Legislative Assembly

Thursday, the 4th May, 1978

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

PARLIAMENTARY PRIVILEGES ACT: OFFENCE BY MEMBER FOR SWAN

Statement by Speaker

THE SPEAKER (Mr Thompson) It is again my regretable duty to refer to statements recently made in a newspaper and on radio by the member for Swan. I refer to an article headed "Suspended M.P. Defends View" in the *Daily News* of the 3rd May and to an item broadcast yesterday on the radio station 6IX.

When I brought certain similar matters to the attention of the House on Tuesday last, I offered the member for Swan an opportunity to apologise for his behaviour. Perhaps the member was unaware of the seriousness of his action in refusing to apologise. Possibly the member was even unaware that he had been committing a breach of the rules relating to parliamentary behaviour in making such statements in the Press.

There can be no doubt now that the member for Swan is fully aware of these matters. I am therefore both surprised and disappointed that he saw fit to make further reflections on the Speaker's position in a newspaper and on radio.

My attitude in this matter is firmly based on the Standing Orders of this House and the practices of this House, the House of Commons, and all other Parliaments following the Westminster model. Very similar precedents have occurred in this House, and I refer to statements by Speaker Sleeman on the 21st October, 1941, and by Speaker Norton on the 18th April, 1972.

Mr Skidmore: Have a look at both of them.

The SPEAKER: I have very good reason to know the circumstances surrounding the statement made in 1972, because the member dealt with by the Speaker at that time was myself. I had made statements outside the House about the actions of the Speaker. I held very strong views at that time, but when the statement was made by the Speaker in the House I took the first opportunity to apologise to him, recognising the authority of the Chair.

I believe it is absolutely fundamental to the operation of this institution that members respect the authority of the Chair, regardless of the individual who holds the office from time to time. It must be recognised that I apologised, notwithstanding that I held very strong views on the matter.

If I were to act in what I believe is thought by most members to be the most appropriate manner I would again ask the member to apologise for his most recent statements and, on his failing to do that, make use of the Speaker's powers under Standing Order 70.

I am disinclined to act that way, chiefly because it would mean a second offence for the member and therefore incur a three-day penalty. Such a penalty has never been incurred in the history of this House and I do not wish to give this incident the distinction of being the cause of such an unprecedented action. I also detect a noticeable moderation in the terms used by the member in his latest statements and feel that this represents some degree of recognition, on the part of the member, that there are limits beyond which he should not go.

However, I want all members, including the member for Swan, to understand and appreciate that I am very aware of my duty to uphold the dignity and privileges of this House including those of its Speaker and will not treat lightly any further attempt to bring this office into disrepute.

I admonish the member for Swan for his behaviour and counsel him to use only the accepted parliamentary practice should he ever again feel it necessary to criticise the Speaker of this House.

Personal Explanation

Mr SKIDMORE: I seek leave of the House to make a personal explanation.

The SPEAKER: Leave granted.

Mr SKIDMORE: Throughout the sorry venture concerning my criticism of the parliamentary institution I have acted, as you have said, Mr Speaker—and probably as you yourself did on the previous occasion—with the basic knowledge firmly implanted in my mind, concerning the rightness of the action I took. I do appreciate the position and I make it quite clear that at no time did I wish to denigrate—nor do I believe I have denigrated—the institution of Parliament. I regret very much the fact that I was in a position to criticise in the way I did and I accept the decision given by you, which I know was not taken lightly. I thank you for the opportunity to remain in the House.

OFF-ROAD VEHICLES BILL

Introduction and First Reading

Bill introduced, on motion by Mr Rushton

(Minister for Local Government), and read a first time.

LAND DRAINAGE ACT AMENDMENT BILL

Introduction and First Reading

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

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Water Supplies) [11.10 a.m.]: I move—

That the Bill be now read a second time.

The Bill covers two main areas—preliminaries to construction of works, and rating.

Firstly, boards are authorised to carry out construction of drainage works, and sections 60 and 62 of the Act detail the procedures to be adopted before construction can commence.

The House will recall the 1977 amendments to the Metropolitan Water Supply, Sewerage, and Drainage Act which deleted the requirements for financial and some technical data to be prepared before the plans were open for public inspection.

The Government has decided that amendments to the Land Drainage Act are necessary so that preparation of the details mentioned earlier is not mandatory. Members are assured that these amendments in no way weaken the public interest, and boards will continue to be required to advertise proposed works, to make plans available for public inspection, and to receive objections.

Clause 7 of the Bill provides for a new section in substitution of the present subsection (2) of section 60 which has been repealed. This subsection limited the value of exempt works to $1 000.

The proposed new section does not specify a sum of money but permits the establishment of a value for exempt works by an Order-in-Council thereby eliminating the need to amend the Act from time to time in line with money values.

Only minor works are involved and at this stage the money value I have in mind, of works to be exempted, is in the order of $10 000.

Turning now to the amended rating provisions, drainage schemes continue to become more sophisticated than when the legislation was first enacted. Systems are now being operated to maintain the water table in summer months in certain areas as well as removing winter runoff. In addition some farmers are also irrigating their properties from water held up in the drains. These varied schemes have added to the cost of operating and maintaining the various systems.

The amendments will allow charges to be raised against those who benefit from the works. The Act at present provides for land to be rated for drainage on either—

(i) *unimproved capital value; or*

(ii) *area.*

The maximum rates are 10c in the dollar of unimproved value or 50c per acre. Both alternatives are used. However, most drainage districts are rated on an area basis. Because of inflation, rates determined on an area basis reached the prescribed maximum some time ago.

In order to maintain equity between the districts and allow charges to be raised to a more realistic level, it is proposed to amend section 88 to increase the maximum rate which may be charged to $10 per hectare.

The Bill introduces new provisions which will enable the department to enter into arrangements with local authorities for the collection of drainage rates.

The local authorities in drainage districts maintain similar rating records, and the Bill provides powers for a drainage board, or the Minister acting as the board, to enter into an agreement with a local authority to levy and collect drainage rates as agent and to make a payment to the local authority for this service. This mechanism is extensively used in the Eastern States and will assist the Government in containing costs.

Finally, the various penalties included in the Act have been amended to bring them into line with current monetary values.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bateman.

WATER BOARDS ACT AMENDMENT BILL

Introduction and First Reading

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

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Water Supplies) [11.16 a.m.]: I move—

That the Bill be now read a second time.

The Bill before members amends the Water Boards Act in regard to two matters—disqualification of members of water boards and preliminaries to construction of works.

Section 10 of the Act at present prohibits any person who is concerned or participates in a profit

of a contract with the board from continuing as a member.

Because of this provision three members of the Busselton Water Board were disqualified. They were businessmen who conducted transactions with the board in the normal course of business. There was no question of undue preference extended by the board to its members, or that any dishonesty was involved.

In one case the member had obtained a contract to supply fuel to the board; in another the member supplied a truck after the calling of tenders; and in the third instance the member who is a chemist provided first-aid supplies.

I believe that in regard to the chemist, a member of the board purchased first-aid equipment from the chemist's shop without the chemist being aware that the equipment was for use by the board. I am quite sure members would agree that such an occurrence should not disqualify the chemist who was placed in that situation.

In order to prevent a recurrence of the disqualification episode, the Government has decided to vary the Act to permit members to enter into contracts, etc. with the board, provided such transactions are in the ordinary course of business and are undertaken in good faith.

Moving now to the second matter, water boards have the authority to construct works under the Act. However, before these works are undertaken, section 41 sets out a series of preliminaries to construction.

Members will recall amendments to the Metropolitan Water Supply, Sewerage, and Drainage Act which deleted requirements for the preparation of an estimate, a statement of earnings, and other technical data to be prepared before public inspection of the plans.

Sections 40 to 45 of the Water Boards Act contain procedures which were similar to those applicable to the Metropolitan Water Supply, Sewerage, and Drainage Act before the 1977 amendments and therefore should be amended.

The Bill deletes the former requirements for the preparation of financial and other technical data to be prepared before advertising the plans, and at the same time the legislation ensures that the public interest is preserved by requiring the water boards to advertise proposed works, to make plans available for public inspection, and to receive objections.

Because of the re-enactment of section 41 it has been necessary to insert section 45A to permit the Governor by Order-in-Council to declare certain works exempt and not subject to the provisions of sections 40 to 45 of the Act.

This will enable minor works to be carried out by boards without the need to go through the procedures applicable to works of a significant a nature.

I commend the Bill to the House.

Debate adjourned, on motion by Mr B. T. Burke.

ACTS AMENDMENT (CONJOINT ELECTIONS) BILL

Introduction and First Reading

Bill introduced, on motion by Mr Jamieson, and read a first time.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Works) [11.21 a.m.]: I move—

That the Bill be now read a second time.

The proposals contained in this Bill are designed to provide control over offences, such as drug trafficking and fisheries matters, taking place in offshore areas of our coast. They are closely allied to those measures which were outlined in a Bill to amend the Police Act recently considered in this House.

The Bill will enable the Minister, through his department, to exercise an effective control over non-commercial vessels from other States, vessels which are now arriving, especially by road, in increasing numbers since the sealing of the Eyre Highway. While all States are currently working towards reciprocal provisions for the control of private vessels, this seems to be a long-term objective, and meanwhile it is believed necessary that some other means of control over visiting boats should be provided in the short term. I might add that reciprocal provisions would not give the State control over overseas visitors.

Turning to the Bill, the Act presently defines the term "vessel", as it applies to non-commercial craft, as craft which are used for pleasure privately and not for hire and reward. There is some doubt that this definition would include vessels coming into Western Australian waters from another State or from overseas which would not otherwise be subject to our legislation. Thus, the anomalous situation arises where visiting vessels operating in Western Australian waters are outside the jurisdiction of the State and are thus not liable for breaches of the law. In many

cases it is not known in advance what sorts of vessels they may be, the purpose of their visit, or even their identity or ownership.

It is believed necessary that the Minister should be given power to make an immediate order applicable to the vessel concerned. It is therefore proposed to empower the Minister to declare that the provisions of the Western Australian Marine Act relating to non-commercial craft are applicable to any craft which he may specify in an order. That craft will then become subject to the provisions of the Western Australian Marine Act.

For the information of the public, the order is to be published in the *Government Gazette* but failure to comply with this provision would not affect its validity. The order does not have to be served but simply produced when the vessel is intercepted.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

POISONS ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [11.25 a.m.]: I move—

That the Bill be now read a second time.

The proposals contained in the legislation are necessary because of the unhappy fact that Western Australia has a drug addiction problem. The Government, through education, the police, the Alcohol and Drug Authority, and the Public Health authorities, has endeavoured to keep this problem under control. It is disappointing to find that a few people in responsible positions have contributed to an undermining of control.

The Poisons Act is directed at the regulation of sources of supply through legitimate channels. The illicit traffic in drugs is mainly the province of the police. The amendments to the Poisons Act now proposed are aimed at tightening control of the supply of addictive drugs to drug addicts.

The first important amendment relates to section 23 of the Poisons Act. As the section stands, it requires a person who manufactures, distributes, supplies, or sells poisons, including drugs of addiction, to hold a licence. The section also authorises pharmacists, doctors, veterinary surgeons, and dentists to use, supply, or sell these drugs.

There is no authority written into the section or elsewhere in the Act to regulate the issue of prescriptions. Several months ago a few medical practitioners became well known for their willingness to prescribe addictive drugs to drug addicts. Prescriptions were written at such a rate that supplies available to addicts were greatly supplemented.

It is known that some of these supplies found their way into the local illicit trade. Some patients were presenting themselves at various places to obtain prescriptions under assumed names. This had a direct detrimental effect on the efforts of the Alcohol and Drug Authority to bring patients under treatment to control or overcome their disease.

A further matter of concern is the number of prescription pads which have been stolen from doctor's surgeries. These have been used by forgers to obtain supplies of addictive drugs through legitimate suppliers. It is essential to the maintenance of control that supplies to addicted persons be confined to authorised outlets and subject to reasonable limitation.

The amendment to the section would introduce a new element of control over the prescription of drugs of addiction and specified drugs. This control would be exercised through regulations which it is proposed to make. The power to make regulations is dealt with later in the Bill.

Clause 4 deals with the creation of an offence for breaches of the Act in relation to the supply or procurement of poisons generally. The amendment includes reference to authorities granted by the Commissioner of Public Health. This relates to my remarks on the preceding clause which contemplates the issue of authorities to prescribe or supply addictive drugs.

The amendment also raises the penalties for offences. The present maximum is a fine of $200. It is proposed that this be increased to a fine not exceeding $500 for a first offence. Second and subsequent offences could attract a fine not exceeding $3 000. The new scale of penalties would more nearly equate with the scale which operates for comparable offences under the Police Act.

Under clause 5 it is proposed that the whole of section 43A of the Poisons Act be repealed. The section deals with the illegal supply of drugs of addiction. As this subject is adequately covered by the Police Act, it is felt that the doubts which are created by parallel legislation should be removed. The repeal of the section would mean that the responsibility would clearly lie with the police in future cases.

Subsection (2) of section 44 of the Poisons Act fixes a penalty of $2 000 or imprisonment for three years for certain serious offences involving narcotics. The amendment proposed in clause 6

seeks to raise the maximum fine to $3 000 to match penalties fixed by the Police Act.

Section 64 of the Act gives authority to the Governor to make regulations necessary for the administration of the Poisons Act. Clause 7 proposes additional regulatory powers. The new powers are required to enable the intention of amendments set out in clause 3 of the Bill to be achieved.

It is a requirement of the Poisons Act that every proposal to make regulations be reviewed by the advisory committee. The views of the medical and pharmaceutical professions will be canvassed through their representatives on the committee.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

CONSTRUCTION SAFETY ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [11.31 a.m.]: I move—

That the Bill be now read a second time.

The Construction Safety Act, when introduced in 1972, overhauled the Inspection of Scaffolding Act of 1924, and it was designed to meet the changed and modern trends in the building construction industry.

A strengthening of safety and welfare provisions occurred, but it was not intended to overlap or duplicate safety and welfare provisions which were already fixed by other authorities or in awards.

Because of this, subsection (1) of section 7 of the Act provided that it shall not apply to the construction or carrying out of work about a mine, coalmine, petroleum well, or petroleum pipeline for which particular legislation existed, including the Coal Mines Regulation Act.

However, it was agreed between the Mines Department and the Department of Labour and Industry that for some construction work done on the surface of mines, the safety aspects in building should be the subject of inspection by construction safety inspectors, and accordingly, subsection (2) of section 7 provided for the Ministers responsible for both departments, by an instrument of agreement, to declare that the Act should apply to specified works on a mine to which the Mining Act or Mines Regulation Act applied.

The inclusion of a reference to the Coal Mines Regulation Act was overlooked and it is now found desirable to include those words in subsection (2). In addition, the words "Mining Act, 1904" have no particular relevance to the subsection and are to be deleted.

Another amendment concerns one representative to the Construction Safety Board who is appointed upon a joint written nomination from four bodies, two of whom are the Western Australian Employers' Federation and the Western Australian Chamber of Manufactures.

These two bodies amalgamated in 1975 to form the Confederation of Western Australian Industry (Incorporated). A formal amendment to change the name is included in the Bill.

A recent court case has highlighted a deficiency in the Act in respect of reporting accidents where serious bodily injury occurs.

Section 35 subsection (2) requires that an accident which causes loss of life or serious bodily injury to a worker on construction work must be reported forthwith.

Subsection (4) further requires that in the case of an accident which causes loss of life, the chief inspector shall be notified verbally of the accident. Serious bodily injury means an injury that is likely to incapacitate the person injured for three or more days.

It is considered desirable, in order that investigation of serious bodily injury accidents may be undertaken promptly, to require verbal report to be made to the chief inspector.

In addition, section 36 of the Act makes it mandatory for the chief inspector, or an inspector directed by him, to attend the site of the accident in the case of fatal or serious bodily injury to investigate the circumstances surrounding an accident.

This is done in fatal accidents but it is considered the chief inspector should have discretionary powers in respect of accidents involving serious bodily injury.

For example, a strained back injury from lifting may not warrant investigation by an inspector, particularly if it happened in, say, an isolated country area. An amendment is proposed to cover this situation.

The matter of penalties for safety breaches has caused concern.

Since the introduction of the Construction Safety Act, experience has shown that the courts generally impose a penalty for infringements of the Act in the order of 20 per cent of the maximum penalty, regardless of the number of times the offence has been committed.

Some regular offenders against the Act continue to attract small penalties for safety

breaches such as failing to supply guard rails, to cover openings in the floor, or other adequate protection.

It is considered that increased penalties for second and subsequent offences will assist in emphasising to employers the need for compliance with safe working practices.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Skidmore.

ADDRESS-IN-REPLY

Presentation to Governor

THE SPEAKER (Mr Thompson): I desire to announce to the House that at 11.45 a.m. the member for Murdoch, the member for Albany, the member for Welshpool, and the member for Avon, together with the Clerk and the Sergeant-at-Arms, will accompany me to attend upon His Excellency, the Governor, to present the Address-in-Reply to His Excellency's Speech in opening the Parliament. Whilst I am out of the House the Chair will be occupied by the Deputy Speaker.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [11.38 a.m.]: I move—

That the Bill be now read a second time.

As members are aware this Government, shortly after assuming office, indicated that an inquiry would be held into workers' compensation. This was to include a review of the Act itself, the clarity of which has been subject to some adverse judicial comment over the years.

A judicial inquiry, through factors not within the control of this Government, has been subject to delays. These have been due to the unavailability of a suitable person to conduct a full inquiry and a Commonwealth proposal for a national compensation scheme.

It is expected, however, that the judicial inquiry should commence in the very near future.

Members will appreciate that workers' compensation is an important and complex matter. Many issues are involved both from the view of adequately compensating injured workers and their families and doing this in the most efficient and effective way.

The judicial inquiry is expected to be a lengthy and protracted exercise. For this reason the Government obtained a report from the Chairman of the Workers' Compensation Board on matters requiring urgent attention and submitted these to Mr G. C. Clarkson, QC, to make recommendations.

These recommendations and the chairman's original report were submitted to the Trades and Labor Council of Western Australia, the Confederation of Western Australian Industry and the State Government Insurance Office.

It is worth mentioning also that these organisations and others have made submissions to the Government on the question of workers' compensation. All these have been considered.

The amendments being introduced as an interim measure now include those matters which have been recommended by the chairman and Mr Clarkson, and there are other amendments arising from submissions put to the Government.

I would like to make the point here, in answer to claims that some of these matters should be referred to the judicial inquiry, that they have already been subjected to investigation. The Government believes that these amendments should proceed now.

There will be objections to some of these amendments but I can assure members that sufficient research and study has already been undertaken on these matters and it is not necessary to delay them further.

Of immediate concern, of course, is the amendment to establish a supplementary board. We are all aware of the unfortunate backlog of claims that have built up over the past few years and the difficulties experienced by workers and their families because of delays.

The amending legislation also corrects a situation, brought about by a legal interpretation of section 7(3)(a) of the Act. This interpretation by the High Court in the May v Geraldton Building Company case, is contrary to the intention of the legislation and in order to clarify the matter it is necessary to examine the principles involved.

Section 7(3)(a) refers to lump-sum payments under the second schedule to the Act.

Prior to 1970 a worker on weekly compensation payments for an injury, which resulted in a disability, was automatically paid a lump sum when his disability stabilised and his weekly payments then terminated.

An amendment to the Act in 1970 introduced the right for a worker to elect, if he wished, for a lump-sum payment in lieu of weekly payments rather than have the insurance company automatically pay him out.

The worker who could not return to his normal duties could therefore remain on weekly payments. This was the whole intention of the 1970 amendment.

If a worker postponed his election and received weekly payments, after his injury had stabilised, he was able to receive a total pay-out in excess of that applying prior to 1970.

Weekly payments are adjusted with wage indexation movements and his total compensation is limited only by the maximum liability under the Act. This maximum liability is at present $41 226 and this also increases annually with average weekly earnings. In some cases even this maximum liability can be exceeded.

With a worker's total compensation already being adjusted through weekly payments, it is wrong that any lump-sum payment should also increase. To suggest that this is an equitable situation means the worker is receiving a dual advantage by delaying his election. But this is what is occurring as a result of the court decision to which I referred earlier.

This decision ruled that the lump-sum payment was that applicable as at the date of election, rather than that fixed by the date of accident. The court decision was not concerned with the merits and equities of the situation, but simply with the legal interpretation of the words.

This interpretation is contrary to the intention of the Act and occurred inadvertently in the making of the amendment.

This open-ended situation in respect of the amount of the lump-sum payment also places insurance companies in an impossible position in trying to assess outstanding claims for premium purposes.

The right of election, whilst of considerable value to workers, was never intended to be accompanied by a change in the amount of the lump-sum payment.

This is indicated by the complete absence of reference to this aspect in the debates at the time as reported in *Hansard*, and further proof is that no such claim was made by, or on behalf of, any worker for years after the 1970 amendment.

To describe the Government's action in correcting this situation as pruning lump-sum payments provided for by the law, is an over-simplification and amounts to little more than a distortion of the true situation.

The present amendment therefore re-establishes the 1970 situation, and the original intention of the legislation.

This Bill also introduces a new method of premium assessment by removing the present ceiling of $50 per week per worker now used and replacing it with a method based on gross earnings.

This new method of premium calculation will provide a more equitable basis for premium fixation for individual employers.

Provision has also been made to cover workers operating outside the State's territorial limits and to enable the Workers' Compensation Board to make advances to workers requiring financial assistance before an award is made.

Prior to 1973, where death resulted from a compensable injury, dependants received a lump-sum settlement, less the amount of any weekly payments made and less the amount of any lump sum paid in redemption of weekly payments.

The amendments of 1973 deleted the provision for deducting the amounts of any weekly payments. This, in effect, means that more than the maximum liability under the Act could be paid on a single claim. This is an anomaly and is corrected by the amendment.

This Bill provides for inclusion of a former divorced wife, who is still legally dependent on the worker, under the definition of "widow or wife", and clarifies the situation in respect of workers engaged in concurrent contracts of service.

There are minor amendments associated with technical problems in the Act, which include a change in the adjustment mechanism for the "prescribed amount", applicable in second schedule lump-sum payments.

The new provision will overcome difficulties experienced at present due to delays in the publication of quarterly statistics from the Australian Bureau of Statistics.

Adjustments have also been made for the costs of funeral expenses and meals and lodging expenses.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Skidmore.

FAMILY COURT ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Works) [11.48 a.m.]: I move—

That the Bill be now read a second time.

Members will be familiar with the situation whereby under provisions contained in the Commonwealth Family Law Act, a State Family Court was set up to operate in this State in relation to all aspects of matrimonial jurisdiction.

The substantive law governing the State Family Court was, of course, the Family Law Act, 1975, of the Commonwealth.

State jurisdiction was also conferred on the Family Court by this Parliament.

Western Australia was the only State which had one court which dealt with all aspects of family law. In other States, persons having to resort to law might have to take separate proceedings in several different courts in order to settle the matters in dispute.

Our State Family Court, which opened on the 1st June, 1976, has provided a service, superior to any other in the Commonwealth, of which we are justly proud. There have not been the inordinate delays here which have occurred in some of the other States, up to 15 or 16 months in some cases.

Because we have had a State Family Court the State Government has been able to make appointments of additional judges from time to time prior to Commonwealth funding being received. The judges were simply appointed under the State's powers until such time as the Commonwealth was in a position to accept responsibility for them. This has been the principal means whereby we have avoided the serious delays which have occurred elsewhere.

However, all Family Courts including our own, received a setback when the High Court decided that the power given by the Family Law Act, whereby the court could make orders with respect to property of the parties to a marriage, was not valid unless proceedings had been instituted for principal relief; that is to say, proceedings for dissolution or nullity of marriage or declaratory orders. In effect, this meant that the parties had to be able to establish that they had lived apart for 12 months so as to found a writ for dissolution or similar proceedings. In the meantime, although the parties to a marriage might be in dispute, the court could not entertain proceedings to grant relief in respect of their property.

The State Family Court was affected, along with the other Family Courts in Australia by the decision of the High Court because the jurisdiction was granted by the Commonwealth Family Law Act which was held to be excessive to this extent.

No effective action has yet been taken by any State to remedy this problem although some States are contemplating making a reference of power to the Commonwealth.

Once again, by virtue of having a State Family Court, the State Parliament is in a position without waiting on other States or the Commonwealth to grant to the State Family Court the jurisdiction which the Commonwealth cannot supply.

The Bill presently before the House is designed for this purpose; namely, to invest the State Family Court with property jurisdiction in proceedings between the parties to a marriage without the necessity for such parties having to wait for the period of 12 months to elapse before such proceedings could be instituted.

This will enable Western Australians who are unfortunate enough to be involved in a matrimonial dispute to obtain relief where some question arises in relation to the title or disposition of property in advance of the principal matrimonial relief which they may be seeking.

It will also enable the parties to a marriage who do not wish to be involved in a formal dissolution of marriage, for reasons of their own, to invoke the powers of the court to settle their property disputes.

We have deliberately refrained from using any phrase in the Bill which might provoke an argument as to whether or not there has been or is likely to be a breakdown of marriage because it is believed that if this phrase—which is being contemplated by some of the other States in connection with their reference is used it will provoke an argument in advance of each decision where parties are in genuine dispute. The court is likely to be asked "Is there an actual or likely breakdown of marriage?" The question would require to be answered in the affirmative before the court would have jurisdiction to determine the dispute.

This question will not need to be asked in the case of proceedings under our Bill as there is no reference specifically to a breakdown of marriage.

Nevertheless, so as to prevent the amendment before the House from being used in some improper manner or for some improper purpose not related to the marriage, the Bill imposes strict controls on the exercise by the court of its enlarged jurisdiction.

Where the court makes a declaration in regard to the title or rights to property of the parties to a marriage, it will have to take into account certain principles set out in section 25 of the Act and an additional principle which is to be added by this Bill so that the court is required to have regard for the effect of any order on the stability of the marriage and the welfare of the children of the marriage.

Further, where any alteration of property interests is involved the court is given a specific power to adjourn the proceedings upon such terms and conditions as it thinks fit for any period

including such period as may be necessary to enable it to consider the likely effect of the order on the marriage and on the children of the marriage.

The court is specifically directed not to make any order unless it is satisfied that it is just and equitable to do so, bearing in mind the need to preserve and protect the institution of marriage, the need to give the widest possible protection and assistance to the family, the need to protect the rights of children and promote their welfare, the means available for assisting the married parties to consider reconciliation or the improvement of their relationship and the effect of the proposed order on the stability of the marriage and the welfare of the children.

There are certain special factors which the court may also take into account in making its property order. These are already set out in the Family Law Act and they are repeated in the Bill before the House. These are—

> The financial contribution made directly or indirectly by or on behalf of a party or a child to the acquisition, conservation or improvement of the property;
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> the contribution made directly or indirectly by either party including any contribution made in a capacity of homemaker or parent;
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> the effect of any proposed order upon the earning capacity of either party; and,
>
> —certain other matters.

These special criteria differ from the normal common-law rules for determining title and rights to property and to that extent there has been a change in regard to the determination of questions affecting the property of the parties to a marriage.

Other general powers of the court and ancillary powers in order to ensure that the court's orders are carried out are imported into the amending Bill from the Family Law Act.

One important provision is that which enables the Family Court to set aside or restrain the making of a disposition or instrument to defeat an existing or anticipated order of the Family Court. This is necessary to prevent one party to a marriage from taking proceedings in another court or disposing of the family property prior to the commencement of proceedings for dissolution of marriage. Members will appreciate the hardship which this could cause to the innocent party and hence it is necessary that the Family Court should have this restraining or injunctive power.

The Bill also contains a provision in relation to proceedings in a Court of Summary Jurisdiction as such courts may still exercise family law powers outside the metropolitan area. Property jurisdiction is conferred on such courts but the jurisdiction is limited to property not exceeding $1 000 in value, unless the parties consent to the proceedings being heard in the court. In any event the proceedings may be transferred to the Family Court.

In summary, what the Bill does is to ensure that the parties to a marriage may now go to the State Family Court for a resolution of their property disputes, although they are not in a position formally to commence dissolution or similar proceedings.

The court may likewise entertain proceedings in cases involving the parties to a marriage where for some reason or other they do not propose to proceed to divorce.

A spouse will not be able to dispose of the property in which he or she has the legal interest, thereby putting it beyond the reach of the other spouse without the jurisdiction of the Family Court being liable to be invoked. The special principles which apply under the Family Law Act will be brought to bear on property disputes.

The State is conferring its own non-Federal jurisdiction on the State Family Court to enable that court to act in these circumstances with a view to the settlement of such disputes and to the restraining in appropriate circumstances of proceedings in other courts.

Once again Western Australia will have scored a first. In effect, we will be restoring to the State Family Court the jurisdiction which it was thought to have before the recent High Court cases. We will be doing it in a meaningful way to ensure that it will grant effective relief to State citizens and we do not have to await the further negotiations which must ensue between the other States and the Commonwealth before they reach agreement on the terms on which the citizens of the other States can get relief in such cases.

The wisdom of our action in setting up our own State Family Court once again is vindicated and I have much pleasure in commending the Bill to the House in the hope that it will pass into law as soon as possible.

Debate adjourned, on motion by Mr Bertram.

POLICE ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Minister for Works) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 12, page 7, lines 32 and 33—Delete the words "amended by" and substitute the passage—

"amended—

(a) by"

No. 2.

Clause 12, page 8, line 13—Delete the passage "to do." and substitute the passage—

"to do ; and

(b) by adding at the end of the section a further proviso as follows—

Provided further that it shall be a defence to a charge of an offence contrary to paragraph (4) of this section to show that the intention was manifested in the course of a *bona fide* trade dispute between an employer and workmen engaged in the activity so empowered, and that the act, failure or omission complained of was committed by a person who was a party to that dispute."

Mr O'CONNOR: I move—

That amendment No. 1 made by the Council be agreed to.

Members will recollect that when this Bill was being considered in this Chamber members of the Opposition brought up some aspects that gave them cause for concern. At that time the Minister gave an undertaking that he would consider the matter and, if it was thought that the aspects indicated by the Opposition were in danger, an amendment would be brought in accordingly. This amendment was introduced in another place to rectify the matter and I trust members will accept it.

Mr T. H. JONES: We originally opposed this Bill more strongly than the Minister now handling the Bill has explained, and if we look at what transpired during the second reading debate we will see that the Deputy Premier told me I did not know what I was talking about. Reference to *Hansard* will now clearly demonstrate that I did know. Members will recall that during the debate the Deputy Premier asked me where I got my legal opinion from and I said I got it from Labor lawyers. He said that he would hate to have Labor lawyers defend him because they do not know what they are talking about and that I was trying to read something into the Bill that was not there. But it has been proved I was correct.

I was rubbished by the Deputy Premier; he made all sorts of accusations about my handling of the Bill on behalf of the Opposition. Members will see on page 951 of *Hansard* for the 19th April he said that I have a very vivid imagination. Then he said that it was a simple Bill, that I could not understand it, and that it was an amendment to the Police Act.

Mr Nanovich: How is the marron fishing going on down there?

Mr T. H. JONES: The member should look after the grapes because he is having enough trouble with them and allow me to look after this Bill if he does not mind.The Deputy Premier then said—

> It has nothing to do with unions. What are you talking about? You are reading something in the Bill that is not there.

I wonder what all the members who bought into the debate when I was on my feet have to say now?

Mr Young: I will tell you what we have to say. If we are prepared to admit that the drafting obviously needed a little touching up, are you prepared to say we obviously did not do it deliberately?

Mr T. H. JONES: I have seen the Government in action previously. Whilst this Government is in power it might not use the clause but Governments change and Ministers change. I referred to that when I was speaking at the second reading stage.

Mr Young: You were frightened at what your side would do with it.

Mr T. H. JONES: I have limited time and if the member wants to talk to me in another place he can see me there. I took a certain amount of rubbishing from the Minister. He is not here today but if he were here an apology would be the order of the day.

Mr B. T. Burke: I think he would apologise to you. He is man enough.

Mr T. H. JONES: Knowing him as I do, I think he would. Now it has been clearly demonstrated that even the Crown Law Department agrees with these horribly ill-informed Labor lawyers! As a consequence

amendments were introduced in another place to rectify the matter.

Having said that, can any member opposite explain to me what this amendment means? It would take the Supreme Court or the High Court of Australia to explain it. The Labor lawyers who were so ill-informed during the second reading debate cannot interpret what is intended by the amendment that was introduced in another place! I shall pause for a moment to allow members opposite to tell me what it means.

Mr Sibson: Those Labor lawyers would have political bias.

Mr T. H. JONES: The member for Bunbury has such vast legal experience he would be better qualified than the Labor lawyers to tell us what the amendment means! Having disproved the attitude that existed in the mind of the Deputy Premier and he having now reconsidered the points I raised on behalf of the Opposition, I come to the correction of the anomaly contained in the Bill. The assurance given by the Minister is to be found on page 971 of *Hansard*. This is what transpired—

> Mr T. H. JONES: What worries me with this clause is that it could be used against the trade unions. I ask the Minister: Could not the Bill be modified to do precisely what we want it to do?
>
> Mr O'Neil: I have indicated that I will have it examined. I understand your problem and if it is necessary to modify it I assure you it will be done.
>
> Mr T. H. JONES: Can the clause be amended to remove the fears we have?
>
> Mr O'Neil: Yes.

With your permission, Mr Deputy Chairman (Mr Blaikie), I shall now read the passage which is intended to be inserted as a proviso to clause 12. It says—

> Provided further that it shall be a defence to a charge of an offence contrary to paragraph (4) of this section . . .

The DEPUTY CHAIRMAN (Mr Blaikie): Order! The member is now referring to amendment No. 2. Is this part of his argument in relation to amendment No. 1?

Mr T. H. JONES: Both amendments relate to the same clause, which we opposed.

The DEPUTY CHAIRMAN: In that case I shall accept it.

Mr Sibson: Did you get that advice from the Labor lawyers?

The DEPUTY CHAIRMAN: Order!

Mr T. H. JONES: Can members opposite talk some sense into the member for Bunbury?

The DEPUTY CHAIRMAN: Order! I suggest the member for Collie continue.

Mr T. H. JONES: I shall ignore the stupid interjection from the ill-informed and misinformed member for Bunbury and continue to refer to what the amendment intends. No-one on this side of the Chamber knows the intention of the clause. I shall read the amendment to which we are expected to give our support. It is as follows—

> Provided further that it shall be a defence to a charge of an offence contrary to paragraph (4) of this section to show that the intention was manifested in the course of a bona fide trade dispute between an employer and workmen engaged in the activity so empowered, and that the act, failure or omission complained of was committed by a person who was a party to that dispute."

Can anyone tell me what a bona fide trade union dispute is? It is not defined in the Industrial Arbitration Act.

I might add in fairness to the Premier that I indicated we were ready to go ahead with this Bill as I had seen the amendment on the Council's notice paper yesterday. The Opposition wants to know who is going to interpret the clause. The Minister in another place did not explain the clause and the Minister in this Chamber merely got up and said the amendment answers the queries raised by the Opposition when the Bill was last before the Committee.

The amendment includes the words, "a person who was a party to that dispute". It should be understood that such a person need not be a member of a trade union. I raised my initial query on the basis that the Commissioner of Police could, by way of regulation, issue orders to authorise certain actions to be taken during an industrial dispute. I instanced a dispute on the waterfront where waterside workers had refused to load sheep into ships.

It appears to Opposition members and from the legal opinion we obtained that the clause is very badly worded. It does not clarify the situation we complained about earlier. If the amendment does not apply to the trade union movement during disputes why does not the Government spell this out clearly?

When I raised this matter previously some Government members implied that I was ill-informed and insufficiently educated to understand the English language, but I believe

they have been proved wrong. I hope the Minister can tell me whether he is able to interpret this part of the clause. I would hate to see this part brought up in the High Court or the Supreme Court. It would be incumbent upon the representative of the accused party to prove that his client did not fall within the ambit of this clause.

There is too much left for granted as the amendment now stands and the Opposition wants the intention to be clearly spelt out. Can anyone tell me what a bona fide trade union dispute is? I have been unable to find a definition or interpretation of a bona fide union dispute in the Industrial Arbitration Act. I have had experience in the trade union movement, limited though it might have been, and I am unable to establish the intention of this amendment to the clause.

Mr Sibson interjected.

Mr T. H. JONES: This is no time for joking; it is a serious matter. It could be said that I am speaking not only on behalf of the Opposition but also the member for Bunbury who may face industrial disputation in future. I am looking after the interests of not only the trade unions but also members on the Government side.

Government members should be honest and admit that anyone would be battling to give an interpretation of this clause in an industrial court or industrial seminar. There are so many interpretations that could be placed on this amendment. I have pointed out gray areas in connection with this clause and it needs more consideration before the Bill is passed.

I wonder whether Government members really consider this to be a good amendment. I received some rubbishing when I pointed to the possible use of the clause as it stood, but members opposite were prepared to support the Deputy Premier. They said I was reading things into the Bill that were not there.

Mr Shalders: I am wondering why your colleagues agreed to the Bill in the Legislative Council.

Mr T. H. JONES: I cannot speak for them.

Mr Pearce: You speak for yourself.

Mr B. T. Burke: We don't have your rigid discipline.

Mr O'CONNOR: I was a little astounded at the remarks made by the member for Collie because the Government has made a genuine effort to make the purpose of this Bill abundantly clear. As far as we were concerned we could not see a great deal wrong with the Bill initially but because of the points brought forward by the member for Collie and other members of the Opposition we tried to clarify it and satisfy the points they raised.

The member for Collie has said he cannot find anything in the Industrial Arbitration Act covering the points raised in this Bill. The member should realise that we are dealing with the Police Act. The amendment does not refer to trade unions; it refers to trade disputes and not a trade union dispute. The honourable member should see that that is the position.

Mr T. H. Jones: Come on!

Mr B. T. Burke: There is no definition in the Police Act of a trade dispute.

Mr O'CONNOR: The honourable member would know what a bona fide dispute was in connection with this matter. I believe the Deputy Premier has gone to great lengths in an endeavour to cover the position which we felt was clear in the first instance. I thought we would have the member for Collie's support because we were trying to cover what he had requested in connection with amendments to the Bill.

I think the fact that members in another place have already agreed to this Bill indicates they cannot see a great deal wrong with it. I personally cannot see a great deal wrong with the wording of the clause, but if the member wishes not to accept it I am happy to let the position ride.

Sir Charles Court: Do you want us to drop it?

Mr T. H. JONES: I do not wish to be critical, but the Minister did not answer the questions I raised. He has not explained the situation. He says the amendment does what we asked; he did not mention the complexity of the clause. It is a complex clause. By way of a conciliatory measure we want to try to modify the situation. For those reasons I wish to move an amendment to the amendment, made by the Council and I do so on the basis that we want the situation to be clear in order that everyone will know what the clause means. I intend to move an amendment to delete all the words after the word "that" in line 16 with a view to inserting other words. Am I empowered to read what the other words will be, because they relate to the deletion?

Sir Charles Court: It is no skin off our noses. If the Opposition does not want the Council's amendment, it does not worry us. We have done this to try to oblige members opposite. We do not think the Council's amendment is necessary anyway.

Mr B. T. Burke: That is reasonable.

Sir Charles Court: If members do not want the amendment they should say so.

The DEPUTY CHAIRMAN (Mr Blaikie): Order!

Mr T. H. JONES: The Premier cannot gloss over the matter.

Sir Charles Court: I am sorry the Council made the amendment at all.

Mr T. H. JONES: The Premier should give me the same privileges as I gave him. The Deputy Premier assured me he would look at the Bill and discuss the areas concerned with the Crown Law Department. If the substance of my request was correct, the Deputy Premier said the Bill would be amended. Obviously he has done that and the Crown Law Department is of the opinion that the Bill should be tidied up.

We, on this side of the Chamber, believe there is a simple way to clearly demonstrate what I have in mind.

The DEPUTY CHAIRMAN: The amendment the honourable member wishes to make relates to the Council's second amendment. The procedure we should follow is that amendment No. 1 should be put and the member can move his amendment in relation to the Legislative Council's amendment No. 2.

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

Mr O'CONNOR: I move—

> That amendment No. 2 made by the Council be agreed to.

Mr T. H. JONES: I move—

> That the amendment made by the Council be amended by deleting all words after the word "that" on line 4 of the proviso down to and including the word "dispute" with a view to substituting the words "the intention was manifested in the course of a bona fide strike or industrial dispute or of some activity consequential thereon or associated therewith".

We are not trying to pull any swifties. We believe the clause should refer to an industrial dispute. It is necessary also for reference to be made to a strike. The intention will then be clear.

The words which I have asked be deleted make the clause more involved. My amendment is very simple and it will spell out clearly that this clause should not be used against the trade union movement in the course of a strike or industrial dispute. My amendment is more clearly defined and better worded than the amendment made by the Council. The Minister handling the Bill said he did not believe it should apply to trade unions. He made that argument in the second reading debate and Committee stage of the Bill. I am asking that we tidy up the measure.

The Crown Law Department feels it is necessary for something to be done; but the wording of the amendment is far too involved. In our view my amendment will clearly spell out the situation, without a great deal of legal verbiage. Lawyers have a habit of doing this sort of thing. I am sure members have found themselves in the position—as I have in the trade union movement—where legal opinion has been obtained and one has to go to another lawyer in order to interpret that legal opinion. How often do we obtain a legal opinion from one lawyer and when one goes to a Queen's Counsel he says, "No; that is not the case." This is why there are so many lawyers in Western Australia and, indeed, throughout the world.

The Minister in charge of the Bill knows, as a result of his experience, that it is often necessary to obtain an opinion on a legal opinion. I have experienced this many times. We have obtained a legal opinion from a QC and we have had to go to another QC to find out what the first QC is trying to say. This happens daily. No-one can deny it. It involves the problem of trying to understand the phraseology used by legal people.

Frequently agreements are made and challenged in the court. Legislation is made and then years later it is challenged in a court. We do not want that to occur in this case. We are seeking merely to remove all the unnecessary words which in our view are meaningless and have nothing to do with the trade union movement or industrial disputation. That is the reason for the amendment.

Mr SKIDMORE: I wish to enter the debate by supporting the amendment moved by the member for Collie. During the second reading debate problems were discussed which are associated with the question now before us. We proved conclusively to the Minister that the fears we held at that time were well founded. The Premier says now we are being difficult and, "We do not want the amendment. We will withdraw it altogether." That would be a very easy way to overcome the problem and we would then be back at square 1.

The member for Collie has tried to spell out clearly what is meant by the verbiage contained in the amendment received from the other place. When one looks at the Council's amendment one must surely quarrel with it. I certainly do. In all my life as an industrial advocate in the courts I have never come across the term "trade dispute" as it applies to a dispute between working people and the employer under the terms of an award,

industrial agreement, long service leave application, or any other matter. It is a phrase which lends itself to all sorts of interpretations. The member for Collie has noted the terms of the amendment from the other place and he has amended it to clarify the situation. He has stated clearly and in simple language the position in regard to a strike, industrial dispute, or some activity consequential thereon or associated therewith. I have no doubt that the member for Mt. Hawthorn might try to untangle the web of verbiage that has been presented to us.

I give my support to the amendment moved by the member for Collie based on the words of wisdom spoken at the second reading stage when we proved beyond a shadow of doubt there was a problem associated with this particular piece of legislation. I support the amendment.

Mr O'CONNOR: I oppose the amendment. As I said earlier, I believe we have bent over backwards in an effort to rectify a position which we did not believe required rectifying. The details of the speeches were sent to the Crown Law Department for consideration. The Premier sent the matter back for further consideration. We have been advised that the words "trade dispute" are the proper ones to use. I sincerely hope that the amendment is not accepted. I was under the impression that strikes were illegal.

Mr T. H. Jones: Oh no!

Sir Charles Court: Since when have they been legalised?

Mr T. H. Jones: Under the Commonwealth legislation.

Mr O'CONNOR: We are dealing with State legislation, and as far as I am aware strikes are not legal.

Several members interjected.

Mr O'CONNOR: I do not want to get into a lengthy argument over this. Quite frankly, I was quite happy with the Bill the way it was worded before the Council's amendment was included. If members want to defeat that amendment, I would be quite happy about it. We have been advised by the Crown Law Department that our amendment covers the undertaking given by the Deputy Premier. Therefore, I am not prepared to accept the amendment moved by the member for Collie.

Mr BERTRAM: We received the message from another place as a result of an undertaking given by the Deputy Premier when the Bill was before us previously. While he hesitated for a time, he ultimately saw very clearly that the objections and concern expressed by the Opposition when the Bill was previously in Committee were thoroughly justified and he said he would do something about the matter. The inescapable inference was that he would do something which would be effective and acceptable to the Opposition.

The Opposition does not believe that the amendment in the message we have received is effective, and it is certainly not acceptable to the Opposition because it makes extraordinarily hard work out of a very simple proposition. The Opposition wanted to ensure that when pickets were operating during a strike the provisions of the Police Act would not be used to frustrate them. Therefore, the Opposition has moved an amendment so there will be no doubts at all about what is intended.

The words in the amendment moved by the member for Collie are as clear as a pikestaff. They spell out the position clearly so that any person with a reasonable comprehension of the English language, giving to words their ordinary meaning, will clearly understand what is being said.

The Minister stated that bona fide strikes are illegal.

Mr O'Connor: I said they were not legal.

Mr BERTRAM: He may be justified in that statement because of the provisions of the Industrial Arbitration Act, which is no credit to the State, but I will not go into that. Whether something is illegal or legal, we can still have a dinkum or a not dinkum one. In other words, we can have a strike in fact or a strike in sham. We can have a Parliament in fact or a Parliament in sham, and we can have a bona fide strike or a strike which is a sham.

A bona fide strike is a strike which has occurred as a result of some dispute, and the world knows it is following a legitimate dispute. It is a bona fide strike. It is not a situation which is called a strike merely in order to get around the provisions of the Police Act. It is a dinkum strike. It is not a situation under which an offender when in the court, says, "As a matter of fact, that was a strike". The magistrate would tell the offender that he, the offender, might think it was, but he, the magistrate, did not think so and neither did anyone else think so. The words "bona fide" mean "dinkum" as distinct from "sham", "facade", call it what we will. I am reminded by my colleague that "bona fide" means "good faith".

I defy anyone to tell us the meaning of the words the member for Collie is seeking to have deleted. The Minister does not know, and no-one else knows. I certainly do not know. They should be deleted and words which are understood and

deliver the goods in clear terms, should be substituted. What is wrong with stating the position in English instead of using mumbo-jumbo which is not understood? Certain words have struggled into the amendment from another place, not from the draftsman, but probably from the typist who has included some words out of context.

Mr Davies: They were left over from the last Bill.

Mr B. T. Burke: That is thrift.

Mr BERTRAM: They are completely extraneous, irrelevant, and useless and confuse the whole issue. I do not understand why we should make hard work out of a simple task.

The DEPUTY CHAIRMAN (Mr Blaikie): I hope the honourable member will advise how he can connect his remarks to the amendment we are debating.

Mr BERTRAM: I have never departed from the theme.

The fact of the matter is that the provision is nothing but nonsense. It should not be the vehicle to allow legal practitioners to go from one court to another in an attempt to find out what something means. Therefore, why not let us do what the member for Collie urges, and remove the meaningless verbiage. The words should be clearly understood, and that is the position we are seeking to make right. I support the remarks of the member for Collie.

Mr T. H. JONES: I was disappointed to hear the views expressed by the Minister handling the Bill. The Premier said previously there was no need to amend the Bill. He said if we did not accept what was outlined, we would have nothing. It will be recalled that the Deputy Premier said he did not share those views.

Sir Charles Court: You are distorting the situation. I have read everything the Deputy Premier said, and we have honoured his commitment. It is a pity now that we have bothered to do anything, because all we had to do was express an opinion, and the Opposition would have had to be satisfied. You do not encourage the Government to be co-operative.

Mr T. H. JONES: What the Premier said by way of interjection was received with mixed feelings by the Deputy Premier. The Deputy Premier said he understood the problem, but he did not share the views of the Premier.

Sir Charles Court: That is right.

Mr T. H. JONES: As a consequence, the Deputy Premier went to Crown Law and indicated the problem. Crown Law agreed. The Crown Law Department would not have recommended the amendment if it was not needed.

Sir Charles Court: You do not know what the Crown Law Department recommended at all.

Mr T. H. JONES: The Crown Law Department has not recommended the amendment simply to meet the views of the Opposition. It is a responsible department, and it has examined the views strongly canvassed by the Opposition. As a consequence, the Crown Law Department has recommended to the Government that the Bill should be amended. In taking that action, the department has agreed with the views expressed by the Opposition, and it has agreed with the fears expressed by the Deputy Premier.

Sir Charles Court: Who said that?

Mr T. H. JONES: The Deputy Premier said he understood our problem.

Mr O'Connor: You are drawing a long bow there.

Mr T. H. JONES: The Minister handling the Bill has not yet informed Parliament of the intention of the amendment for the simple reason that he cannot. He does not know. Parliament has a right to know before this Bill is passed. The Minister handling the Bill has talked with his legal adviser, but the legal adviser has given no advice since. I am speaking loudly in order to get over the stupid interjections in the background, and I will continue to do so irrespective of what is said by members opposite.

Parliament has a right to know the meaning of the amendment. There may be some intent behind the amendment, but no member opposite knows of that intent. They are all very silent. However, members opposite will still vote for the amendment and it will become part of the law of this State. Can any member opposite inform me, by way of interjection, what the amendment means?

Mr Young: Check the notes. Written in the margin is, "Argument, we agree, raise voice".

Mr T. H. JONES: We are trying to clarify the position. We are supposed to be legislators, responsible people. The Minister should defer the passage of the Bill so that he can come back to Parliament and tell us the meaning of the amendment. As legislators we have a responsibility to know what we are passing. The Minister has not been able to tell us the intention of the clause.

Sitting suspended from 12.45 to 2.15 p.m.

Mr T. H. JONES: Prior to the luncheon suspension I called on the Minister to explain

clearly what the clause is intended to do. I hope in the time available to him during the luncheon suspension he has consulted with some of his legal advisers and will be able to inform the Chamber of the situation.

Mr O'Connor: I have already told you.

Mr T. H. JONES: The Minister certainly has not convinced us. I challenged members on the other side of the Chamber to tell me what is the intent of the clause and how it should be interpreted. Our legal advisers are unable to inform us what is the intention of the clause.

When I handled the Bill in the second reading stage I said the Opposition was concerned about the impact of the clause on the trade union movement, generally. The Deputy Premier said he would have it checked, and this amendment has now been introduced. I cannot interpret it and I doubt that members on the other side of the Chamber can interpret it, either.

Mr O'Connor: Then reject it.

Mr T. H. JONES: The Deputy Premier said he agreed with the views I expressed in the second reading and Committee stages. Initially he said I was trying to read something into the Bill which was not there, but in Committee he agreed with the concern I had been expressing.

All I asked him to do, on behalf of the Opposition, was to clarify the intent of the clause, but instead it has been made more obscure. I ask the Minister now handling the Bill to explain fully what is "a bona fide trade dispute". Before coming into this place I spent 17 years as an advocate for trade unions and I appeared before many industrial commissions and courts; so I have had some experience in these matters. Had I been asked, as a trade union advocate, to interpret the clause I could not have done so.

I have made my position loud and clear. I would like the Minister handling the Bill to give us the definition of "a bona fide trade dispute" and "a party to a dispute", because we on this side of the Chamber are at a loss to understand the amendment on the notice paper.

Mr BERTRAM: It now clearly emerges that during the luncheon suspension the Minister has received a message from the Premier saying, "Stick to your guns. It matters not whether the argument has any merit."

Mr B. T. Burke: Did the Premier say that?

Mr BERTRAM: That is what he said.

Mr O'Connor: You people talk a lot of rubbish. You do not know what you are talking about.

Mr BERTRAM: The message sent to us by the other place will go through. When the question is put, it will be carried. I am saying on its merits it should not be carried because it does not comply with the promise given to the Opposition by the Deputy Premier a few days ago.

Would the Minister now handling the Bill tell me whether the words "by a person who is a party to a dispute" in the last two lines of the amendment will cover every person in a picket line.

Mr O'Connor: That depends who they are, as you can see on reading the clause, if you have any legal knowledge. If they are employees involved in a bona fide trade dispute—

Mr Jamieson: What is a bona fide dispute?

Mr O'Connor: "Bona fide" means good faith.

Mr Jamieson: There is nothing like good faith in law.

Mr O'Connor: The Crown Law Department advises that is the correct term to use.

Mr Jamieson: Yes, and it drew the Bill up originally!

Mr BERTRAM: The ordinary meaning of the words, "a person who was a party to a dispute" does not necessarily include everyone taking part in a picket line.

Mr O'Connor: No.

Mr Skidmore: Yes.

Mr BERTRAM: That was the undertaking. The undertaking was to withdraw anything to do with a strike or a dispute, and that is not what the Council's amendment does.

Mr Hassell: Why not?

Mr BERTRAM: Just look at the words.

Mr Hassell: I looked at them.

Mr Jamieson: You need to look at them several times.

Mr BERTRAM: Let us consider the proposition before us from the upper House. It reads—

> —in the course of a bona fide trade dispute between an employer and workmen engaged in the activity so empowered,—

It would be nearer to the mark if one word were added. It would then read—

> —in the course of a bona fide trade dispute between an employer and workmen "not" engaged in the activity so empowered,—

Mr O'Connor: Are we not discussing the amendment moved by the member for Collie?

Mr T. H. Jones: You are going to knock my amendment off.

Mr BERTRAM: We are discussing that amendment, and I am attempting to show why the amendment of the member for Collie is far superior to the one agreed to in the upper House.

Mr O'Connor: You are going on to our amendment because his is no good, and you know it.

Mr BERTRAM: I do not know that at all. When a Minister of the Crown gives an undertaking to this Parliament that he will arrange for an amendment to be moved in another place to meet a given situation, there is a very clear onus on that Minister to show in unmistakable terms that he has kept his promise. He has not attempted to do that at all.

Mr Watt: Even if you disagree with what he has done, it is not right to say he has not attempted to do anything. You are the one who uses technicalities.

Mr BERTRAM: We know that when it comes to a vote, this matter will not be determined on merit. It will be determined by the numbers, and almost inevitably that is par for the course in this place. So we were not really taken by surprise on this occasion, but it is desirable that we at least place on record the fact that the Opposition has endeavoured to do the right thing. Once again the Government will decide that it is not concerned with the merit or lack of merit of a case; it will simply dispose of our amendment by using its numbers and then force through a provision which will be found to be totally unsatisfactory in the course of time.

Mr McIVER: I rise to support the member for Collie and the member for Mt. Hawthorn in their remarks to the amendment before us. When speaking in the second reading debate, I said this provision typified the action of the present Government in regard to settling industrial disputes. The Government is attempting to use force and to accomplish its own ends by legislation rather than by requesting co-operation. We need only look at the various Bills introduced by the Government recently to see this.

The member for Collie is simply requesting either that members agree with his amendent or that the Bill be deferred. In my opinion this legislation was badly drafted.

Those are the two requests of the Opposition. To support the remarks I made about the Government's methods, one need look only at the fuel and energy legislation. We know that legislation has not been proclaimed yet because of the public outcry about it. We have seen the regulations introduced by the Government following the live sheep dispute. These ridiculous regulations were ruled invalid by Mr Justice Wallace in the Supreme Court.

Mr Jamieson: The Crown Law Department thought that was all right, too.

Mr McIVER: That was a shocking situation.

Mr Old: They gave some people the opportunity to do what they should have been able to do.

Mr McIVER: No, they do not; the Minister should read them. The regulations took away the rights of the people. It is even an offence now to sing while one is working. One cannot even ring a bell or sing a song—

Mr MacKinnon: Does anybody sing on the wharf?

Mr Watt: Do they hum?

Mr McIVER: I can remember that I always knew when a workmate of mine had had an argument with his wife because he would sing, "Nearer my God to Thee". However, the Government is taking away our right to sing, and it is trying to take away the normal way of life of Australians.

The DEPUTY CHAIRMAN (Mr Blaikie): I hope the member will return to the amendment.

Mr McIVER: As the member for Collie has indicated—and remember he was a trade union advocate, and a very good one—there is no way we can determine just what this particular clause means.

Surely the Opposition has a right to request that this legislation either be deferred, or clarified so that we know what it really sets out to do. We accept that Government members cannot give legal interpretations of the various clauses of the Bill; we do not expect them to do that because they are not trained in that particular field, but are only laymen.

However, we must look after the interests of the people of Western Australia, and we cannot allow this situation to continue, where week after week, legislation is forced through this place without adequate explanation of its intentions. The Government should try to co-operate with the union movement, because its attitude of provocation will not improve industrial relations.

Mr Spriggs: They were fairly successful in the sheep loading dispute.

Mr McIVER: Hello, old fruit fly has come to life!

Mr Jamieson: Give him a dose of Metacystox, and that will fix him.

Mr McIVER: It is no wonder the Opposition is up in arms; we are strong in our views on

amendments such as this, and we support the member for Collie and the member for Mt. Hawthorn in their request that the Government either defer this stage of the Bill, delete the clause altogether or define more clearly its true intention.

Mr SKIDMORE: I suggest to the Minister a solution might be to remove the term "trade dispute" and replace it with the term "industrial dispute". The basic wording which has come from the Crown Law Department will remain the same, but the clause will be more concise in its intention. If the Minister were to accept this compromise it would go a long way towards achieving unanimity on the matter and, possibly, solving the problem to the benefit of all concerned.

Mr JAMIESON: As one person who took the Minister to task about the intention of this clause when the matter originally was before the Chamber I feel I should have something to say on the proposed amendment, and the amendment to the amendment. If members on both sides of this Chamber or, for that matter, in any Parliament have one common endeavour it should be to pass clear legislation. However, the proposal which has come back to us from the Council may as well be written in Chinese, for all the sense it makes. No doubt it would be of great advantage to people like the member for Cottesloe, because they could get days and days of fees trying to interpret what this clause means. If the Government promotes that sort of legislation, it is fooling everybody, including itself.

The member for Swan suggested substituting the phrase "industrial dispute" for the phrase "trade dispute". A trade dispute could be a dispute between two persons over the price of something which has been sold. The intention of the clause is not clear.

The Minister took umbrage at the suggestion that it was intended to affect trade unionists on strike, and said he would refer the matter back to the Crown Law Department. Evidently Crown Law felt our suggestion was, indeed, a reasonable one because an amendment to the clause was drafted. However, the amended legislation should be drafted in such a way that it can be clearly interpreted. It is desirable from the point of view of both sides that the Minister agrees to defer the Bill until this clause is clarified to overcome the problem.

The problem will not be overcome by leaving the clause as it stands; there will be insurmountable legal argument in the courts over what it means. Therefore, the clause should be amended and tidied up so that its intention is clearly spelt out.

The amendment moved by the member for Collie has more sense than the proposed amendment coming from the other place; however, I do not agree that either goes all the way towards solving the problem because I believe a degree of legal argument will still occur over the intention of the clause.

As I said, we have a common duty to pass legislation which is reasonably clear and does not need interpretation. On a number of occasions in the past we have unwittingly passed legislation which cannot be clearly interpreted by the legal fraternity. Therefore, when we are faced with an issue such as this, where considerable legal doubt exists, it is up to us to clarify it properly, and not simply accept what the Legislative Council has sent to us. The matter should be ironed out by proper debate. The sensible course for the Minister to adopt would be again to take the legislation to the Crown Law Department and say, "For goodness sake, come up with something which indicates what I wanted in the first place. I do not want it to affect trade unionists involved in a dispute."

If the clause stated that it was not an offence to do such-and-such, I might be inclined to go along with it; but it does not. Instead, it attempts to define what is an offence, which leaves the way open for endless legal argument as to what is a defence and what is not an offence. We should clearly define what is an offence against the laws of this State—not what is a "defence" against the laws. If our legislation were more clearly defined, there would be less legal argument in our courts as to what is a defence to particular legislation.

Mr T. H. JONES: It is apparent the Minister handling the Bill cannot explain its intention; he has not attempted to do so because he does not know what it is all about. I believe he has a responsibility to tell Parliament of the intention of this clause. Surely he has had enough time during the suspension of the sitting for lunch to talk to some of his legal colleagues to enable him to explain the matter now, so that we as responsible legislators can tell the trade unions and other people what the clause really intends to do.

It has been said many times that the police are the ones who interpret the law, and that the Government will not interfere with the Police Force. Irrespective of our individual views on this clause, it will not be up to us to determine what will happen; that will be the responsibility of the Commissioner of Police, under the terms of the Police Act.

This is what is causing the Opposition concern. The Premier has indicated he would not interfere in the picketing dispute because it is a matter for the Police Force. However, it must be realised that there is a possibility in the future that a Commissioner of Police would place an interpretation on this amendment different from the one we would place on it. It is a pity the public and politicians generally have not received an explanation from the Minister handling the Bill. I strongly oppose the Council's amendment and support the amendment in my name.

Mr O'CONNOR: I rise primarily to refute the spurious and false allegations made by the member for Mt. Hawthorn. That member quite clearly indicated that during the luncheon break I had discussions with the Premier and had been instructed to take certain action. On the basis of the member for Mt. Hawthorn's statement it appears to me that if he were representing someone who had a broken toe he would finish up by having his client hanged.

During the luncheon break I was with eight of my colleagues and returned with them to this Chamber after the ringing of the first bells. I make the point that these allegations are regularly brought forward against the Premier. These false allegations have been made by members of the Opposition on many occasions and by the member for Mt. Hawthorn today. It is a pity Opposition members make such false allegations as the one made today without full knowledge of the facts.

In my opinion, if we accept the amendments that we have before us—and very few members have spoken on the clause we have before us—we are indicating to a certain degree that strikes are legal, although as far as I am concerned they are not. If we read the amendment from the Council, which is here because the Deputy Premier endeavoured to abide by his undertaking to this Chamber—

Mr McIver: And found he was wrong.

Mr O'CONNOR: No he was not wrong.

Mr McIver: He had a doubt in his mind.

Mr O'CONNOR: The present situaton indicates that the Government should be careful in amending a Bill it believes is satisfactory in an attempt to assist members opposite. I will be wary of doing this in the future and Opposition members are doing themselves no good by actions such as they have taken today.

The Deputy Premier listened carefully to what was said by members of the Opposition and he indicated that if the problems they thought were present in the Bill were real he would endeavour to do something. He took this matter back to the Crown Law Department and I do not think there is any difficulty with the amendment that resulted; I believe it is fairly clear. The amendment in part reads as follows—

> Provided further that it shall be a defence to a charge of an offence—

On behalf of an individual. To continue—

> —contrary to paragraph (4) of this section to show that the intention was manifested in the course of a bona fide—

We all know what that is. To continue—

> —trade dispute between an employer and workmen engaged in the activity. . .

Members opposite seem to want the Government to bring forward legislation that differentiates between an association, an industry, a union, and an individual. The laws should apply to everyone and I believe that is the case. If an individual breaks the law, irrespective of what or who he is he should face the penalties set out in the law as it stands.

In connection with this matter we have bent over backwards and we believe we have gone as far as we can. The Government believes the amendment brought forward by the member for Collie does nothing to assist the problem and I strongly oppose it.

Amendment on the Council's amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Davies	Dr Troy
Mr H. D. Evans	Mr Wilson
Mr T. D. Evans	Mr Bateman *(Teller)*

Noes 27

Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr Jones	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Shalders
Mr Mensaros	*(Teller)*

Pairs

Ayes	Noes
Mr Taylor	Mr O'Neil
Mr McIver	Mr Laurance
Mr Grill	Mr Crane
Mr Harman	Mr Ridge

Amendment on the Council's amendment thus negatived.

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

Report

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

LEGISLATIVE ASSEMBLY

Presence of Visitors: Statement by Speaker

THE SPEAKER (Mr Thompson): Before I ask the Clerk to call the next Order of the Day, I desire to announce the presence in the Speaker's Gallery of delegate Steven V. Sklar, a member of a State Legislature from the United States of America. He is here to represent the interests of 7 600 members of the State Legislatures and he is investigating the possibility of bringing a group of members of those Legislatures to Australia hopefully to coincide with the 150th anniversary celebrations next year.

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE SPEAKER (Mr Thompson): I desire to announce that accompanied by the member for Murdoch (Mr MacKinnon), the member for Albany (Mr Watt), the member for Welshpool (Mr Jamieson), and the member for Avon (Mr McIver), I attended upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech in opening Parliament.

His Excellency has been pleased to reply in the following terms—

> Mr Speaker and Members of the Legislative Assembly:
>
> I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

MURDOCH UNIVERSITY ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of committees (Mr Blaikie) in the Chair; Mr P. V. Jones (Minister for Education) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 2, page 2, line 5—Delete the word "and".

No. 2.

Clause 2, page 2, line 7—delete the passage "(1)." and substitute a new passage as follows—

(1); and

(c) as to paragraph (b) of subsection (2), by deleting the passage "paragraph (h) or", in line three, and substituting the word "paragraph".

No. 3.

Clause 3, page 2, lines 9 to 12—Delete paragraph (a) and substitute a new paragraph as follows—

(a) as to subsection (1)—

(i) by deleting the passage ", other than a person appointed under paragraph (h) of subsection (1) of section 12," in lines two, three and four of paragraph (b);

(ii) by deleting the passage "one further term of three years", in the last two lines of paragraph (b), and substituting the passage "two further such terms of three years each"; and

(iii) by deleting paragraph (c); and

Mr P. V. JONES: I move—

That amendments Nos. 1 to 3 made by the Council be agreed to.

These amendments are consequential upon the main purpose for which the Bill was introduced. The introduction and passage of this Bill through the Chamber took place in my absence. The necessity for these amendments was detected, but it was felt it would be simpler to move them in another place.

Mr PEARCE: I wish to indicate to the House that the Opposition does not intend to oppose any of the three amendments the Government has put forward.

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

Report

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Introduction and First Reading

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

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Water Supplies) [2.59 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before the House is to permit changes to the method of charging for water used in residential premises.

The method of charging for the board's services has come in for public debate and for review within the board itself. The last three years are the driest group of three successive years on record. Although this has heightened public interest in water use, and means that there is no better time than the present to review policies and consider changes that may be of benefit to the customers of the Water Board, it is not the basic reason for taking such action. Perth is not about to run out of water and the present steps are in no sense panic action to meet a current emergency. On the contrary, although what is proposed is expected to have immediate benefits, a much longer term approach is being taken. Methods of charging were a primary objective of the commissioned "development study" which examined alternative policies for conducting the board's services into the next century in all aspects from financial and engineering viewpoints.

The report took approximately 12 months to complete. Many members of the House have had the report presented to them, and they have listened to the detail in connection with it. I hope members who have not had that opportunity have at least read the mini report.

This Bill represents a proposal to implement one of the major recommendations of that report. When I say "one of the major recommendations", I do not say that in total, because while the report recommends we should change to a pay-as-you-use system—and I think members of this House both Government and Opposition have had an opportunity to look at this matter and to understand it—and it might sound very good, some people would be placed at a tremendous disadvantage as far as the average householder is concerned. We have tried to put forward legislation which I hope we can all agree with. We propose to move partly to a pay-as-you-use system in an endeavour to persuade people to conserve water.

I believe that as a result of the stage we have now reached with regard to difficulties in connection with our water supplies—not only in the metropolitan area but also throughout the rest of the State because of seasonal conditions—the average person is concerned and understands the position. In such a situation the Government and the Opposition should endeavour to work together in an effort to determine what is best in the long-term interests of the public.

I have looked very carefully at a number of systems which we could have introduced, and I must say that there were anomalies in each of them. I think members will agree with me that there is an anomaly in connection with the present system.

From the inception of public water supply, sewerage, and drainage services in Perth, the British system has been used; that is of charging for services on a property value basis. In other words, the initial charge varies according to the value of a property and, accordingly, the amount of water available to each property varies. When one looks at the accounts of various households it becomes obvious that where a property has an allowance of 500 or 600 kilolitres a year there is no incentive for the property owner to use less than that amount. If he uses less water than that allowed he, himself, loses out. We are attempting to alter that particular system.

The property value method continues to be used in all the major cities in Australia, with the exception of Canberra, and throughout the remainder of the British speaking world, apart from the USA. It parallels the system of municipal rating.

At their inception, hydraulic services were regarded as a social service, essential to life and necessary to overcome the serious public health problems which had developed in urban areas without them. The method devised for their payment reflects this philosophy; property value having been taken as some measure of ability to pay—and possibly also as some measure of likely demand.

Although water is still an essential for life and while public health aspects still have relevance, the level of current water supply use is far beyond

that necessary for essential purposes and public health.

I believe we have tended to become very wasteful with regard to the use of water. During the last 12 to 18 months people have begun to realise the situation. I congratulate the public—and I am sure members of the Opposition would do likewise—for the manner in which they cut back in the use of water.

Mr Skidmore: Like the member for Swan, who planted nothing but native trees around his new home.

Mr O'CONNOR: I think many people are following the example set by the member for Swan.

Mr Bryce: He is deserving of some special commendation!

Mr O'CONNOR: He might not have had it during the course of this week, but he has received some commendation now. He might not be here next week to receive any commendation.

Mr Skidmore: Yes, he will be.

Mr O'CONNOR: Because of the amount of water which has been used we have had to proceed with headworks before their time, and that has resulted in rising costs to householders. While we all like to see gardens and lawns when we have ample water, we have to realise that those gardens are the first to suffer. It is a pity to see some of the areas around the metropolitan area with their dead lawns. However, I think we owe our thanks to the owners and occupiers of those premises because they helped us to be in the position to get through the next summer.

The use of water is strongly affected by modern living standards, use of labour-saving washing appliances and, above all, the maintenance of gardens. Domestic water consumption per service in Perth is high by Australian standards, and very high by world standards. The climate and the sandy soil is, of course, a major reason for this, but nevertheless one cannot escape from the conclusion that there is considerable scope for consumers to significantly modify their consumption.

I have indicated that consumption has dropped by something over 40 per cent compared with the normal year—and for a normal year I go back to 1975-76. The excellent response from the public during the recent difficulties gives an indication of the potential flexibility of demand.

Under the provisions of the Bill, charges for water for residential properties will be more closely allied to volume used. Therefore there will be an incentive for virtually every residential consumer to conserve water. Each consumer will make his own decision as to how much effort he makes to minimise his consumption, and, therefore, how much he will pay for the water he uses just as he does with other commodities. The Bill will enable charges to be set so that the user will pay the true cost of the water he uses, as his account will be directly dependent on the volume used.

It can well be argued that the rating system has served well as a means of setting charges at a level sufficient to cover revenue expenses. It has ensured that the major part of revenue for water could be reliably predicted regardless of variations in availability and consumption from year to year.

In the case of the Perth system it is also true that relatively few customers have failed to use the so-called free water rebated as payment of rates and, in fact, some 70 per cent incurred excess water charges over and above those figures. In other words, for domestic services the present system has a substantial "pay-for-use" characteristic with the accompanying advantages of greater certainty in budgeting. In years of inadequate supply the effect of income losses on excess water sales is buffered by the assured income from rating charges. On the other hand, consumers are given no incentive to use less than their allowance and this may well be the reason that the "free water" is used up.

In connection with the proposed system of charging, it is based on paying the same amount as would have been paid normally under the present system. We have included the normal rise which would have occurred for water in the coming year.

Mr B. T. Burke: What is the percentage?

Mr O'CONNOR: The amount of money required for the coming year is approximately $19 million, and we have estimated to obtain that sum of money. The percentage will vary between properties. I am quite happy to provide the member for Balcatta with some examples of different areas. Obviously, there will be a variation.

I have attempted to take the last normal year of consumption—about 1975-76—and have related that consumption to 1978-79. I have tried to ascertain what would have been received normally, bearing in mind that there would have been a cut-back during the next year on the 1975-76 figure.

I imagine the member for Balcatta has probably done considerable work in connection with this matter, and he realises the anomalies

which could occur, not only under the present system, but also under any other system. If he has any suggestions to make I will be only too happy to listen to them.

Mr Hodge: What will be done about the loss of revenue for the coming year?

Mr O'CONNOR: The loss of $3.2 million will be discussed with the Treasury. We have to try to work out a figure so that the Metropolitan Water Board does not run at a loss.

Mr Hodge: Will you try to recoup that?

Mr O'CONNOR: No, we will try to recover the money that we would normally receive—about $3.2 million on the figures for the current financial year.

It is a matter of fact that in Perth there has been an increase of 25 per cent in water used per service over the last 20 years and in the affluent 1960s constraints on consumption of excess water were actually eased when excess water charges did not keep pace with inflation.

In the result, water consumption in Perth has continued to increase at a rate which doubles consumption at 14-year intervals. We are making people pay for the extra work necessary. Therefore, if we can bring the consumption rate back, we will be able to recoup a little of the increases that will be necessary to keep up with other costs on the way.

As I said at the outset, this does not mean that Perth is about to run out of water, but it does mean surely that as the more economical of our finite water sources are used up, so the prodigal use of new sources must force up the price of water prematurely. It is the function of any water authority to satisfy the requirements of its customers, but in doing so it must accept the duty of foretelling the cost. Proper economic charging policies which relate the charges for water to the cost of providing it are a sensible way of conveying this information to customers.

In making a change from one system to another, even when generating a fixed revenue, relativities must be upset. Indeed, this is part of its purpose, to allocate charges more realistically to the high volume users. However, the Water Board reviews its finances each year and sets its charges at a level which will generate a total revenue sufficient to meet its total costs.

Members must realise that on the 1st July of each year the Metropolitan Water Board normally sets a rate for the following year. Therefore, if there are to be increases, as has occurred in the past, the board is permitted to set a rate on that particular date to apply only for the following year. By appropriate selection of charging, the total raised under the new system will be no higher than under the old—I think I explained this to members previously—and therefore the average payment by consumers will be the same. Although I have said that the average payments will be the same, of course there must be fluctuations. Some will go up and some will come down, but the average payment will be the same. However, apart from the initial charge, in the long run the amount paid for water will be in the hands of the individual. People can conserve water and pay less if they so desire, or if they find it is difficult to do this, they can pay for the extra water they use.

However, individual accounts will vary. For example, those in flats and those with their own independent water supplies will generally have savings. On the other hand there will be those with increased bills to offset these reductions.

I am quite sure members will agree that there are anomalies in the system at this time. A substantial proportion of the cost of providing a water supply is independent of the quantity of water used. This proportion represents charges on capital, maintenance of the storages and pipeline system, and may be considered as the cost of making water immediately available on demand. An essential element of any water charging system is therefore a fixed charge.

When giving the figures for our metropolitan residential system, I am giving approximate round figures. The cost of these charges, prior to pumping, runs into about $9 million. Residential services connected amount to about $252 000, and that works out to about $36.18 per head on a flat basis. At present this is included in the rating charge; the new system will also incorporate a fixed charge, as well as a second element based on volume, with a greater accent on the unit cost of supply.

It is stressed that the objective of the Bill is to give customers the option of using water wisely or paying for more lavish use at the true cost of providing it to them. It provides every domestic consumer with an incentive to avoid waste and to decide for himself how much water he is prepared to purchase.

Over a period of two months the Metropolitan Water Board held regular special meetings in order to devise a system that would be acceptable. We must try to conserve water by making people pay as they use it, and yet we must not be too hard on the people who can least afford to pay. We must take into account matters of this sort when we are looking at the alteration of a system

that has been in operation and to which people have become accustomed over a period of time. However, we must realise we are in a different era at the moment. We have had a number of very dry years which have brought us many problems. We must conserve sufficient water to ensure that the public is provided for adequately in the future.

I can assure all members that the Government and the Metropolitan Water Board have given very close consideration to various methods of charging for water with a closer nexus between charge and quantity used as an alternative to the present property value basis, and we have every confidence that this Bill represents a very acceptable alternative.

One or two of the aspects we have looked at make it very difficult to go into a total pay-as-you-use system. While many people suggest we use this system, they do so, I believe, without total support for it.

Mr Pearce: The member for Clontarf is very prominent on that pay-as-you-use argument.

Mr O'CONNOR: He gave us his thoughts, something to work on, and I thought his speech was very good. I am always prepared to listen to propositions. I believe in matters such as this the Government and the Opposition work together rather than against each other because we both have a problem. Everyone is trying to give people what they want.

I would like to explain that there are still several points which worry us. Members might ask why sewerage rates are not included in the measure; in other words, why are we amending the water rating system and not the sewerage rating system? The variation of sewerage rates in the metropolitan area is from $10 in some households to $1 900 in others. If we had to average out these payments, many householders would have to pay $110, and we believe this would be unreasonable for those people at the bottom of the ladder. For this reason the sewerage rating system will be independent of the water rating system.

Members will probably ask why commercial premises are not provided for in the measure, and therefore I will attempt to explain this. In the metropolitan area, the headworks for commercial operations, stores, etc. run into about $9 million for 52 000 connections. If we averaged out this amount, the average householder's water rates would rise by about 75 per cent. I believe this would be unacceptable to the Opposition and to the Government. Of course, in such circumstances the cost of sewerage and water is added to the commodities produced by such enterprises.

The Parliamentary Counsel chose four of the systems put forward by the Metropolitan Water Board. These were considered to be the most acceptable systems. Therefore, we have left the legislation reasonably open so that it can be varied if necessary. Members may say, "Why have you left it so open?"

Mr Pearce: Why have you left it so open?

Mr Barnett: That is what I have been trying to say to you all through your speech.

Mr O'CONNOR: I will explain to members the system I believe to be the best. However, we are prepared to listen to any alternatives the Opposition may put forward.

If members study the Bill they will see it contains provision for variations. The last four clauses of the Bill set out four alternatives. I could not understand why these had to be included, because I thought the previous clause showed clearly that we could alter the system we wanted to have. However, the Crown Law Department officers advised that the Act is so archaic that we must specify the types of systems we can use, otherwise we might contravene the Act. Last year we had some problems at Jandakot where it was found that the board had been contravening the law for very many years. According to the law, the board should have been providing the cost of dams and waterheads, and connections to the supply. It is impossible for the board to do this, and so we had to alter the Act.

The Act is archaic in many ways and I have therefore instructed the Crown Law Department to proceed to rewrite the whole of the legislation in more modern terms, and I hope it will be done in such a way that it is a little easier to understand.

I have gone into the various systems put forward by the board, and there have been many. For instance, we could have a system whereby every person is charged for all water used. We could charge 6c per kilolitre for the first 50 kilolitres, 8c per kilolitre between 50 and 100 kilolitres, and 10c per kilolitre between 100 and 150 kilolitres and so on.

We could also have a system whereby to try to achieve some relativity to the present system we could charge landholders with valuations up to $800 the amount of, say, $18; and properties with a valuation of between $800 and $1 600 could be charged $36; and then above the valuation of $1 600 the charge could be $54.

This, to a degree, is getting away from the pay-as-you-use system, and some members thought it was better than the system I will mention in a moment.

We could also have a system whereby for each $100 of valuation there could be a flat charge of $4. The system I, personally, support—and I am quite ready to listen to what members opposite have to say in respect of all these systems—is to split up the total cost of residential headworks in the metropolitan area amongst the 252 000 services. That is, the annual cost of the headworks in the metropolitan area is $9 million, and when that is split up between 252 000 users it works out at $36.18 per service. We could charge each householder $36 to have water connected to his home and give him 150 kilolitres of water, which is about 40 000 gallons.

In that case everyone would have water connected and 40 000 gallons of water supplied each year at a cost of about 70c a week. In other words, that would be sufficient for a person to be able to use his tap to wash dishes, shower, drink, and for general household purposes.

Mr B. T. Burke: Has anything been done to ascertain what the average family needs, before it starts using water for other purposes?

Mr O'CONNOR: I will come to that. In the system I have just explained, every person would be required to pay $36 to have water connected. From there, if we charged about 17c a kilolitre over and above the 150 kilolitres allowed we would receive in revenue the amount that we need to cover expenses this year; that is, about $19 million.

Mr B. T. Burke: How did you work out those figures?

Mr O'CONNOR: It was worked out on the basis that 40 000 gallons of water is the amount that would be used on a small property, and we averaged it from that to achieve the figure of $19 million, bearing in mind the consumption in 1975-76 was cut back by 25 per cent, and in the past year the reduction has been 40 per cent. We based the figures on the last normal year.

Mr Williams: I believe I recommended the same principle to the House a month ago.

Mr O'CONNOR: This is a complex problem, and one which faces all of us. We must ensure that people in the lower income bracket are not inconvenienced tremendously, but at the same time we must also ensure that everyone using water conserves this commodity as much as possible.

At the moment a large household with a valuation allowing 500 kilolitres to be used on the amount of rates paid, is using 650 kilolitres. Most people—as a matter of fact 70 per cent—who pay water rates use more than the amount they are allowed and, therefore, pay excess.

One of the things we must do is to get these people to reduce their water consumption because at the moment we cannot afford to let them use water in the manner in which they have used it in affluent years.

I have explained the matter as clearly as I can and in the Committee stage I will be happy to explain anything else that comes to mind and to provide any information required by members; because I believe this is a problem which faces each and every one of us. I am sure all members will consider this matter, not as Government and Opposition, but as responsible people facing up to a problem in the community as a result of the dry years we have experienced.

The co-operation I have already received from the Opposition is appreciated very much, and I believe between us we can produce something of advantage to the community. Perhaps we will be able to make a start on headworks which otherwise would not have gone ahead for 15 years.

Mr Tonkin: Why did you take into account a cut-back?

Mr O'CONNOR: Because 1975-76 was the last year in which we had no restrictions. In the following year we had a cut-back of 25 per cent, and in the current year it is 40 per cent. If we have a very good winter, the indications are that we will be able to go back to the 1975 situation.

Mr B. T. Burke interjected.

Mr O'CONNOR: As the honourable member pointed out, if people have to pay for water they do not go beyond a certain figure.

Mr Tonkin: That has not been the case in the past; they have paid excess.

Mr O'CONNOR: But there is no incentive for a person whose valuation allows him to use 500 kilolitres to use only 400 kilolitres, because there is no difference in the rate he pays.

Mr B. T. Burke: The major point of concern is how you set that limit, how you arrive at it, and whether it could be tailored more precisely to the needs of people.

Mr O'CONNOR: I will be very happy to listen to the comments of the Opposition on this matter. I have a very close liaison with the board and I am aware the member for Balcatta has watched the situation closely. He has asked questions in the House and indicated that he has an awareness of the situation.

If we had a total pay-as-you-use system, while some people would applaud it, it would affect very adversely the majority of the community. I am

sure the member for Balcatta would agree with that.

I thank members for listening, and indicate that I will be happy to answer any questions they may raise.

Debate adjourned, on motion by Mr B. T. Burke.

HOUSING AGREEMENT (COMMONWEALTH AND STATE) ACT AMENDMENT BILL

Introduction and First Reading

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

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Housing) [3.30 p.m.]: I move—

That the Bill be now read a second time.

In itself, this is a small amending Bill which seeks authorisation for the execution of a new housing agreement between the Commonwealth and the States. The other provisions of the principal Act have proved effective for a number of years and will remain unchanged.

The existing Commonwealth-State housing agreement expires on the 30th June, 1978, and the new arrangements are to come into effect on the 1st July, 1978. Legislation will be introduced into the Commonwealth Parliament very soon, and the draft agreement is close to finalisation. It is, therefore, necessary that in Western Australia we have the parliamentary authority for the Premier to sign the agreement so that there is no hiatus in arrangements between the Commonwealth and this State.

Since the prime purpose of the Bill is to obtain authority to execute a new housing agreement, I think it is appropriate to direct my remarks to that agreement. Although the agreement is included in the amending Bill as a schedule, it is cast in legal terms which may make its real import difficult to appreciate easily, as compared with the existing 1973 agreement.

I will say that from the Western Australian viewpoint, the new agreement is a good one and, I believe, that view is shared by the other States. As a matter of fact it gives us some benefits that were previously not included in Commonwealth-State agreements and a little more latitude. The agreement is the end result of some two years of discussions at a series of ministerial conferences and meetings of senior officers of public housing authorities. These meetings have thoroughly canvassed both the principles to be incorporated in the agreement, and the operating machinery, and have resulted in a reasonable consensus as to the new direction of some aspects of public housing.

When we look back over the operations of successive housing agreements since the first one in 1945, I think we would all agree there have been good features in all of them but there have been some perhaps unexpected side effects which need improvement.

For example, it is hard to justify the continuation of below-market rent for public housing occupied by tenants who have improved their position and are now receiving a very substantial income into the household. This is a point that members on both sides of the House have made over a period of time.

Mr B. T. Burke: It has been made with qualification as to rebate systems and other things.

Mr O'CONNOR: Oh yes. I am not implying at this point that we would cut out rebates in connection with that, but there are anomalies in the rebate system.

Mr B. T. Burke: We are talking about not cutting it out but improving it to cover those people who need it.

Mr O'CONNOR: People with an income of, say, $130 a week are probably more adversely affected than other people, depending upon the position of the family and other people. All these matters must be taken into account and, I hope, improved in the coming years.

Mr B. T. Burke: I notice the speech refers to the income into the household, not the income of any person.

Mr O'CONNOR: The honourable member may be reading ahead of me.

Again, we would probably all know of some instances where families have obtained home purchase loans at interest rates from 4½ per cent to 5¾ per cent and who are still paying off their loan at the initial monthly instalment, even though their income has increased substantially to the point where today they would be very much above any reasonable income eligibility for low-interest public housing finance. We could have the situation of a person who went into a State Housing Commission home when earning $40 a week and paying $10, or 25 per cent of his income, for rent. Today he could be paying that same figure but earning $300 or $400 a week. I do not believe the State Housing Commission should be putting money into this area to any

degree. We should be encouraging those people to purchase their homes, if they wish to, and trying to turn over that money for the people who need it.

There are but two general examples to show how earlier and current housing agreement arrangements have permitted, and perhaps even encouraged, a leakage of public housing assistance. People who no longer need it still retain the benefit of low housing cost to which they were earlier entitled. As a consequence, the available funds do not achieve the maximum benefit for those who need public housing assistance and who are yet to be assisted.

I think most of us would also agree that at different times in the past, the housing agreements have tended to be rather inflexible in accommodating differing circumstances as between States. They have also tended to impose a pattern of action on States rather than encouraging State initiatives designed to more adequately meet the particular situation prevailing in each State. One needs only to mention fixed interest lending from the home builders' account since 1956, and income eligibility rules since 1973 as examples of what I have been saying.

There have also been some difficulties when States had two different sets of purchase conditions and eligibility both funded from Commonwealth advances. The home builders' account conditions for funds made available through terminating building societies have not always been the same as the conditions for mortgage advances and contracts of sale through Housing Commissions. If the conditions are the same to preserve equity and avoid confusion, no good purpose is served by continuing two schemes funded from the same source.

I come now to the new agreement and would like to speak for a while on its main features in the light of the background I have already given. The more significant features are, I believe, covered in the following way: Firstly, there is an agreed statement of principles to apply to the provision of housing assistance under the agreement. These principles have been agreed between the Housing Ministers of the Commonwealth and the States, and constitute clear guidelines for the working of the agreement over the next three years. This is the first occasion on which a housing agreement has set out the principles on which it is based and hence the objectives to which it is directed, and I believe it is a welcome change.

Secondly, the States are given maximum flexibility and autonomy in the administrative arrangements necessary to satisfy those principles and achieve real progress towards those objectives. That means that each State is free to make whatever policy changes and administrative arrangements it sees as most suited to its own requirements, so long as it remains within the guidelines set by the agreed principles.

Thirdly, the funds to give effect to the agreement will come from Commonwealth advances of new interest bearing repayable loans, and from any surpluses generated from operations financed under previous housing agreements. We are not forced to generate such surpluses but to the extent they do arise we are required to make them available for the purposes of the new agreement.

In no way do these provisions prevent or inhibit any State which may wish to increase its housing effort from State funds. Neither will they affect the way in which we would wish to apply any surplus or realisation arising from the management of assets acquired from State funds applied to public housing in earlier years.

Within these broad aspects there are a few points which are of sufficient significance to warrant mention. Among these are the separation of rental and purchase assistance; level of rents; application of rental assistance funds; proportion of funds required to be allocated for purchase assistance; and home purchase lending terms.

The new agreement provides for a clear separation of rental and purchase operations and requires all purchase finance to be through the home purchase account. This means that Commonwealth advances may not be used by the Housing Commission to finance its own contracts of sale.

Similarly, advances for rental operations are specifically to be used for purposes related to rental business.

One important aspect is a changed approach in regard to the allocation of total funds between purchase and rental business. Previously, the proportion to be allocated to the home builders' account was set at a fixed 30 per cent unless the Commonwealth Minister agreed to a higher percentage in any year for a particular State. Now we have a more flexible arrangement under which the proportion will be determined after consultation between the Commonwealth Minister and the State Minister, with the only proviso that the proportion will be a minimum 40 per cent in the third year of the agreement.

In regard to rental operations, there are some welcome changes which allow rental funds to be

applied other than solely for the building or acquiring of properties.

One particularly important provision permits rental funds to be used in payment of lease rental for the leasing by the Housing Commission of privately-owned dwellings. Under present market conditions, I do not see any early moves in that direction, but it is an avenue which would permit the harnessing of private capital as long as the costs to the commission bear a sensible relationship to likely rent recoveries from our tenants.

In the matter of home purchase, the agreement does specifically require flexible mortgage conditions for end borrowers in such a way that repayments are more closely related to capacity to pay. This will mean there is no continued assistance at levels of subsidy higher than really required by the individual borrower. At the same time, there will be an accelerated build-up of revolving funds which will give a capacity to assist a greater number of home purchasers without a corresponding increase in new money allocations from the Commonwealth.

All in all, the new agreement is a considerable advance on previous arrangements. It will allow more freedom to the State to follow policies and practices seen as advantageous to the people of Western Australia. More importantly, there is no significant area in which policy changes are required by the State solely as a result of provisions in the agreement.

I commend the Bill to the House.

Debate adjourned, on motion by Mr B. T. Burke.

Sitting suspended from 3.45 to 4.05 p.m.

RESERVES BILL

Second Reading

Debate resumed from the 20th April.

MR H. D. EVANS (Warren) [4.05 p.m.]: The innovation of introducing two Reserves Bills in the one year is a wise one and no doubt it will have a beneficial effect on all those people and shires affected because it will be possible for all problems to be discharged without the necessity for a delay of up to 12 months, waiting for Parliament to deal with the necessary Bill. In this respect the Opposition commends the action of the Minister.

The Bill before us contains nine clauses, six of which involve a change of purpose, while the other three contain amendments of one kind or another. Clauses 2, 3, 4, 5, 7, and 10 involve the change of purpose of the Class "A" reserve concerned. Clause 2 deals with an area at Boyagin Rock which was set aside for "park lands and picnic ground". This is being changed to "recreation and conservation of flora and fauna". No-one can argue with a change of that kind. The same applies to the change of purpose under clause 3 which is from "national park" to "national park and water".

Out of curiosity, I was wondering whether there is any special requirement for water there. The alteration may have been necessary because of the emphasis being placed on water, but we find that in other clauses the designation "water" has been dropped. There must be a special reason for its inclusion in this case.

It would appear that the Kojonup Environmental & Ecological Protection Society, in conjunction with the shire, has been quite active because it is involved in three of the changes of designation, in each case the designation being changed to "conservation of flora and fauna". Clause 4, dealing with Reserve No. 16031, clause 5, dealing with Reserve No. 16568, and changing the purpose from "camping and public utility", and clause 7, dealing with Reserve No. 9307, have all been included as a result of the activities of the society. It is an indication of the activities of this group when it is involved in three changes of purpose.

Clause 10 deals with a change of designation of a different kind and involves the Manning Infant Health Clinic. The designation is being changed from "infant health clinic" to "community health centre". That is understandable because the department involved—the Public Health Department—requires some sort of legal hold on the land in which it has a financial investment.

The Opposition raises no objection to any of the changes of purpose.

Clause 6 involves the refreshment rooms at Yanchep Beach and requires that the rooms be constructed wholly on Reserve No. 29694. It would appear this is a matter of common sense and the area involved is not very great.

Clause 8 is designed to provide for a summit tank and the MRPA and the local authority are in agreement on the matter and are satisfied with the aesthetics and landscaping. Therefore, there would be no objection to this clause.

Clause 9 is very interesting and has historic overtones. It has been introduced as a result of the actions of Mr E. G. Edwards of Mundijong who wishes to build a commemorative chapel of an unusual type as it is to be a facsimile of the

monastery at Prevelli in Crete, which sheltered servicemen who escaped from the German forces.

The Greek Orthodox Church will hold the block at the mouth of the Margaret River, in trust. The idea is rather novel and appealing and the building will perpetuate for posterity a most historic and heroic event. I do not think anyone would object to an area of something like half an acre—just over 2 000 square metres—being excised from the existing reserve which is set apart for "protection and preservation of caves and flora and for health and pleasure resort". However, it is not vested in any particular authority so there should be no problem in this portion being handed over to the church. As I say, it will be a novel commemorative building and will become a landmark of considerable interest.

In conclusion, I would like to comment on the presentation of the Bill which bears the rather impeccable imprint of the Lands Department. The department is the target of criticism at times, especially regarding the speed with which its business is transacted; but on closer reflection any critic would find that when land is involved, in regard to which subsequent law suits can arise, it is imperative that exactness be the benchmark upon which the department operates; and it is. The procedures followed by the department are essential to ensure that errors of immense magnitude are not made.

I can recall one occasion when I was making some inquiries. The business concerned had dragged on over several months, but when I investigated closer, I ascertained that nine separate Government departments were involved, each one of which had to be consulted, and each one of which had comment to make and amendments to prepare. It is easy to be critical, but it is always advisable to ascertain the full implications before doing so.

The good work of the deparment is reflected not only in the Bill, but also in the very precise manner in which the documentation has been prepared.

The Opposition has no hesitation in supporting the Bill.

MR BLAIKIE (Vasse) [4.14 p.m.]: I wish to make some comments on the Bill, but I will be a little duller than was the member who has just resumed his seat. I wish to deal particularly with the portion of the Bill which involves my electorate. It is clause 9 and deals with an area of land at Prevelly Park which will be excised for the Greek Orthodox Church. The commemorative building which will be established there will be of historic importance and will recognise the actions of the people of Prevelli in Crete who assisted allied servicemen during the hostilities of the 1939-1945 World War. I applaud the recognition of the assistance given to Australian and other Allied servicemen. It is very fitting.

However, the Shire of Augusta-Margaret River, in whose area the land is located, has written to me expressing some concern. The letter, which is signed by the shire clerk, is dated the 21st February, 1978, and I will read it to the House—

> I have been requested by Council to seek your assistance in having its objections raised in Parliament against the Government's decision to excise a portion of land off from A Class (Foreshore Recreational) Reserve 13404, for the purpose of vesting same in the Greek Church for a chapel site.
>
> Council believes that you are aware of its sentiments in respect to the above matter, however, should you require any additional advice I will be pleased to inform you accordingly.
>
> Whilst it appears an irreversible decision by Government, Council also seeks your assistance in advising Government that in the vesting of the land in the Greek Church, it should also vest in the church, the responsibility for providing a suitable access road and its regular maintenance and for the regular maintenance of the proposed chapel and general appearance of the surrounds.
>
> Whilst Council leaves to you the question of when you raise the objections, it was felt by Council that an appropriate time may be when the Reserves Act, Amendment Act is introduced and laid before Parliament.

That is the Bill now before the House.

I am aware of the sentiments of the council. About 12 months ago I attended a meeting to which Mr E. G. Edwards, who was probably the founder of Prevelly Park, invited representatives of the Returned Services League, the Greek Orthodox Church, and the Greek community. The meeting, which was held in the vicinity of Prevelly Park, was convened to discuss the matter we are discussing here today. The purpose of the meeting was to outline Mr Edwards' plans and see whether a suitable area of land could be set aside to build a chapel in recognition of the assistance given to the servicemen. There was also fair discussion of the problems associated with finding a suitably located site in the area.

One site which was considered was at the junction of Prevelly Park and Margaret River Road. I have no doubt the member for Swan, in

his other role, has been in the area. He did not perform very well but I have been informed he has been down that way. That site was ruled out because it posed critical problems in respect of town planning, road alignment, the provision of proper access for parking, and other associated matters. The site which has finally been selected—about which we are speaking today—was also discussed, but it was clearly understood at the time that it would be an extremely difficult site.

Mr Skidmore: Can you locate it for me?

Mr BLAIKIE: It is on the bend of the road leading to the Margaret River as one comes down from Prevelly Park. It is located on the sand dune, which creates another problem.

My obligation is to advise the Minister that the council is of the opinion that discussions should have taken place. I would probably prefer to see some of the officers of the department but I must bring the matter to the attention of the Minister. It is an area of acute sensitivity, and no doubt the member for Swan will also be involved in it.

The area is part of the Cape Leeuwin-Cape Naturaliste system which has been declared by the Government to be a very fragile area and to be the basis of a series of national parks running from Cape Naturaliste to Cape Leeuwin. While there have been some arguments about it, I believe we have at last reached a consensus of opinion.

I am concerned that the decision is irreversible. I am not opposing it but I am bringing to the attention of the House the problems associated with it. The decision could create a precedence which might allow unfettered development elsewhere.

Mr Skidmore: That would be a tragedy.

Mr BLAIKIE: A more important problem which was indicated at the meeting, and which I believe was reasonably well understood by all who attended it, is that while the Greek Orthodox Church has a preferred site which is on the first dune system, for the reasons I have mentioned, which are obvious and very valid reasons, the authority advised against it. In addition, adjacent to this area is a very large tract of land which is privately owned by Mr Edwards, and it was pointed out that his land would probably be more suitable. I agree with that point of view.

I go on to say that probably the most telling argument comes back to the attitude of the council; that is, there will be a responsibility to maintain the area. The area is visited by many people. It has been inundated by communes and nomadic people who are almost gypsies. The chapel will be a mecca for these people, and being located in an isolated area it will create a real problem within the community.

Mr Jamieson: I do not know how you attract all the commune-ists down your way!

Mr BLAIKIE: The member for Welshpool might have seen here the other night a number of people from the Dial a Crowd organisation. I noticed some familiar faces. Not only do they come down my way but they also turn up whenever anyone dials a crowd for any purpose. They will also be at the chapel.

In all seriousness, this will create a problem, and I believe there was a need for the local shire to be included in the discussions. Some of the problems may have been obviated. The council has communicated the problems to me and I share its sentiments.

I reiterate that it is an extremely sensitive area. It is located on the western slopes of the Leeuwin-Naturaliste ridge. The National Parks Board has indicated it has a great interest in the area. It is in close proximity to a tract of land for which the State Government paid $300 000. It is in a locality where a court case has resulted in the Government having to pay over $300 000 for another tract of land. It is in the vicinity of privately-owned land and in a locality where I believe other private negotiations will take place.

My concern is that the purpose for which the land is vested is a worth-while project. I understand the chapel will be erected in 1979 for the 150th anniversary of the State. In view of the degree of co-operation within the local community, I think the final conclusion will be on a bright note.

MR SKIDMORE (Swan) [4.25 p.m.]: I thank the member for Vasse for directing my attention to something which is very dear to my heart; that is, the protection of the coastal sand dunes in the vicinity of Prevelly Park. I recently had occasion to go to Margaret River to attend a meeting organised by some developers there. I spent about six hours walking over the area. I am very alarmed that there will be an excision of land to allow a church to be built on an area which is so delicately balanced as far as the environment is concerned.

I believe this matter should be looked at again. I am very concerned at what the member for Vasse has said will happen. If the shire has expressed dismay, I join it and express dismay that the project is to proceed. It is in such a delicate area. Has the Minister been there?

Mrs Craig: Yes.

Mr SKIDMORE: Has she seen the blow-outs in the sand dunes?

Mrs Craig: Yes.

Mr SKIDMORE: Just one little spade in the sand dunes, and a blow-out will occur.

Mrs Craig: I do not think it will in this particular area.

Mr SKIDMORE: I used to think areas of Scarborough would not be affected, but we are now trying to reclaim sand dunes in those areas. It all looks so nice and safe, but once the sand dune disappears there will be a blow-out unless it is surrounded with shrubs and other growth.

I am opposed to this part of the Bill. In the interests of all concerned I hope the Minister will have another look at it. I do not know how urgent it is but I think it merits being looked at by the EPA. That is the only objection I have to the Bill.

MRS CRAIG (Wellington—Minister for Lands) [4.28 p.m.]: I will reply first of all to the objections which have been raised in relation to the site chosen for the church at Prevelly Park.

I was aware that the shire had raised an objection but it certainly was not put forward to me on environmental grounds. In fact, the objection the shire raised with me when I visited it towards the end of last year was that it felt that because of the remoteness of the location there would be a problem with people who would use the chapel for camping, and litter would be left in the area. The shire felt the area would be a magnet for people who just wanted a camp. The shire did not allude to problems associated with the sand dunes.

The member for Vasse has rightly said a meeting took place in the first instance and that three sites were looked at at the time, two of which were not found to be suitable by Mr Edwards and the representatives of the Greek Orthodox Church. The third site was chosen by them.

Subsequently, surveyors were sent out to the site, and they too were not in agreement with the original site decided on by Mr Edwards and the representatives of the Greek Orthodox Church and, for the very reasons espoused by the member for Swan; namely, they felt it was not suitable from an environmental point of view to locate the chapel in that area. So, there has been a slight resiting of the area.

Let me assure the member for Swan and the member for Vasse that the various departments which need to be consulted about the excision of this land from "A"-class reserve in fact have been consulted and have raised no objection to what is proposed. I understand the site is adjacent to an existing car park. While I have not seen the exact site which has been decided upon, I do know the general area and it is described rather more as a rocky headland than a sand dune.

I have had reason to query the siting of this chapel in the past, and that is why I had an extra check made to ensure it would not pose the problem mentioned by the member for Swan and the member for Vasse.

In regard to the suggestion that the chapel will be somewhat isolated and could harbour "hippies", I believe it is a sad indictment of society if we have to say that we can no longer erect a memorial in a certain place because we are afeared of what certain people might do to it. The persons who have seen fit to raise the money to erect this memorial chapel at the same time are assuming responsibility to look after it; and, of course, they will need to do just that.

Mr Skidmore: I should like *Hansard* to record that I did not object to communes using the chapel.

Mrs CRAIG: I cannot exonerate the shire from the responsibility of ensuring the area is kept in good and neat condition. The member for Vasse approached me previously and suggested it might be possible to attach certain conditions to the release of this portion of land. However, that is not possible because it is going to be a grant in trust. Nevertheless, the shire will have access to the usual by-laws to ensure the area is kept in a proper manner.

I believe that, generally, people applaud the fact that this chapel is to be built on the site to commemorate the work done in Crete for prisoners of war from Australia. In addition, I believe the chapel will become a tourist attraction and for that reason alone, other people, as well as those who are building it and the shire, will ensure it is looked after.

I thank the member for Warren for his support of the Reserves Bill. I would like to say how pleased I was to hear his remarks about the Lands Department. He knows only too well that more often than not officials of the department get brickbats rather than bouquets, and I am quite sure they will be appreciative of his remarks and his explanation of the occasional delays prior to, say, the department releasing land, for which it comes in for a considerable amount of abuse. Of course, the department's role is to consult with very many other organisations and persons. In fact, I think it might be a good idea to give to all members a list of the processes which need to be followed prior to the release of land in order that

they will better understand exactly what is the machinery of the Lands Department.

The member for Warren asked a question relating to clause 3; he wondered why the designation "and water" had been added to "national park". I am afraid I cannot add anything to the notes which accompany the Bill. I believe the simple answer is that the administrators of our national parks wish to be associated with water, and have a role in the catchment of water in the various areas of the State.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

RURAL HOUSING (ASSISTANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st March.

MR H. D. EVANS (Warren) [4.38 p.m.]: This is a small amendment which seeks to correct an anomaly which exists in the Act. The anomaly relates to holders of land under perpetual lease conditions who, almost in their entirety, would be ex-servicemen who were granted leases following the Second World War.

In the resettlement period during the aftermath of the war the Commonwealth Government set up a series of perpetual leaseholdings, as distinct from freehold land. However, it now is found that these people are not qualified to receive assistance under the Rural Housing (Assistance) Act of 1976, and this is a most undesirable development.

The anomaly does not affect a great many people, because not many of them are left. Those who have remained on their properties since the Second World War have reached a stage where the deterioration of their original homes has become most evident, and in many areas it is virtually impossible to obtain funds to proceed with rebuilding or renovating the family homes.

For those who may be concerned, I point out that it was not possible for a perpetual leaseholder to transfer his rights to somebody who did not have an ex-serviceman entitlement, because under the War Service Land Settlement Agreements Act the land could be freeholded and sold. Many of these perpetual leases have been transferred to a leasehold basis because the economics of such a move make it a more attractive proposition than to turn it into freehold land.

I am not able to ascertain how many people are affected by this anomaly, because adequate records are not kept. Those who remain on their original sites are in a difficult situation similar to that being faced by the general farming community during this period of economic recession, with downward prices and increasing costs.

It should be remembered, too, that even under a perpetual lease, an individual must meet conditions of eligibility, which are taken on the individual's merits. It should also be pointed out that before obtaining low interest funds, an applicant must be able to show he has been refused finance from at least one financial institution. Other conditions apply in that the applicant must be a farmer, and he must hold the title to his property. There is nothing luxurious about the type of housing which would be allowed under this limited allocation of funds.

All in all, this legislation will give all farmers on that level of income an equal opportunity, and it will include those few farmers who remain on perpetual leaseholdings granted to them by virtue of their service during the Second World War.

As this amending legislation will provide a service to those few people, it would be difficult to oppose it. Accordingly, the Opposition supports the Bill.

MR GREWAR (Roe) [4.43 p.m.]: The Bill before the House proposes a very simple addition to the eligibility for assistance under the Rural Housing (Assistance) Act. Up to now, persons holding perpetual leases were not included in the provisions of the Act. The Minister in his second reading speech detailed the problems being experienced in this area and explained that many previous war service farm homes urgently needed to be upgraded, repaired, renovated, or replaced. This Bill will allow perpetual leaseholders to qualify under the Act for assistance.

As one of the promoters of this scheme, I have taken a personal interest in the development of the authority since it commenced operations. I must confess I did have apprehensions resulting from the delay between the time the legislation was proclaimed and the allocation of the first loans. However, in retrospect, I realise there was a lot of work to be done by the authority, and I

give credit to Bruce MacKenzie and his team for establishing the authority so successfully. Firstly, the idea had to be sold to Government and private lending institutions and to primary producers. The authority had to seek out sources of Government funding. It had to establish its administration, set up office and appoint staff to prepare schedules, budget sheets, etc.

One of the biggest problems besetting the operations of the authority was the full implementation of the indemnity document prepared by the authority. In fact, it was only in the past few months that building societies and one bank accepted the format of this indemnity document. Private banks have been hesitant. However, we believe the indemnity document will have their concurrence very shortly. Because of the delays in the acceptance of this document the only moneys available were those from Government sources. The general acceptance of the indemnity document will pave the way for many new applicants who formerly were not eligible for direct Government assistance.

As things are at present there is a gap between those applicants receiving direct Government assistance and those receiving building society or bank help. This is an area which requires a mix of Government and private source funds. Hopefully it will be only a short time before this area of financing is resolved which will probably cater for most potential applicants.

Since the establishment of the authority 187 applications have been received. Of these 27 have been approved on direct advances; 23 have been rejected; four have now been approved by acceptance of indemnity documents; and 17 applicants have been requested to resubmit their cases. These last people are those who were formerly ineligible for direct advances and who will probably fit into the area of mixed funds under the scheme. The remaining 109 applications are still under review and it is pertinent to note that in this group there are four applicants whom this amendment will assist, being holders of perpetual leases.

The authority believes there could be many more applications from settlers holding perpetual leases. These people have not come forward yet because they know the present Act does not cater for their particular requirements. In all, $718 000 has been committed in direct authority advances to the 27 successful applicants and adequate funds exist to cover others who may qualify.

The Government has backed the indemnity document to the extent of about $5 million and now the lending authorities have accepted this document a strong call on these funds can be expected. The only factor limiting the take-up of this money is the fear that farming enterprises may remain in a depressed state. There are fears that producers may not be able to generate sufficient money to meet the higher interest rates. In the main the authority's problems have been sorted out except in the area of mixed funds, but it is hoped this soon will be rectified.

A further broadening of the scope of the Act is needed to embrace other areas not served. When the authority was envisaged our committee's primary aim was to develop a scheme whereby conditional purchase settlers would be helped to finance the purchase of a first home or to extend an existing building.

We were aware of the need of other housing requirements that could not be financed from existing sources. However, we believed this need was not as urgent and including these people in the Act could have created difficulties in the legislation.

I would like to mention areas in the Act that should be broadened in scope to give it power to provide all forms of housing required for primary producers. Firstly, we have a need for primary producers who wish to establish their homes in country towns. There is a very good reason that primary producers may wish to opt for this. A farm may be closely located to a townsite. A farmer may feel he is better able to manage his property if he is close to his servicing facilities; he may believe it is more economical to do so because he will not have to provide his own water supply and electricity, etc.

Some farmers have properties located in remote areas without a telephone service or schools, and with the high costs occasioned would opt to live in townsites. There is also the matter of capital appreciation. It is known that a farm home does not attract additional asset value to the farm property whereas if a dwelling is located in a townsite it is possible to realise on this when it is sold.

Secondly, of the 23 rejections by the authority, a considerable number of the applications were from farmers with off-farm businesses. Many are shearers and contractors who have engaged in off-farm activity with the express purpose of generating capital to enable them to become full-time primary producers. There should be scope in the Act for these people to obtain building finance.

The third area where an increase is suggested is in the provision of farm employees' housing. Members will know that farmers must provide

accommodation for their staff. There is a paucity of finance available for this purpose other than that obtained on an annual account through stock firms. If one is lucky a bank loan may be arranged. Generally the farmer must provide funds from his own excess income and at times this is difficult. There is a need for the authority's lending to be extended into this sphere of providing homes for employees.

I would like to make known my appreciation to Mr MacKenzie and members of his team for the difficult task they have carried out so well. Their regular visits to country towns and their attendance at public meetings have done much to publicise the scheme. The authority has won the respect of country people. I support the Bill.

MR O'CONNOR (Mt. Lawley—Minister for Housing) [4.52 p.m.]: I thank members who have spoken for their support of the Bill and I am sure they understand, as do all members, that this Bill can only be advantageous to people who are presently disadvantaged. I appreciate the points made by the member for Roe regarding the additional number of people who will come into the scheme.

We must realise that when it comes to housing funds the Government receives a certain amount of money to meet its priorities. The Government appreciates that many difficulties are faced by so many people today in this area. I think the member for Roe must feel a sense of satisfaction inasmuch as he was the one who initiated the move, through me, to introduce legislation of this nature. I think it can do nothing but good and it is bringing into the scope of the law in this area a group who were not meant to be out of it. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Housing), and transmitted to the Council.

QUESTIONS

Questions were taken at this stage.

BILLS (6): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Agriculture and Related Resources Protection Act Amendment Bill.
2. Audit Act Amendment Bill.
3. Workers' Compensation Act Amendment Bill.
4. Land Drainage Act Amendment Bill.
5. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
6. Housing Agreement (Commonwealth and State) Act Amendment Bill.

AERIAL SPRAYING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th April.

MR McIVER (Avon) [5.28 p.m.]: This Bill is to amend the Aerial Spraying Control Act, 1966-1973. Over the years we have had several Bills presented to this Parliament to amend that Act.

I represent a very large agricultural area and I am fully aware of the benefit of aerial spraying to our rural economy. I believe it is appropriate to pay tribute to a person in my electorate who contributed much to the development of aerial spraying during its infancy. I refer to the late Cliff Smart. He had great faith in aerial spraying. His property was surrounded by hills and he demonstrated to his colleagues the advantages of aerial spraying. He was able to increase his flocks.

Sir Eric Smart, a brother of Cliff Smart, was also well known for his farming ability. As a matter of fact, he was knighted for his contribution to rural activities in this State.

Mr Clarko: He received an OBE earlier, too.

Mr Jamieson: What is the point? You have an MACE!

Mr McIVER: I was simply mentioning the fact that Sir Eric Smart was noted for his contribution to agriculture but the late Mr Cliff Smart was not given the honour that perhaps was his due. He also contributed to agriculture in this State. We know Sir Eric was honoured because of the amount of grain he grew, but much of his grain was planted by sharefarmers and not by him. A person who had been the Secretary of the Liberal Party for many years received an OBE. However, nobody did more for the Liberal Party in my area than did the late Cliff Smart and I think he should have been recognised. Although we had different philosophies, we were very good friends. Cliff Smart did a lot to attract others to the use of aerial spraying when this form of weed control was in its infancy.

I prefaced my remarks in that way, not to offend anybody, but to try to give a man the recognition he so rightly deserved. Probably the people he represented never did this.

I turn now to the Bill before us, and it is a pity it is not one which would introduce uniformity of legislation in this field in all States. In my opinion that should be our ultimate aim. As I have already stated, it is unfortunate that already the parent Act has been amended several times. We have increased penalties in respect of those who offend against it, but we should have taken that matter a little further. We have concentrated on regulating and controlling aerial spraying, but I believe we should look also at the people who use hand apparatus to spray. Perhaps this legislation should be tightened, especially in view of the damage caused by the toxic sprays used.

Mr Jamieson: A fogging type of apparatus.

Mr McIVER: Yes, the fogging type of apparatus carries drift the same as do aerial sprays, and the toxic substances now used are very potent. From time to time the Main Roads Department comes in for strong criticism because of the flora it destroys when roads are widened. However, a great deal of our flora has been ruined through the use of strong toxic substances by ordinary sprayers. And so I wonder whether this Bill goes far enough. We seem to be dealing with the whole matter piecemeal, without studying the overall situation. Over the last few years the only sprayers to be prosecuted for offences under the legislation have been aerial sprayers.

When I spoke earlier today to the Police Act Amendment Bill, I criticised the drafting of that legislation. I feel I must again criticise the drafting of the legislation before us because in my opinion it does not mean what it says. Proposed new section 13A relates to inspectors, and parts of paragraph (c) and paragraph (d) read as follows—

> and to evaluate the efficiency of the method of working and the aircraft and apparatus used, having particular regard to aspects of safety; and
>
> (d) exercise such other authorities and discretions and perform such duties as may be prescribed.

In that case we are dealing with inspectors who are to be appointed to check the apparatus of the aircraft from which the crops will be sprayed. The inspectors are in no way concerned with the aircraft and its safety. I will not make a song and dance about this matter because I have had a private discussion with the Minister in charge of the Bill and he has undertaken to amend this provision in another place. So it would be most unfair of me to stand here and to try to capitalise on the drafting of this provision.

This is really the only fault the Opposition finds in regard to the Bill. We must not impinge upon the operations of the Department of Transport and its competent officers. It is their duty to check the safety and all facets of aircraft. The duty of the inspectors of the Department of Agriculture should be to inspect the jets that will spray the toxic substances over large areas as well as to check the actual toxic substances themselves.

I do not think there is any need for me to say more than that. The legislation records an advance in this field of operation. Aerial spraying will always be important, particularly where crops are ravaged by insects. In this day and age we are looking for greater sophistication in all facets of industry—and of course this includes rural industry—and it would be utterly ridiculous to oppose this legislation. We must co-operate to see that not only primary producers but also the people operating the aircraft involved in aerial spraying and who receive a living from their efforts are protected.

The Minister has assured me that the Bill will be amended in another place. I am sure when he replies to this debate he will give a further assurance that this will be done. With those remarks, I support the legislation.

MR OLD (Katanning—Minister for Agriculture) [5.37 p.m.]: I thank the member for Avon for his remarks in support of the Bill. Although it does not have a great deal to do with the Bill, I would like to put him straight on one point. I appreciate his comments regarding the late Mr Cliff Smart, but Sir Eric Smart was a friend of mine and the honour was not bestowed on him simply because he grew a great deal of wheat. He was honoured for his contribution to agriculture and particularly his contribution in conjunction with the Department of Agriculture and the University of Western Australia in regard to the propagation of legumes on light land. This was an ongoing project and it cost Sir Eric Smart a great deal of time and money. I am not criticising the member for Avon, but I just wished to put the record straight. I agree that Mr Cliff Smart also contributed to agriculture.

I agree with the comments made by the member for Avon about the possibility of damage to crops when spraying by mister. This is a hazardous operation, and the inspectors of the Department of Agriculture keep such operations

under surveillance. There is no doubt that we must make a start somewhere, and the Aerial Spraying Control Act is the vehicle wherein we can make this start. Although since its inception the Act has contained a provision for inspectors to inspect crops which have been affected by drift from 2, 4-D and other volatile sprays, no authority has ever been given to these inspectors in regard to aircraft.

I now come to the point brought up by the member for Avon. I would like to point out that we agree with him. On the face of it it looks as though an inspector appointed by the Department of Agriculture or by the Agriculture Protection Board has the authority to make an assessment and pass judgment on the safety of an aircraft. I am convinced this is not so because in other parts of the Act there is a reference to plants and animals, and this inference influences the interpretations in the Bill. In conclusion with the Aerial Operators Association I agreed to amend this provision, and it will be dealt with in another place. This will make it perfectly clear that the inspector's duties relate only to the equipment on the aircraft used for spraying or baiting.

I point out that the Department of Transport is a Commonwealth body. As Commonwealth legislation takes precedence over State legislation, all aviation is controlled by the Commonwealth Department of Transport. So there are two safeguards there and this should allay any fears. I appreciate the points raised by the honourable member and by the Aerial Operators Association, and in deference to them I have undertaken to have the measure amended in another place. In fact, amendments have been drafted, and these have been discussed with the member for Avon. He agrees that the amendments will be acceptable to the association.

The Bill will do much to assist producers who are plagued with damage caused by spray drift because it provides for aircraft operators to increase their insurance cover to an unspecified amount, with, I think, a limitation of $40 000 for each claim. Previously this provision was rather loose, and after having made one claim, a particular air spray operator was concerned as to whether he would have insurance cover to meet any future claims. The measure brings into line the matter of compensation for damage caused by spray and spray drift.

Once again I thank the member for Avon for his support, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

LEGAL AID COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

MR BERTRAM (Mt. Hawthorn) [5.45 p.m.]: This Bill contains four clauses. The Opposition has no objection to three of them but is not at all content with the provisions of clause 3 because it attempts to alter the situation of the Director of Legal Aid. Subsection (3) of section 18 of the principal Act reads in part as follows—

> The following provisions apply to and in relation to the Director, that is to say—
>
> (e) he may, at any time, be removed from office by the Governor for disability, bankruptcy, neglect of duty or misconduct, or if he engages in any other remunerative employment;

A very clear principle has been spelt out there which does not leave room for any misunderstandings so far as I can see. The intent of the Bill before the House is to alter that position so as to allow the commission—not the Parliament—if it so wishes to authorise the Director of Legal Aid to take on other forms of remunerative employment. I do not think that is a good thing.

I can understand a slight embarrassment which may have arisen and which we should seek to accommodate if we can; that is, if the incumbent Director of Legal Aid is a member of the reserve or citizen forces of the Commonwealth. Otherwise he or any other director in the future should not be allowed to undertake other employment.

The job of the Director of Legal Aid is a huge task and requires the incumbent's full attention. The present incumbent's remuneration has already been fixed in the light of section 18 of the Act but not in the light of the way in which the section is now to be amended.

When we reach the Committee stage I propose to move an amendment which I trust will be accepted in the positive manner in which it will be put forward to accommodate what appears to be the present solution without throwing the existing

principle completely out of the window. Subject to that, the Opposition does not oppose the measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Minister for Works) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 18 amended—

Mr BERTRAM: As I intimated a moment ago, I move an amendment in respect of clause 3 as follows—

> Page 2, line 7—Delete the words "without the approval of the Commission" and substitute the words "except with the approval of the Commission in the Reserve or Citizens Forces of the Commonwealth".

As far as we can see from the second reading speech, this amendment would overcome the present difficulty without harming anybody. At the same time it would leave the position precisely as it is now, as far as possible, in respect of other remunerative employment by the Director of Legal Aid. His job is really that of Director of Legal Aid and he is remunerated for that purpose and we believe he should have no other remunerative employment. The amendment I have moved gives effect to the thoughts I have just expressed.

Mr O'CONNOR: I acknowledge the comments made by the member for Mt. Hawthorn and the amendment he has moved. However, I oppose the amendment for the following reasons: The director cannot take any other remunerative work without the approval of the commission, and I believe the commission to be a responsible body. I should hate to have to introduce a further amending Bill if, for instance, we had a director with special abilities or qualifications which might enable him to lecture part-time at a university to the advantage of the students generally and maybe himself in that it would help him to further his knowledge.

Members know that at present some members of the Public Service have approval to do part-time work of this nature. Also doctors and other qualified people do it. The fact that the director must receive approval from the commission before any work of this sort can take place is sufficient cover. It is a responsible commission and in these circumstances I hope the amendment will be defeated.

The director in this case is a man of good quality and qualifications and his services could sometimes be advantageous to other people. Therefore, I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Works), and passed.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

MR BERTRAM (Mt. Hawthorn) [5.55 p.m.]: As intimated by the Minister in his second reading speech, an amendment to the Legal Practitioners Act which was passed last year provided for the Director of Legal Aid to take up to four articled clerks. It now transpires that a further small amendment is required to allow that intention to fructify. It is a meritorious amendment which the Opposition supports.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Works), and passed.

House adjourned at 5.59 p.m.

QUESTIONS ON NOTICE

TRAFFIC LIGHTS

Hamersley-George Streets Intersection

642. Mr SKIDMORE, to the Minister representing the Minister for Transport:

(1) Has the Shire of Swan made any approach to the Main Roads Department this year, requesting an investigation into the possible need for traffic lights at the intersection of Hamersley and George Streets, Midland?

(2) If "Yes" what was the result of the survey?

Mr O'CONNOR replied:

(1) and (2) No.

EDUCATION

Middle Swan School

643. Mr SKIDMORE, to the Minister for Education:

Would he provide information as to the present position of the following matters that have been forwarded by the Middle Swan primary school to his department for consideration:

(a) provision of a school canteen;
(b) the proposal of the Swan shire to allow the school to use its artesian bore that is adjacent to the school;
(c) the proposal to cover the outdoor stage?

Mr Old (for Mr P. V. JONES) replied:

(a) The school Parents' and Citizens' Association has submitted a plan for consideration by the Education Department. However, it shows insufficient information and the committee has been requested to provide plans in accordance with standard requirements. A subsidy will be payable.
(b) The Public Works Department has been requested to prepare a sketch and estimate for using the bore in question. Funds are not available at the present time to carry out this work.
(c) A subsidy is payable on a dollar for dollar basis to a maximum subsidy of $10 000. The school has been advised of this information.

COMPOST

Education Programme

644. Mr SKIDMORE, to the Minister for Agriculture:

Would there be any advantage in carrying out an education programme for the public in general for the purpose of having them and other instrumentalities make greater use of grass cuttings and other vegetative matter as compost?

Mr OLD replied:

My department prepared a leaflet in July, 1977, describing the benefits of compost and how to make it.

This leaflet was widely distributed but copies could be made available to local authorities should they so request for further distribution to ratepayers.

I would have thought however, that the public has already a good understanding of the value of compost through the media.

645 to 660. *These questions were postponed.*

PARLIAMENTARY PRIVILEGES ACT

Offence by Member for Swan: Speaker's Action in Respect of Daily News

688. Mr BERTRAM, to the Speaker:

(1) What action has he taken and when to deal with the *Daily News*, its editor, director's secretary and officers for having aided, counselled or procured the Member for Swan in respect of the alleged offence against section 8 of the Parliamentary Privileges Act?
(2) If none—
    (a) what action does he propose to take; and
    (b) when?

The SPEAKER replied:

(1) None.
(2) None. It is for the House to take any action in respect of the Parliamentary Privileges Act. I would refer the member to a question on similar lines asked in this House on the 20th April, 1972.

ABORIGINAL SACRED SITES

Areas Covered by Alumina Refinery Agreements

689. Mr HARMAN, to the Premier:

(1) Has his Government made inquiries to establish the existence of Aboriginal sacred sites within areas covered by the Alumina Refinery (Wagerup) Agreement and the Alumina Refinery (Worsley) Agreement?
(2) To whom were the inquiries directed?

(3) What was the result of these inquiries?
(4) If not, will inquiries be made?

Sir CHARLES COURT replied:

I am not aware of any such sites within the areas which have been the subject of the agreements now for many years.

ROADS

Pilbara All-weather Roads Programme

690. Mr McIVER, to the Minister representing the Minister for Transport:

(1) In view of the statement by the Minister that "the Commonwealth intends to increase road grants to the States next year by an amount that would reflect cost escalations over the past year", is it expected that Federal finance to accelerate an all-weather road network programme for the Pilbara will be forthcoming from normal road fund sources?
(2) If "No" has the Minister or the Premier made representations to the Federal Government seeking a special road fund allocation for this purpose?
(3) If representations have been made, when and to whom?
(4) Will the Minister advise the House of the result of his representations, when they are received?

Mr O'CONNOR replied:

(1) The cost escalation clause will not accelerate an all-weather road network.
(2) and (3) Representations have previously been made and further representations will be made shortly by the Premier to the Prime Minister as announced in *The West Australian* on the 1st May.
(4) Yes.

HEALTH

Noise: Emission from Off-road Vehicles

691. Mr TONKIN, to the Minister for Health:

Adverting to the answer to question 593 of 1978 relevant to trail bike noise, will he see that officers are available for the measurement of noise nuisances outside of normal public service hours as a matter of course, so that his term "unreasonable demands" is no longer appropriate because they will be available at such times in the normal course of their duties?

Mrs Craig (for Mr RIDGE) replied:

Officers are available for the measurement of alleged noise nuisances outside of normal public service hours as a matter of course.

TRAFFIC ACCIDENTS

Medically Unfit Drivers

692. Mr T. H. JONES, to the Minister for Police and Traffic:

How many accidents occurred last year as a result of a driver being medically unfit to drive and thus causing an accident?

Mr O'Connor (for Mr O'NEIL) replied:

As such information is not available at the time an accident is investigated or reported, it is not possible to collect statistics of this nature.

A number of estimates have been made and these indicate that, other than for a drinking problem, 2 per cent to 10 per cent of crashes are due to the medical condition of the driver. On the basis of 36 756 accidents reported in Western Australia in 1977, the number is quite substantial.

ENERGY

North-West Shelf Gas Pipeline

693. Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) Has the State Energy Commission advertised within Western Australia for organisations to conduct environmental investigations into the north-west shelf gas pipeline from Dampier to Perth, in view of its having advertised in other States?
(2) If not, why not

Mr MENSAROS replied:

(1) Yes. In the 19th and 26th April, 1978, editions of *The West Australian* newspaper.
(2) Not applicable.

SMALL BUSINESS ADVISORY AGENCY

Establishment

694. Mr SKIDMORE, to the Premier:

In an address to the inaugural meeting of the small business advisory council, Melbourne on Wednesday, 9th April, 1978, (Circular 22a/78) the Minister for Industry and Commerce, the Right Honourable Philip Lynch stated: "As part of this co-operative approach, which is in line with the policy of federalism, the States have all established agencies or appointed staff to provide counselling, information and referral services to existing and prospective small business owner/managers.": I ask the Premier:

(1) Has such an agency been established in Perth?

(2) If "Yes"—

(a) where is it situated; and

(b) what procedures should be adopted by the small businessman to be able to use the agency's services?

Sir CHARLES COURT replied:

(1) Yes, there has been considerable publicity on this subject, and I am surprised the member is not aware of its existence.

(2) (a) Wapet House, 12 St. George's Terrace, Perth, 7th floor.

(b) Write or call on the service.

HOUSING

Pilbara: Subsidy Crackdown

695. Mr DAVIES, to the Premier:

(1) Has he received any representations from individuals or shires in the Pilbara complaining about a proposed tax crackdown by the Taxation Department, at the request of the Federal Government, on subsidised housing in the Pilbara?

(2) If "Yes" has he made representations to the Federal Government urging them not to proceed with the move?

(3) If "Yes" to (2), when and to whom?

(4) If "Yes" to (2), has he received a reply?

(5) If "Yes" to (4), will he table it?

(6) If he has not received complaints, will he make inquiries about the situation and protest to the Federal Government about their planned actions?

Sir CHARLES COURT replied:

(1) Yes—except that the representations are on the basis of a "crackdown by the Taxation Department", and not on the basis of being "at the request of the Federal Government".

(2) to (6) This matter is not new and has been threatened several times over the last few years.

My views on the question, and action I have taken on several occasions—including the present occasion—are generally well known in Pilbara.

With his previous ministerial experience, the member will understand why representation to the Federal Treasury for an interpretation of tax law not strictly consistent with the Act, presents special difficulties.

However, this has not prevented me—on this or previous occasions—pointing out to the Federal authorities that there are special problems in Pilbara, and the tax aspects need to be approached with caution and—if practicable—with generosity.

I would not—for obvious reasons—be prepared to table any papers.

I also remind the member of the very strong words used by at least one of his colleagues about how tax laws should be applied because, if he is consistent, he would be applauding what I fear the tax gatherer seeks to do.

BUILDERS' REGISTRATION

"A" and "B"-class

696. Mr HODGE, to the Minister for Consumer Affairs:

(1) Does the Builders' Registration Act provide for an "A"-class and "B"-class registration?

(2) If "Yes" what particular limits or restrictions are placed on each class?

(3) How long is it since the existing limits and restrictions have been amended?

(4) What was the nature of the most recent amendments?

(5) Is it a fact that current restrictions are realistic and have kept up with inflation?

Mr GRAYDEN replied:

(1) Prior to 1961 there was provision under the Builders' Registration Act for both "A"-class and "B"-class registration. After amendment No. 54 of 1961 the Act provides for only "A"-class registration.

(2) The board still maintains a register of "B"-class builders for those who were issued with "B"-class registration prior to 1961. The "B"-class registration is limited to buildings up to $30 000.

(3) and (4) the limit was increased from $20 000 to $30 000 in 1967.

(5) It is considered that the limit of $30 000 for "B"-class registration is realistic.

EDUCATION

Hampton High School

697. Mr TONKIN, to the Minister for Education:

(1) Is it a fact that there have been complaints extending over some years as to the dangerous nature of windows at the Hampton Senior High School?

(2) What urgent action will be taken to lessen the danger to students and staff?

(3) Is it a fact that at least one window a day falls?

Mr Old (for Mr P. V. JONES) replied:

(1) Yes.

(2) The most susceptible areas in the school are being barricaded to prevent student access and some other windows are being sealed. This work is being done preparatory to estimates being prepared for replacing them with a different type of window.

(3) No.

COMMUNITY WELFARE

Child Disabilities Inflicted by Children: Legal Action

698. Mr NANOVICH, to the Minister representing the Attorney-General:

(1) At what age can legal action be brought against a child who causes permanent disability by inflicting serious injury upon another child?

(2) If the offending child cannot be held responsible by virtue of age, can action be taken against the parents of that child?

Mr O'CONNOR replied:

(1) and (2) These questions cannot really be answered in the time available without full particulars of the type of proceedings involved. In any event questions seeking strictly legal opinions are generally held inadmissible.

HEALTH

Partial Blindness: Use of White Stick for Road Crossings

699. Mr PEARCE, to the Minister for Health:

Is there any legal restriction on a person with partial sight using a white stick for crossing roads?

Mrs Craig (for Mr RIDGE) replied:

I have no knowledge of any legal restriction.

EDUCATION

High Schools and Technical Schools and Colleges: Singapore Students

700. Mr PEARCE, to the Minister for Education:

Are there any restrictions on entry to State Government secondary or technical schools or colleges for students from Singapore who are resident in Australia on a student visa?

Mr Old (for Mr P. V. JONES) replied:

Students possessing the necessary entry rights to remain in Australia for the study period and possessing the necessary qualifications for entry to the courses are eligible for enrolment.

LOCAL GOVERNMENT

Rates: Statutory Limits

701. Mr CARR, to the Minister for Local Government:

(1) How many councils are operating on the maximum allowable rates of—

(a) 6.25 cents in the dollar on unimproved capital value;

(b) 25 cents in the dollar of annual value?

(2) How many councils have been given approval by the Minister under section 548 (2) (b) to levy a rate above 6.25 cents in the dollar on unimproved capital value?

(3) How many councils is his department aware of that have encountered difficulty in balancing their budgets due to the statutory limits on rating as contained in section 548 of the Local Government Act?

Mr RUSHTON replied:

(1) (a) 15;
(b) 25.

(2) 9.

(3) This information is not available.

LOCAL GOVERNMENT

Rates: Statutory Limits

702. Mr CARR, to the Minister for Local Government:

Is it the Government's intention that the amendments before the House to remove statutory rating limits for local government will have the effect of enabling councils to expand the range of services and facilities to residents within their municipal district?

Mr RUSHTON replied:

The amendment could have the effect described, but the purpose is to extend the autonomy of municipal councils and to avoid an inequitable situation, where councils use annual and unimproved valuations.

LOCAL GOVERNMENT

Rates: Minimum

703. Mr CARR, to the Minister for Local Government:

(1) Does his department have any estimate available to it of the number of ratepayers presently paying the minimum rate of $20?

(2) If "Yes" will he please advise the details?

Mr RUSHTON replied:

(1) No.

(2) Not applicable.

LOCAL GOVERNMENT

Rates: Minimum

704. Mr CARR to the Minister for Local Government:

(1) Was he correctly quoted in *The West Australian* of 28th April as saying that "the minimum rate on unimproved smaller blocks has remained at $20 for more than 20 years"?

(2) Will he please explain the apparent contradiction between this statement and his second reading speech on the Local Government Act Amendment Bill (No. 2) 1978 in which he said "The minimum rate limit was $10 when the Act came into being in 1960. This was increased to $20 in 1972."?

Mr RUSHTON replied:

(1) No. The words referred to were not a quotation.

(2) The information in the second reading speech was correct.

TRAFFIC

Motor Vehicles: Landrover with V8 Engine

705. Mr CARR, to the Minister for Police and Traffic:

(1) Is it a fact that there are circumstances in which a Landrover vehicle which has been fitted with a V8 engine is considered illegal in Western Australia and cannot be relicensed following its sale, even though it was legal at the time of installation?

(2) Will he please detail the status, insofar as licensing is concerned, of such a vehicle?

Mr O'Connor (for Mr O'NEIL) replied:

(1) Yes.

(2) Presuming the reference is to a specific model of vehicle, it is possible that such a vehicle may have been previously registered by another authority.

CONSUMER PROTECTION

Food Prices: Tabling of Index

706. Mr CARR, to the Minister for Consumer Affair:

Will he please table a copy of the latest available "index of relative retail prices of food in certain facilities" as prepared by the Australian Bureau of Statistics?

Mr GRAYDEN replied:

No. The Australian Bureau of Statistics does not prepare an "Index of relative prices of food in certain facilities". It is assumed that the member is referring to the publication *Relative retail prices of food in certain localities*, and this is freely available from the Australian Bureau of Statistics.

RURAL AFFAIRS

Recommendations of Inquiry

707. Mr CARR, to the Minister for Consumer Affairs:

(1) How many of the suggestions put to the rural affairs inquiry have been implemented?

(2) Will he please detail the suggestions that have been implemented?

Mr GRAYDEN replied:

(1) and (2) The terms of reference of the inquiry called for a report on all matters concerning improper, discriminatory or unfair trading and any lack of services or facilities in relation to the provision of goods or services to the rural communities of Western Australia.

The report was duly prepared and published. That is the limit of my department's role.

Questions on implementation of suggestions should be referred to the relevant individual Commonwealth or State departments and instrumentalities.

CREDIT UNIONS

Legislation

708. Mr HODGE, to the Chief Secretary:

(1) Further to question 636 of 1978, can he advise when the legislation relating to credit unions is likely to be introduced into Parliament?

(2) Which groups or associations have been consulted by the Government in respect of their views on the proposed legislation?

Mr O'Connor (for Mr O'NEIL) replied:

(1) A Bill has been formulated but not yet finalised for Cabinet approval.

(2) All credit unions registered to the end of 1977 have been consulted through a committee of four elected by them for the purpose.

LOCAL GOVERNMENT

City of Stirling

709. Mr WILSON, to the Treasurer:

(1) Can he say what proportion of grants totalling $113 628 applied for by the City of Stirling from the community sporting and recreation facilities fund in 1976 was actually made available?

(2) Can he say what proportion of grants totalling $211 098 applied for by the City of Stirling from the community sporting and recreation facilities fund in 1977 was actually made available?

(3) (a) Can he provide details of specific grant applications which were not approved; and

(b) give the reasons for their rejection?

Sir CHARLES COURT replied:

(1) and (2) The City of Stirling received allocations of $90 000, $100 000 and $103 000 for recreation projects through the Community Recreation Council in the financial years 1973-74, 1974-75 and 1975-76, respectively. No allocation was made in 1976-77; however, negotiations are proceeding to jointly fund a major community and school recreation facility at Balcatta Senior High School, and an amount of $150 000 has been reserved in the community sporting and recreation facilities fund this financial year for this purpose. No other projects applied for by the City of Stirling received an allocation during 1977-78.

(3) (a) Grant allocations also received but not funded were—

Charles Riley memorial reserve;

Dianella regional open space reserve;

Carina Regional open space reserve;

Jetty North Beach foreshore reserve;

Additions to the Osborne-Mt. Lawley community recreation centre;

Scarborough community recreation centre; and

Squash Racquets Association facility.

(b) The reservation of moneys for the Balcatta School facility precluded an allocation for other projects, bearing in mind that even though the present Government has increased the allocation of funds for sporting and recreational facilities to an unprecedented degree, the State-wide needs and applications still have to be considered within the total funds available.

EDUCATION

Expenditure per Child

710. Mr WILSON, to the Minister for Education:

(1) Is he aware that in the recently released Schools Commission report it is indicated that his Government's estimated expenditure for a Government primary school child is the lowest for any State in Australia?

(2) If "Yes" is it a fact that the situation so outlined is accurate?

(3) If "Yes" to (2), what explanation does he give for this possibly deplorable situation?

Mr Old (for Mr P. V. JONES) replied:

(1) Yes.

(2) No, and the Schools Commission has acknowledged certain difficulties in preparation of the tables.

(3) Not applicable.

EDUCATION

Non-Government Schools: Stock and Equipment Allowance

711. Mr WILSON, to the Minister for Education:

(1) Is he aware that the basic allowance for stock and equipment is lower for independent schools than it is for Government schools and that there are many items of stock and equipment which are available to Government schools and not available to independent schools?

(2) Is he also aware of the possible hardship this is causing particularly in Catholic schools in low income areas?

(3) As a means of balancing the situation, will he at least consider allowing independent schools to purchase additional items of stock required from Government stores?

(4) If "No" to (3), is he prepared to give any other consideration to such cases of difficulty?

Mr Old (for Mr P. V. JONES) replied:

(1) to (4) Non-Government schools may receive funding assistance from both State and Federal Governments and through Government agencies. The form of assistance relating to an allowance for stock and equipment is influenced by other aspects of funding assistance.

The Government pays a *per capita* grant to non-Government schools based on 25 per cent of the cost of educating a Government school pupil. The *per capita* grant is made by means of cash, goods, and services. If the value of the goods supplied were increased, the amount paid in cash would be decreased so that the total contribution, equalling the 25 per cent assistance provided, would be maintained.

It should be noted that the rate of assistance, at 25 per cent of Government school costs, provided in Western Australia, is higher than that provided in any other State.

EDUCATION: NON-GOVERNMENT SCHOOLS

Catholic: Swimming Lessons

712. Mr WILSON, to the Minister for Education:

(1) Is it a fact that children attending Catholic schools miss out on school swimming lessons in cases where there is no qualified member of staff available to provide such lessons?

(2) In view of the importance of each child being able to obtain a reasonable degree of competency in swimming, is he willing to consider the employment of some of the hundreds of unemployed teachers in the State to enable children in these schools to learn to swim?

(3) If "No" to (2), why not?

Mr Old (for Mr P. V. JONES) replied:

(1) to (3) The Government does not employ staff to undertake duties in independent schools for this purpose.

EDUCATION: NON-GOVERNMENT SCHOOLS

Catholic: Visits by Departmental Advisory Staff

713. Mr WILSON, to the Minister for Education:

(1) Can he confirm that departmental advisory staff are not permitted to visit Catholic primary schools to make their services available?

(2) If "Yes"—

(a) has this always been the case; and

(b) if not, when was the policy changed; and

(c) for what reason?

(3) (a) Have superintendents and advisory staff been officially advised of this situation;

(b) if so, when and by what means was this notification given?

(4) (a) Have principals of Catholic schools been officially advised of this situation;

(b) if so, when and by what means was this notification given?

Mr Old (for Mr P. V. JONES) replied:

(1) to (4) The long established policy that non-Government schools have access to the services of departmental guidance officers, unit progress advisory teachers and departmental in-service courses has not been changed, though the policy has recently been reiterated within the Directorate of Educational Services.

It should be pointed out that provision of joint advisory services is possible under Schools Commission programmes but the services and development committee on which Catholic schools are represented has not given the provision of such services priority in the allocation of funding.

MARINE AND PORTS COUNCIL OF AUSTRALIA

Federal Minister's Attitude

714. Mr HASSELL, to the Minister representing the Minister for Transport:

(1) Is it a fact that at the meeting of the Marine and Ports Council of Australia, held at Fremantle two weeks ago, and attended by State and Commonwealth Transport Ministers:

(a) the Federal Minister, Mr Nixon, refused even to consider the unanimous request of the State Ministers that chairmanship of the meeting should revolve according to the State in which the meeting would be hosted, and insisted upon remaining permanent chairman;

(b) that in relation to each issue to be discussed the Commonwealth Minister read out Commonwealth position papers prepared for him by his department, was not keen to negotiate any issues, and ridiculed some differing suggestions which a State Minister was able to put forward?

(2) Is it a fact that the meeting could be regarded as having been a useful exchange of views leading to agreed conclusions or might the Commonwealth just as well have conveyed its view by telex to the State Ministers without significant expenditure being incurred to get them all together?

(3) Is the Minister satisfied with the outcome of the meeting?

(4) Would the Minister describe the meeting as satisfactory when measured against:

(a) the supposed commitment of the Commonwealth to co-operative federalism; and

(b) any reasonable view of co-operation, consultation and joint decision making?

Mr O'CONNOR replied:

(1) (a) Yes.

(b) The Federal Minister read out the Commonwealth position on each issue but was not keen to negotiate. However, the Minister for Western Australia did achieve by negotiation, an amendment important to Western Australia on the Commonwealth proposals for legislation of control of shipping.

(2) The message that Western Australia wished to control all vessels off its own coast was strongly emphasised to the Federal Minister and this could not have been achieved by a telex message.

(3) No. I believe more could have been accomplished if the Commonwealth Minister had been prepared to consider with a completely open mind, various points raised by the States.

(4) (a) No. The meeting showed that at least in the area of ports and marine matters the Commonwealth had virtually no commitment to co-operative Federalism.

(b) No. It showed that any decision making had to be virtually on the Commonwealth's terms. Western Australia believes in the Federal system where States each enact uniform legislation with the Federal Government enacting reciprocal legislation.

BUILDERS' REGISTRATION ACT

Amendment

715. Mr CARR, to the Minister for Consumer Affairs:

Further to his answer to question 664 of 1978 in which he advised that the Builders' Registration Board had recommended the scope of the Act be extended to certain country areas, will he advise the House of the "certain country areas" referred to in his answer?

Mr GRAYDEN replied:

The proposal is being considered in principle at this time. Certain specific areas have not yet been delineated.

FAMILY COURT ACT AMENDMENT BILL

Effect

716. Mr BERTRAM, to the Minister representing the Attorney-General:

What effect will the Family Court Act Amendment Bill have upon actions between spouses—

(a) already before the Supreme or district or local courts to determine ownership of property;

(b) brought by a spouse in one of those courts before the other spouse commences action on the same issue in the Family Court?

Mr O'CONNOR replied:

(a) and (b) The Bill recognises that the proper place for property disputes between husband and wife is the Family Court.

The intention of the Bill is that in property disputes between husband and wife, the Family Court is to take account of the matters set out in the proposed subsection (3) of section 26B.

The answer to part (a) of the question is therefore that whilst the Bill does not seek to amend section 17 of the Married Women's Property Act, 1892, under which such current pending proceedings would have had to have been commenced, either party may apply to the court hearing the proceedings for a stay of proceedings pending the hearing in the Family Court. Alternatively, either party may apply to the Family Court under the proposed section 26G for an injunction restraining the other party from continuing with proceedings in another court.

Similarly, in the situation envisaged in part (b) of the question, a party can apply for a stay of proceedings in the court in which the proceedings have been commenced or apply to the Family Court for an injunction restraining the other party from continuing with proceedings outside the Family Court.

SUPERANNUATION

Increased Payments

717. Mr BERTRAM, to the Premier:

What steps, if any, does the Government intend to take, and when to ensure that increased payments made to superannuants do not cause them to suffer loss of pension and fringe benefits?

Sir CHARLES COURT replied:

The problem to which the member for Mt. Hawthorn refers has been studied exhaustively by the Superannuation Board and Government officers. It arises because Commonwealth Social Security Pensions are subject to a means test and in certain circumstances an increase in State superannuation payments results in a reduction of social security pension equal to half of the increased income derived from superannuation and can also result in loss of fringe benefits.

This does not apply only to increases in superannuation payments but to increased income from other sources such as property.

As the problem arises from the provisions of Commonwealth legislation, no action can be taken in State legislation to modify Commonwealth practice. The only course open to the State would be to withhold increased superannuation payments in such cases which it is unable to do as the Superannuation and Family Benefits Act now stands. Moreover, it is questionable whether recipients should be denied their superannuation rights in this way as in general they still receive a net increase in their income from both sources. The possible loss of fringe benefits is a more serious problem and we are ready to consider any proposal which could alleviate it.

If the member has a practicable proposal for overcoming the problem without denying State superannuants their rights under the Act, I am sure the Superannuation Board would be happy to consider it.

PARLIAMENTARY PRIVILEGES ACT

Offences: Punishment of Offenders

718. Mr BERTRAM, to the Speaker:

Is it his intention in the future to take steps to have punished all offenders against the provisions of the Parliamentary Privileges Act whenever they occur in his presence or when evidence is supplied to him thereof?

The SPEAKER replied:

The meaning of the member's question is not clear. It is not the Speaker's prerogative to carry out "punishments" for offences against the Parliamentary Privileges Act. Any action in respect of that Act is for the House to determine.

TRADE UNIONISTS

Withdrawal of Police Charges

719. Mr BERTRAM, to the Premier:

Since he said he was prepared to go to gaol for a breach of law which may have been involved in requesting building societies to reduce their interest charges:

Why was he not prepared to act quite lawfully and request the Commissioner of Police to seek leave to withdraw certain charges against unionists—which charges at any event were found to be unlawfully laid and therefore absolutely void and of no effect?

Sir CHARLES COURT replied:

I have acted lawfully and properly in respect of the charges laid by the police arising from the livestock export dispute.

I have no intention of requesting or directing the Commissioner of Police to drop the charges—and for good reasons which the member as a qualified lawyer should appreciate.

LIQUOR ACT AMENDMENT BILL

Conscience Vote

720. Mr BERTRAM, to the Premier:

(1) Further to his answer to question 674 of 1978, is a "non-party" Bill a Bill in which members of the Liberal Party are freed from their possible obligation to vote according to the party line?

(2) If not, what is a "non-party" Bill?

Sir CHARLES COURT replied:

(1) and (2) I am sure the member is well aware of the general interpretation over the years of "non-Party" Bills.

In any case, Government members will vote on the Liquor Bill on the notice paper whichever way they personally elect, whether it be because of a "non-Party" or "free conscience" or any other similar type of description given by the member to the Bill.

ABATTOIRS

Midland Junction and Establishment

721. Mr McPHARLIN, to the Minister for Agriculture:

(1) Are proposals being considered for the disposal of the Midland Junction Abattoirs and saleyards?

(2) Is consideration being given to a proposal from a private operator to build an abattoir outside of the metropolitan area to handle beef only?

(3) If "Yes" to (2), what plans are being considered for mutton and lamb killing?

(4) Is consideration being given for the provision of perhaps a smaller service abattoir other than Robb Jetty ?

Mr OLD replied:

(1) to (4) I am awaiting reports on these matters from the WA Meat Commission and the WA Meat Industry Authority.

QUESTIONS WITHOUT NOTICE

ENERGY

Nuclear: Federal Legislation

1. Mr DAVIES, to the Premier:

Does the Government consider that the proposed Federal legislation on nuclear codes, and the proposed amendments to the Federal Atomic Energy Act, reduce State rights?

Sir CHARLES COURT replied:

In answer to the Leader of the Opposition, the State Government is far from satisfied with either the legislation or the method by which it has been brought before the Federal Parliament.

We made our position very clear to the Prime Minister quite a long time ago with regard to the lack of consultation taking place, in view of the fact that this Parliament adopted a code in respect of uranium mining, processing, and marketing very much in line with the policy of the Federal Government which was enunciated in the Federal Parliament. A considerable amount of that was included in our policy statement introduced into this Parliament.

Arising from that, an organisation was set up at ministerial as well as departmental level which provides for consultation to take place between the Commonwealth and the State in the hope that a uniform code would be devised. I emphasise: devised in consultation and co-operation, and not unilaterally.

When the consultation was not taking place, as promised, I made representations to the Prime Minister. That was before any legislation was mooted or, at least, before any legislation was made public. I am not quite sure whether it was just before, or at the time it was announced.

Subsequently, when we had an indication of the legislation we registered our protest. I have further protested in the last few hours on this subject. I do believe that not only is there a breach of consultation procedure, but there are also constitutional overlaps which could be challengeable.

INDUSTRIAL DEVELOPMENT

Steel Mill

2. Mr BRYCE, to the Minister for Industrial Development:

(1) Is the Minister aware that CRA is considering building a $100 million steel mill near Geelong in Victoria?

(2) Is it his intention to hold discussions with CRA with a view to persuading that company to build the mill in Western Australia?

Mr MENSAROS replied:

(1) and (2) Yes, not only in the present tense but very much in the past tense. The Government has been aware of this intention for some time now and has had discussions with the representative management and board of CRA.

I would like to mention that the steel mill is a direct reduction plant, the feed for which will not be based on iron ore, but based on scrap.

Because of the size of the Western Australian market, contrasted with the Eastern States market, the scrap available in the Eastern States is much greater and is sufficient for the plant to operate in the Eastern States as opposed to Western Australia.

The company has satisfied the Government, at least, that this exercise will be a very good forerunner for its processing obligation in Western Australia. If that obligation leads to a direct reduction plant, the feed stock will be iron ore pellets as opposed to scrap. Obviously, the heating agent would have to be gas, when it is available at reasonable cost.

CONSUMER PROTECTION

Colourland Pty. Ltd.

3. Mr SKIDMORE, to the Minister for Consumer Affairs:

(1) Have complaints been made to the Bureau of Consumer Affairs regarding the activities of Colourland Pty. Ltd. of 20 Jersey Street, Wembley, since the bureau's 1975 report?

(2) If so, what was the nature of the complaints, and was one made by a consumer that the price of a Sharp TV set was established at the time of signing the purchase contract as costing $769 whereas when the HPA was completed the price had been increased to $990?

(3) If "Yes" to (2) would the Minister have the bureau carry out a full investigation of this particular firm so that protection can be offered to potential purchasers of consumer goods from this company?

Mr GRAYDEN replied:

(1) Yes.

(2) and (3) The bureau was in the process of finalising a report on this company for the Consumer Affairs Council prior to the receipt of this question. I have requested a copy of this report and will table it within the next few days.

EMPLOYMENT AND UNEMPLOYMENT

Job Creation Scheme in Geraldton

4. Mr CARR, to the Premier:

(1) Is the Premier aware that not only is it more than 7½ months since I wrote to him requesting Government assistance for special employment-creating projects in Geraldton, but that today it is exactly six months since he was presented with a submission jointly prepared by the Town of Geraldton and the Shire of Greenough detailing appropriate projects for such assistance?

(2) Does he recall saying, at the start of the session, that the Government was working on the submission and would soon forward a detailed reply?

(3) Does the Government intend to provide employment assistance to help ease the serious unemployment problem in Geraldton and, if so, when?

Sir CHARLES COURT replied:

As I understood the question, the replies are—

(1) Yes.

(2) Yes.

(3) The overall question of employment in all parts of the State is before the Government at all times.

Mr Carr: The figure is 13 per cent.

Sir CHARLES COURT: Geraldton, which is in a special position in the region because of drought difficulties, is no exception. It is part of the overall review.

If the honourable member looks at the situation fairly in the light of all circumstances, I think he will agree it is not as bad as he represents.

Mr Carr: How many other places have 13 per cent unemployed?

Sir CHARLES COURT: The member will depress the position further with his talk of gloom. He will do the same for Geraldton as Bill Hayden has done for the motor industry.

ABATTOIRS

Midland Junction and Establishment

5. Mr SKIDMORE, to the Minister for Agriculture:

My question arises out of the answer the

Minister gave to question 721 today appertaining to the abattoir at Midland.

I understood the Minister to say that he was waiting on a report from the Meat Commission.

I ask the Minister whether there is any indication as to when that report will be available, and will he table the report when it is finalised?

Mr OLD replied:

It is common knowledge that some time ago, in February, I did ask the Meat Commission to look at the overall situation in regard to killing facilities in Western Australia, and the future of abattoirs within the metropolitan area.

I expect to meet the Meat Commission shortly for ongoing talks. The actual report from the combined authorities has certainly not come to hand, and I do not know when it will be available. I imagine the report is close to finalisation.

ABATTOIRS

Midland Junction and Establishment

6. Mr SKIDMORE, to the Minister for Agriculture:

Arising out of the reply to my last question, the Minister did not say whether or not he would table the report when it was available.

Mr OLD replied:

When I have studied the report, I will make a decision.

RURAL AFFAIRS

Recommendations of Inquiry

7. Mr CARR, to the Minister for Consumer Affairs:

My question arises out of the answer to question 707 on today's notice paper dealing with the rural affairs inquiry.

Part of the answer stated that the question of implementation should be referred to the relevant Commonwealth or State departments and instrumentalities.

Does that mean that the Minister and his department have not referred the recommendations to those relevant authorities? If that is not the situation, would the Minister indicate what action has to be taken?

Mr GRAYDEN replied:

I ask the member to put the question on the notice paper.