policy commitment by the Leader of the Opposition has been well received by local authorities throughout the metropolitan area and throughout the length and breadth of the State. Wherever I have been in contact with local authorities and spoken with the shire clerks, town clerks, and elected representatives, I have found a very good reaction to the policy commitment that we will undertake a major review of the Local Government Act to see how many of its 259 provisions may be made available to local authorities for their final decisions.

Mrs Craig: How many of the provisions cause you concern?

Mr CARR: It is not only those that cause concern; it is the number of provisions which are quite trivial. In fact, when the Minister introduced this Bill she said there was triviality in the Act. I suggest that such provisions are in the range of 50, but that is guessing. That is my subjective evaluation.

It has been made clear by the Leader of the Opposition that if the policy is implemented it will be done with the direct involvement of the local government bodies themselves. We will be listening to their views—

Mrs Craig: Which is exactly what we are doing, so there is no difference.

Mr CARR: —before changing any provisions. I am glad the Minister raised this point, because it gives me the opportunity to refer to a deliberate attempt by her to misrepresent the position of the ALP on this matter.

The Minister for Local Government made a public statement saying the ALP was not consulting local government and it had not made a commitment to consult with local government with regard to this review. Of course, the Minister was on the stage at the Country Shire Councils' State Conference, sitting approximately eight or 10 feet away from the Leader of the Opposition when he announced that policy commitment. Had the Minister been listening to what the Leader of the Opposition said, she would have heard him say very clearly—

Mr Rushton: You portray it as a new policy commitment. It has been on for years.

Mr CARR: —that local government will be consulted in the review and that representatives of local government will be represented directly on the committee which will be examining those provisions. Not only was the Minister there, but a

number of her own back-benchers were at the same conference also and would have heard the Leader of the Opposition give that clear undertaking.

In her introductory speech on the Bill, the Minister claimed that action was being taken, and I would like to quote from that speech where she said—

> This Bill contains amendments which indicate my desire to remove requirements for councils to obtain approval which may have been appropriate in years gone by but have become obsolete in this present day.

That sounds very nice and I agree completely with the sentiments contained in that statement; but it is not true.

The Minister said, "The Bill proposes 17 separate amendments . . ." and implied there were 17 different measures by which the autonomy of local government would be increased. That is just not true. There are 17 clauses in the Bill, but in fact there are approximately seven separate measures only which are dealt with in the Bill and, depending on one's interpretation, only one or two of those measures increase the autonomy of local government. There is one measure, where it takes two clauses to achieve its objective. I am referring to the measure which gives local authorities power to sell or lease land by auction or tender without the consent of the Governor. That is dealt with in clauses 10 and 11 and amends sections 266 and 267 of the Act. Members can decide for themselves whether that is one measure designed to increase the autonomy of local government or two closely related measures.

The question may be asked as to why this particular measure was the one which it was decided to bring before Parliament to give local authorities greater autonomy. We used the figure 259 quite freely to indicate our count of the number of sections and subsections of the Local Government Act which involve the need for the decision to be confirmed by the Governor. Out of those 259 sections and subsections this Government has brought one measure before Parliament. I would have thought that perhaps an explanation should be given by the Minister as to why this measure has been chosen. There may well be special reasons that this one should be used by the Government. I might say at this stage from all the contact I have had with local authorities it appears this measure is one which certainly has their approval. Therefore, we do not argue with the particular provision; but we find it curious that this is the measure the Government has seen fit to bring before us at this stage.

I would have thought that if the Government was dinkum about the words the Minister used more autonomy would be given to local government, there would have been a much more comprehensive review and a number of other amendments would be before Parliament designed to achieve that end. I believe this Bill demonstrates very clearly the difference between the attitude of the ALP and that of the Government towards local government.

We believe the Government only mouths platitudes about autonomy and it is not really dinkum about it. However, the ALP believes that local government is able to take its place as a fully developed part of our three-tier system of government. We regard local government as one of three equal participants in our three-tier system of government.

Mr Rushton: For a start, you do not even understand local government.

Mr CARR: We do not understand it to be a petty appendage of the State. I believe the Government's attitude is paternalistic and perhaps in view of the present incumbency of the Ministry I should say it is a maternalistic approach; but whichever of those two words is appropriate, that is the attitude which is being adopted by the Government.

That attitude was indicated clearly at the local government conference to which I alluded earlier when the Minister referred to local government as being a child and creature of the State Government.

Mrs Craig: They were Mr Tuckey's words and he admitted that in the bulletin. I am sorry you have not read the most recent bulletin, because it makes that admission quite clear.

Mr CARR: Mr Tuckey used the words prior to the Minister using them; but after Mr Tuckey had spoken the Minister stood up and reiterated in unequivocal terms the fact that local government is the child and creature of the State Government.

Mrs Craig: I used his words only.

Mr CARR: I suggest to the Minister that while there may in fact be a technical amount of truth in what she is saying, it simply does not relate to the present situation. Local government has long ceased to be a child. As I said earlier, local government is a grown-up part of our three-tier system of government. If the Minister wants to use that sort of technical jargon about local government being a child and creature of the

State Government, it may be said that Western Australia is a child and creature of the British Government or that Australia is a child and creature of the British Government. In fact it is clear that both Australia and Western Australia have long since been weaned away from their mother and have been able to establish an integrity of their own in our governmental system.

The same paternalism which I mentioned earlier which has been demonstrated by the Minister in some of her statements, was demonstrated very clearly also in a submission made by the State Government to the Advisory Council for Inter-Government Relations. I said "submission", but that is hardly the correct word for the document. It consists of three-and-a-bit pages. I would have expected, if the Government of this State was really concerned about local government that, with a full department at its disposal, it would have been able to put its head down and come up with something a little more positive and constructive than this flimsy little note.

Mrs Craig: How many other States made submissions?

Mr CARR: I do not know how many other States made submissions and I do not care. I am more concerned about what happens in this State and the way in which local government is either assisted or held back here.

I will quote a couple of examples.

Mr Sodeman: Until the Government does something which is disagreed with; then you say it is not done in other States.

Mr Davies: That is politics.

Mr CARR: He is a very good debater. He picks up precise points. However, I will quote from the submission as follows—

> Local Government has been created by the State for the sole purpose of carrying out functions that are themselves a State responsibility.

That is not true. Local authorities have the power to make decisions on a whole range of issues. They have the power to make decisions on practically anything that is not already specifically excluded by some legal provision. They can undertake functions far outside those deemed to be State responsibility. The submission reads further as follows—

> It is not designed to play an independent role in the Federal system and should not be seen as having a special position outside the State sphere.

How paternalistic can one be? I will add that it is not the Minister's fault because she did not even know this submission was being presented to the Advisory Council for Inter-Government Relations. All members will remember the scene when I asked this particular question on the 15th August. I asked whether the State Government made a submission to the inquiry being conducted by the Advisory Council for Inter-Government Relations. I am sure all members remember the scene when the Minister got to her feet and was totally perplexed. She did not know what the question was about. She was saved by the Deputy Premier or the Premier who called out, "Minister for Federal Affairs". She managed to say—

> I believe the member for Geraldton ought to be told that it is the Attorney General and the Minister for Federal Affairs in this Government who is the representative on Advisory Council for Inter-Government Relations and any submissions which were made would in fact have been made by him.

I challenged the Minister by asking whether she knew if a submission had been made. She obviously did not know because she did not answer.

Mrs Craig: I replied to you, "Yes."

Mr CARR: Well, the Minister should have corrected her *Hansard* proof a little better at that time. The Minister did not even know that the submission had been made.

It is a curious irony that we should be talking about the Minister for Federal Affairs making a submission when we refer to the quote of a few moments ago—

> . . . . and it is not designed to play an independent role in the Federal system.

Further on it states—

> . . . . and should not be seen as having a special relationship outside the State sphere in relation with the Commonwealth Government.

So, in that quote it is stated that it has nothing to do with the Federal Government and then we find it is the Minister for Federal Affairs who is making the submission. What an irony.

When the Advisory Council for Inter-Government Relations was in Western Australia a number of members of that committee made several informal comments to several members representing local government authorities. They said that Western Australia was the most backward State in Australia in terms of recognising the autonomy and responsibility of local government and the potential for it to

involve itself in a wider range of issues. The simple truth is that this Government does not trust local governments to use their full potential.

We often hear from the Premier and others in his party what wonderful decentralists they are but here we find that really in their hearts they are St. George's Terrace centralists. This Government is not prepared for the power to be in the hands of the local government authorities.

Another matter I wish to raise is the sale and the lease of land. Very limited information is available on this matter. I asked the Minister for Local Government, in question 1831, how many applications had been made under sections 266 and 267; how many were approved and, what was the largest area of land involved in each case.

The Minister answered one of those questions. She gave the figures for the last three years for the sale and lease of land. In fact, she answered that there were approximately 100 approvals in each year for the two categories. Her answer to the other two parts of the question was that records were not kept; that is, records are not kept to show how many local government authorities applied for permission to sell their land under the provisions of the Local Government Act. I find that to be a rather extraordinary situation. However, to some extent it is typical of the type of answer from the Local Government Department. Of all the departments, that is one department from which it is almost impossible to obtain an answer.

It seems to me that the records of that department are totally inadequate. Perhaps there is some degree of secrecy in the department or on the part of Ministers who have been in charge. I suggest that the department has records which are inadequate. The department is inadequate to carry out most of the functions required of it.

From the one answer I received, it appears that it is common practice for councils to sell off land and it appears to be a quite acceptable provision.

A further matter deals with the caravan parks and camping by-laws. I raised a question with the Minister with regard to the amount of consultation which had taken place with local governments on this particular matter. I was concerned particularly following an exercise in this House with regard to an amendment to section 534. On that occasion we were told by the Premier that consultation had taken place with all local government authorities. It transpired that consultation had not taken place. In order to clarify the situation and to have in *Hansard* some record of the consultation I asked question 1735. The answer indicated that individual consultations did take place. As I do not trust the Minister I feel I should read in full to the House the answer to that question so that it is incorporated in the record.

Sitting suspended from 6.15 to 7.30 p.m.

Mr CARR: Prior to the tea suspension I was about to read in full an answer given to me by the Minister for Local Government. The reply demonstrates that consultation has taken place with local authorities with regard to caravan parks and camping grounds. The reply to question 1735 was as follows—

> (1) and (2) Draft by-laws which were intended to serve as a basis for the proposed uniform by-laws, were submitted for comment to the Local Government Association and the Country Shire Councils' Association and, in turn by those associations, to individual municipalities.
>
> Comment was not specifically sought on the question of the uniform application of these by-laws although this matter was discussed at a meeting between representatives of the Country Shire Councils' Association and the Local Government Association, and the interdepartmental committee which recommended uniform by-laws. The record of that meeting indicates that the Country Shire Councils' Association and the Local Government Association representatives supported the concept of uniformity.

I am prepared to accept that as evidence that consultation has taken place. I hope we do not have a repetition of the amendments moved last year.

With respect to the other amendments contained within this Bill, I have not mentioned them specifically. They are fairly minor, and we do not oppose them. In fact, we will support the Bill.

I conclude by emphasising that we do not object to any measure in the Bill. Our only objection is to the huffing and puffing by the Government when it comes to talking about some autonomy for local government, and not allowing that autonomy. We also object to the paternalism of the Government, whereby it seems to believe that local government is something inferior to the State Government and is entrusted only with menial tasks.

MR McPHARLIN (Mt. Marshall) [7.31 p.m.]: As a result of reading the Minister's second reading speech on this Bill it appears that the

measure is aimed at providing some form of additional autonomy to local governing authorities. This is a matter which has been raised with me by a number of shire councils, and the present move is in the right direction. It will overcome many of the problems mentioned by some shire councils.

The member for Geraldton offered some criticism about this particular provision, and about it not going far enough and not providing for wider representation or additional autonomy. I think it is a move in the right direction and something which will meet with the approval of most shire councillors.

The matter of the sale or leasing of land has been brought to my notice. Under the present provisions of the Act, permission has to be given by the Governor which, of course, means the Government or the Minister. The amendment proposes that a council will be able to sell land, auction land, or lease land by public tender and that is a provision which I believe shire councils will appreciate. When it comes to the sale or lease of land by private treaty, it is desirable that approval still has to be given.

As I see the other amendments contained in this Bill they are related to administrative procedures which have been mentioned by many shire councils. The procedure with regard to a member who has a pecuniary interest in any matter before a council is one which has been adopted for many years. The provision will now be more specific and will provide for a better working procedure than has been the case previously.

I support the amendments and if these types of amendments continue to come forward periodically they will greatly improve the autonomy of councils. They should meet with the approval of the shire councils throughout the State.

MRS CRAIG (Wellington—Minister for Local Government) [7.35 p.m.]: Firstly, I would like to thank the Opposition and the National Party representative for their support of the amendments which are proposed by this amending Bill. Having said that, I would like to make some comments on the preliminary statements by the member for Geraldton. He made all sorts of comments relating to me, and also to the manner in which this Government has administered local government in this State. Again—as has been the case always with the Opposition in relation to local government—he was not prepared to be specific.

The only point which the member for Geraldton made clear was that the Whitlam doctrine still exists, and so far as he is concerned the best thing that could possibly happen would be not to have a State Government. He would prefer to do away with the State Government and rely on a council system. He indicated he believed that local government ought to have a voice in Federal Government, but he did not actually say what his party espouses; that is, he would prefer to see that happen as a result of the abolition of the State Government and the setting up of a regional council system.

Mr Carr: Absolute nonsense. I referred to a three tier system.

Mrs CRAIG: The member for Geraldton then took the Government to task and claimed it was slow-moving in bringing forward amendments which created autonomy in local government. He took exception to the fact I said that local government was autonomous.

Mr Carr: I did not say that.

Mrs CRAIG: I find that remark somewhat surprising because this Government has sought always to meet the needs and requirements of local government as they arise. The member for Geraldton again repeated the statement that in the event that a Labor Government is given the opportunity, there will be a complete review of ministerial and Governor's approvals. He did not comment on that section of this amending Bill which, in fact, requires a ministerial approval. He ignored that altogether. I wondered why he chose to ignore that provision if he is so strongly opposed to the fact. Local governing authorities, in some specific instances, agree with the fact that they must apply for ministerial approval, and for very good reason.

The member for Geraldton asked why the removal of the requirement to obtain the approval of the Governor in the event of land being sold by public auction, lease, or public tender had come before the House on this occasion. The reason is that we are constantly reviewing the Local Government Department, the Local Government Act, and the regulations. No specific request to remove this approval has ever been made. However, it was obvious from the number of applications made by councils, and by the fact that those applications had not been refused, that it was a provision which could and should be removed. The member asked how many applications there had been.

Mr Carr: You could not tell me the other day.

Mrs CRAIG: The member was angry about the fact that records were not kept. I told the member

that in the administration of the Local Government Department we did our utmost to ensure that councils enjoyed the autonomy we believed they should have. I pointed out that when a request comes in for approval of one measure or another, it is usually placed on the file that pertains to that particular local governing authority. Perhaps the reply I gave when I said records were not kept was misleading in that the records, if one was able to go through every single file in the Local Government Department appertaining to every single local authority, would enable us possibly to determine the approaches which had been made from time to time by various councils for approval in regard to a specific matter.

The figures provided to the member for Geraldton covered those instances where matters were referred to Executive Council. Also, we are unable to indicate to the member the number of applications that have been made in recent times.

The member went on to be critical of the department, and the manner in which the department is administered. He mentioned that he could not get answers to his questions, and indicated that he wished we had a much larger department to watch over local government.

Mr Carr: Perhaps a more efficient department would do.

Mrs CRAIG: The member suggested we should have a larger department in order to keep additional records. The member indicated to us very clearly that he had no understanding of matters that can arise in local government.

Mr Davies: Do not misquote him.

Mrs CRAIG: He went on at some length and took me to task for talking about local government as being both creature and child. He was very careful not to say that in the remarks I made on that day I specifically said I would not choose those words myself.

Mr Carr: You repeated the accuracy of them.

Mrs CRAIG: They were reported in a local government bulletin, if the member would care to read it. I want to set the record straight in that regard.

Mr Davies: You did not.

Mrs CRAIG: The member for Geraldton went on to talk about the paternalistic attitude this Government adopted in relation to local government. It is enormously difficult to be able to understand just what he means. He is not prepared—nor has he ever been—to indicate those matters which cause him concern and make him say in a general way that we adopt a paternalistic attitude. When one is not given specific cases it becomes enormously difficult to be able to answer accusations and give reasons for certain action being taken.

The member mentioned that he had asked me a question relating to a submission made to the Advisory Council for Inter-Government Relations. However, he very carefully said I was able to answer the question only because somebody else prompted me. I knew the answer because I had read the submission. It was my full intention to answer the question, whether prompted or not.

Mr Carr: If you had read the submission you would have known what I was talking about.

Mrs CRAIG: The member for Geraldton talked about ministerial and Governor's approvals and the Australian Labor Party's concern for their removal. He said the ALP would review matters which required ministerial approval or the Governor's approval. He said he did not know how many problems existed or caused concern, nor was he able to lay a finger on any of the matters he considered required attention. He felt that the whole question of local government should be examined by a Labor Government.

I am glad the member indicated to the House that in fact consultation had taken place in relation to uniform by-laws which councils would adopt in relation to caravan parks. I would like to add that these uniform by-laws will need to come forward hand in hand with new health regulations, because they are entwined and it is impossible to separate one from the other. When this legislation has passed through this Parliament it will be necessary to have uniform by-laws with regard to the Health Act. Regulations will ensure efficient management of caravan parks.

It would be fair to point out at this stage that my reply to a question read out by the member in regard to the consultation that took place shows that when the by-laws were circulated to local authorities for their comments they were presented only as model by-laws. It was not until later, and after consultation with the Country Shire Councils' Association and the Local Government Association, that it was decided it would be better to adopt them as uniform by-laws rather than as draft model by-laws. It is fair to indicate that in the first place they were circulated as draft model by-laws.

The member for Mt. Marshall commented on the matter of pecuniary interest and the fact that this legislation will clear up a previous anomaly in the Act. The requirement for an absolute majority of councillors was not defined explicitly enough,

and because some local authorities had indicated their confusion on this point it was decided to tidy up the legislation.

I would like to reiterate that at all times this Government has been prepared to listen to any suggestions made by the associations of local government. We have given consideration to any provisions in the Act they want defined more clearly or amended so that they can continue to offer the community the same efficient service.

This Government is well aware of the importance of the role of local authorities and it has sought to ensure that their autonomy is increased whenever possible. It would be of interest to the House to know that certainly in the time I have been responsible for this portfolio no request has been received from any local authority or from the association to delete from the Act any specific reference to the necessity for the Governor's or the Minister's approval.

I can recall one occasion when I met with the liaison committee to discuss generally problems and matters of concern. The committee requested specifically a certain change in the Act to include the requirement for a Minister's approval so that the provision could operate more flexibly and efficiently. So it would be difficult to support an argument that we had not agreed to comply with any requests. At this time I am not aware of any such instance.

I would again like to thank members for their support of the amendments contained in this Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 200 repealed and re-enacted—

Mr SKIDMORE: I listened very carefully to the explanations given by the Minister about the uniform by-laws which will apply to caravan parks and I failed to hear any mention at all of the caravanners themselves—the people who will use these parks. The Minister may not be aware of the size of some of our caravan clubs. About 120 families are members of the club to which I belong and quite frequently those members are beset by pinpricking regulations when they follow their leisure activities. I would say that the members of this club consistently break the law when they participate in caravan safaris, but they have no choice because of the sheer stupidity of the existing regulations.

I am well aware that very little action is taken against people who park their caravans in areas other than caravan parks. For instance, the members of a caravan club may stop overnight off the road in a gravel pit and no action is taken against them. Usually, of course, these people do look after such areas. I assume that the reason for such regulations is to ensure there is no soiling of the area. Members of caravan clubs purchase the necessary equipment to ensure they pursue their activities without annoying others, and most of them have portable sanitary toilets.

On the 10th October the Minister was asked the following question—

> With reference to her statement when introducing the Local Government Act Amendment Bill (No. 3), that "recommendations were made to the Government proposing new by-laws to apply uniformly throughout the State" with regard to caravan parks and camping grounds, will she please indicate who or what bodies made such recommendations?

The reply was as follows—

> The recommendation was made by an inter-departmental committee comprising officers of the Departments of Public Health, Local Government, Tourism and Lands and Surveys.

The people who make it necessary to have these by-laws were not even consulted.

Mrs Craig: They were.

Mr SKIDMORE: If that is the case, all I can say is that the reply given to the member for Geraldton was incorrect.

Mrs Craig: No, it was not.

Mr SKIDMORE: The Minister's reply indicates clearly that recommendations were made to her by representatives of the Public Health Department, the Department of Local Government, the Department of Tourism, and the Lands and Surveys Department. So the people who actually use the caravan parks were ignored.

Mrs Craig: After the recommendations had been accepted in general principle, and before they were promulgated to local authorities, consultation took place with those persons represented by caravan park proprietors and involved in caravan clubs. I cannot be specific and tell you how many clubs were represented, but I understand the provisions were discussed with them.

Mr SKIDMORE: I accept that as being the case, but the caravan club to which I belong has never heard of the by-laws. Surely the Government should take some notice of the people for whom it seeks to legislate. I understand the caravan clubs have an association and a spokesman. Probably that spokesman did attend some meeting, but no report was made to the actual clubs.

I am concerned that caravanners today are being restricted more and more. Why must a person park in a caravan park if he does not want to do so? It costs approximately $4 to $4.50 a night for a caravan site, and, as I said before, the members of the club to which I belong are well equipped; they have portable lighting plants sanitised toilets, and showers with sullage tanks attached. They use this equipment to protect our environment.

I hope the Minister will make a copy of these by-laws available in this Chamber and that further consideration will be given to the people who have spent $1 500 or so on their caravans to meet the health requirements of the State so that they will be permitted to park in areas that are not caravan parks. Caravanning is now becoming fairly expensive because of the price of petrol, and it is unfair to add to this burden. Obviously the proprietors of the caravan parks have been consulted, but they stand to gain by such restrictions.

In the present economic circumstances more and more people are being forced to live in caravans, and to comply with the present law they must shift from time to time. I sincerely hope the new regulations illustrate a more common-sense approach to this problem. Perhaps the Minister can inform me of those regulations and whether the by-laws could be tabled so we can have a look at them.

Mrs CRAIG: The member for Swan indicated to us at the beginning of his remarks the very problem that had arisen. A consultative committee had to be drawn together in order that uniform by-laws could be determined. Until this time, it has been necessary for the various local authorities to enact by-laws of their own. The rules have differed from one place to another. That has made it very difficult for caravanners to know exactly what they are allowed to do in certain specific cases.

Even when one has uniform by-laws there is still capacity for local authorities to apply to the Governor to be excluded from the need to enact the uniform by-laws within their own areas or to be excluded from enacting some portions of those by-laws. That requirement is included because the conditions pertaining at one end of Western Australia are very different from those at the other end. It is difficult to apply something in relation to a concrete pad in the north when it might be essential in the south.

The member for Swan indicated he knew that a spokesman for his caravan group had been consulted.

Mr Skidmore: No, that is not correct. I said within my knowledge there was a representative of the caravan clubs. They have an association which has a spokesman—not my group.

Mrs CRAIG: I was trying to make a point. I am sorry if the member did not hear clearly, or I did not make myself explicit enough. Consultation took place with a spokesman for caravan groups generally.

Mr Skidmore: Do you know who it was?

Mrs CRAIG: I am afraid I could not tell the member. I will certainly find out and let him know tomorrow.

It is completely impossible to take into consultation every person who may have an interest.

Mr Skidmore: There happen to be only three clubs in Western Australia.

Mrs CRAIG: If there are three clubs only and one person has been appointed as the official spokesman for those clubs, his job would have been to indicate to the clubs the tenor of the discussions he had and the proposals that had been placed before him. I understand he agreed with those proposals. I am not able to say whether he was in complete agreement; but I know that the matters were discussed with him.

As regards the question of whether caravans can stop anywhere at any time, it is important for us all to recognise that in Western Australia we have tried to upgrade the caravan parks. There are many local people who wish to take advantage of caravan parks of a high standard; and there are tourists visiting Western Australia who wish to be able to take advantage of them too. There are persons who are prepared to invest a lot of money in caravan parks. Many local authorities own caravan parks. The owners wish to maximise the occupancy of the caravan parks. For that reason, they do not smile kindly on any suggestion that people may park their caravans anywhere.

In the search for uniform by-laws for caravans and camping, it has been in the mind of the committee to cope with the many situations appertaining in caravan parks. There are people who want to be there for only a short time; there

are people who wish to be there for a long time, as the member for Swan has indicated; and there are others who choose to live in a caravan park.

Mr Skidmore: They do not choose. They are forced to do that.

Mrs CRAIG: I know some people who choose to live in a caravan park because that is a way of life that suits them.

Mr Pearce: They have to move every six months.

Mrs CRAIG: It is not as a result of a financial disability; it is because they like the way of life. There are others who are unable to afford a house and so they reside in a caravan park for a period. There are others who are not permanent or long-term stayers, but who want to have something in the middle. They may be people who are employed in an area, and they move into the park for one month or two months with their wives and families to take advantage of staying in a caravan park and having the standards that they expect to enjoy.

In the fullness of time the by-laws will be tabled. I indicated clearly in my previous remarks that it is necessary for the Health Act by-laws to be tabled at the same time. I expect, in consultation with the Minister for Health, that the by-laws will be tabled before too long. That will enable members and anybody else to examine them so they will know that it is the intention of the Government to maximise the efficiency of caravan parks and to cope with the different uses to which caravan parks are put.

Mr SKIDMORE: I must say I am disappointed with the Minister's reply. Her concluding remarks, which took about one minute, clearly indicated that the answer to my query whether the by-laws had been discussed with a representative of the caravanners could be summarised as "No."

Mrs Craig: That is not true.

Mr SKIDMORE: At the conclusion of her remarks, the Minister said we were not going to see the by-laws until the Public Health Department had a look at them, and it in turn had worked out what would be in the best interests of all concerned. Quite frankly, I do not quarrel with that.

I asked whether the representative of the caravan clubs had seen the by-laws. I asked whether the by-laws are to be tabled, and obviously the answer is "No." They will become a reality and, like it or lump it, we will finish up with them. I do not even know what they are. We have not been consulted. They have not been debated by the club I am in, at any rate.

The Minister has made it plain that the by-laws are not public property. I asked, "Have you asked those people who are vitally concerned in the question of owning and using a caravan? Were they consulted?" The obvious answer now is "No." The by-laws are not available to them. They do not know to what by-laws they will be subjected. In fact, they were not asked to express an opinion on the by-laws, because they are not public.

I would have thought, if the Government was to legislate for a group of people, the people have the right to understand what laws will apply to them. They should have the opportunity to determine whether the laws are reasonable or not. It would not have taken much for somebody in the department—tourism, perhaps—to find that out. It may even have been the Public Health Department. I suggest the Department of Tourism is a classic example. It should be able to ascertain the needs of caravanners.

The Minister went to great lengths to tell me something I knew already, because I have been caravanning for some 10 years. I will be living permanently in a caravan when I retire as a parliamentarian. I was aware of all those things the Minister mentioned. I am aware also that the by-laws are not needed.

A lot of people do not want the hassle of caravan parks. We will be forced by sheer necessity to go into a caravan park, to prop up a broken-down caravan park that is not paying its way, or to prop up the profits of the caravan park owner. Not all of the caravan parks are owned by local authorities. I could name 10—

Mrs Craig: I did not say, "all"; I said, "some".

Mr SKIDMORE: The Minister should not be so tender.

Mrs Craig: Well, you made a false statement. You said, "not all". I did not say, "all".

Mr SKIDMORE: I did not say the Minister said, "all", at all. I was trying to tell the Minister that not all of the caravan parks are owned by shires. I did not say she said they were all owned by them. The Minister should not be so thin-skinned. She always has the ability to take offence when anybody stands her up on her inability to understand, as I am doing now, that people should be considered first.

The Minister will say to people who are in perfectly good caravans—say, self-contained, 20-foot homes—that they have to go into a caravan park with all its facilities. The caravan parks

provide facilities that are not required by the owners of such caravans. The Minister will be forcing people to go into the parks. That is not fair.

I would be happy never to go into a caravan park. Let us consider some areas. The Margaret River-Prevelly Park caravan park is very crowded during the holiday season. That makes it almost impossible for the facilities to be maintained with any semblance of complying with the health requirements. It is grossly overcrowded during the holiday season. I would guarantee that most of the caravan parks are of the same ilk.

I would have thought the onus should be on the caravan park owner; the Government should not have to insist on standards for caravan parks. Caravanners have to pay $4.50 for a caravan site, and what do they get? They receive a piece of dirt about 20 feet by 10 feet in size, and a point to plug into for power. The average caravan would not use more than two units of power in 24 hours; but that is all the caravanner is paying for.

Caravanners should not be forced into the situation of going into a caravan park. If it is the intention of the legislation or the by-laws to require that, the law will be broken, knowingly or unknowingly, by caravan people. If it is not the intention of the Government to have shire rangers going out and dealing with people who are within eight kilometres of the town, does the Minister know how many kilometres we are allowed to park from a caravan park before we are dealt with by the shire?

Mrs Craig: I am not entirely sure. It has been something like 14 kilometres.

Mr SKIDMORE: I could hazard a guess. Let us say it is eight kilometres or five miles. If we are within eight kilometres, we are supposed to go into a caravan park. That is an imposition that should not be placed on anybody. It is one that will be broken time and time again.

Recently I found myself at Nullagine. I looked at the caravan park and said, "I am darned if I know. I would be better off underneath a banana tree"—or any sort of tree. Nullagine has not the throughput of caravan people wanting to park. It will never be any good. If there were 40 vans on a safari and they went in there, they might as well be in the bush. The caravanners look after their own hygiene, anyway.

There are many places in the same condition. When I was in Broome, the caravan park was absolutely crowded. I would say it was overcrowded to the extent of 30 or 40 caravans. The facilities were grossly overloaded.

Under the proposed regulations, if one camps within 14 kilometres of Broome, as the Minister suggests, one is committing a breach. In fact, one will have to go into a caravan park.

What does the Minister suggest I do when I cannot get into a caravan park? Having tried to get in at Broome, and being unsuccessful, do I have to head for Sandfire Flats 320 kilometres away at six o'clock at night in order to get into a caravan park?

It is all very well to force people to use caravan parks, but it is not very good when one gets to such a park and asks for a spot and is told, "Sorry, you cannot come in." Am I supposed to drive 14 kilometres out of town and park on the side of the road?

Quite frankly, I believe before the by-laws are brought down, the Minister should extend the courtesy to those clubs which have shown an interest in this matter, but which have been ignored—if they have not been ignored I will take up this question with the executive of the clubs—and give them a copy of the by-laws to be brought down.

Mrs CRAIG: At the risk of tedious repetition, I again indicate that the spokesman for the caravan clubs has been consulted and has seen what the by-laws contain. At the time, the by-laws were probably called model by-laws. I regret very much that the member for Swan indicates that person is incompetent, because as the member is appointed as the spokesman for those clubs I believe it is a matter for the member for Swan to take up with the other people who are interested in caravanning and who belong to clubs.

I do not think uniform by-laws will overcome the problem of overcrowding in caravan parks; but I am sure that at the height of the tourist season most caravan park owners—whether they be local government authorities or persons in private enterprise—will administer flexibly the rules of caravan parks. I am sure they will do their best to please everyone.

The member for Swan also asked what he should do if he could not get into a caravan park. I suggest he should go the 14 kilometres out of town and park on the side of the road, which he has been objecting to because he is not allowed to do so. This is a matter which has been causing concern for some time. It is an effort to get uniformity in the manner in which caravan parks are administered.

The member for Swan has indicated there is a health problem with some caravan parks. This Bill is an attempt to overcome that problem and the many other problems which have arisen. I

repeat: the model by-laws have been examined. I regret they have not been examined by the person who reported to the member for Swan; but I am sure he will be able to rectify that matter. If the member for Swan is unable to rectify the matter he will have ample opportunity to the peruse by-laws when they are tabled in the Chamber.

Mr SKIDMORE: Again I request that some effort be made to make the draft by-laws—apparently they are to be subject to scrutiny by the Health Department—available to members of Parliament, in particular myself, so we may take them away and discuss them with the groups concerned to see whether we believe they are satisfactory. Surely this is not too hard to do. These groups are not about to bring the Government down at the next election. They will not cause an international scene between Kruschev, Mr Fraser, the President of the United States, or anyone else. This may lead to open government which this Government says it is all for.

I ask the Minister to make the by-laws available or to give me an assurance that the representative of the clubs is in possession of a copy of the proposed by-laws.

Mrs CRAIG: I do not know whether the representative of the groups has a copy of these by-laws and I suggest the member for Swan asks so as to find out. I know 138 local authorities were circulated with a copy of the by-laws by the Local Government Association; so the by-laws have been fairly generally circulated. Those persons who represent the member for Swan in local government will be able to discuss with him the matters that are contained within those by-laws.

Mr Skidmore: I have difficulty with my local representative.

Mrs CRAIG: That is a problem for the member for Swan. I remind him that he is representing the side of the Chamber which is abusing me because I have an alleged paternalistic attitude towards local government.

Point of Order

Mr SKIDMORE: At no time in my address did I refer to the Minister's paternal or maternal attitude. I request she withdraw her remarks as they relate to me.

The DEPUTY CHAIRMAN (Mr Watt): There is no point of order.

Committee Resumed

Mrs CRAIG: I can only also indicate to the member for Swan that I will ask tomorrow whether there is a copy of the draft by-laws which was previously circulated to see if I am able to hand him a copy in order that he may examine them and find out just what is contained in them before they are promulgated.

The point seems to have been missed by the member for Swan that the interdepartmental committee which examined this matter in great depth comprised representatives from the Department of Tourism, the Public Health Department, the Lands Department, the Department of Local Government, and the Department of Industrial Development. That being so, the suggestion that something strange was to be trumped up by the Public Health Department cannot be sustained. There has been consultation.

Clause put and passed.

Clauses 6 to 17 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 Mrs Craig (Minister for Local Government), and transmitted to the Council.

LEGAL AID COMMISSION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Neil (Deputy Premier), read a first time.

Second Reading

Leave granted to proceed forthwith to the second reading.

MR O'NEIL (East Melville—Deputy Premier) [8.25 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill are the result of two matters which were raised with the Government by the Legal Aid Commission.

The first of these matters relates to the problem of obtaining a quorum at meetings of legal aid committees and review committees. At present there are four legal aid committees. The Act

indicates that members must be appointed to a particular legal aid or review committee.

This means that a person appointed to one legal aid committee or review committee can function and deal only with matters that arise at meetings of the particular committee of which he is a member, and not another committee, which may have the same name and function.

Legal Aid committees decide—*inter alia*—whether to grant or refuse applications for legal aid that are referred to them.

One of the main functions of review committees is to review applications for legal aid which have been either refused or approved, subject to a condition, for example, that the client must pay a certain amount towards the cost of any action which is taken.

It is often necessary for a legal aid committee to meet at relatively short notice to consider an application for aid. It is proposed that the director will be able to appoint a member or members of one legal aid committee to attend a meeting of another such committee for the purpose of constituting a quorum.

The appointment would be only for cases where there is difficulty in obtaining a quorum for a particular meeting and the appointment would be in writing under the hand of the director.

In the case of review committee meetings, the same procedure would be followed, except that the proportion of legal practitioners to lay persons on the committee would be retained. In the case of legal aid committees this problem does not arise, as all members of the committees are legal practitioners.

The second proposal relates to section 64 of the principal Act, which contains the secrecy provisions.

This section prevents the commission or any member of its staff or committees from making public any information which comes to it or them in the course of its or their duties.

These provisions are, of course, necessary and there is no intention to remove them from the Act. At the same time, however, the commission considers that as presently framed they are unnecessarily restrictive and go beyond what would normally be regarded as the confidentiality aspect of the solicitor-client relationship.

Since the commission was established, there have been several cases reported and publicised by the media which give only one side of the story of a particular legal aid application. The commission was often aware that the information publicised gave an unbalanced picture, but it was not in a position to answer any allegations at all because of the provisions of section 64.

It is therefore proposed under this Bill to provide that the Director of Legal Aid may disclose any "administrative information" to any person.

A definition of "administrative information" has been included, which covers points such as the date on which an application for legal aid was made, whether the application has been granted, whether an approved application has been granted subject to any conditions, and the name of the practitioner who has provided or will provide the legal aid concerned.

The Bill does not provide that this sort of information will necessarily be given; it merely enables the Director of Legal Aid to give it if he considers that appropriate.

Other information outside the definition of "administrative information" can be disclosed only by the Director of Legal Aid with the approval of the chairman or the commission itself; and, even then, such disclosure could be made only if the person to whom that information relates has consented to waive legal professional privilege, or if the disclosure of the information is necessary to correct or refute a statement made by that person.

As the law stands at present, the commission and its staff cannot divulge any information concerning an application for legal aid to another party. This is regardless of the fact that an applicant may authorise another person to be given the information requested. In other words, the prohibition on the commission releasing information concerning applications is absolute.

Members of this Parliament who have corresponded with the Attorney General from time to time about particular legal aid applications would be aware that he is not in a position to obtain information from the commission because of the present provisions. If an applicant for legal aid wishes to make representations concerning his application through his local member of Parliament and authorise him to obtain information, then it is considered the commission should be in a position to supply it.

It is emphasised that the amendment proposed does not give the Attorney General any power to overrule a decision given by the commission. That is a function which is with the commission at present and will remain so.

In essence, the amendment will permit the Legal Aid Commission in appropriate cases to

provide information on which the decision to give or deny legal aid was based.

It is considered that the proposals will overcome problems which have recently arisen and I commend the Bill to the House.

Debate adjourned, on motion by Mr Grill.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading: Budget Debate

Debate resumed from the 18th October.

MR McPHARLIN (Mt. Marshall) [8.31 p.m.]: It is with some degree of satisfaction and approval that one notes the measures brought forward by the Government in the Budget.

I wish to refer particularly to the matter of death duties. In the Treasurer's presentation of the Financial Statement he made it quite clear that as from the 1st January next there will be no death duty payable in Western Australia. This matter meets with the approval of most people in Western Australia, but in particular those in the agricultural areas. These people have had some difficulty in the past with regard to the settlement of probate on their estates. It was a great burden to people who owned properties because land values increased. The burden of probate was something all of us wanted removed.

The removal of probate has been of great benefit not only to primary producers and the agricultural industry but also of course to all people who own property in this State.

This matter has been the subject of lengthy debate over the years because of opposition from various sections. At one stage the Government was rather reluctant to go ahead with the matter but it was approved and now it has been finally provided for in the Appropriation Bill (Consolidated Revenue Fund) this year.

It is also commendable that there has been some adjustment to the pay-roll tax issue. It has been announced that there is to be an increase in the upper limit of the assessment and this action will benefit a considerable number of small businesses. It is certainly a move in the right direction and one that is receiving the applause of most people who are affected by it.

The Treasurer has said pay-roll tax is something he will keep in mind and proposes to have it examined further. It is hoped that in time this is another tax that can be ajusted in a way to give far greater relief than is done at the present time. All Governments in Australia regard it as an iniquitous tax because it does not take into account the ability of a business to pay. If a business qualifies to pay tax it must pay it. It is one of those taxes which all Governments would like to replace with a more equitable system and, of course, having had the tax for so many years it is rather difficult to introduce another to replace it because of the volume of income that it attracts. It is desirable that a continual review be made in an endeavour to alleviate this iniquitous tax. Then, if it is necessary to replace the tax with a more equitable one perhaps it could be a taxing measure which is spread over a far greater section of the community.

I refer now to the seasonal conditions which have caused a great deal of anxiety, unrest, and concern in the areas affected by the drought. In some areas this is the fourth consecutive year and in others it is the third in four that farmers have experienced drought.

I am holding a cutting from *The West Australian* of the 5th September which says the Government announced it was freezing drought debts and that farmers who had incurred these debts will not have to repay their loans until the 31st December, 1984; with no interest charged during that period. This applies to farmers who are facing their third or fourth consecutive year of drought.

That raises a question that if a farming community suffered two years of drought—and some have—and then have an average year which was not a drought year, and then suffered a third drought period—that is not three consecutive droughts—would it qualify to obtain this moratorium announced by the Government?

The National Party applauds the action taken by the Government. It will give these people encouragement to carry on because they have reached the point of desperation in many cases. I have been informed that it is also the policy of banks and hire-purchase companies to endeavour to keep farmers on the land. This is very necessary because if it is not done I just wonder what will happen to the properties. The banks and hire-purchase companies would not know what to do with them. Therefore, it is essential to keep farmers on their land and it is the responsibility of the lending institutions and the Government to help farmers until such time as the seasons change.

The West Australian of the 5th September mentioned the Farmers' Debts Adjustment Act which was operating in the 1930s. We do not have that any longer but we do have the Rural Adjustment Authority and drought relief loans through which a great deal of assistance is given.

On the 11th October the *Western Farmer*, under the headline, "State drought aid to get a big boost", stated the following—

> The Premier is going to announce a revamped drought aid project which could involve more than $20 million in State and Federal funds within the next two weeks.

I, like many others, am looking forward to that announcement. This aid will apply to farmers who are in a hopeless financial situation. They will need increased amounts of loans to carry through a worth-while cropping programme for the next season.

I have here a number of samples of oats to display to the House. Mr Speaker, you will no doubt be familiar with this sample I am holding up; it is from your property. This sample demonstrates how well oats can grow when they receive a decent rainfall.

Mr Watt: How tall would you say it is?

Mr McPHARLIN: It is 4 ft. 6 in., maybe 5 ft. This sample I am holding up now is an example of a crop from a good season.

However, to illustrate to the House the effect of the drought, I will hold up the other sample.

Mr Watt: How tall is that?

Mr McPHARLIN: It is 6 in. to 8 in. tall. This is taken from a crop sown in the Dalwallinu area. There are thousands upon thousands of acres of crop like this, and in many cases some are worse. This shows how essential rain is. Crops were well planted and well cultivated and were planted on land which usually yields 25 to 26 bushels or more of oats per acre. Sheep could devour this crop in no time and the remainder could be blown away. I am told in other areas the situation is much worse. I felt this was an appropriate time to illustrate with these oats the result of the drought in this State.

The drought situation, of course, is reflected throughout many of the agricultural districts. The incomes of farmers will be cut drastically and of course the income of the State will suffer also. However, in some areas there is no drought at all and yields will be very good. Overall, the yield this year is lower than was anticipated earlier.

I now come to a matter which has been referred to previously and has been the subject of discussion in this State. A few months ago a commissioner from the Land Bank Commission in Saskatchewan in Canada visited Western Australia at the invitation of Rural Youth. The purpose of his visit was to explain in detail the operations of the Land Bank Commission. I understand the Department of Agriculture is examining the proposals and the Bureau of Agricultural Economics is analysing them to see whether it can come up with any recommendations.

I have in front of me documents which explain the purpose and function of the Land Bank Commission. It has been operating in Saskatchewan since 1972, and its purpose is to provide an alternative for farmers who do not wish to commit themselves to a lifetime of capital investment in land and facilities. It enables family farms to be transferred from generation to generation, and it offers long-term leases to those who wish to sell their land but retain control of it. It offers land under long-term secured lease to individuals who have the desire and the practical ability to begin farming but do not have substantial family assistance. It establishes family farm units for those who require additional land and offers a lease-back arrangement to those who wish to sell all or part of their land, freeing capital for other purposes. It has a counselling service, consisting of a number of councillors, to assist people in administrative matters.

Young people who wish to continue in a farming operation or to establish a farm of their own can take advantage of a lease-purchase arrangement whereby they lease the land for a period and then purchase the property under an agreement. These days many young people with a farming background wish to continue in the farming industry and there is no way in which they can obtain the finance to purchase land of their own. With the increasing costs of operations, machinery, and so on, it becomes more and more difficult for young people to become involved in farming.

I also have with me a report of the Division of Land Resources Management of the CSIRO which has made an inquiry into the operations of the Saskatchewan Land Bank Commission and believes it to be the most sophisticated agricultural land administration system in the world.

This is a system which I think we in Western Australia should investigate. It would require a substantial amount of finance which, of course, would have to be provided from Government sources, but I believe it would provide an excellent opportunity not only for young people who wish to

take up farming but also for farmers who may wish to sell their land and have it re-leased for purchase by their descendants. It is one of the features of the scheme that it keeps the land in the farming family over many years. The commission can assist to assemble the land and establish an economic unit, making it possible for those with limited financial resources to begin farming.

The scheme has much in its favour and could be introduced in a State like Western Australia. The commission negotiates purchase prices and leasing figures, and does not purchase land if the price is too high. This is a measure which would be approved by many people in the farming community. It provides a method of keeping the farming industry going and offers young people, in particular, the opportunity to stay in the industry and continue in the work to which they are dedicated.

I believe the Government would be well advised to give serious consideration to the establishment of a system such as this in Western Australia. It could be administered by Western Australians, without relying in any way on the Federal Government; and in any case, I would not want to see other States involved in it. That type of administration has a tremendous amount in its favour.

The question might be asked: What could be done in a situation such as the present drought? The commission would have to examine the affected farms and could probably assist farmers who through no fault of their own have run into serious financial difficulty and would be heartbroken to have to leave their properties and the industry. At the present time many farmers are in a desperate situation and would like to be able to take advantage of a scheme of that nature.

Some aspects of the five-year repayment holiday need further clarification. When the Premier announces the further drought measures I hope he will spell out in detail the action farmers must take to obtain the benefits of the proposals which come forward. The drought situation is very serious for the farming industry and we must have regard for the despair and anxiety it causes. We should be above indulging in petty criticism and making Press statements about what members may or may not have said. The matter is too urgent and too important for that sort of thing.

I might mention that I own a farming property which has experienced three droughts in four years. There is nothing like personal experience to teach one how serious the situation is. I have often made reference to the need for the Government to provide a moratorium or to give consideration to waiving interest rates, and I note that the Minister for Agriculture has made a scathing comment about a Press statement I was supposed to have made claiming credit for the Government's initiatives. I have made no such claim. I have said I applaud the Government's drought assistance measures and many times over the years I have suggested action the Government could take to assist farmers.

I now want to refer to another type of natural disaster which has affected my electorate; that is, earthquakes. Members will recall the earthquake in October, 1968, which affected the town of Meckering and surrounding areas and caused a great deal of concern to the people living there. The magnitude of that earthquake was seven on the open-ended Richter scale. It wrecked the town of Meckering and caused some injuries but fortunately no deaths occurred. At the time we did not expect to have any further earthquakes in the future, but I have with me a report which indicates that from the 3rd October to the 30th November, 1968, there were 31 earth tremors and earthquakes of varying magnitude in the Meckering area. People who do not live in the area do not notice them.

We helped the people when we could and put the matter out of our minds until the 2nd June this year. On my farming property on that day we heard the noise of the earthquake which hit the township of Cadoux and wrecked it.

Again, fortunately, no-one was killed; but some people sustained injuries.

I went to the area as soon as I received a report of what happened. I spoke to people who were, of course, in a state of shock. That earthquake measured 6.2 on the Richter scale, and it damaged homes and buildings. Roads were lifted in places and cracked, and the railway line was buckled. The main rift was on a 12-kilometre scarp, where land was lifted and moved in several directions.

I visited many people in the company of the Deputy Premier when he arrived to carry out an inspection. We spoke to many whose homes were wrecked. As the Deputy Premier would be aware, the people were still shocked and upset when we spoke to them; however, they appreciated the fact that he and others called upon them to offer assistance.

I want to pay tribute to the services which arrived on the scene. Water supply workers, Telecom workers and shire workers arrived as quickly as possible to repair the damage within

their jurisdiction. The people were most appreciative of the action they took.

Since then a relief fund has been established and a committee appointed to administer it. Assistance has been provided also by the Lord Mayor's appeal fund committee. I was a member of a committee which worked with the shire council to administer the relief fund. It has now been finalised, and in all 15 persons received assistance. Some have now rebuilt their homes; one person either is moving into a new home this week, or has already done so. Another home is almost completed.

Again, these people have shown the spirit of farming communities in the face of adversity. It takes more than an earthquake to move them. They are rebuilding their homesteads on their farms, and a rebuilding programme is being carried out in the town itself.

Only a week or so ago—on the 11th October—another earthquake occurred which had its epicentre near Cadoux.

All this illustrates that we now must accept that Western Australia has an earthquake fault zone, and we cannot be free of it. Earthquakes have become too prevalent to be ignored, and we must accept that parts of Western Australia are earthquake prone. We must be prepared to accept that more earthquakes will occur in the future, and more damage will be done to some of our towns.

The damage done by the earthquake on the 2nd June affected not only houses and buildings, but also water supplies on farming properties. Timber framed houses and weatherboard buildings withstood the earthquake well, while brick and tile houses suffered the most damage. The earthquake broke water lines and damaged tanks. It also damaged the comprehensive water supply main tank of two million gallon capacity just outside Cadoux. A smaller tank has been provided to cope with the present requirements; but the large tank has not yet been repaired and some shortage of water may occur in the summer period.

We must accept that this is a natural disaster phenomenon which may affect country areas. I suggest we should not be too complacent about tremors and quakes extending a little further than they have at present. We hope this will not happen, but we must accept that we are not isolated from earthquakes. We hear about earthquakes in other parts of the world which do great damage and cause a great number of deaths and a great deal of injury. We have been most fortunate so far, but I think we should not be too complacent, and should look to the future with some apprehension, knowing that earthquakes will occur again.

So, some country areas suffer not only from the natural disaster of drought, but also from the natural disaster of earthquakes. This makes us appreciate the quality, substance, and spirit of the people who are affected. It is a tribute to them that they are prepared to take such disasters as they come, and to carry on. I am glad to see that the Government was quick to offer assistance to people affected by the earthquake. It is always encouraging to know how quickly the State Emergency Service can provide help in an emergency, and how quickly the Government can ascertain what assistance is required.

I wish to raise another matter I consider to be of major importance. I have raised it previously in this House, and I will do so again. I refer to the problem of increasing salinity throughout the State. I will continue to refer to this matter and to press for the co-operation of all involved in an endeavour to find a solution to a problem which all of us want to see resolved.

The matter of increasing salinity is of great concern to many farmers. Of course, increasing salinity in the catchment areas of dams and reservoirs is causing each of us a great deal of concern. At every possible opportunity I visit farmers' properties to inspect methods they have applied to try to prevent salinity from increasing, and to try to reclaim salt-affected land. I have visited many properties to see what has been done. Only last week on Saturday morning I inspected a bank installed at the foot of a sand plain slope, which is diverting the flow of water away from a flat area and into a lake.

If any member wants to see proof that the system of placing banks in a certain manner helps in checking salinity, my car is available to take him to inspect installations which are there for anybody to see. A farmer has given me an open invitation to take members at any time to see what has been done on his property. He has a mile-long bank, which he proposes to extend by another mile. The bank is very effective and is doing exactly what he wants it to do: it is preventing waterlogging and the encroachment of salt.

His land is now slowly coming back into production—it is a slow process—and he is so satisfied that he intends to extend the bank a great deal further. He is just one of many, many farmers who have applied this system and are satisfied that it works.

This brings me to the matter of water catchment areas in the south-west. As members are aware, I have a motion on the notice paper which refers to the interceptor bank system. It should be possible to prove whether the system works in water catchment areas of the south-west, in an endeavour to reach a satisfactory solution to the problems that we know exist. The interceptor bank system should be given a fair trial to see whether it works. I am convinced that it does work, and so are many farmers who have installed banks and are now prepared to install many, many more miles of them.

I have visited executive members of the Farmers' Union to ascertain their attitude towards endeavouring to obtain Government support for a full-scale trial to prove whether the interceptor bank system works. The union advised me that it is in full support of a trial being carried out in any catchment area which will enable a fair trial to be held. The system could be checked thoroughly to prove whether it works. That is the logic behind my aim. I would like the system to be tested in an endeavour to prove that it does not work; as a matter of fact, that has never been proven and it is well known that it does work.

I made an approach to the Pastoralists and Graziers Association asking its policy in respect of endeavouring to control salinity. I received a letter in reply which said the association would support any system that would assist in reducing salinity in water supplies. It said it hoped co-operation would occur between those people engaged in endeavouring to overcome salinity problems. That is what we all want to see: the control of salt encroachment and a reduction of the salinity of our water supplies.

Nothing I have said denies that clearing land adds to the problem of salinity; but I believe it can be alleviated by a common-sense approach to the problem, with farmers in co-operation with the Department of Agriculture and the Public Works Department. I believe a solution can be found in a co-ordination of clearing and banking systems.

I hope we can have co-operation from all those involved so that we can work and get together on these issues and co-ordinate all those measures which have been described. The problem is so urgent we need everyone to pull together in order to overcome it.

I seek your permission, Mr Speaker, to table these samples of drought-affected oats and oats grown on your own property in Kalamunda.

The SPEAKER: We have had chickens, bread, and milk tabled, so I see no reason that this very fine stand of oats should not be tabled also.

Mr McPHARLIN: I presume that applies also to the drought-affected sample?

The SPEAKER: Both samples may be placed on the Table of the House for the balance of today's sitting.

Mr McPHARLIN: I hope members will take a close look at the samples as this will enable them to see what drought conditions can do. It is not a matter of bad farming, or crops not being cultivated properly; it is a matter of no rain.

The samples were tabled.

MR HODGE (Melville) [9.17 p.m.]: In this Chamber on Tuesday, the 21st March, 1978, I raised the question of the very unsatisfactory situation that had been allowed to develop over the past 15 years with respect to the practice and registration of chiropractors in Western Australia. At the time I was naive enough to think that if I presented a rational, factual, and well-documented argument to Parliament someone might take notice and possibly take some action.

Mr Laurance: Hope springs eternal.

Mr HODGE: I was disillusioned, but I am not prepared to give up and I shall try again tonight. We do have a different Minister now and I am hoping he may be more prepared to listen.

Recently, the Minister for Health did announce some changes were to be made to these laws. Approximately 18 months after I raised the matter in the House and brought it to the attention of his predecessor, and some 15 years after the Act was passed by this Parliament, the Act is apparently to be amended for the first time. The long-awaited announcement that many people hoped would result in a whole new deal for the public of Western Australia and the chiropractic profession unfortunately was a complete flop. The proposed amendments, as with so many other amendments introduced by this Government, are merely window dressing. The so-called changes are superficial and cosmetic. I had hoped the Government would take notice of recommendations contained in the Webb report, but I will get onto that in a moment.

The changes announced, if they do anything, will only aggravate the situation. They will consolidate the grip the foreign trained practitioners have on the profession and the registration board in this State. My pleas to the Government for the reform of the registration board have been ignored. The pleas of the United

Chiropractors' Association also have been ignored. The pleas of the public presented by way of parliamentary petitions also have been ignored.

The Minister and the Cabinet have apparently accepted the advice of the registration board. The board has been dominated by foreign trained practitioners for the past 15 years, since its inception. In my opinion, the Government has been deceived and duped by the board.

Some months ago, the Government appointed a committee of Liberal Party back-benchers to investigate the chiropractic matter. I do not know what the results of that committee's deliberations were. I know the committee deliberated for many months. I know it had a number of meetings with various chiropractors and chiropractic organisations; but I do not know what it recommended to the Government. I do not know whether its recommendations were accepted by the Minister. In the Minister's recent Press statement he referred only to the recommendations made by the board. I am therefore assuming he has ignored the advice of his own Liberal Party back-bench committee. Perhaps I should not feel quite so badly about his ignoring my advice when he does not listen to his own party members. Perhaps I cannot expect him to listen to me.

Mr Young: What made you assume that?

Mr HODGE: I credited the committee members with more intelligence and impartiality than the board.

Mr Young: In other words, if they agree with you they are intelligent.

Mr HODGE: Did they make any recommendations?

Mr Young: Yes.

Mr HODGE: Did the Minister accept them?

Mr Young: In the main.

Mr HODGE: The Minister did not say that in his Press statement.

Mr Young: Are you going to say what I should be putting in my Press statements? The fact that I did not mention that in my Press statement has nothing to do with you.

Mr HODGE: I am interested in what the Minister has to say.

Mr Young: You make assumptions and then you want to make stupid speeches.

Mr HODGE: I believe the Minister has been duped by the board and if he allows me to develop my argument he may learn something.

The Chiropractors Act was passed by this Parliament in 1964 amid a great deal of controversy. A Royal Commission studied the matter between 1959 and 1961. Since that time, the matter has been virtually ignored by successive Governments.

The profession and the board in this State have been dominated over the past 15 years by the American trained group. Its members belong in the main to the Australian Chiropractors' Association. The Australian trained chiropractors in the main belong to the United Chiropractors' Association. In Western Australia, only one group is represented on the registration board; that is, the ACA. The UCA is not represented. In fact, the ACA is mentioned in the Act.

I do not know how the ACA convinced the Government of the day in 1964 that that association should be the chosen one; that it should be the only one represented on the board. But it did this and it has certainly taken advantage of the situation. It has worked very diligently to entrench itself and get a cast-iron grip on the profession and on the board in this State.

Its members have a very lucrative monopoly in a closed shop situation. This Government is concerned with closed shops and is trying to do something about this situation in certain other fields. Apparently, the Government condones the practice in this field.

Some of these chiropractors in Western Australia have very lucrative practices. I understand some are earning in excess of $250 000 a year. A chiropractor is reported in this evening's paper—the article relates to a matter you raised, Mr Speaker, about an American religious sect—as having worked in Western Australia as a locum chiropractor. He was registered with the board and was earning $1 000 a week whilst operating in a clinic in Victoria Park.

Mr Bertram: Earning or receiving?

Mr HODGE: Receiving would be the best term. I have received numerous allegations from members of the public about the sort of treatment they get for the exorbitant charges made by these American trained people. I have had allegations made to me about treatment lasting from 1½ to three minutes with exorbitant fees being levied. These men would not be earning $250 000 a year if they were not giving the absolute minimum treatment to the thousands of Western Australians who go through their hands every day.

Mr MacKinnon: Do you have any proof that they earn $250 000? You should be careful of what you say.

Mr HODGE: I do not have to be careful. I am prepared to say what I believe is the truth and if the member for Murdoch wishes to contradict me he should get to his feet and make a speech.

Mr Williams: Try to be factual.

Mr HODGE: The article in this evening's paper indicated that the person to whom I referred received $1 000 a week.

Mr Williams: That is a big difference from $250 000.

Mr HODGE: I became aware of the unsatisfactory position in this State not long after I was elected to Parliament, when a constituent in my area complained to me that after studying for four years with the UCA college in South Australia and coming to Western Australia, his application to be registered was denied by the board. His application was rejected by the secretary of the board without it ever being presented to the board. The registrar of the board returned his application form and his unbanked cheque and told him the board did not register Australian trained chiropractors. I took the matter up for this man and the more I studied the matter the more concerned I became.

Mr Young: You do admit that Melbourne is a part of Australia?

Mr HODGE: Of course.

Mr Young: The Bill includes the Melbourne college.

Mr HODGE: I realise that.

Mr Young: I know we are being parochial.

Mr HODGE: The Minister should listen to what I have to say. The board has adopted the standards of the ACA. The only persons considered to be qualified for registration are those who have trained overseas. Those trained in Australia are automatically rejected. This is the standard ACA line and the line adopted by the board.

In reply to a question I asked the Minister for Health recently, I was informed there were 110 registered chiropractors in this State. Out of that 110, 102 were trained in foreign countries. The other eight were registered under the provisions of the grandfather clause in the Act. That is a disgraceful situation and something about which the Minister and the Government cannot be proud.

The board has automatically registered applicants from the United States who have never set foot in Western Australia or Australia. Many of them are still residents of the United States or other countries. Recently, we have had quite an influx of Rhodesians applying to be registered whilst still residing overseas.

The board could not or would not tell me precisely how many chiropractors live outside the State, but I estimate the figure would be between 58 and 68. There have been graduates from about 10 overseas colleges registered in Western Australia. In correspondence I have had with Professor Webb, the Chairman of the Federal Government Inquiry into Chiropractic, he advised he had considerable reservations about the number of overseas colleges from which the Western Australian board has registered applicants.

One of the major colleges in the United States is the Palmer college which has been named in our rules for the past 15 years and is used as a standard in this State. In addition to Professor Webb's reservations, the 1959 Western Australian Royal Commission also had reservations. This applies also to the Victorian and New South Wales committees of inquiry. All have expressed doubts about the suitability of American colleges.

I shall quote from pages 34 and 35 of the Webb report as follows—

> Daniel Palmer founded the Palmer School of Chiropractic in the year of his discovery (1895). Ralph Lee Smith (1969) describes the financial status of the course of studies:
>
> > The course ran for three months: the student learnt how to adjust spines, and got a quick medical education from Dr Pierce's Family Medical Adviser. The Palmer School began with a tuition fee of $500, dropped it to $300, then raised it to $450 with a $50 discount for cash. The only admission required was the ability to pay the fee.
>
> The School was carried on successively by his son B. J. Palmer (who purchased it from his father after the latter was released from jail after his conviction for practising medicine without a licence), and his grandson David Daniel Palmer, who upgraded it to the Palmer College.
>
> B. J. Palmer had very little schooling. On his own admission he was 'kicked from home' at the age of eleven, began practising chiropractic at the age of twelve, and described his educational standards as common sense and good judgement. It is difficult to appreciate that later he was a voluminous writer and author of chiropractic texts.

> He was a person of domineering, some would say obnoxious, personality with a strong innate commercial sense and capacity. Ralph Lee Smith (1969) speaks of his immense personal success and wide diffusion of the cult. He quotes B. J. Palmer as saying: 'Our school is on a business not a professional basis. We manufacture chiropractors'. He conducted a brisk mail order business selling chiropractor adjustment tables, miniature spine sections and 'portraits of B. J. Palmer'. He lengthened the course to nine months and established a correspondence course leading to a Doctor of Chiropractic. The degree was made available to those who could not attend in person. B. J. Palmer's success stimulated the establishment of other chiropractic educational institutions. Ralph Lee Smith estimates that as many as 600 chiropractic schools have existed in the United States, 'many of them fly-by-night operations, manufacturing chiropractors in shabby rooms or lofts or granting degrees by mail'.

That gives Parliament some idea of the situation in regard to the American colleges.

Mr Young: It gives us an impression of the Palmer college in the early days. It has changed since then.

Mr HODGE: The Palmer college has certainly been upgraded and it has come a long way since those days.

Mr Young: What does he say about the modern Palmer college?

Mr HODGE: I do not believe Professor Webb is particularly enraptured with it. He certainly said it was not as good as some of the other American colleges he visited. I believe he thought it was passable with a push.

Mr Young: Why do you choose to go back over that archaic history of what was obviously a fairly basic beginning?

Mr HODGE: I am quoting from the Webb report.

Mr Young: You are fairly selective, aren't you?

Mr HODGE: I will quote at length from the report—

Mr Young: But you are not prepared to quote what is said about the modern Palmer college.

Mr HODGE: I cannot put my finger on the reference at the moment.

Mr Young: It is funny how you picked that bit.

Mr HODGE: I do not agree with the Minister. I selected that quotation to make a point which was that many of the American colleges are not the be-all and end-all.

Mr Young: What did he say about the Victorian and New South Wales colleges?

Mr HODGE: I will get on to that in a moment. A comment on the more modern Palmer college may be found in the *Daily News* of Thurdsay, the 9th November, 1978, where the following statement is made—

> Chiro: I helped cheats
>
> WELLINGTON, Today: A Washington chiropractor said he had helped college students cheat to obtain qualifications. Dr Peter J. Modde told a New Zealand Government inquiry he had helped about 200 students hoodwink examiners at the Palmer College of Chiropractic by using "hand signals" in the examination room.

Mr Young: The allegation has been made that that has been going on for years in Western Australian.

Mr HODGE: That may be so; but the Minister wanted some information about the modern Palmer college. To continue—

> He alleged the misuse of X-rays by some American chiropractors.

That statement was made to a committee of inquiry set up by the New Zealand Government. The Minister may believe it if he wants to.

At one stage during the 1960s the Palmer college had a 2 000-hour course only which could be completed in 18 months. I am told that some of the chiropractors registered in Western Australia at the moment did only the 18-month course. The American Council of Chiropractic Education, which the board in this State uses as a guide for registration, only began accrediting chiropractic colleges in the USA in 1975 and it is not recognised in 10 of the States of the USA, and yet the board in Western Australia recognises it and takes notice of it.

In his report Professor Webb cautioned strongly against using foreign standards for Australian-trained chiropractors. On page 166 of his report Professor Webb says—

> The Committee of Inquiry are strongly of the view that registration of practitioners in Australia ought not to be linked to a foreign accreditation over which there is no Australian control.

That is rather clear and concise.

A number of inquiries into chiropractic have been conducted in Australia. We had the Teece report which was commissioned by a Liberal

Government in New South Wales. There was also a Victorian Government inquiry. However, the most authoritative report is the one from which I have been quoting, which is the Webb report. Almost every State of Australia except this State has implemented the major recommendations of the Webb report. The Minister claims the Webb report has been studied in this State since 1977. Finally, when the Minister announced some changes, almost all of them contradicted directly all the major recommendations of the Webb report. Almost every point the Minister has announced is contradictory to what was recommended by Professor Webb.

I do not know who advised the Minister. He said he accepted the recommendations of the Liberal Party committee. He said in his Press statement that he accepted the recommendations of the board. He certainly did not consult Australia's major chiropractic organisation, the United Chiropractors' Association. I know the Minister has turned down requests for an audience from the Federal and State presidents of that association so they can put their points of view before him. He has refused completely to meet either of them.

Mr MacKinnon: Our committee requested that association to provide a draft copy of what it wanted. We have never received that and we made the request months ago.

Mr HODGE: The association has worked diligently to prepare amendments for the governmental committee. The amendments are ready now and a great deal of work has been put into their preparation. If the committee still wants to see them it may do so, but it appears as if it is too late.

Members will appreciate after reading the suggestions put forward by this group why they took a considerable period of time to prepare it, because it was necessary practically to rewrite the Act. Volunteers and amateurs have worked for many hundreds of hours on the matter. When members see what has been prepared, they will realise a very thorough job has been performed.

Mr Young: In answer to your allegation that I flatly denied wanting to see the Federal and State presidents of the association, I should like to point out that my secretary is currently working out a time for me to see them. They specified the only day suitable for them to see me was a Friday.

Mr HODGE: It does not have to be Friday, but that is more convenient.

Mr Young: We are working on arranging an appointment.

Mr HODGE: I am pleased to hear the Minister's comment. I said he flatly refused to see the presidents, because the very latest information I had was that that was the case. The Minister's secretary had said the Minister would not see the Federal and State presidents because he was too busy. No offer of an alternative date was made and no negotiations took place. I am very pleased if the Minister has had a change of heart since then.

The Minister announced some changes to the rules and to the Act. Two of the changes he has announced are very good amendments and long overdue. The fact that the Minister will provide an avenue of appeal from board decisions to a magistrate is most appropriate and I have been asking for such provisions for the past couple of years. I stressed this matter at great length in my previous speech and I am pleased the Minister has accepted my suggestion. Such a provision should have been contained in the Act all along and it was grossly deficient in omitting such a measure.

It is a great step in the right direction that the board will report to the Minister. In my previous speech I pointed out the board had been left to run itself. It did not report to Parliament or the Minister. It was not subject to the Auditor General or the Ombudsman. The board was to run its own little show and it was a magic circle club. I am pleased that in the future the board will report to the Minister. I take it the Minister will then table the report in Parliament and that he will not just keep it to himself.

I believe there should be much closer links between the Public Health Department and the board. In fact I believe the Commissioner of Public Health, or his representative, should be the chairman of the board, or at least a member of it. The other major changes to the rules of the board are the abolition of the foreign colleges and the substitution of the International College in Victoria. There is an increase in the penalty for the illegal use of the title "chiropractor" and there is recognition of a body known as the "Australian Council of Chiropractic Education".

No basic change has been made to the Act apart from the provision of an avenue of appeal. There has been no change in the composition of the board, which is a major stumbling block. There has been no recognition of Australia's largest and longest-established chiropractic college, the Sydney College of Chiropractic.

I wish to quote from pages 129 and 130 of the Webb report in relation to representation of the two major associations on the board. The relevant comments read as follows—

> The committee recommends that a Registration Board be established under the Manipulative Therapists (Chiropractors and Osteopaths) Registration Act and that it should be composed in the majority of competent practitioners. It considers also that these should be Ministerial appointments and not defined in the Act as representing organisations. However, it is suggested that these representatives should be drawn in balanced proportions from lists submitted by the major responsible professional organisations*.
>
> * In regard to chiropractic, the Committee suggests that the two responsible organisations are the Australian Chiropractors' Association and the United Chiropractors' Association of Australasia.

I hope the Minister is listening to me. Professor Webb's recommendation is that the board should be balanced and representative of the two major groups, the ACA and the UCA. The situation proposed by the Minister is precisely the reverse. One group is represented on the board and the other group is ignored.

The next change proposes to take out the American colleges which have become an embarrassment to the Government and the board, and put in the International College in Victoria. The Minister was very anxious for me to talk about the International College earlier.

I should like firstly to refer to the Sydney college. The Minister has ignored that. It is Australia's longest-established college. It is probably the most reputable college in the country. On page 131 of the Webb report the following statement appears—

> Chiropractors with qualifications from the major overseas institutions, particularly in North America, and the two better institutions in Australia (the Sydney College of Chiropractic and the Chiropractic College of Australasia) will probably be found acceptable for initial unconditional registration.

Again that is rather clear evidence of the standard of the Sydney college in the eyes of the Webb committee. However, the Government has ignored it.

Mr Young: Did he say anything else about the Sydney college?

Mr HODGE: Yes. There are over 1 000 pages in total in the report.

Mr Young: Doesn't he have some information about the standard of education in Sydney?

Mr HODGE: I concede he thought the Australian colleges and many of the American colleges were not as good as they should be and he believed they had plenty of room for improvement. I concede all that. I am not going to try to read every comment he makes about them. However, I should like to stress that Professor Webb said the Sydney college would probably be found acceptable for initial unconditional registration. That is rather clear.

The Teece report, which was compiled by the New South Wales Government committee and commissioned by a Liberal Government, recommended also that the Sydney College of Chiropractic be the State standard for New South Wales. That has been accepted by the New South Wales Government and it is now the State standard for New South Wales and a representative from that college is a member of the Sydney registration board.

Mr Young: Are there any representatives from the ACA on the Sydney registration board?

Mr HODGE: Yes; there is equal representation.

Mr Young: But they have representatives from the Australian Chiropractors' Association as well.

Mr HODGE: That is correct. There are two representatives from the ACA, two representatives from the UCA, one representative from the Sydney college, and various other representatives; but the two major groups are balanced on the board, as recommended by the Webb report. One is there representing the association; he is not representing education. That is recommended in the report.

Mr MacKinnon: Is it not true that the Sydney college representative on the board is a member of the UCA?

Mr HODGE: I am not denying that. Every State in Australia is in the process of introducing legislation, or has already passed legislation, accepting the recommendations of the Webb report. Tasmania is in the process of drawing up legislation at the moment. In every case there will be a balanced board. The Ministers have given the UCA assurances that in Queensland, South Australia, and Tasmania there will be balanced boards. In New South Wales and Victoria there are balanced boards.

In Western Australia we have a "catch-22" situation. In reply to a question the Minister told me that the UCA should not have representation on the board in this State because it does not have sufficient members. They were not representative enough of the profession in this State. Nationally, in 1976—and quoting again from the Webb report—the UCA had 319 members and the ACA had 220 members. It is probable the number has grown considerably since 1976, but the UCA is by

far the largest organisation in Australia. In this State the ACA-dominated board refuses to register UCA members. Obviously, if the UCA people cannot gain a living in this State they will not move here. They are not able to be registered. It is a "catch-22" situation because they cannot get on the board. The reason is that not enough of them are registered. However, they cannot be registered because they are not represented on the board.

I now wish to discuss the International College of Chiropractic which was established by the ACA in 1975. It is an ACA college; that is quite clearly and explicitly supported again in the Webb report. At page 140 it is clearly stated that the ACA founded the International College. I will quote what Professor Webb had to say about the International College. It leases space from the Preston Institute of Technology, on a six months' lease. Professor Webb said—

> The present arrangement is that certain single subjects are provided by the School of Applied Science at the Preston Institute of Technology for students enrolled with the International College of Chiropractic. Dr Kleynhans informed the Committee in December, 1975, that the two institutions had entered into a contract for three years, and that the International College of Chiropractic would pay a fee of $60 000 per annum to the Preston Institute of Technology for the provision of these courses. A proviso to the agreement was that if the report of the present Committee of Inquiry were strongly opposed to the registration of chiropractors or the practice of chiropractors, the Institute may withdraw its facilities from use by chiropractic students. The agreement could be terminated by six months' notice from either party.

So the college which the Minister has named in the rules rents property from the Preston Institute. It is not part of the overall operations of the institute; it was established by the American group in 1975. It is on a tenuous basis to say the least; its lease can be terminated on six months' notice. The Preston Institute, by the way, is under threat itself because the Victorian Partridge report recommended that Preston be closed.

The Victorian Government has not accepted that advice to date, but the closure must be on the cards. Where would that leave the Western Australian Government, if the International College were closed? If Preston is closed, or if the International College were asked to leave Preston, what would happen?

The International College of Chiropractic is American; it is operated by the American group. The staff is American trained. The syllabus is based on American colleges. It is an American college based on a little piece of Australia—in Melbourne.

I do not know how many chiropractors have graduated or have finished the course, but I do know that there are insufficient numbers to establish the reliability or reputation of the college. I do not know whether the college will turn out good, bad, or indifferent practitioners. However, it is strange that at this early stage the Government is prepared to recognise that college. The Government has also said it intends to recognise the Australian Council on Chiropractic Education as its adviser on colleges. The Webb report criticises that recommendation. I will quote from page 177 as follows—

> The Committee of Inquiry does not recommend that status be given to the Australasian Council on Chiropractic Education by Registration Boards or Governments. The definition of acceptable educational standards must ultimately be a matter for the State Registration Boards. It would, however, be highly desirable for standards to be uniform throughout the Commonwealth. This would be achieved if they accepted as a yardstick the new qualification based on the Government-supported course discussed in the last section, after this has been approved by the Australian Council on Awards in Advanced Education. Alternatively a National Advisory Committee could be set up under the aegis of the Post-Secondary Education Commission to approve professional courses in chiropractic.
>
> Such a Committee should have representatives from the two main professional associations of chiropractors, the Australian Chiropractors' Association and the United Chiropractors' Association.

So again this Government is going directly against and contravening what Professor Webb recommended. He recommended that the ACCE be not recognised, and that a body made up of equal representation of the two major groups be the recommending or accrediting body.

The Australian Council on Chiropractic Education does not, of itself, recognise the International College; the International College cannot issue degrees; it can issue diplomas only. The Federal Government is the only body which can decide which colleges can issue degrees. The

International College in Victoria can issue diplomas only. The policy of the Australian Council on Chiropractic Education is that it recognises only colleges that issue degrees. So, the Western Australian Government has set a double standard. It recognises the International College without having it recommended by the Australian Council on Chiropractic Education. It claims, on the other hand, that the Sydney college needs to receive approval from the Australian Council on Chiropractic Education.

Other changes to the Act are to update penalties and make them rather severe on people who call themselves chiropractors without being registered. That is a farce because the Chiropractors Act does not prohibit people from practising chiropractic; it only prohibits people from using the title "chiropractor". So anyone can practise as a chiropractic provided he does not call himself a chiropractor. People are able to call themselves osteopaths, manipulators, or therapists—

Mr Skidmore: Or bone manipulators.

Mr HODGE:— or anything else that suits them, provided they do not call themselves chiropractors. So, to increase the penalties is futile, and it will not achieve anything.

All the way through the 1 000-page report by Professor Webb he stresses the need for uniform legislation throughout Australia. He suggests that the States act in union, and pass similar legislation. In the main, most have followed that advice, except Western Australia. We are the odd State out. The New South Wales Health Minister (Mr Kevin Stewart) and the Queensland Minister both attended a UCA conference recently on the Gold Coast. The New South Wales Minister personally has presented diplomas to UCA graduates at graduation dinners during the past three years. That is a certain sign that the New South Wales Government is very happy with the standard set at the Sydney college.

I wonder why the Western Australian Minister has such a "down" on the Sydney college. That is a question to which I do not know the answer. A total of 1.25 million Australian people are being treated each year by chiropractors. The bulk of those people are treated by Australian-trained chiropractors, and there have been very few complaints. Of all the hundreds of members of UCA I do not know of one complaint against them. UCA members have automatic insurance cover, and there has never been a claim for damages or malpractice.

In Western Australia the public have virtually no choice. If they want to visit a chiropractor they must see a foreign-trained person. They have to pay exorbitant bills for minimum treatment. The Australian-trained chiropractors have a completely different philosophy and outlook, and I believe the Western Australian people are being denied something to which they are entitled—access to well trained Australian chiropractors.

I am not suggesting foreign-trained chiropractors should be banned from operating, although perhaps some should be re-examined and their registration reviewed. I believe the Western Australian public should have the freedom of choice. We have heard a lot about freedom of choice, but at the moment if a person wants to visit a chiropractor he has no choice in this State. It is the only State in Australia in that peculiar and silly position. In any other State a person can choose the chiropractor most suited to handle his case, and the chiropractor he can afford. The Western Australian public are being denied access to the best chiropractic treatment that is available; namely, Australian-trained graduates from the Sydney College of Chiropractic.

I hope the Minister, who has now left the Chamber, listened to the bulk of my speech. I hope he will read in *Hansard* what I have had to say, and take some notice of it. I hope he will take some notice of the Webb report, and the UCA approach to him. If the Minister has listened I cannot see how he can fail to take action to see that justice is done in the field of chiropractic.

MR BERTRAM (Mt. Hawthorn) [9.56 p.m.]: This, the 29th Parliament, is quickly drawing to a close, and what a disappointing Parliament it has been. What a very ordinary Government performance we have seen during the last three years. It is mooted that there will be an election in December; if not in December, it will be in the near future. Whatever the date of that election, it is hard to imagine that we could finish up with a Government as inept as the one we have suffered during the past three years.

It is appropriate at the end of a Parliament, and during a debate such as this—because virtually it is the last opportunity—to list the performance—in this case, the malperformance—of the Government. The malperformance far exceeds the performance in the balance sheet of this Government. I do not propose, chapter and verse, to go through what this Government has done and what it has not done. I will list a few items, but having done that I propose to speak on other matters, with which each member in this Parliament should be concerning himself, and with which each person

in this State should be concerning himself. I ask members to look at the section 54B situation. That was legislation brought in by this Government and resisted throughout the length and breadth of the nation. Ultimately, it was repealed and redrafted after a strike and general upheaval. Millions upon millions of dollars were lost as a consequence of the poorly drafted new section 54B of the Police Act.

We had the Kimberley election, and the fraud at the election. That was a unique experience; an extraordinary situation where the people in the Kimberley were able to prove that the electoral laws had been broken on a grand scale. That has happened during the last three years.

I remember the 1977 Electoral Act Amendment Bill, which was thrown out by this Parliament. It was interesting to observe that another Electoral Act Amendment Bill passed through Parliament recently. Nobody crossed the floor on that occasion but, of course, the timing was excellent. The Bill was introduced just before a general election. Certainly people do not talk much about principle and cross the floor just prior to an election, and one must admire the timing of that Bill. Probably, so far as Western Australia is concerned, it is more devastating legislation and more adverse to the public interest than the 1977 Bill which was rejected.

Another "highlight" of this Government—and not necessarily in chronological order—was the closure of the Fremantle-Perth railway line. The Government said, "We do not mind how many people protest. We intend to disregard their views and to close down the railway line."

Mr Nanovich: How many people were involved?

Mr BERTRAM: We had a petition signed by 100 000 people.

Mr Clarko: Mickey Mouse signed it!

Mr Nanovich: Did you know that one person signed the petition 39 times?

Mr BERTRAM: I gather that the implication of those interjections is that the other 100 000 people who signed the petition should be disregarded. So the Government exterminated that railway line.

Mr Clarko: Which your party moved to close in 1973.

Mr BERTRAM: Then there was the attempted extermination of Wittenoom. However, the people of Wittenoom had other ideas. Ultimately the Minister for Health got the message so that attempted extermination came to nought.

Mr Watt: Why don't you give credit where it is due? The Government was trying to act in the best interests of the people of the town and it was big enough to admit—

Mr BERTRAM: What the member for Albany is advancing is the proposition that the Minister—2 000 miles away from the township—thinks he knows what is best for its people.

Mr Watt: I am not saying that at all.

Mr BERTRAM: The people of Wittenoom took a contrary view and the Government was proved wrong again.

Mr Watt: You are still not giving credit where it is due.

Mr BERTRAM: Just prior to, or just subsequent to, the Wittenoom decision, the Minister for Health came up with the proposal to dump rubbish on Burswood Island.

Another subject I would like to refer to is the control of settlement agents. This Government, or its predecessor—whose performance was not that much better than that of the present Government—brought in a Bill to control settlement agents in this State. The settlement agents themselves felt this legislation should have been entitled, "the extermination of settlement agents Bill". Presumably, the Government got the message, and, because certain people had a fair bit of influence within the Liberal Party, the Government withdrew that Bill. Amongst other significant organisations which have looked into legislation to control the land settlement agents was a body, called I think the Clarko committee. I do not know what that committee is all about, but apparently it is a powerful one, physically if not otherwise.

I do not know whether the Government has had this legislation under review, under consideration, under active review, or under active consideration. However, something is happening to the legislation but it is happening so slowly that it seems the 29th Parliament will draw to a close and still we will not have legislation to control settlement agents in this State. I can think of quite a few reasons for that, but I do not propose to dwell on them at this stage. However, I do remember—and I trust with accuracy—that a judge of the Supreme Court said we should have such legislation.

Mr H. D. Evans: About how many settlement agents are there?

Mr BERTRAM: I believe there are about 100 in this State. By and large they do an excellent job. They were needed in this State, and thus far

the public has not been hurt by them, except, to my knowledge, on one occasion. However, it is a living certainty that more of the public will be hurt in the future. My comment is no particular reflection on settlement agents and it is not intended to be—it is just a comment on life itself.

This Government has allowed the public to remain without any legislation. If the Government continues in this negligent way, someone will be injured and will suffer very considerably because there is no proper legislation to control, govern, and administer settlement agencies. For no good reason, the Government has not got around to legislating for settlement agents.

Mr Clarko: Can you give two or three examples where there have been problems that require urgent action?

Mr BERTRAM: Then there was the gift of $100 000 to the member for Kimberley. I should have thought the members of the public and the members of the Parliament took the view that the Salaries and Allowances Tribunal Act laid down the salary of a member of Parliament and that was the end of it. To the surprise of everyone, one member received a gift of $100 000 on top of his entitlement under that legislation. It is hardly a surprise to read that the cost of running this Parliament has risen by $500 000 this last year. The main reason for that increase is the procedure whereby the Court Government of 1974-1977, for very bad reasons—namely, to cement itself into power—increased the membership of this Parliament without any true and proper justification. So that is another decision the people are paying for.

Mr Clarko: We would not have the member for Gosnells if it were not for that.

Mr BERTRAM: Another example of the Government's ineptitude is that it has done nothing to assist superannuated people. These are people who did the right thing and subscribed to a superannuation fund during their working lives. The Government told them to be savers and not spenders. They complied with the Government's wishes, and they have lost their fringe benefits. Even if their superannuation puts them only $1 or $2 a week over the level of the means test, they lose their fringe benefits which can amount to thousands of dollars. The Government has done nothing to improve the position of superannuated people.

The Government did something to give a tax perk to architects; it introduced a Bill to do that. However, people who are superannuated are getting a very raw deal. When I mentioned this matter to the Treasurer some time ago he said, "You provide us with the information on how to do it."

Mr Watt: Tell us now. Tell us what should be done, how much it will cost, and where the money would come from.

Mr BERTRAM: The solution is very simple, and the Treasurer is well aware it is simple. However, he will take action when it suits him and the time when he takes action will not be in the interests of the public—it will be in his own interest.

Mr Watt: Tell us now.

Mr BERTRAM: I will not be telling the honourable member anything on that score.

Another parliamentary term has nearly gone by and nothing has been done to give people freedom of choice in regard to insurance. The State Government Insurance Office is still bound and gagged—it is not given a fair go to compete with the other insurance companies and the people who own it are forced to seek insurance protection from other organisations.

I have mentioned just a few items off the cuff. I could spend 45 minutes without any trouble presenting a catalogue of the mismanagement, the ineptitude, and the neglect of this Government, and the improper spending of funds by this Government. I do not propose to do that; I propose to pass on to another matter—the Motor Vehicle Insurance Trust, set up under the provisions of the Motor Vehicle (Third Party Insurance) Act of 1943. That trust and that Act are very important to the people of this State.

Over a number of years I have had some dealings with the provisions of that Act and I have observed certain things. For example, many people believe they are paid damages if they are injured in a motor vehicle accident. Of course, that is not the case at all in this State. One can obtain damages only if one can prove negligence on the part of another driver. It is irrelevant whether there was a superabundance of negligence—what is material is whether the person who was injured is able to prove that there was negligence. It is much more difficult to prove something than to know of its existence.

Often the position is that the more severe the injury one suffers the less chance one has of obtaining damages. This applies particularly in the case of a person who suffers head injuries. It can happen that a person may have suffered injuries entitling him to damages of about $800 000 and yet he receives no money at all. This is not because there was no negligence but simply because the injured person cannot recall what happened. So frequently the person most in

need of damages because of the change the accident has caused to his life is the one most disadvantaged.

I believe that is a very unsatisfactory and unfair situation, and it is recognised as such in other parts of the world and in other parts of Australia, but not so far recognised in Western Australia. I believe it is something that should be looked at urgently.

Many people are of the opinion that the damages ultimately paid to an injured person by the trust are fair and proper in amount. In my opinion there is considerable evidence to show that in many cases the damages paid to injured people by the Motor Vehicle Insurance Trust are neither proper nor fair. That matter should concern this Assembly, and certainly it should concern members of the public. I think the States of Tasmania and Victoria have legislation allowing people to claim damages on a no-fault basis where negligence cannot be proved.

So, in that situation, the individual has a freedom of choice.

This Government talks a lot about freedom of choice but does not often mean what it says. The Government has learnt from opinion polls around Australia that freedom of choice is what the people want, therefore it is talking about freedom of choice, letting people believe it is right on their side. However, very often we see the Government paying only lip service to this principle.

As I said, in Tasmania and Victoria people involved in motor vehicle damages claims have a freedom of choice; we in Western Australia do not. People here must either prove negligence or fail and, if they fail, they receive no damages at all. In many cases, the people who are the worst injured and most in need of damages receive no damages at all—not merely a small amount of money, but nothing! Their claims do not fail because there is no negligence but simply because they cannot prove negligence. It could involve a two-car collision where the only two people within "cooee" of the accident are involved in the accident. One person is so injured that he cannot recall the accident and the other person does not have to disclose his hand. That is the way the law operates. The onus of proof is on the person making the claim and if that person cannot prove negligence, he does not receive damages.

If we had a no-fault type of insurance, such a person would be accommodated in a certain way. I believe the invoking of a choice of tort on the one hand and no fault on the other requires an inquiry and we are overdue in this Parliament to establish such an inquiry to ascertain how such a system could be invoked fairly in this State.

If I remember rightly, long ago the Law Society of Western Australia said that such a system was worth a trial; but still, nothing has been done.

I asked the Minister for Local Government, who is responsible for this legislation, question 1453 of this year; on the 20th September, 1979, I asked her the same question in a slightly revised form—because of a slight error in the presentation of the earlier question—which appears in *Hansard* as question 1598.

I suppose those questions would contain something like 30 or 40 specific requests seeking in a responsible manner to obtain information through the Minister from the Motor Vehicle Insurance Trust. This is information to which the public of Western Australia and members of Parliament are entitled. When all is said and done, the people of Western Australia pay millions of dollars annually in third party insurance premiums. In the near future, they will pay more, as evidenced by an article which appeared in *The West Australian* of the 12th September revealing an $8 million deficit in the MVIT. I am not suggesting there has been any mismanagement by the trust; it simply means it has a deficit of $8 million and needs money; and, it is going to get it shortly from the people of Western Australia.

Therefore, if the people are going to pay all these millions of dollars to the trust, they are entitled to receive answers to proper and responsible questions put to the trust from the Minister. The Minister's reply to question 1598 was as follows—

> Any information available in answer to (a) and (b) of the honourable member's question may be more readily obtained from the Manager of the Motor Vehicle Insurance Trust.
>
> This information is not available in my department.

There are plenty of examples where questions have been asked of Ministers controlling the MVIT, and those questions have been answered.

Mrs Craig: It depends upon the question asked.

Mr BERTRAM: When we ask questions of the Minister who controls the State Government Insurance Office, or Ministers controlling other departments and authorities, we receive answers. Why should the people of Western Australia be denied straightforward answers to questions I ask

on their behalf? For the benefit of readers of *Hansard*, my last question was numbered 1598.

Mrs Craig: The people of Western Australia were not denied the information. You were invited to go and discuss the matter with the MVIT.

Mr BERTRAM: As the Minister says, on the 20th September I was invited to drop tools, leave my office and constituents and go down to talk to the MVIT. That would not have disclosed the information in a public fashion. The people are entitled to know; after all, they are the ones who are paying.

Mrs Craig: You could have talked about the information here tonight. That would have disclosed it.

Mr BERTRAM: It is not good enough for 87 members of this Parliament who want information from the Motor Vehicle Insurance Trust to have to go down consecutively to the Manager of the MVIT. What would he think of that system? Why should there be any secrecy about this? What is to be hidden by the Government in respect of the MVIT?

Mr Sibson: All you had to do was go down and discuss it.

Mr BERTRAM: In due course, when the Government changes, the Minister is saying that having set this precedent, when members of the Liberal Party and the National Country Party are on this side of the House the Labor Ministers will say, "If you ask a question about the State Government Insurance Office, go down and see the manager. If you ask a question about the Motor Vehicle Insurance Trust, go down and see the manager—"

Mrs Craig: When you ask the questions that you asked particularly on that occasion.

Mr BERTRAM: "—if you want to ask about the port authority, go down to the port authority." Just imagine how efficient and how appropriate and how effective that system would be.

I believe my questions were very important ones. Some of the information may not have been available. In that case, the Minister should have said, "That statistic is not available. There are certain other statistics that are available, and we will let you have them."

Mrs Craig: And probably they were available at the MVIT, where you could have gone to get the answers.

Mr BERTRAM: I do not propose to do that. I do not think my electors would expect me to do that.

I do not believe the people of Western Australia would expect me or any other member of this place to go down, around the back door of Parliament, as it were, to an office somewhere in Adelaide Terrace to obtain information. It is true that the idea of asking questions is to inform this Parliament; but equally it is to inform the public. The representatives of the media in the Press Gallery are entitled to know what is going on. The way that is done is for a member to ask appropriate questions here in the hope that the Minister will supply the answers.

Mrs Craig: Appropriate questions!

Mr Sibson: As the Minister said, you could have come along here tonight and discussed it with some knowledge; but tonight you cannot. You are waffling on like an old chook.

Mr BERTRAM: That is an interesting interjection, because some of the things I have said are the findings of learned judges and learned lawyers. To an extent I am regurgitating their words. If the member for Bunbury likes, I can give him the names of the lawyers and judges. Perhaps he could direct his comments to them. I think that disposes of the member for Bunbury. It will not be the final solution. One could never hope for that, even as far as he is concerned.

I turn now to another matter. The time has arrived for us to look very closely at the matter of no-fault insurance. We should not be the last State in Australia, as we so often are, to take a step forward. We should examine the concept in depth. On the probabilities, I think we will find that in this State we are capable of giving the people a better go in respect of motor vehicle insurance actions. The thought that the people who are the worst injured receive the lowest damages or no damages at all should have been enough to cause even the member for Bunbury to have compassion and to move him to do a little better than that.

I turn now to the matter of the pushing of drugs. It has been said, I believe with extraordinary accuracy, that nicotine provides this country with the greatest epidemic in modern times. Italy banned the pushing of the drug nicotine in 1962. In 1969—10 years ago—I raised the question in this Parliament for the first time. I have raised it on many occasions since, usually being greeted with derisive cheers, or something of equal irresponsibility, particularly from members of the Government who now pretend that they have a new-found concern for this question.

Mr Bryce: The tobacco lobby kicks in pretty heavily for the Liberal Party.

Mr BERTRAM: There is adequate proof of that, which I will provide in a moment.

Norway placed a ban on advertising of the drug in 1975. Following the joint activities of Governments of each persuasion, Australia placed a ban on radio and television advertising in 1976. Finland applied the ban in 1977.

There was a Senate Standing Committee on Social Welfare which reported that some action on this matter should be taken. That was in 1977. I quote very briefly from page 100 of that report as follows—

> We recommend:
>
> 1. That the Commonwealth Government ban the advertising of tobacco products, whether by way of corporate advertising or by exhibiting of the brand name of such products in a planned fashion, on radio and television and in areas under direct Commonwealth control, such as in the Territories and at airports.
> 2. That, until a total ban has been implemented, the question of substantial compliance with the voluntary code for the advertising of cigarettes by manufacturers and retailers be reviewed annually.
> 3. That State Governments and local government authorities be encouraged to ban the advertising of tobacco products.
> 4. That the Federal Minister for Environment, Housing and Community Development, and the State Ministers responsible for youth, sport and recreation, appeal to sportsmen and sportswomen throughout Australia not to lend their names and prestige to the promotion of tobacco products.
> 5. That the Commonwealth Government make any grants to sporting and cultural bodies conditional on their not accepting money from manufacturers and retailers of tobacco products and investigate the possibility of indemnifying such bodies for loss of revenue, at least in the short term.
> 6. That the Commonwealth Government consider refusing tax deductibility for expenses incurred in the promotion of tobacco products.

In addition, countries such as Singapore, Romania, Poland, Czechoslovakia, and the USSR have banned totally the pushing of the drug nicotine in the form of cigarettes. The USA has taken measures towards the same end.

Mr Spriggs: Surely you must be out of step with your party. They want to bring in marihuana.

Mr Crane: Here is the marihuana kid.

Mr BERTRAM: The fact is that each year something like 40 000 Australians die as a direct consequence, or in part consequence, of the use of nicotine. So, since the first time I raised this question in 1969 there have been between 300 000 and 400 000 Australians who have died as a direct or indirect consequence of the use of the drug nicotine.

Mr Clarko: Do you support legislation which would totally prohibit the use of nicotine?

Mr BERTRAM: No.

Mr Clarko: Why not?

Mr BERTRAM: As we have seen in other parts of the world, it is just not on. The approach which I make and which I have tried to make abundantly clear is that to stop anyone smoking would take someone with astral persuasion. I want to provide a fair and reasonable environment so that young people may make a reasonable decision, and so that their parents may also have a little say in the question and the environment in which the youngsters make a decision as to whether they shall commence using that drug. That is all we are trying to do; nothing more than that.

What happened is that the Government, which had been laughing at me for 10 years, suddenly decided the other day it would do something. To be precise, it was announced in the Press on the 3rd September, "Twin moves on smoking". The article read as follows—

> The State Government will set up a committee to monitor cigarette advertising and will introduce regulations to curb smoking in public hospitals.

What does "monitor" mean? According to the dictionary I have here it could mean a lot of things, including, "lizard supposed to give warning of approach of crocodiles". I do not think that was the intention. I think what really was intended was the definition, "to maintan regular surveillance".

So it seems the Government intends to maintain a regular surveillance. That is another way of saying, for all practical purposes, the Government is going to do nothing. Members will notice on this occasion it was not the Minister for Health speaking. I think he felt it was hardly consistent for a person like him who took a stand

on Tresillian to take this sort of stand in respect of tobacco and the drug nicotine.

In fact, the Premier made the announcement, and boy, oh, boy, the article has the Premier written all over it! The article said in part—

> Sir Charles said that the tobacco-industry advertising code had been registered by the Trade Practices Commission.

Hooray for that! My comment is, "So what?" What does that have to do with the situation? The article proceeds for another three or four columns, and even continues on page 11. There are plenty of words. I recall a former Minister for Health saying that if one had nothing to say one should bury the fact in words. I recall asking him 10 questions on one occasion, and when he finally came clean he buried the answer in one and a half pages of foolscap. In this case, many claims were made about no smoking in hospital wards, and so on. It seems the Premier is saying that once we have the people in hospitals we will keep the smoke away from them.

Mr Young: Don't you agree with that move?

Mr BERTRAM: I certainly do; my complaint is that it is at least 10 years too late.

Mr Young: You are referring to it in such an off-hand manner that we on this side thought you disagreed with it.

Mr BERTRAM: The Government must remember that each year 30 000 or 40 000 people have their health damaged or die as a result of the use of nicotine. The Premier dealt with this problem in just five lines when he said—

> .... the tobacco-industry advertising code had been registered by the Trade Practices Commission.

I say again, "So what?" Just what does that do to affect the position?

I am told that to register documents with the Trade Practices Commission is a matter relating to the conduct between two people working under the code and has nothing whatsoever to do with the question of pushing nicotine to youngsters.

Mr Sibson: Who established the Trade Practices Commission?

Mr Spriggs: You are obviously in favour of having marihuana legalised, yet you want to ban nicotine.

Mr BERTRAM: That is the first I have heard of that!

Mr Watt: I share your concern, but you are not giving me the answer.

Mr BERTRAM: The article is a brilliant example of the Premier at his best in small print and saying something when he knows that what he is saying is completely and utterly irrelevant and has nothing to do with pushing nicotine into the mouths of youngsters. On the other hand, it has something to do with the relationship between the pushing companies; but it has nothing to do with the consumers of the nicotine.

In the same way, the Premier knows that the public generally think that if someone takes a contractual document and pays tax and duty on it and has the document stamped, it is given legality which it otherwise might not have. This is nonsense. A document is legal, stamped or not stamped. It is a question of whether or not tax is paid.

The Premier used those few lines in the article to encourage people in Western Australia to believe that all was well, that the Trade Practices Commission had the matter under control, and that the Government of the State need do nothing about it.

The report of the Senate committee did not say that all we need do is get the tobacco pushers registered with the Trade Practices Commission. So the Premier, with his affection for fine print and his ability to work on the people the way he does, used that technique to have the people believe all was well.

What the Minister for Health wants is the impossible. He is wanting evidence to show that youngsters are starting to take the drug nicotine as a result of advertisements. He knows that cannot be proven. So the committee can sit there until Doomsday, because it will not be able to prove anything. I spoke earlier of things that cannot be proven, but that was not to say that those things were not fact; it simply means they cannot be proven.

In respect of Tronado, the Minister for Health and the Government relied on the doctors; in respect of this matter they do not rely on the doctors.

Mr Young: The doctors are not talking in terms of medical matters. We agree with them in respect of the medical aspects; but they are not experts on advertising. This committee can have a look at that matter.

Mr BERTRAM: The Minister and the Premier know that that sort of evidence cannot be found. In the circumstances of this case, the Government should switch the onus of proof. Let the onus of proof which is now on the people—the parents; the ordinary people in the street—be placed on the people pushing the drug. Let them prove their case. Let them go to the committee and prove it. In the meantime the pressure should be taken off

the children. It is the "Year of the Child". The Western Australian branch of the association has even spoken out on this matter, and correctly so.

We should change the onus of proof and let the pushers provide it. The other day the member for Merredin said, "What is all this nonsense? Are they going to spend umpteen millions of dollars bombarding children with this material without knowing whether it will be of any use?" The onus of proof should be shifted.

We should let the drug pushers provide the proof to the committee. What is unfair about that? Does it not give the children a chance? Are not youngsters given the advantage in the courts and in every other responsible place? Is not extra care always taken when youngsters are involved, because their interests are paramount? Why not shift the onus of proof? That is nothing new in this place.

Mr Young: You shift the onus of proof every week.

Mr BERTRAM: If I had time I would explain why the Government will not do anything about the matter. I ask members to obtain the book *Inside Canberra: Menzies to Fraser* by Don Chipp where on page 128 they will see the following statement—

> McMahon received a strong letter from a senior executive of a tobacco company which virtually said (again on file) that unless McMahon muzzled me, "it becomes increasingly difficult to maintain traditional and personal loyalties" to the Party—a not too subtle threat . . .

Mr Young: Don Chipp has no credibility left.

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

House adjourned at 10.43 p.m.

QUESTIONS ON NOTICE

RECREATION: FOOTBALL

Victorian Football League Finals: Television Coverage

1865. Mr STEPHENS, to the Minister for Recreation:

(1) In view of the article appearing in the *Albany Advertiser* the 2nd October headlined "Government deal gave V.F.L. Telecast" will he say what Government planning and last minute negotiations were necessary in order to obtain the direct telecast of the VFL grand final?
(2) What was the catalyst supplied by the Government?
(3) Why was no such planning, last minute negotiations or catalyst required for the same coverage to be received in Kalgoorlie?

Mr P. V. JONES replied:

(1) to (3) The commercial network serving the south-west was unable to satisfy the requirements of the metropolitan station which had brought the live telecast to Perth. In the interest of sports promotion the Government facilitated the arrangements so that the people of the south-west could view this fine sporting event.
I am advised that similar arrangements could not be finalised for Kalgoorlie.

IMMIGRATION: REFUGEES

Vietnamese: South-East Asia

1866. Mr HARMAN, to the Minister for Immigration:

(1) Have there been any investigations made to ascertain if Vietnamese residents in Western Australia have relatives in refugee camps in South-East Asia?
(2) If so, what were the results?

Mr O'CONNOR replied:

(1) and (2) If an independent Vietnamese resident in Western Australia seeks to arrange the entry of a relative into Australia the case is investigated and treated on its merits.
According to the Commonwealth Department of Immigration and Ethnic Affairs no other investigations have been made.

STATE GOVERNMENT INSURANCE OFFICE

Motor Vehicle Policies: Third Party Coverage

1867. Mr WILSON, to the Minister for Labour and Industry:

(1) Does the comprehensive insurance policy for motor vehicles offered by the State Government Insurance Office include third party cover?
(2) If "Yes" does such cover in any way exempt a person from payment of the third party insurance associated with a motor vehicle licence?

Mr O'CONNOR replied:

(1) Yes.
(2) No; the latter relates to liability for personal injury and is a statutory requirement. It is excluded from the comprehensive policy cover which protects the policy holder against claims for property damage.

DROUGHT

Conditional-purchase Farms

1868. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

(1) Have any conditional purchase farms been abandoned or forfeited in shire council areas which have been drought declared since 1968?
(2) If so, how many in each particular shire involved?

Mrs CRAIG replied:

(1) Records readily available date from 1971. To the department's knowledge no conditional purchase farms have been abandoned. There have been three forfeitures of farms in shire areas that have been drought declared.
(2) 1975—one—Shire of Kulin
1976—one—Shire of Northampton and Shire of Chapman Valley
one—Shire of Wyalkatchem.

SESQUICENTENNIAL CELEBRATIONS

Grants to Country Towns

1869. Mr T. H. JONES, to the Minister representing the Minister for Tourism:

(1) Will the Minister provide a list of towns and organisations in Western Australia which received Government grants in connection with activities arranged for the State's 150th Anniversary celebrations, and the amounts involved?

(2) (a) Will the Minister also give details of any applications which were refused;
(b) the names involved; and
(c) the reasons for refusal?

Mr O'CONNOR replied:

(1) The 150th Anniversary Board has not made any direct Government grants to towns or organisations in Western Australia in connection with the State's 150th Anniversary, apart from functions and events organised by the board's 11 main committees.

(2) (a) to (c) All applications have been declined in line with the board's policy that, as far as practicable, activities should be organised on a self-supporting basis.

RAILWAYS

Bunbury Bridge, and Maintenance Expenditure

1870. Mr McIVER, to the Minister for Transport:

(1) What maintenance and expenditure in 1977-78 and 1978-79 has been involved on the Bunbury railway bridge at East Perth?

(2) Are speed restrictions currently imposed on rail traffic over the bridge?

(3) If "Yes" what are the reasons?

(4) Is it the Government's intention to renew the Bunbury bridge?

(5) If "Yes to (4), when will work commence and what is the cost involved?

(6) How much was spent in the financial years 1978-79 on upgrading and maintenance on the—

(a) Perth-Fremantle;
(b) Perth-Midland;
(c) Perth-Armadale

lines?

Mr RUSHTON replied:

		Work	Expenditure
(1)	1977-78	Six piles repaired, braces and walings renewed	$37 255
	1978-79	All bolts tightened and replaced where necessary	$ 5 139

(2) and (3) No.

(4) and (5) Yes, but commencing date and costs involved have not been determined at this time. A recent inspection has shown that the bridge is generally sound and adequate for the traffic task. Its life expectancy has been assessed at a minimum of 10 years.

(6) This information was provided recently in response to question 1625.

TRANSPORT: ROAD

Kimberley

1871. Mr McIVER, to the Minister for Transport:

(1) Has he received correspondence from Bell Freightlines Pty Ltd dated the 22nd June, 1979 requesting a licence to transport freezer and perishable traffic to east Kimberley?

(2) If "Yes" what is the reason for delay in replying to the correspondence?

(3) Is it a fact that the freight rates quoted by Bell Freightlines would provide a saving of 20 per cent in freight costs to the residents of Kimberley?

(4) If answer to (3) is "Yes" would he undertake to expedite a licence as requested?

Mr RUSHTON replied:

(1) No. A letter dated the 22nd June, 1979, requesting approval to provide road freezer chiller services to east Kimberley was submitted by Bell Freightlines Pty Ltd to the Transport Commission.

(2) Before the issue of the licence, consideration had to be given to legal issues and the responsibilities under the Transport Commission Act.

(3) I understand the rates submitted by Bell Freightlines Pty Ltd were 20-25 per cent lower than the published rates of the other licensees.

(4) A decision to open up to competition, temperature controlled transport to east Kimberley as from the 1st March, 1980, has been made and was announced by Press release on the 18th October, 1979.

In my announcement I stated that the 1st March had been chosen for the changeover to allow operators and users to gear up for the change well in advance; also it is after the "wet" season when the traffic demand increases.

The altered arrangements followed investigations by the Transport Commission and representations from transport operators and the local members of Parliament, Hon. Alan Ridge, MLA, (Kimberley and Minister for Housing), Hon. John Tozer MLC, (North Province) and Hon. Bill Withers, MLC, (North Province).

Their representations are in contrast to comments and action by the ALP candidate for North Province, who, despite his promise to take the matter up with me, has not done so; nor have there been any approaches to me by the Labor Party as the candidate claimed.

Under the revised arrangement, Bell Freightlines, in common with any other operator, will need to ensure that all vehicles are appropriately licensed by the Commissioner of Transport.

CONSERVATION AND THE ENVIRONMENT

Leeuwin-Naturaliste Ridge

1872. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Leeuwin-Naturaliste ridge—

(a) has the Department of Conservation and Environment yet convened a meeting of representatives of interested parties concerning cave management;

(b) if "Yes" to (a)—

(i) on what date was the meeting held;

(ii) which parties were represented; and

(iii) what was the outcome of the meeting?

(2) (a) On what date was the Leeuwin-Naturaliste national park advisory committee established;

(b) what are the names of its members and which bodies do they represent;

(c) since its formation, on how many occasions has the committee met;

(d) on how many occasions has the committee considered proposals for management plans for the national park?

Mr O'CONNOR replied:

(1) (a) Yes.

(b) (i) The 1st June, 1977.

(ii) Department of Conservation and Environment
WA Speleological Group (WASG)
Forests Department
National Parks Authority
Speleological Research Group
Department of Tourism
WA Museum.

(iii) The main outcome was the establishment of ongoing liaison between cave exploration groups and Government departments in respect of protection and management.

Subsequently a caves working group was established and a research programme for the Leeuwin-Naturaliste Ridge caves developed.

Additionally a comprehensive report and inventory of these caves is being prepared by the Department of Conservation and Environment, and a study has been made of the Yallingup tourist cave.

(2) (a) Inaugural meeting the 15th February, 1977.

(b) Mr H. Sorenson (Chairman Advisory Committee) National Parks Authority
Dr D. Spriggins—Forests Department
Mr J. Gasby—Department of Agriculture
Councillor Guthrie—Busselton Shire
Councillor Miles—Busselton Shire

Councillor Hillier—Augusta-Margaret River Shire

Councillor Stephenson—Augusta-Margaret River Shire.

(c) Eight.

(d) Three.

LAND: NATIONAL PARKS

Leeuwin-Naturaliste Ridge

1873. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Leeuwin-Naturaliste ridge, which of the reserves listed at table 1-4 of the Environmental Protection Authority report on the State's conservation reserves, submitted to the Government in July 1976 (Red Book 2) have not yet been wholly vested in the National Parks Authority and declared class "A" for the purpose of "national park"?

(2) Which areas of vacant Crown land delineated in figures 1.9 to 1.12 of the above report have not yet been declared class "A" reserves for national parks and vested in the National Parks Authority?

(3) (a) Has the Minister, or his predecessors since the 20th October, 1976, considered any applications to alienate vacant Crown land on the Leeuwin-Naturaliste ridge; and

(b) if so, what has been the outcome?

(4) What is the present purpose, classification, size and vesting of the reserves 7406 and 26493?

Mrs CRAIG replied:

(1) (i) Reserves not wholly vested. Item 1.4—

"A"	13404
"C"	26021
"A"	8431
"A"	8434
"A"	8438
"A"	8427
"C"	20724

(ii) (a) Reserves 8427, 8431, 8434, 8438 and 13404 are dual vesting reserves of which the footnote to item 1.4 refers.

(b) Reserves 10922 and 26021 (reserves to be amalgamated)—

12507
15633
20455
21451

The reserves in item (b) above are all now set apart for "national park" in accordance with the approved recommendations; however vesting in the National Parks Authority has not been completed pending consideration by the Minister for Conservation and the Environment of submissions made by the Shire of Augusta-Margaret River in respect of the Leeuwin-Naturaliste Ridge area.

(2) Vacant Crown land on Figs. 1.9 to 1.12 not yet declared as "A" national parks and vested in the National Parks Authority

(i) Portion of VCL fig 1.12 adjacent to "A"-class Reserve 32376—Hillview Road.

(ii) VCL fig 1.10 adjacent to "A"-class Reserve 8430 at the junction of Ellen Brook and Spring Roads.

(iii) Sussex locations 1409 and 1410 at Smiths Beach.

(3) (a) and (b) No vacant Crown land on the Leeuwin-Naturaliste Ridge has been alienated since October 1976.

(4) (i) Reserve 7406 Class "A" "national park and water", about 67.5825 hectares vested in National Parks Authority.

(ii) Reserve 26493 Class "C" "minerals" about 587.5995 hectares, vested Minister for Mines.

STATE FORESTS

Whicher Range

1874. Mr SKIDMORE, to the Minister representing the Minister for Forests:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations

by the Environmental Protection Authority concerning the Whicher Range area—

(a) has a detailed working plan for the management of this area yet been formulated;

(b) if "Yes" to (1)(a), on what date was it approved by the Governor?

(2) (a) Have detailed working plans for other proposed recreation and wildlife conservation areas in the Donnybrook sunklands yet been formulated;

(b) if "Yes" to (2)(a), on what date were they approved by the Governor?

Mrs CRAIG replied:

(1) and (2) General working plan No. 86 of 1977 approved by Governor-in-Council on the 27th January, 1977, provides for the management of the Whicher Range area along the lines recommended by the EPA and endorsed by Cabinet on the 20th October, 1976.

The member is advised that all areas under the control of the Forests Department embraced by the EPA recommendations are similarly provided for.

RECREATION

Leeuwin-Naturaliste Ridge

1875. Mr SKIDMORE, to the Minister for Recreation:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Leeuwin-Naturaliste ridge, in regard to the recommendation concerning the establishment of a network of walking trails, on the first page dealing with system 1 in the Environmental Protection Authority report of the 9th July, 1976 (Red Book 2), what action has been taken to date by the Department of Recreation?

(2) Has the department yet initiated discussions with the National Parks Authority, particularly in view of the fact that the authority is presently formulating a management plan for the Leeuwin-Naturaliste national park?

Mr P. V. JONES replied:

(1) and (2) The Department for Youth, Sport and Recreation—then the Community Recreation Council—met with the National Parks Authority regarding the establishment of an initial walking trail in the Leeuwin-Naturaliste National Park. Such a trail was seen as the starting point for a trail network and DYSR is now awaiting the release of the management plan for the park.

ROAD

Leinster-Leonora

1876. Mr GRILL, to the Minister for Transport:

(1) When is it likely that work will be commenced on the new road from Leonora *via* Teutonic Bore to Leinster?

(2) What type of road is going to be constructed?

(3) What is the estimated cost of construction?

(4) Will the road be constructed by the Main Roads Department or put out to tender?

(5) If the road is not to be constructed by the Main Roads Department could he give the reason for that decision?

(6) When is it expected that the road will be completed?

Mr RUSHTON replied:

(1) Approximately April, 1980.

(2) Sealed to a width of 7.4 m with 1.2 m gravelled shoulders.

(3) $10 million at present day costs.

(4) The major part of the work will be carried out under contract.

(5) It is the Government's policy to maintain a reasonable balance between day labour and contract work and this happens to be one of the projects in the latter category.

(6) About the middle of the 1982-83 financial year.

POLICE

Search of Yokine Flat

1877. Mr BRIAN BURKE, to the Minister for Police and Traffic:

(1) Did members of the drug squad or of any other part of the Police Force search Flat 32 Flinders Gardens, Hector Street, Yokine, on Thursday, the 11th October, 1979?
(2) If "Yes" in connection with what inquiry was the visit made?
(3) Was the tenant of the flat at home when the visit was made?
(4) Who was present when the visit was made?
(5) Did the police officers have a search warrant and did they display identification?
(6) Did they search the flat?
(7) Was any effort made to restore those parts of the flat which were searched to normal order?
(8) Did the police officers remove from a refrigerator and drink beer in the flat?
(9) Were they invited to do this?
(10) Did one or more police officers visit the flat referred to above at any time on Friday, the 12th October last?
(11) At what time was the visit made?
(12) Were the officers the same ones who made a previous visit?
(13) Did they gain entry to the flat by climbing over a balcony?
(14) Did they enter the flat?
(15) Was anyone in the flat?
(16) Did the police officers subsequently ask a neighbouring resident to make them a cup of coffee?
(17) Was anything removed from this flat by the police officers at any time?
(18) (a) If "Yes what was removed; and
(b) why was it taken?

Mr O'NEIL replied:

(1) A detective sergeant and two other detectives executed a search warrant on Flat 32, Flinders Gardens, Hector Street, Yokine, at about 5.00 pm on the 11th October, 1979. The flat is occupied by Thomas Malone and Trevor Robert Tucker.
(2) Information had been received implicating one Thomas Malone in heroin dealing.
(3) Malone, who is the tenant, was not at home.
(4) Trevor Robert Tucker.
(5) A warrant was produced and officers displayed identification.
(6) Yes.
(7) Nothing was unduly disturbed.
(8) and (9) The police officers did not remove beer from the refrigerator. Tucker offered them a glass of beer, which two of the three accepted. The officers were at the premises for two hours awaiting Malone's return.
(10) The same three officers returned on the 12th October, 1979.
(11) At about 7.00 am.
(12) Answered by (10).
(13) and (14) Entry was gained through a first floor balcony.
(15) Nobody was in the premises, but Tucker was immediately telephoned and advised of their presence. Malone's motor cycle was parked nearby, and it was believed he was in the premises but avoiding the police.
(16) During the two visits by police, a woman neighbour was observed to be paying undue attention to their presence at the flat. On leaving the flat, one officer jokingly remarked about whether she had made them a cup of coffee. No coffee was made or expected.
(17) Yes.
(18) (a) Malone's passport.
(b) As possible evidence of drug dealing.

1878. *This question was postponed.*

EDUCATION: HIGH SCHOOLS

Australian Labor Party Film

1879. Mr SHALDERS, to the Minister for Education:

(1) Has he been informed of complaints and allegations by some parents that—
(a) the Labor Party has made a film available to some Government High Schools for showing to students;
(b) no advice has been given to the students that the film was provided by Labor Party sources;
(c) viewing of the film has been made compulsory at some of these schools for certain students;
(d) parental consent has not been sought to show their children a film made available by a political party?

(2) If "Yes" does his department consider this practice desirable and one which should continue?

Mr P. V. JONES replied:

(1) (a) to (d) Yes. I am advised that complaints have been received by the Education Department and I have also been approached on behalf of parents at Armadale, Rockingham, and Mandurah, seeking an explanation for the arrangements which have been made.

Mr Bryce: Burn the books!

Mr P. V. JONES: To continue—

(2) Schools obtain films for student showings from a wide variety of sources. The source of supply does not necessarily make the film unacceptable as an educational tool, although its content, manner of presentation and follow-up treatment determine its value. Regulation 26 provides that a teacher shall not—

(a) use in a school any sectarian or denominational publication or party political propaganda of any kind whatsoever; or

(b) inculcate or attempt to inculcate in a student any sectarian, denomination or party political propaganda.

Mr Bryce: What a niggardly attitude.

RAILWAYS

Grain, Iron Ore, and Bauxite

1880. Mr COWAN, to the Minister for Transport:

In respect of the following commodities—

(a) wheat, oats and barley;
(b) iron ore;
(c) bauxite,

what are the tonnages hauled and revenue obtained by Westrail for each of these commodities in each of the last five years?

Mr RUSHTON replied:

(a) Wheat, oats, and barley

	Tonnes	$
1974-75	3 664 849	24 417 158
1975-76	3 873 715	30 660 063
1976-77	3 454 910	26 394 333
1977-78	3 381 910	31 384 278
1978-79	3 108 873	34 096 347

(b) Iron Ore

	Tonnes	$
1974-75	2 318 804	10 784 405
1975-76	2 214 450	11 731 155
1976-77	1 882 921	11 370 523
1977-78	1 225 103	8 723 311
1978-79	1 233 855	9 315 266

(c) Bauxite

	Tonnes	$
1974-75	4 268 814	2 547 453
1975-76	4 298 276	3 009 961
1976-77	4 464 399	3 559 291
1977-78	4 426 162	3 688 478
1978-79	5 419 594	4 459 092

HOUSING

Pilbara Region

1881. Mr SODEMAN, to the Minister for Housing:

(1) Would he detail, where applicable, for the years 1971-72 through to 1979-80, under the headings, State Housing Commission, Government Employees Housing Authority, Aboriginal and I & CEHA Housing, the following for the Pilbara—

(a) number of residential units built (including 1979-80 programme);

(b) expenditure on new housing (including 1979-80 programme);

(c) major design changes and date of change;

(d) policy changes in respect of air conditioning and date of change (Government Employees Housing Authority);

(e) number of residential and commercial blocks of land serviced and released in South Hedland (including 1979-80 programme)?

(2) (a) What initiatives have been taken towards creating rental parity between the Pilbara and the metropolitan area; and

(b) on what dates did such action occur?

Mr RIDGE replied:

(1) and (2) The complete information will take time to collate, and I will inform the member in writing as early as possible.

LAND

Pilbara

1882. Mr SODEMAN, to the Minister representing the Minister for Lands:

Would the Minister detail for the years 1971-72 through to 1979-80 the following in respect of Pilbara towns—

(a) number of residential, commercial and light industrial blocks of land serviced and released;

(b) the current programme for further releases of land under the categories in (a) above;

(c) the average mark-up on blocks over and above service costs per year, per category—on upset price where fixed price does not apply?

Mrs CRAIG replied:

(a) The information requested is set out in schedule "A" which is submitted for tabling.

(b) The information requested is set out in schedule "B" which is submitted for tabling.

(c) Detailed information over the period requested is not readily available. Where high service costs are involved, the land price component is reduced accordingly; for example, the land price component for residential blocks in towns such as Karratha, Roebourne, and Wickham is currently $200 per lot.

The documents were tabled (see paper No. 424).

1883. *This question was withdrawn.*

EDUCATION: HIGH SCHOOL

Eastern Hills

1884. Mr HERZFELD, to the Minister for Education:

(1) With reference to the new manual arts centre at the Eastern Hills High School, contractually, what was the date for practical completion?

(2) What was the actual date of practical completion?

(3) Who is responsible for the installation of work benches in the centre?

(4) Have work benches been installed?

(5) If not, why not, and when is it proposed to provide them?

Mr P. V. JONES replied:

(1) The 18th June, 1979.

(2) The 26th June, 1979.

(3) The Public Works Department.

(4) No.

(5) Delays and difficulties have been experienced in obtaining the correct sized jarrah to construct the bench tops. It is anticipated that the benches will be ready for installation during the last week in October.

QUESTIONS WITHOUT NOTICE

STATE FINANCE: SHORT-TERM INTEREST TRANSACTIONS

Unauthorised Dealers

1. Mr DAVIES, to the Treasurer:

Is public money, invested with dealers other than authorised dealers in the short-term money market—

(a) advanced as cash loans to the dealers, or

(b) employed by the dealers to buy securities for the Government?

Sir CHARLES COURT replied:

(a) and (b) I invite the attention of the honourable member to the answers given to a series of questions on this and related matters.

I believe the Government has adequately answered the questions raised and which questions have canvassed the subject in a wide-ranging way.

Therefore I do not propose to ask busy Treasury officers to divert from their heavy programme of normal and special duties.

If the honourable member, or any of his colleagues in the Opposition, has any specific allegation to make in respect of the Treasury's operations in the short-term money market, I suggest he make such allegations, in fairness to the officers involved.

WASTE DISPOSAL

Position Paper

2. Mr NANOVICH, to the Minister for Health:

Some weeks ago the Minister advised he would be releasing a position paper on waste disposal in the metropolitan area. Is he in a position to release the paper?

Mr YOUNG replied:

I am in a position to release the paper and request that it be tabled.

The paper was tabled (see paper No. 425).

IMMIGRATION

American Jewellery Group

3. Mr SPRIGGS, to the Minister for Immigration:

(1) Is he aware of the existence in Western Australia of a group of people who were admitted to Australia on the understanding that all breadwinners would be employed in a jewellery business which was to transfer from Albuquerque in the United States to Perth?

(2) Is it a fact that several of the persons so admitted are employed in other occupations?

(3) Is it a fact that some, if not all the members of the group are members of a religious sect?

(4) Have any of the departments under his control received any complaints from people in the community about the activities of this group?

(5) If so, will he give details of any investigations that have been made?

Mr O'CONNOR replied:

(1) Yes. Fred Johnorman Roberts, goldsmith and manufacturing jeweller, was approved for immigration to Australia by the Commonwealth under the "special eligibility" category which provides for the entry of entrepreneurs intending to establish enterprises in Australia and who possess the necessary business experience, technical competence, and capital.

(2) Yes. The premises in Howard Street, Perth, occupied by this company are in the process of being renovated and established as a workshop and showroom. In the meantime some of the staff are working in other employment. Under Commonwealth immigration policy, migrants may elect, after arrival in Australia, to follow other employment. The Commonwealth does not direct people in what they can and cannot do.

(3) The Commonwealth Department of Immigration and Ethnic Affairs has no direct evidence of this.
I might add that Australia's immigration policy is applied on a basis which is non-discriminatory.

(4) and (5) No.

STATE FINANCE: SHORT-TERM INTEREST TRANSACTIONS

Unauthorised Dealers

4. Mr B. T. BURKE, to the Treasurer:

Appropriate notice has been given of this question and I assure the Treasurer it is not a question with which he needs to occupy the time of Treasury officers.

Were all the cash advances totalling $75.9 million at the 30th June, 1979, made to dealers other than authorised and approved dealers in the short-term money market employed to buy the securities lodged with the Treasury to cover the advances?

Sir CHARLES COURT replied:

I give the same reply to the member for Balcatta as I did to the Leader of the Opposition: I think the Government has been patient enough and if the Opposition believes it has some allegation to make against the Treasury officers—because it is the Treasury officers involved—

Mr Davies: The officers answer.

Sir CHARLES COURT: This is where the Leader of the Opposition is deceiving himself, because if he read the earlier answers he would soon find out who do the transactions for this particular Treasury business.

Mr B. T. Burke: Do you buy them or not?

Sir CHARLES COURT: I say to the Leader of the Opposition and the member for Balcatta, that if they have any specific allegation to make—

Mr B. T. Burke: There is no need for an allegation to be made. Do you buy the securities or not?

Sir CHARLES COURT: If they have any specific allegation to make they should make it, in fairness to some very competent and reputable officers of the Treasury.

Mr Davies: Not denied.

Sir CHARLES COURT: Whilst the member for Balcatta may feel this question is easy to answer in isolation, I remind him there has been a whole array of these questions over a number of weeks and it is not fair to the officers concerned. If any member opposite has any allegation to make against these officers he should make it or for goodness sake shut up.

ENERGY: GAS

Liquid Petroleum: Motor Vehicles

5. Mr NANOVICH, to the Minister for Labour and Industry:

In view of the accident which occurred in the Eastern States with respect to converting motor vehicles to LP gas use, does the Minister propose to take any action to safeguard the Western Australian public from such accidents?

Mr O'CONNOR replied:

The matter has been referred to the Consumer Products Safety Committee and a 28-day embargo has been placed on these products in an effort to ensure their use is not detrimental to the safety of Western Australians.

STATE FINANCE: SHORT-TERM INTEREST TRANSACTIONS

Unauthorised Dealers

6. Mr GRILL, to the Treasurer:

My question concerns the Public Moneys Investment Act. It is a question which requires a simple "Yes" or "No" answer. The Treasurer has had some notice of the question.

Where the Government invests public moneys with dealers other than authorised and approved dealers on the short-term money market in such a manner that the funds are not invested in the securities but are secured by them—as the Treasurer stated in reply to question 1312 on the 30th August—does the Government actually own the securities; that is, are they actually the property of the Government?

Sir CHARLES COURT replied:

The question the member read out seems to me to be quite different from the question rung through to my office. Be that as it may, my answer to him is the same as I have given to his leader and the member for Balcatta. I would have thought that the member for Yilgarn-Dundas would be more sensible than to be a party to this. Unless there is some allegation made against the officers—

Mr Bryce: We are not worried about the officers of the Treasury.

Several members interjected.

The SPEAKER: Order!

Mr B. T. Burke: It is an allegation against the Treasurer, not the Treasury.

Sir CHARLES COURT: Why don't you make it?

The SPEAKER: Order!

Mr Bryce: Accept your responsibility instead of running.

The SPEAKER: The Deputy Leader of the Opposition will come to order.

Several members interjected.

The SPEAKER: Order!

Mr Davies: You are trying to dodge out of it.

The SPEAKER: Order!