

# Legislative Assembly

Tuesday, the 1st May, 1979

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

## RAILWAYS: FREMANTLE-PERTH

### *Closure: Petition*

MR DAVIES (Victoria Park—Leader of the Opposition) [4.32 p.m.]: I have a petition from the electors of Western Australia which reads as follows—

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

We, the undersigned—

1. PROTEST at the decision to withdraw the Perth-Fremantle passenger rail service and the subsequent dismantling of the Perth-Fremantle railway;
2. are AMAZED that such a major and important decision affecting tens of thousands of people should be taken so arbitrarily;
3. DEPLORE the Government's short-sighted expediency. At a time when the rest of the world is turning to electric rail systems, we are turning to transport systems which use oil, a diminishing energy source;
4. ASSERT that buses will not offer an equivalent service particularly for people with children and babies in prams, shoppers with bulky parcels, for young people travelling to the beaches, and for many elderly people:

We, the undersigned, REQUEST the Government to:

- (a) REVERSE its decision to withdraw the railway passenger service between Perth and Fremantle;
- (b) UPGRADE the system to encourage more passengers to use the trains;
- (c) RATIONALISE existing bus and train services so that they complement each other rather than compete with one another;
- (d) UNDERTAKE immediately steps to investigate the possibility of electrifying the railway system in accord with world trends.

The petition bears a prayer, and contains 1 935 signatures. I certify it conforms with the Standing Orders of the Legislative Assembly.

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

*See petition No. 60.*

## RAILWAYS: FREMANTLE-PERTH

### *Closure: Petition*

MR BATEMAN (Canning) [4.34 p.m.]: I have a petition along the same lines as that presented by the Leader of the Opposition. It is addressed to the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled, and is identical with that which has just been presented. It bears 752 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly. I have signed it as such.

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

*See petition No. 61.*

## RAILWAYS: FREMANTLE-PERTH

### *Closure: Petition*

MR T. H. JONES (Collie) [4.35 p.m.]: I have a similar petition, containing 983 signatures. I certify that it conforms with Standing Orders of the Legislative Assembly.

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

*See petition No. 62.*

## RAILWAYS: FREMANTLE-PERTH

### *Closure: Petition*

MR PEARCE (Gosnells) [4.36 p.m.]: I have a petition which seems to me to be similar in wording to those which have already been presented. It is prayerful, and I certify that it conforms with the Standing Orders of the Legislative Assembly. It bears 683 signatures.

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

*See petition No. 63.*

## EDUCATION: SCHOOL YEAR

### *Alteration: Petition*

MR CLARKO (Karrinyup) [4.37 p.m.]: I have a petition along similar lines to those presented concerning the policy of the Education Department with respect to the school year. It

contains 33 signatures, and I certify that it conforms with the Standing Orders of this House.

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

*See petition No. 64.*

## RAILWAYS: FREMANTLE-PERTH

### *Closure: Petition*

MR BRYCE (Ascot—Deputy Leader of the Opposition) [4.38 p.m.]: I have a petition identical with the one presented by the Leader of the Opposition. It is a protest on behalf of those people who are clearly opposed to the decision to close the Fremantle-Perth railway. The petition bears 698 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly.

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

*See petition No. 65.*

## LEGISLATIVE REVIEW AND ADVISORY COMMITTEE

### *Report: Tabling*

THE SPEAKER (Mr Thompson): I have for tabling a report of the Legislative Review and Advisory Committee relating to amendments to the censorship of films regulations.

## QUESTIONS

Questions were taken at this stage.

## PLANT DISEASES ACT AMENDMENT BILL

### *Second Reading*

MR OLD (Katanning—Minister for Agriculture) [5.09 p.m.]: I move—

That the Bill be now read a second time.

In recent years there has been increasing difficulty in financing the baiting operations of fruit-fly baiting schemes established under the Plant Diseases Act due to an inability to increase charges relative to increases in operating costs. The present schedule of fees is related to the number of trees on a property and takes no account of the fact that there is a cost involved in visiting a property for baiting purposes, irrespective of the number of fruit trees on the property. A large number of properties have only one or two trees and the present charges do not now adequately cover the whole cost of the visit and spraying operations.

It is therefore proposed that the Act be amended to provide for a different system of charging based on an annual service fee applicable to all properties with fruit trees within the fruit-fly baiting scheme area. This basic service fee would be payable by all participants regardless of the number of trees on the property.

In addition, a scale of charges similar to that now operating and related to the number of fruit trees on the property would be charged as the second component of the total charge. It is proposed that the level of both components of the total charge will be prescribed by regulation.

It is also proposed that the Act be amended to provide that the fees become payable within 30 days of commencement of the baiting period with provision for a penalty for non-payment.

In summary, therefore, the Bill seeks to amend the Plant Diseases Act to enable—

- (1) The fees charged by community fruit-fly baiting schemes to be set by regulation and for provision for a service charge in addition to the scale of charges based on the number of fruit trees on the property.
- (2) The collection of all fees due at the commencement of the baiting period.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans.

## WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

### *Second Reading*

MR RUSHTON (Dale—Minister for Transport) [5.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a number of important measures most of which have become necessary because of the very great increase during the past decade in the popularity of private pleasure craft. One of the problems which has arisen as a result of this increased use of the waterways is that of providing adequate patrols.

At the present time, boat licensing fees are levied against boat owners to meet the costs of providing inspectors, boats and equipment and facilities for boat registration. However, despite recent increases in fees, the income from this source does not cover expenditure.

Rather than increase fees still further, it is considered better to make a more efficient use of the men and equipment we already have. One way of doing this is by freeing them as much as

possible from court appearances. It is therefore proposed to adopt a system of infringement notices similar to those applying to minor traffic and parking offences.

Modified penalties of up to \$100 will be prescribed for certain offences under the navigable waters regulations as, for example, speeding, registration and mooring offences.

These modified penalties will be payable within 21 days after service of the infringement notice. Alleged offenders will still have the right to have their case heard in court should they wish to do so.

This scheme would relieve the courts of a considerable amount of work; be more acceptable than court appearances to many boat owners; and also would have the effect of freeing Harbour and Light Department inspectors from many hours of court attendance, time which could more profitably be spent on patrol work.

The existing provisions of the Act require all coast trade and limited coast trade vessels to hold a valid certificate of seaworthiness before proceeding to sea.

However, there is no legal obligation for a ship to be seaworthy when moving about within port limits and where failure of structural equipment could result in serious damage and inconvenience to other ships or installations.

The Bill therefore seeks to require all vessels to hold a valid certificate of seaworthiness before they move from a mooring or berth.

The department has power under the Act to prohibit the carriage of cargo in a ship leaving the port limits if it is of the opinion that the safety of the ship or the comfort of the passengers and crew would be endangered by the carriage of that cargo.

From the point of view of safety, it is important that this authority should apply also to vessels which move about within the port limits. The Bill is designed to provide this authority.

Masters and owners of coast trade and harbour and river vessels are obliged to observe the provisions of the regulations for preventing collisions at sea. However, operators of fishing vessels and private craft, while required to be familiar with these rules, are under no legal obligation to observe them. Since both commercial and private boats share the same waters, this anomaly can give rise to quite hazardous situations.

The Bill will amend this dangerous situation by obliging operators of all craft, be they commercial or private, to obey the rule of the road.

The Act also makes it obligatory for coast trade and harbour and river vessels involved in a collision to stand by each other and render such assistance as may be necessary and of which they are capable. Failure to do so is an indictable offence and carries a maximum penalty of two years' imprisonment.

Because of the increasing number of pleasure boat operators who, after being involved in a collision, fail to stop, it is proposed that they, together with fishing boat skippers, should be subject to the same requirements as the coast trade vessels.

The penalty for fishing boat masters will be the same as for masters of coast trade and harbour and river vessels. However, the penalty for pleasure boat operators is to be fixed at a maximum fine of \$500.

It will also be incumbent on the operators of the boats involved to exchange names and addresses and particulars of their vessels.

Should death or injury result from a collision or should one of the vessels sustain damage rendering it unseaworthy, the operators also will be required to submit a written report of the circumstances to the Harbour and Light Department.

At present the Harbour and Light Department has no authority to remove and dispose of abandoned or derelict craft littering navigable waters. It is therefore proposed that after serving notice on the owner or if his identity is unknown, by publication in a newspaper, it be given the authority to declare such vessels to be navigational hazards and, in the event of failure to establish ownership, to assume possession and arrange for their removal and disposal.

Should costs of removal not be recoverable by other means, the department will be able to sell the vessel and use the proceeds to defray the expenses incurred in its removal. The owner will be entitled to any surplus, or if his identity has not been established, it will be paid into Consolidated Revenue.

This amendment will enable the removal and disposal of old and abandoned vessels many of which are quite valueless and are at present littering our waterways.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

## WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No.2)

### *Second Reading*

**MR RUSHTON** (Dale—Minister for Transport) [5.19 p.m.]: I move—

That the Bill be now read a second time.

Because of certain legal considerations, it has been necessary to bring forward amendments to the Western Australian Marine Act in two parts.

The United Kingdom Merchant Shipping Act, 1894, as it applies to Western Australia, stipulates that legislation to regulate coasting trade should contain a suspending clause and that Her Majesty's consent is required for it to come into operation.

The provisions contained in this Bill could be said to "regulate the coastal trade of the State" and to avoid the possibility of the suspending clause applying to the amendments in the earlier Bill, they have been included separately in this Bill.

The major amendment in the Bill before members restructures the engine-room manning requirements of coast trade, limited coast trade, and harbour and river vessels within the State's jurisdiction.

The new scale complies with the recommendations of the Association of Australian Ports and Marine Authorities and is designed to update our standards and also to achieve uniformity with the other States.

Technological advances in the manufacture of marine propulsion engines have made the changes desirable. Engines are now smaller and more sophisticated and have a very much higher kilowatt power output.

These modern engines are much less complex to maintain and may be likened to large truck engines. As a result, it is possible to permit those responsible for their operation to hold a lower qualification than previously for the same power output.

In furtherance of these alterations, provision also has been made for a lesser certificate of competency for engineers. This will be known as a fourth class engineer's certificate. As an example, the proposed requirement for a coast trade ship with propelling power between 750 and 1 500 kilowatt power will require a first engineer possessing a third class engineer's certificate and a second engineer possessing a fourth class engineer's certificate. A vessel with the propelling power of this magnitude now requires persons possessing a certificate of competency as first class engineer and second class engineer.

I would like at this time to assure the House that these proposals will not in any way result in a reduction in safety standards.

The Act presently requires all coast trade and limited coast trade ships to carry properly certificated deck and engineering officers whenever they leave the limits of a port. Obviously, when a ship moves about within the limits of a port, the same standard of seamanship should be expected of its crew.

It has therefore been decided to amend the relevant sections of the Act to require that these vessels should be manned as prescribed whenever they move from a berth or mooring.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

## HEALTH EDUCATION COUNCIL ACT AMENDMENT BILL

### *Second Reading*

**MR YOUNG** (Scarborough—Minister for Health) [5.22 p.m.]: I move—

That the Bill be now read a second time.

This amendment to the Health Education Council Act is proposed to allow the council, constituted under the Act, to become an advisory body to the Minister for Health on matters relating to health education of the people of the State.

The present Act requires the council to carry out the administration of the Act and gives it various rights and powers to do so.

The council is composed of representatives of various Government, semi-Government and private organisations concerned with education and health and the purpose of this Bill is to remove the responsibility for administration of the Act from the council to allow it to concentrate on the main function of promoting, maintaining, and improving the health of the community by means of health education. This is in accordance with the expressed wishes of the council to me.

The council will continue to manage a trust fund created to receive special grants made by outside organisations for specified health education purposes. These funds do not form part of the daily operational expenditure of the council and recommendations can continue to be made to the Minister by the council as to the amount and direction of expenditure required.

The normal operational funds provided by the State Treasury will form part of the Public Health Department allocation.

The existing staff will have all existing rights, entitlements, classifications, titles, and salaries

preserved and will be employed by the Minister under the Health Act instead of under the Health Education Council Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

## DENTAL ACT AMENDMENT BILL

### *Second Reading*

**MR YOUNG** (Scarborough—Minister for Health) [5.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to six areas of the Act which generally will overcome anomalies and inadequacies which have developed due to changing monetary values, and change in patterns of training and supply of dentists.

The first amendment is to change the spelling of one word in the Act—"specialities"—to make it agree with the word "specialties" which appears in the rules under the Act and which refers to the same category of practices.

**Mr Tonkin:** Hear, hear!

**Mr YOUNG:** Although there is no significant difference between the definition of each word, it is considered that the word "specialties" has the more correct meaning and by this amendment will remove this minor drafting anomaly between the Act and its rules.

**Mr Harman:** It is about time we did that.

**Mr YOUNG:** We will not have any trouble with that amendment, I take it.

**Mr Davies:** No; we will go straight on with it.

**Mr YOUNG:** The next amendment proposes to bring the monetary penalties in the Act up to a level which will be some deterrent to the committing of the offences described in various parts of the Act. Most of these penalties have not been amended since they were first introduced with the Act in 1939 and are no real deterrent to anyone at their present values.

The offences for which these penalties are prescribed relate mainly to the unprofessional behaviour of registered dentists or to unlawful practising, advertising or employment and the penalties proposed, while not being excessive, are considered to be at a level sufficient to be a deterrent to the committing of an offence.

Another amendment proposes that the successful committee on overseas professional qualifications—Certificate of Dentistry—be made an acceptable qualification for registration of those overseas graduates, whose qualifications are not normally acceptable for registration by the

Dental Board of Western Australia, under the present provisions of the Act.

The recognition of this certificate, now accepted by most other States, will automatically provide professional assessment of the competence of those overseas graduates and will ensure that those who are awarded this certificate, which can be gained only through passing a series of examinations, will be of a sufficiently high standard to practise anywhere in Australia.

Another amendment is included to restrict the numerous registrations of the overseas dentists to those who genuinely propose to settle and practise in this State.

The Dental Board of Western Australia is receiving many applications for registration from visiting overseas dentists many of whom do not propose to settle in this State and practise dentistry, unless the political developments in their own country force them to leave.

This has the effect of inflating the dental register and makes it meaningless for use in planning the intake numbers of local dental courses, because of the lack of knowledge on whether these overseas dentists will arrive and commence practising.

The amendment proposes that a registered dentist who is not a resident and who has not taken up residence and commenced practise within six months after registration was granted, will have his name taken off the register and will not be eligible to make further application for registration within a period of five years from the date that registration was originally granted.

**Mr Hodge:** I hope that you are going to do the same with chiropractors.

**Mr YOUNG:** Well, the same situation applies for doctors and no-one complains about that.

Another amendment proposes to widen the number of places at which the Act allows dental students to undertake their studies. The Act allows dental students to train at the Perth Dental Hospital and the facilities provided by the faculty of dental science of the University of Western Australia.

As there is a serious shortage of patients suitable for the training of these students at these places, it is proposed that places other than those stipulated in the Act, such as the School of Dental Therapy, be permitted to be used by the University of Western Australia for the training of these students.

A faculty regulation allows the training of dentists at such other institutions as are approved by the faculty, but it requires this amendment to

the Dental Act to permit such an approval to be given by the faculty.

The last amendment proposed is to allow for the registration of male dental therapists, as the Act now specifically limits registration of dental therapists to females.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

## **RADIATION SAFETY ACT AMENDMENT BILL**

### *Second Reading*

**MR YOUNG** (Scarborough—Minister for Health) [5.30 p.m.]: 1 move—

That the Bill be now read a second time.

The purpose of this amendment is to enlarge or extend the criteria that the Radiological Council may apply in granting and refusing applications made for licences, exemptions and registrations under the provisions of the Radiation Safety Act, 1975.

The purpose of the Radiation Safety Act is to protect the public and those in employment against the dangers of radiation. This is achieved by requiring that persons using radioactive substances, irradiating apparatus and electronic products be licensed and the premises where they are used, together with the apparatus or product, be registered.

In general, the criterion that the Radiological Council must use in granting an application is whether any person, other than a person undergoing treatment or diagnosis, is likely to receive a dose of radiation in excess of the prescribed level. These levels are based on the recommendations of the International Commission on Radiological Protection and the National Health and Medical Research Council.

The use of radiation in Western Australia has been largely under the control of persons qualified in medicine, dentistry, veterinary science, and other areas of science and industry, and the provisions of the Radiation Safety Act were adequate to protect the public, patients and employees and others likely to be exposed.

There is developing an increasing use of radioactive substances in devices which are intended to be sold over the counter for domestic use or which are not used under the control of a qualified person. The International Commission on Radiological Protection has reminded licensing authorities that a single product which of itself may be not significantly harmful may be only one of a number of such sources of exposure and that

we must take into account the additive effect of all of these.

The international commission has recommended that all exposure to radiation shall be kept as low as reasonably achievable and that the use of radiation should not be permitted unless its use produces a positive net benefit over the alternatives already available.

The amendment proposed to the Radiation Safety Act will permit the council to refuse to grant or renew a licence or exemption or effect registration if the council is satisfied that a safety requirement, immediate or long term, will not be met. The council may also similarly refuse if it is not satisfied that a positive net benefit will result from the use of the radiation source or that the function can be fulfilled only by the radiation method, or that it is the most advantageous method available. The council may refuse if it is of the opinion that a refusal is in the public interest. In its deliberations it may have regard for the guidelines and recommendations of those bodies mentioned in the Bill which are regarded as possessing expertise in the field of radiation protection.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

## **BILLS (3): MESSAGES**

### *Appropriations*

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

1. Plant Diseases Act Amendment Bill.
2. Health Education Council Act Amendment Bill.
3. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.

## **ADDRESS-IN-REPLY: SEVENTH DAY**

### *Motion*

Debate resumed, from the 26th April, on the following motion by Mr Shalders—

That the following Address-in-Reply to His Excellency's Speech be agreed to—

May it please Your Excellency: We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your

Excellency for the Speech you have been pleased to address to Parliament.

**MR TONKIN (Morley)** [5.34 p.m.]: This Government has discovered cosmetics. It has discovered a new trick in deceit; that is, not to repeal consumer laws, but not to enforce them, either. This is a confidence trick being perpetrated upon the people of Western Australia. We would admire the Government more if, in fact, it were prepared to repeal legislation; but of course it does not, and neither does it enforce it.

We have a Minister for Consumer Affairs who gave an affidavit to a person indicating how honest that person was, but the firm controlled by that person was described by the Consumer Affairs Bureau as being the rogue of the year as far as used cars were concerned. We have a Minister for Consumer Affairs who says it is not wrong for a corporation to mislead consumers as to their rights and remedies. We have a Minister for Consumer Affairs who says it is acceptable for a corporation to state that it does not have to give cash refunds when, in fact—

**Mr Yung:** Who said that it was acceptable?

**Mr TONKIN:** He is wrong on that, too.

**Mr Young:** He did not say it was acceptable.

**Mr TONKIN:** He did. He needs a lot of help. Do members notice how the Minister for Health is jumping in to help his colleague?

The Minister for Consumer Affairs stated that a corporation did not have to give cash refunds when, in fact, section 75A of the Trade Practices Act states that a cash refund must be given in certain circumstances.

**Mr O'Connor** interjected.

**Mr TONKIN:** The Minister said there was no legal requirement for a cash refund to be made, but there is.

**Mr O'Connor:** In every case?

**Mr TONKIN:** I did not say "in every case". There is a legal requirement if goods are not of a merchantable quality, yet the Minister for Consumer Affairs said that there is no legal requirement for a refund to be made. That is absolute nonsense.

Section 53 of the same Act states that lies must not be told in respect of rights and remedies applicable under the Act, but the Minister says that it is all right to have notices displayed and as we know, he refused to act upon those notices.

An advertisement in *The Sunday Times*, as long ago as the 6th October, 1974, drew the attention of the public to the facts concerning the

Act and quoted section 53. Yet we have a Minister who still does not know the provisions of the Act and who stubbornly refuses to admit his error.

If the notices which he said were not illegal were, in fact, not illegal, why did the Trade Practices Commission demand that the notices be taken down? Secondly, if the notices were legal as the Minister said time and time again they were, and he still says they are, why did the traders concerned take the notices down? Surely if, in fact, they had been legal, the corporation concerned would have said, "We do not have to take that notice down because it is not illegal."

Quite clearly the Trade Practices Commission acted on my request because it agreed with me that the notices were illegal. Not only that, but the corporation agreed also with the commission that they were illegal and took them down under threat of prosecution. Obviously the only reason was that they were illegal.

The Minister's extraordinary performance in connection with this matter illustrates several things. It illustrates, firstly, the Minister's standards, if he thinks such misleading motives are acceptable; secondly, his ignorance of the law; and thirdly, his childish inability to stand up like a man and quite simply say, "I made a mistake." Because of the embarrassing position he was in, because he refused to admit his error—which we all do it at times—he ducked out of appearing on "Nationwide" on which he was due to appear with me, and he also ducked out of being interviewed on Radio 6PR. Instead he sent the commissioner to cover for him. I admire Mr Fletcher for the way he tried to cover up for his Minister. However, it is most improper for the Minister to shoot from the hip and to show his crass ignorance of the law, and then hide behind a civil servant in order to get himself off the hook.

That is why I have no fear of saying that I am prepared to debate this matter, or any other matter, with the Minister at any time suitable to him. If he will name a time when he can debate these matters with me in public, I will be pleased to provide him with the opportunity.

Another aspect which springs to mind is the extraordinary part played by sections of the media in this State in this matter; their determination to save the hide of a Liberal Minister. If a Labor Minister had made such glaring mistakes and obvious errors the media would have been out to get his scalp, and quite rightly. However, in this case the media bent over backwards to protect the Minister.

It was only after repeated protests by me that *The West Australian* would print the facts concerning the provisions of the Trade Practices Act and what the Trade Practices Commission had stated. However, at no time did the article mention the name of the Minister for Consumer Affairs or my name. If this had been done it would have been obvious to the people, who have a right to know these things, who had been wrong and who had been right.

*The West Australian* went to extraordinary lengths to print a special article. Why? People must have found it strange to see an article on the Trade Practices Act without the article containing any reference to the Government or to anyone else. It merely stated the facts and scrupulously left out the Minister's name and my name. If the people who read the article had been aware of what I had said and what the Minister had said, and if the article had quoted the Act and what the commission had stated—after all, the TPC is an agent of the Fraser Government—it would have been clear that the Minister had made a glaring error but, in an effort to save the hide of the Minister, *The West Australian* would not mention names or what we had said. It merely printed the facts after I had spent hours and hours on the telephone going over the matter with several reporters, the chief of staff, and the editor, in an effort to ensure that justice was done.

That is the kind of situation we have in this State when, in order to have the truth printed, one has to battle hard.

This is the same Minister who shortly after this incident, complained about the Commonwealth's intrusion into the consumer affairs field. Why is he complaining? Quite obviously it is because the TPC had insisted that the law be enforced. That is a revolutionary dogma as far as this Government is concerned. The law was to be enforced against traders who break the law. So the Minister squealed and said, "Why not keep your nose out of it?" The Minister was embarrassed because the TPC had enforced the law after it had listened to me. The TPC did its duty by the people of the State.

I replied to the Minister's complaint about the intrusion. It was my duty to do so on behalf of the people in the State. However, *The West Australian* would not print my reply. Once again that paper went to extraordinary lengths to protect the hide of the Minister.

We can see why the Minister is concerned about the intrusion of the Commonwealth into consumer affairs. Had it not been for the Whitlam Government's intrusion we would not

have a Trade Practices Act today. This is a Government which states that it believes in private enterprise, but it would not introduce laws to ensure free and fair competition and the proper play of market forces. It waited for the Whitlam Government to introduce the legislation. No wonder the Court Government objects to the intrusion of the Commonwealth into consumer affairs. The Trade Practices Act gives to the Western Australian consumer, in the case I have just mentioned, the protection that the State Government will not grant.

The Trade Practices Act, enacted by the Whitlam Government, also gives protection to the Western Australian people because now there is no possibility of the avoidance of an implied warranty in a contract. That is as a result of the Whitlam Government legislation. Yet another example is that the Whitlam Government, against strenuous opposition by the Liberal Party, made it illegal for people to distribute unsolicited credit cards.

So we come to the question which the Liberal Party is so often keen to ask: Who is running the country? I will indicate who is running the country. It is the giant corporations controlled by the Americans, the Japanese, the Dutch, the Germans, the French, and the English. They are the people who are controlling this country. Above all, though, are the giant oil companies. The Federal and State Liberal Governments have given in to blackmail because of the enormous power through radio, TV, and the Press—after all, advertising is the lifeblood of the commercial media outlets—and because of the generous financial assistance they give to the Liberal Party at election time.

It is quite clear who is running the country. It is the giant corporations.

In answer to a question asked by me, the Premier stated in this place that he would not intervene in the public interest in the Prices Justification Tribunal inquiry into the price of aviation fuel. A few days ago we know what occurred as a result. The whole of the State's economy was thrown into jeopardy because of the enormous and unjustified increase in the price of aviation fuel.

Sir Charles Court: They are given by a tribunal.

Mr TONKIN: The Government would not appear before the Prices Justification Tribunal on behalf of the public interest, but the Government continually appears in the Industrial Commission and argues against an apparent increase in wages. The Premier will intervene in the public interest



to prevent miniscule increases in wages in line with indexation guidelines which have been formulated purely in order to make up for increases which have already taken place in prices; yet he will not go to the Prices Justification Tribunal to intervene on behalf of the very same consumers. He will intervene to prevent the consumers' wages and salaries going up but he will not intervene to prevent the costs to those consumers going up. We have one-sided government.

This Government has supported the policy of the Fraser Government which has given enormous handouts to oil companies as the price of overseas crude goes up, and these price increases have nothing to do with costs in Australia. Over 90 per cent of Australian petrol comes from Australian crude oil, so the increases which reflect increases imposed by the OPEC countries have nothing to do with costs. In fact, in some cases over 90 per cent of the price of Middle East crude derives from the taxing policies of those countries. Therefore, the price the Western Australian motorist pays for petrol is determined by the taxation policies of some Middle East countries. How low can a Government bend its knee to foreign domination?

A Royal Commission inquired into the petrol marketing system in Australia and its report was a scathing indictment of the system. Belatedly the Fraser Government has agreed to a package of measures, but the Government of this State is sabotaging the package of measures because the oil lobby has got to the Government through the State Energy Commission. The member for Collie has spoken at length about the oil lobby and power generation in this State. The SEC made a submission to the Government with respect to that matter, and the Government is pledged to sabotage the measures put forward by Wal Fife.

The RAC has done a very good job in documenting the case against motor vehicle repair rip-offs. In May, 1977, the previous Minister for Consumer Affairs admitted that profiteering and other unethical practices were occurring, but this Government has not lifted a finger to stop them. These unethical practices include negligent repair work; additional costly repairs without asking the customer, many of which are not warranted anyway; unjustified delays; fraudulent practices; and original parts put back but new parts charged for.

Fraudulent practices also occur in respect of domestic appliances such as washing machines and television sets. Where is the Government action to stamp out these practices? Where are

the prosecutions such as those which regularly take place in other States? This Government will not allow them. A motor vehicle dealer who does not know the model of the vehicle he is selling has no right to be in business. If it can be shown that a car has been sold as a 1971 model when it is in fact a 1970 model, a purchaser should be entitled to have the contract cancelled. It is as simple as that. The exact money is demanded by the vendor; the exact year and any other material particular is a fair exchange; no more and no less.

New South Wales has legislation regulating the sale and warranty of new cars as well as used cars. It is about time we caught up with New South Wales in that respect. New South Wales has a compensation fund to cover warranty claims when a motor vehicle dealer goes out of business. This is a reform we should embrace. Although the Commissioner for Consumer Affairs in New South Wales has the power to waive warranties, he will not use it. It has been admitted that difficulties have occurred in this State due to the waiving of warranties. The practice should cease immediately.

Pursuant to the New South Wales Insurance Act, when legal relations exist between an insurance company and a vehicle repairer the onus is on the insurer to prove that the materials used were proper materials and that repairs were properly carried out.

I will now turn my attention briefly to advertising. In Sweden a reversed burden of proof is required pursuant to section 1 of the Marketing Practices Act. The person responsible for the claims must be able to prove the correctness of the information, claims, or promises contained in an advertisement, on a package, or in a brochure.

I wonder whether the absurd and wildly extravagant claims we see nightly on our television screens would be made if the reversed burden of proof applied here. Is it not fair enough that if a person says his commodity will do something he must prove it, and prove he is not telling lies to the public? Even if the law in this State contained such a provision, I doubt that advertisers would lose any sleep, because they know the Government would not enforce the law anyway, any more than it is enforcing the present law relating to false advertising. When was the last time members heard of a prosecution by this Government for false or misleading advertising?

I can quote the example of the Midland Brick Co., which in its advertisements makes all kinds of extravagant claims with respect to its commodity. I have in the boot of my car at the moment some of that company's bricks which are

very badly manufactured. I have others at my home, if the Minister would like to drop in for a social drink and see them at some time. Yet the Consumer Affairs Bureau says there is nothing wrong with them.

The officers of the Consumer Affairs Bureau are being tied hand and foot by the Government. They are not able to do their job. I do not know whether they have received verbal or written instructions or whether it is a case of a nod being as good as a wink to a blind horse. It is clear the officers are not in a position to enforce the law as they should.

We can note the wild claims of the pseudo-medical advertisements in relation to impossible curative and regenerative properties of certain products. No action has been taken by the Government to enforce the law applying to such lies. Other States require that the full name and address of the person placing the advertisement be shown. That is not required in this State, and as a consequence people advertising in *The Sunday Times* hide behind box numbers and rogues are being protected by the Government.

I draw the attention of the public to the fact that CB radios are being installed without licences, thereby rendering the owner liable to a charge; not the firm that installs the radio and takes the money but the owner of the car. These radios are illegal and the person installing them is responsible, but the Government takes no action to protect the public. The processing of CB radio licences is way behind. These consumers are having CB radios installed in good faith. The firms concerned, with any ethics, would say, "We should not install these radios because they are not licensed and are therefore illegal."

A constituent of mine found that his Rheem hot-water tank had a hole in it. He rang the company and asked, "Can you come and pick up the tank?" He was told, "No, we have to send out a man to repair it." The man came and after going up into the roof told my constituent, "The tank has a hole in it." It cost him \$16 to be told what he already knew.

No register exists of goods which have been banned for reasons of safety. I maintain such a register is necessary to protect the consumer and the small businessman. How can such people keep track of items which are banned?

With respect to furniture, the previous Minister for Consumer Affairs said he would act to protect the consumer. The announcement was given lavish coverage in *The Sunday Times*. When I pointed out 18 months later that nothing had happened, the newspaper did not print my

comment. The Government was given credit for proposing to act to protect people who buy furniture, but 18 months later nothing had happened. Eventually something did happen. Other sections of the media publicised the story and legislation was introduced; but it is not being enforced.

The Builders' Registration Act is not operative outside the metropolitan area. We have the absurd situation that a person building a home in one part of the Shire of Rockingham, the Shire of Kalamunda, or the Shire of Mundaring will have protection, while in another part of the very same shire people will have no protection because the artificial definition of the metropolitan area is related to water or some such thing, as though that is relevant to building a house. Therefore, in the greater part of this State people have no protection with respect to shoddy building.

The case of the Jacksons was recently brought to my attention. They received a shocking deal and were very badly treated, but there is no protection for them.

Mr O'Connor: Where do they live?

Mr TONKIN: It is of no use for the Minister to show interest as though he will do something about it.

Another person by the name of Peet lives outside the so-called metropolitan area. In the building of his house the brickwork showed the following faults—

Perpends have not been consistently filled and mortar has fallen out of them or is loose.

The sand used appears to be a local sand with an unacceptable quantity of impurities such as roots and twigs which mitigate against producing good mortar.

From tests produced the specified proportion of 1:4 has not been used.

Mr Peet finds no protection is available to him. We believe it is time everyone in this State was given the protection that exists in other States in respect of shoddy building.

The Minister has announced he will not give protection to purchasers of fabrics. He will not insist, as the other States have, that fabrics be labelled indicating the kind of care that is necessary for them.

The previous Minister for Consumer Affairs was quoted in the Press as saying there was no cause for concern about swimming pool construction because the Opposition's seven-point clean-up plan was the same as that of the Government. Everyone therefore thought the Minister had the matter in hand. That was nearly

two years ago, and still the Government has not acted. The Government has done nothing about the seven-point plan I enunciated on behalf of the Opposition, which included licensing by the Builders' Registration Board, as is done in New South Wales. So the protection of rogues continues.

I instance the lack of support given to the Shaws of Flora Avenue, Bayswater, against Tuart Hill Pools. The Consumer Affairs Bureau, and in particular Mr Lehane, gave inadequate assistance to the Shaws. I indicated verbally to Mr Lehane and in a letter to Mr Fletcher that they were very unhappy about the deal they received from the Consumer Affairs Bureau. They were told if they handed over the money to the CAB before the contract was finished the bureau would decide whether or not the money should be paid. Why should any consumer put himself in the hands of a third party when the contract has not been finished, especially when he is told by Mr Lehane that the money will be handed over notwithstanding any paltry flaws or insignificant cracks?

So we had a situation in which this person had to hand over the money, because Tuart Hill Pools said, "We are not coming back, and that is all there is to it." In my opinion the Consumer Affairs Bureau was aiding and abetting that swimming pool company—which, in a State with decent consumer protection laws, would not have a licence to operate—to evade the contract.

I have another example in which the contract was signed on the 30th April, and work started on the 13th June. The job still was not finished on the 10th August. The person concerned said, "After six months we have a concrete shell requiring much work before it will be fit to fill with water." Of course, we know what happens; there is an invasion of the peace and quiet of the homes of these people. They become fed up. They become sick and tired of having a stinking, putrid hole in their backyard month after month. Eventually they say, "I don't care what happens, just finish the job and we will accept it because we are sick of our home life being ruined." That is what happens as a result of the inaction of the Government.

We have companies such as the Penguin company going broke and running off with people's money, and then starting another company such as Flamingo Pools. We have companies such as Exclusive Swimming Pools—"exclusive" is right—delaying a customer for seven frustrating months. That person still does not have any water in his pool; in fact, the pool would not hold water if it were filled. We

have Aquatic Concrete Pools, another company which does not even bother to get a building permit from the local governing authority before it commences construction; and then we have the shire building inspector knocking on the door of the customer and saying, "What is going on here? Have you got permission to build this pool?" The customer has not a permit because he was led to believe by the swimming pool builder that he would attend to it.

I believe such companies have no place in the industry and a Government which is dedicated to good, honest businessmen would get rid of them. Yet it refuses to do so.

Principals of limited liability companies should be liable to the extent of their enrichment. Why should a person be able to enrich himself personally and then say, "This is a company with limited liability", go broke, and start another company the next day; which is what happens all the time?

We are well aware of the attitude of the Liberal Party to consumer protection. Its attitude is such that the consumer is not getting any protection.

The Brand Government, of course, refused to introduce consumer protection into Western Australia. Federally, the Liberals deliberately legislated on restrictive trade practices so as, in the words of the Chief Justice (Sir Garfield Barwick), to render the Act invalid. In other words, he was saying it was a deliberate attempt at hoodwinking the people into thinking something was being done when nothing was being done—the cosmetic approach to politics. We all know that the then Prime Minister (William McMahon) is a friend of big business.

The present Government, when in Opposition and through the agency of the present Minister for Fuel and Energy in December, 1971, continually tried to water down the Consumer Protection Act introduced by the Tonkin Government.

In the Senate, when the Whitlam Government introduced the Trade Practices Bill containing some worth-while consumer protection provisions, Senator Greenwood continually led the attack against those provisions. Over a period of eight months the members of the Liberal Party continually adjourned the debate until ultimately it was adjourned beyond the time set for the double dissolution.

We had the refusal of the Court Government to act in line with the Senate committee's report into securities and exchange, which said that action should be taken against those responsible for allowing unsuitable companies to reach the public

market during the fraudulent years of the nickel boom. This Government would not act against those fraudulent people.

Then we had the amazing admission by Wal Fife—as reported in *The West Australian* of the 3rd November, 1977—that alterations to limit the liability of manufacturers under the consumer protection provisions of the Trade Practices Act were being made as a result of representations by manufacturers. That is a move that hits directly at small businesses.

This Government talks about industrial unrest. There is an urgent need to show employees that there is a genuine process whereby prices are examined, dissected, and analysed in the same way as requests for increases in wages and salaries are examined, dissected, and analysed by the Industrial Commission. So long as employees' incomes are controlled and their costs—the prices of commodities—are not controlled, we will have industrial unrest.

Do we want a lessening of industrial unrest? I submit that is the last thing the Liberal Party wants. It profits too much electorally from industrial unrest to want to see it end. Mr Justice Moore of the Australian Conciliation and Arbitration Commission has stated many times that the trade union movement has substantially complied with indexation guidelines. But there are no guidelines for prices. In the face of such blatant injustices, can we expect industrial harmony? Real wages have dropped at least \$18 on average in the past four years, taking average weekly earnings and the CPI as a guide.

The myth has it—and we heard it put forward by the member for Cottesloe the other night—that competition or the free play of market forces will keep prices down. Of course, it is no secret that the free play of monopolies and oligopolies is worse in Australia than in any other comparable country. Restrictive trade practices in Australia are worse than in any other OECD country.

There is little free enterprise in Australia. "Free enterprise" is the euphemism the Government uses because members opposite know it sounds nice and clean. What free enterprise there is—mainly in the form of small businesses—is being destroyed by the Liberal Party's slavish capitulation to the whims and wishes of the giant corporations.

When things do not go the way of the giant corporations, what then? We have a strike by capital. We do not hear details of this in our savagely biased popular news media, but the strike by capital is going on every day of the

week. To point out just one admission of it, look at *The National Times* of the 24th March, 1975; but members will not see such comments emphasised in our popular news media.

Mr O'Connor: Which are these corporations?

Mr TONKIN: What does this Government do about price rip-offs? It monitors prices; it wastes taxpayers' money on paying officers of the Consumer Affairs Bureau to look at prices but do nothing about them. The CAB officers have no power to do anything about price increases; they are like firemen watching a fire but not being allowed to put it out. That is a confidence trick. It is unfair to say to the public, "We are monitoring prices", when in fact the Government will do nothing to inhibit price increases.

Mr Laurance: Your answer is to nationalise everything.

Mr TONKIN: That is a lie.

One thing the Government could do is to ensure that sale prices which are stated to be reduced are in fact reduced from some genuine bench mark. We see every day signs going up proclaiming that a store is holding a sale. The Government could help the consumer if it said to these stores, "We believe you have not genuinely reduced prices; prove that there has been a reduction in prices from some genuine bench mark." If the store could not prove a genuine reduction, it should be prosecuted for false advertising. Where are these prosecutions? There is none.

Let us consider some comparisons with other States, because Western Australia is the most backward State in the nation in respect of consumer protection; not only as far as its legislation is concerned, but also in respect of the enforcement of its legislation.

Western Australia has no deceptive packaging laws. New South Wales has fixed and fair parameters within which manufacturers must work. New South Wales also has strict control over the labelling of leather and imitation leather goods. The Consumer Transactions Act of South Australia provides warranties and conditions relating to the supply of services. This is a grave omission in Western Australia.

The South Australian Manufacturers Warranties Act provides non-excludable warranty arrangements in relation to goods sold by retail at a price less than \$10 000. It provides a recourse against the manufacturer, a recourse which does not exist in this State. South Australia also has the Fair Credit Reports Act, which provides that consumers must be told of unfavourable credit reports upon them.

New South Wales has a provision for the review of harsh and unconscionable contracts, and 13 specific grounds are named in the legislation. In South Australia the protection provided under the Door-to-Door Sales Act is much greater than that provided in Western Australia. New South Wales provides protection for those who purchase goods on lay-by.

As this State Government will not take action against those who flagrantly and continually breach the consumer protection laws, provision should be made for citizens, even when they are not directly affected, to take actions before the courts. This matter would not be so urgent if we had a Government that did not continually turn a blind eye to the actions of rogues and scoundrels.

How can this Government continually get away with such a shocking record? It can do so because sections of the media permit it to do so. When John Tonkin's Government had been in power for only 12 months there was a media campaign to examine its record in respect of its election promises. After five years such a probe into the Court Government still has not occurred.

Mr O'Connor: Because we have honoured them.

Mr TONKIN: I would like to quote Thomas Jefferson, third President of the United States of America, and the principal author of the American Declaration of Independence, who said—

Whenever the people are well informed they can be trusted with their Government, because whenever things get so far wrong to attract their notice, they can be relied upon to put them right.

The worst example of partisan and biased reporting in this State is undoubtedly to be found in *The Sunday Times*. In its issue of the 7th December, 1975, that newspaper stated that the Minister for Consumer Affairs would act to protect consumers against shoddy furniture. However, it refused to show that such action was not taken, even when month after month followed without action.

It said that the number of complaints in respect of used cars had dropped by 400 per cent and that this pointed out the effectiveness of tougher laws. I pointed out to the newspaper that this was a serious error as the drop was only 31 per cent, and the impression given to the public by the article was erroneous.

The ACTING SPEAKER (Mr Watt): I hope the member is not reading his speech.

Mr TONKIN: No, Sir, I am quoting *The Sunday Times*. When I pointed out its error to that newspaper, it refused to print a correction.

However, worse than that, because my call on behalf of the Opposition for a clean-up of the used-car industry had been replied to by those figures which were wrong, the implication was that my call was wrong. By saying that I was talking through the back of my neck and that the used-car industry was in fact okay, in effect *The Sunday Times* was saying that the Opposition was being unreasonable. Figures bore out our case, the newspaper refused to print a correction.

That indicates that a portion of the media which relies heavily for finance upon advertising from the used-car industry, cannot be trusted to tell the truth about that industry. I would extrapolate from that a generalisation: that any news outlet which obtains most of its finance from some sector of industry cannot by the very nature of things be expected to tell the truth about that industry.

I have indicated that this Government will not enforce legislation which is on the Statute book. I have also indicated dozens of examples of legislation on the Statute book which could be improved. On those two counts I believe the Government is to be condemned. If the law is not enforced without fear or favour, the law is brought into disrepute.

*Sitting suspended from 6.15 to 7.30 p.m.*

MR HODGE (Melville) [7.30 p.m.]: I wish to add my contribution to the debate on the Address-in-Reply. I shall continue in the same vein as the member for Morley. I too have a number of instances involving constituents which I would like to relate to the House. I believe these constituents have received very shabby treatment from unscrupulous businessmen and companies in this State.

The first matter I want to relate to the House involves a large multi-national corporation, the Ford Motor Company of Australia. About three years ago a Mr D. Jenkins of Palmyra, a constituent of mine, purchased a new Falcon sedan from Titan Ford, Melville. The car ran reasonably well for a period; but recently it began to overheat badly. Mr Jenkins had had the car serviced regularly by a firm called Capitol Motors of South Fremantle. When the problem arose, he took the car to that firm and asked them to cure the overheating problems. The staff of Capitol Motors tried all of the usual remedies for this sort of problem, but they could not fix it. They were forced to refer it to a firm of specialist engineers

called Davilak Engine Reconditioners of Hamilton Hill. The motor was stripped, and the engineers found that it was a completely shoddy motor that had not been built correctly. The motor had been faulty from the time of manufacture. An attempt had been made by the Ford Motor Company to patch the motor.

The engineers found that in cylinders Nos. 1 and 2 there was a crack between the cylinder and the water jacket. They discovered that the Ford engineers had tried to patch the motor by inserting a sleeve in the cylinder. That sleeve had worked loose after the motor had done about 39 000 kilometres. That was the cause of the overheating problem.

This is a case of a reputable motorcar company—an international company—selling a brand new car at full market price with a bodgie, patched-up motor, to an unsuspecting consumer.

The sleeve which was placed in the motor was the incorrect type. The manager of Davilak Engine Reconditioners, who has 32 years' experience in reconditioning engines, assures me that the type of engine cylinder sleeve placed into this motor by the Ford company was the wrong type. An "A" type cylinder sleeve—a light duty one—was used when in fact a "B" type heavy duty cylinder sleeve should have been used if the motor was to be patched up.

When the engineers at Davilak Engine Reconditioners found the flaw in the motor, my constituent phoned Titan Ford, from whom he had purchased the car. He informed them of what had been found. They did not want to know about the problem. They washed their hands of the whole deal, and referred him to the Ford Motor Company.

When the Ford Motor Company inquired and was told that the car was not at a Ford agents but in fact at Davilak Engine Reconditioners, that company refused to send an inspector or to look at the motor. This is when Mr Jenkins came to see me.

I telephoned the service manager of the Ford Motor Company and pleaded the case of Mr Jenkins. I said, "Surely this is not a usual business practice of the Ford Motor Company." The service manager informed me that it was not uncommon for the Ford Motor Company to patch new engines from time to time. He said that they felt this was an acceptable practice.

Copies of the sheets indicating the work that was done on the engine were sent to the service manager of the Ford Motor Company. Apparently that company has decided, reluctantly, to offer \$200 towards the cost of

fixing the motor. The company has offered \$200 towards a total cost of \$536. Apparently it has accepted some measure of liability, and it has offered that small amount.

My constituent is not prepared to accept that amount. He does not think it is satisfactory, and neither do I. However, that is not the real argument. That is not the main point I wish to bring to the attention of the House tonight. We should be concerned that a large company like this should sell a new motorcar, charging the full market price, knowing that the engine in it was not 100 per cent satisfactory—an engine that has been patched in the factory by the engineers.

What in fact happened with this engine was that the crack developed between the water jacket and the cylinder sleeve. The cylinder sleeve worked loose and allowed water into the motor. The motor was thus ruined. The Ford Motor Company knew that the engine was not satisfactory, and that is why the sleeve was placed in the cylinder. Of course, the company did not tell the customer. The vehicle was sold to the customer as a perfect motorcar, in perfect condition. He was charged the full market price.

The engineer at Davilak Engine Reconditioners has informed me that this is not an isolated case. He said that in the last three or four years he has seen five or six Ford Falcon motorcars with the same sort of problem. Apparently this patching is something that the Ford Motor Company makes a practice of doing. It is a completely dishonest practice, and I am amazed that a large, reputable company like that would do such a thing. Surely if there is a faulty engine it would be worth the reputation of the company to throw the engine out and start again. Another engine should be installed in the car.

I am surprised that a company with the reputation and the standing in the community of the Ford Motor Company would do such a thing. I sound a note of caution to my constituents and to anyone else who is interested: if they are considering buying a Ford motorcar, they should take the precaution of obtaining from the Ford dealer written advice that the engine has not been patched or reconditioned, and that it is in fact a good engine, in perfect working order.

It is a sad day when people dealing with the Ford Motor Company have to go to those lengths. However, I believe that this case has shown that this is a necessity.

I have several other matters I wish to bring to the attention of the House. Some members might recall that in November last year I mentioned a case involving a widow who had ordered a patio

costing \$1 500 to be constructed on her house. The firm involved was called Paul's Outdoor Leisure Centre. I informed the House how the widow had been required to forfeit an amount of \$220 because, upon the death of her husband, she had to cancel the contract. She had been required to pay a one-third deposit of \$500. Despite my best endeavours at that time, the company had refused to refund to the lady the \$220.

I am pleased to report to the House now that the proprietor must have had an attack of conscience. He has not refunded the money to my constituent; but he is now offering to build patios on a no-deposit basis. Rather than insisting on a one-third deposit and taking \$220 from a widow, he is now building patios on a no-deposit basis.

I hope that people will be very careful when they deal with patio companies. I have had numerous complaints from constituents about certain of these companies. I hope people will read the fine print in the contract, because some of these companies are requiring deposits of up to one-third of the total cost. If for some reason the contract cannot be continued, the customers are required to forfeit their deposits.

Another area in which consumer protection is sadly lacking is in the area of home renovations and extensions. I have received a number of complaints from constituents about companies specialising in extensions and renovations to homes, and one in particular is a firm called Homex which advertises as home extension specialists. That firm seems to be particularly bad. It seems to have an undue number of complaints registered against it—to me, anyway. I do not know whether other members of Parliament have received similar complaints.

In one case that was drawn to my attention, Homex contracted to do \$21 000-worth of extensions to a home in my electorate. The firm said it would do the work in three months. Eight months later it was still messing around. After I persuaded the Builders' Registration Board to take action against that firm, the job was completed.

I have received a number of complaints about that particular firm and other firms which specialise in home extensions. The main complaints I have concern shoddy workmanship, and undue delays in completing the job which sometimes amounted to three times the period in which the firm guaranteed it would finish the job. I have had one case drawn to my attention in which people had their carpets, furniture, and ceilings ruined because the renovators knocked off work for the day and left the tiles off the roof. Of

course, it rained overnight. That firm is most reluctant to take any responsibility for and to make good the damage that was caused to the home.

It seems to me that the Builders' Registration Board is not able to cope with these types of companies. The board does not seem to have the manpower to cope with the complaints.

Mr McIver: They would if they had the support of the Government.

Mr HODGE: If the Government is serious about consumer protection—and I have grave doubts about its sincerity when it comes to consumer protection—it would give the Builders' Registration Board the necessary staff to pursue such cases. The board has only a very small staff, which is restricted to the metropolitan area. I do not know what happens to the people in country areas. I suppose it is just a case of let the buyer beware.

I suggest that the Builders' Registration Board be given more staff to enable it to cope with these sorts of problems.

The member for Morley has outlined a huge number of areas in which this Government has failed in consumer protection. We have heard accounts of swimming pool manufacturers, insurance companies, and all types of firms which have not looked after the public. This Government, of course, has allowed those firms to get away with it with comparative immunity. We have heard the member for Morley speaking about the lack of prosecution for false advertising and misleading advertising. That lack of prosecution extends into the industrial field as well.

On a number of occasions I have drawn to the attention of the House the fact that the Government does not prosecute industrial lawlessness and breaches of awards committed by employers. The Government employs a grand total of four inspectors for enforcing industrial awards.

#### *Amendment to Motion*

Mr HODGE: I move an amendment—

That the following words be added to the motion—

... but we regret to have to inform Your Excellency that the Government has failed to provide that genuine protection to consumers which is demanded by the standards of Australian society in 1979 and which the Government has promised to provide on many occasions.

In particular, this failure has been manifested by:

The Government's refusal to request the Trade Practices Commission to enforce parts of the Trade Practices Act.

Its failure to prosecute breaches of State law which is in breach of the oaths taken by Ministers of the Crown.

Its partisan and unfair attitude which has caused it to use its influence to prevent justified wage and salary increases within the indexation guidelines, while doing absolutely nothing to inhibit price increases.

The Government's refusal to protect the citizens of this State against the depredations of rogues who have preyed upon those who have had houses and swimming pools built, home improvements made and motor vehicles and domestic appliances repaired.

The Government's continual refusal to clamp down on misleading and false advertisements.

Its condonation of unsavoury practices by insurance companies.

**MR TONKIN (Morley)** [7.45 p.m.]: I second the amendment and in so doing indicate to the House that we have decided to move this amendment, which is of major importance, because we believe that in consumer protection the Government has shown itself to be very much at fault.

I have dealt at some length with the question of the Trade Practices Act and the refusal by the Minister to draw to the attention of the Trade Practices Commissioner in this State (Mr Excell) the fact that the law was being broken in respect of cash refunds. I did not have time before in my gallop through similar matters to deal with this problem in depth.

There is an agreement between the Commonwealth and State Governments that the Commonwealth will not intrude into the day-to-day workings of the Trade Practices Act. This is especially so with respect to, shall we say, its smaller workings. I was going to use the word "trivial" but that would not be appropriate. Obviously there are from day to day breaches of all Acts and we note that on the roads we have many RTA patrolmen who watch for breaches of the Road Traffic Act.

The Commonwealth Government has decided not to go into the minute workings of the Act in any particular State but to rely on the State Ministers and State Consumer Affairs Bureaux to draw to its attention problems with respect to the

Act. This is where this Minister falls down so badly.

When I first saw the notices which indicated no cash refunds would be made my first move was to check the Act because I thought it was in breach of the Act—it was. I then checked to see whether in fact the trading concern was a corporation because the Trade Practices Act applies to corporations and also to sole trading concerns and partnerships trading beyond the area of any one State. Having satisfied myself of that I wrote to the Minister and asked questions in this House in an effort to have him take action.

I assumed it would be a routine matter and that the Minister would know the Act. If not, I knew he would have the advice of the many officers available—which we in Opposition do not have—and that he would then draw the matter to the attention of the Trade Practices Commission in this State where we have an excellent director.

I was absolutely confounded, astounded and amazed when the Minister said there was no legal requirement for shops to make refunds. He gave no qualifications. He did not say it depended on whether it was a corporation or whether the articles were in a merchantable state. He said there were no requirements, and I have his letter here.

Section 75A of the Act states that a person can rescind a contract if goods are not of merchantable quality, and merchantable quality means the article is fit to be used for the purpose for which it is sold. I shall give an example I have given before which I believe is as good as any. Let us imagine one buys a motorcar worth about \$6 000, which is in my price range—the Minister would not be worried about price range because in his case the taxpayer pays the Bill. If the door handle were loose one could not take back the car and say, "I am rescinding the contract; give me my money back", because the car is still capable of being used for the purpose for which it was sold. However, if the car is not of merchantable quality in that perhaps the engine is not running properly or there is some other basic fault, a person is then entitled to recover the amount paid as of a debt.

The Minister made a foolish statement and tried to duck for cover when he said this was not automatic and that one had to take the matter to court. Of course one has to do that. I have never suggested if a merchant did the wrong thing by a person that person could take an axe to him.

The only recourse is through the courts. The Minister said it was not automatic and that one had to go through the courts. Of course, that is so



for everything; every Statute is resolved through the courts. So a person who, for example, finds himself with a motor vehicle with basic faults will not find any comfort at all from the Minister's explanation.

It is quite clear that if one gets something which is not of merchantable quality one can go back and say one hereby rescinds the contract!

There are two ways under section 75A that a person can do this. One is to take the goods back, as most of us would, and the second is to write to the company concerned. At that stage if the company said, "Phooey, the article is in good condition and is of merchantable quality" a person would be confronted with a dispute and would have to go to court.

But the fact of the matter is that one does have a right to a cash refund if the goods are not of merchantable quality pursuant to section 75A of the Trade Practices Act. The Minister said that was nonsense and that there was no legal requirement for a shop to give a cash refund. That information was contained in a letter he wrote to me late last year. However, there is no question of a person not having the right to a cash refund. If the Minister had checked and found he had made an error I would respect him more if he had said he had made a mistake and was sorry. He did not do this and he has compounded the error by saying further that notices indicating that cash refunds do not have to be made are not in contravention of the Act.

We know that a firm cannot take away the legal right of a consumer to a cash refund. Section 53(G) indicates a person is not allowed to mislead anyone as to his rights or remedies under the Act. A person cannot tell someone one thing when the fact is another. So the Minister has made a grievous error on two points: Firstly, on whether a person can have a cash refund—of course it is clear he can—and, secondly, whether it is in contravention of the Act to say a person cannot have a refund.

What exercised my mind when I first saw the notice and when I first checked the Act—and it was a notice in a frock shop—was that supposing a woman walked in and bought a pink dress, took it home and found that the colours ran. What would happen if she then took the dress back and was told she could not have a refund but could have a dress of a different colour because there were no other pink dresses? What would happen if she said she wanted a pink dress, not a yellow, blue or white dress? Does the Minister mean to say that no cash refund could be made and such a woman would be forced to take another dress of a

different colour? When I checked the Act I was very pleased to see it was not so. It should be noted that before the Whitlam Government came to power it was so. We had a shocking situation before the time of the Whitlam Government when one could be sent to gaol if one gave a shop counterfeit money; however, there was no penalty if the shop sold a rubbishy item.

Quite clearly the law states that one can get the value back as of right as a debt to be recovered. The fact that there is a dispute and the shop says the buyer cannot have a refund because the article is sound, because it is not its policy to give refunds, that the buyer has to take another article and if he disagrees the case will have to go to the courts, does not alter the situation at all.

The Trade Practices Commission in its information circular No. 26 outlined the situation very clearly. It said it would challenge such notices where they appeared. I think the member for Rockingham hit the nail on the head some time ago when he said this Minister was overworked. We have laid grave charges against the Minister tonight and I think they are more serious charges than of his being overworked. A lot of us are overworked.

It seems to us the Minister is not on top of his department; he is not aware of what is going on. We can all make mistakes but I believe the reputation of this Parliament would be enhanced if members on either side of the House said, "I am sorry, I was in error. I have made a mistake" if in fact they had. This clearly is a case where a serious error has been made.

I come back to the point I made before: If the Minister had been right the Trade Practices Commission would certainly not have acted on my request—and I am an Opposition member. The Trade Practices Commission is an agent of the Fraser Government.

Mr O'Connor: You seem to be fairly close to the director.

Mr TONKIN: I resent that on behalf of the director. What is the Minister suggesting in regard to the director?

Mr O'Connor: I said you seemed to indicate you are fairly close to him.

Mr TONKIN: What is the Minister suggesting? He is suggesting in a snide way that the director has acted improperly. My relations with the director are purely formal. I had not met him until this case blew up and I, like any other citizen, had the right to go and see him.

I reject the Minister's suggestion not so much on my behalf but on behalf of the director who is

not in a position to defend himself. He has acted quite properly. He has decided that the law should be obeyed. He has done his job and now the Minister has tried to assassinate his character by indicating there is some relationship between the director and myself.

Mr O'Connor: You should be up for false and misleading talking, the way you are going on now. I am not trying to assassinate anyone.

Mr TONKIN: The Minister is trying to indicate there is some kind of special relationship between the director and myself. That is not the case. I thought the director was doing an excellent job and I still do. That is based on a couple of instances like this. I have found him to be most co-operative.

I guess it must annoy the Minister very much to find a servant of the public who does not do exactly as the Minister wants.

Mr O'Connor: I have not asked him to do anything.

Mr TONKIN: I suppose where the Minister has civil servants in the State who owe their promotion and livelihood in the Civil Service to him the Minister is used to cracking the whip. When the Minister finds a Federal public servant who does his job the Minister makes snide remarks about him in Parliament. I do not think that is called for at all. I can understand how annoyed the Minister must be; the man did his job and showed up the Minister to be the fool that he is.

I can also understand the Minister's complaint about the intrusion of the Commonwealth into State affairs because that, in a sense, is what it was. However, because the Minister tries to remind us it is a Federal system that does not mean the States do not have certain rights. It also means every Australian citizen has to obey the Australian law as well as the State law. This was an example of it.

We have seen the failure by the State to prosecute when the State law has been broken. I think it was in the *Sunday Independent* that the Minister was reported as saying the people who sold furniture which was not properly labelled were guilty of an oversight. The implication was, therefore, that they should not be prosecuted. Would not every motorist in this State be happy to claim it was an oversight when caught for speeding? They would be let off. I wonder what kind of a plea that would be to the RTA patrolmen, or to the courts. If a man said it was an oversight that he had not looked at his speedometer—that he was amazed to find he was driving over the speed limit—he would be let off.

With respect to the people who are selling furniture, the Minister is saying that is fair enough. However, we are saying the law should be applied without fear or favour. It should be applied against the seller of furniture the same as it should be applied against a person who speeds, a person who steals, or a person who commits an assault. The law is the law and the Minister has taken an oath to uphold the law without fear or favour, which he has not done.

If furniture sellers are breaking the law they should be prosecuted. That does not mean to say I am in favour of wholesale prosecutions of people throughout this State. But, I am saying that if the Government is continually to prosecute motorists for travelling at five to eight kilometres over the speed limit—very often quite safely—it should enforce the law against other people also. The law is being broken. Mr Murphy of the Furniture Guild has carried out a survey which indicates that enormous quantities of furniture are unmarked. Yet, there are no prosecutions.

Every day we see in the newspapers misleading advertisements. We see ridiculously misleading advertisements on television. The other day I saw something in the Press—I forget which particular company was concerned—but it referred to a motorcar seller. He said something to the effect that the day before he had sold to his mate—his best friend—a motorcar and allowed him a tremendous discount and that on the day of the advertisement he would give such a discount to anyone else who came in. That person should be required to substantiate the fact that he sold his best friend a car at a discounted price.

We all know what that sort of advertisement is aimed at; it is aimed at a buyer thinking the seller of the article is a good friend. I refer to the "arm around the shoulder", "we will look after you", "how are you mate?" attitude. Complaints are received about used-car deals day after day.

I have already instanced a case where I was unsuccessful in an approach to the Consumer Affairs Bureau. The person concerned was sold a car which was allegedly a 1971 model. There was no compliance plate. In fact, it was a 1970 model. The excuse given was that the seller did not know. What kind of excuse is that? What would happen if a medical practitioner took out an appendix by mistake, and gave as an excuse that he did not know? It is absurd. If the person selling the car did not know the model, why should he not say so? To pretend that a 1970 model is a 1971 model should be automatic grounds for the rescission of the contract.

When a car salesman accepts first-class money, why should he retain permission to sell cars which, in fact, are not what he claims they are? It is not good enough for the Minister to bend over backwards to avoid prosecuting or taking action when every day ordinary citizens, who are going about their ordinary business, are prosecuted by the Government. I am not saying the other prosecutions should not occur; all I am saying is that the law should be enforced without fear or favour.

A great deal has been made about industrial unrest. A person finds that his income is fixed. He goes through his organisation to the Industrial Commission—at a cost of thousands of dollars in total—and puts up a case as to why his wage should increase. There is then a close scrutiny, a dissection, and an analysis. That same person, when he is faced with pay-outs and with costs, finds there is no requirement of any kind for a person who puts up prices to justify them. How long can the Government expect consumers to see Government representatives go into the courts against those consumers as wage earners and say, "No, we must not have full wage indexation increases"? It must not be forgotten that the applications for increases are purely compensation for past price rises; they are not wage or salary increases in the real term. The applications are an attempt to keep things level.

However, the same Government—the Premier—has said it will not appear before the PJT when the oil companies—enormously rich foreign companies, not Australian—want to increase the price of their products by 43 per cent in the case of aviation fuel. The Premier has said the Government is not interested, and yet he claims to champion Western Australia, the State most directly affected by the cost of aircraft fuel because of our great distances.

How can the consumer have any respect for the Government or surety that the Government will look after him when the Government continually intervenes to prevent wages and salaries going up, but does nothing to see that costs are not increased?

Is it any wonder that in this kind of situation the consumer—the employee—wants to know what he will do? He wonders whether he should just accept—in some abject way like a slave—that prices will go up while his wage remains the same. It is not surprising that in those circumstances there is industrial unrest. We know industrial unrest is fomented by this Government. Its electoral stocks continually rise when there is strike action.

Until the Australian people realise that the Liberal Party feeds and thrives on industrial unrest, the people will continue to elect Liberal Governments which, while in power, provoke industrial confrontation and then turn around and blame the unions.

Mr O'Connor: Are you not being disrespectful to the electors?

Mr TONKIN: I am saying that the electors—as Jefferson said—will put things right if they have information. But, the necessary information is not available to the people because they receive their information through the media.

I have indicated already the disgraceful attitude of *The Sunday Times* which would not correct a blatant error. It would not reveal that the Minister for Labour and Industry at that time had gone back on his word with respect to furniture sales. *The Sunday Times* is so bad that I, and most members of the Opposition, will not even bother to send Press releases to it; it is a waste of time.

I have already indicated the part which *The West Australian* played in protecting the present Minister for Labour and Industry. That paper refused to print in an article what the Minister said with respect to cash refunds, what I said, and what the facts were. If the people had seen those facts printed they would have realised how incompetent the Minister is. Instead, the paper protected the Minister; it twisted and turned to save his hide.

The same newspaper went after Whitlam's scalp because he attacked vested interests. It has gone out of its way to give this Government an armchair ride. That is not meant in any way as a reflection on the reporters. I am sure the reporters do their job. They write things fairly, as they see them. That does not mean to say they agree with the points about which they write, but we know that higher up it is claimed the editorial policy is that the paper does not take sides. When I spoke to the editor he said the paper does not take sides. However, just prior to that conversation the editor had returned from Japan and put out a number of leading articles in which he extolled the virtues of this country, as seen by Japan, and he still claimed the paper did not take sides. What a sick joke that is.

That is a problem which the Opposition faces. That is only one of the reasons that we do not have in this country a democracy because a democracy is based on the idea of choice. How can people make any kind of choice if they do not have information? This is the kind of

problem—not that we have, it does not matter about us—this country has.

Referring again to the amendment moved by the member for Melville, with respect to the home building industry, how absurd it is to have an artificial line on a map. Homes which are built on one side of the line are subject to the protection of the Builders' Registration Board but homes on the other side of that line are not so protected. I know that homes built outside that line are visited by officers from the Consumer Affairs Bureau, which is a waste of taxpayers' money.

The Peet and Jackson report, which I quoted earlier, showed that some work was shoddy and third rate but no protection was available. What is the point of officers drawing salaries and making assessments to the effect that something is wrong when there is no redress available to the consumer?

With regard to misleading advertisements, I am pleased to see before the House proposed amendments to the Trade Descriptions and False Advertisements Act.

Mr O'Connor: I thought you would never mention it.

Mr TONKIN: Those amendments may improve the Act to some degree, but microscopically. This Government should look at the legislation in New South Wales and South Australia to observe what other reforms should be introduced. What is the point of amending the Act if the Government will not prosecute? We know the Government considers that offences by its friends are oversights, but they are not oversights as far as ordinary citizens are concerned.

We are aware the Government claims it will do these things in order to lull the people into a false sense of security; that, in fact, something is being done when only lip service is being given to the concept. In other words it is cosmetic government; like a harlot painting her lips trying to make herself look beautiful, trying to lure someone to what he hopes is his pleasure and she knows will be his disappointment.

So this Government is being meretricious, it is being cosmetic, it is suggesting to consumers that the Government has their interests at heart whereas in fact it has not. In fact, it is a confidence trick because the Government is pretending to protect the consumers and the consumers, seeing the publicity in the media about the changes to the Act, will not notice the lack of prosecutions.

The last part of the amendment refers to the unsavoury practices of insurance companies. We

have witnessed an attack upon employees because it has been claimed that they are causing the escalation in premiums for workers' compensation.

I tried to draw to the attention of members the case of a person who was injured at work. The insurance company, CB Heath Insurance Broking (Aust.) Pty. Ltd., asked that this woman be checked by its own specialist. This specialist said that she had a genuine work-caused injury. If the company had been dissatisfied with that specialist, she could have been referred to someone else, but no, she was sent again to the same specialist as apparently the company was satisfied that he was doing a fair and honest job.

His report was again the same, yet in spite of that, the company sent an investigator to sit outside her home, to chase her through the streets of Perth when she was taking her seriously ill seven-year-old son to a specialist, to chase her back and then sit outside her home again. When I asked the Minister for Police and Traffic what the Government intended to do about this harassment of Western Australian people whose only crime was to be injured at work, he said that the Government intended to do nothing about insurance companies, and that the companies could take such action for as long as they liked. I think that is disgusting.

The case I have referred to illustrates one of the causes for the excessively high premiums. How much would the insurance company have paid a private investigator to harass this woman? Such an investigation must have cost many hundreds of dollars, and it is a misuse of the funds of the insurance companies. Why does not the Government turn its attention to such instances? Why does it not try to be fair and say that it is not just the employees who are forcing up the cost of premiums, but also it is the unjustified costs of these kinds of tactics of the insurance companies?

We know that some workers swing the lead in regard to workers' compensation, but then some members of the Liberal Party indulge in taxation dodges. We know that insurance companies have the right to check on employees who suffer work-caused injuries, but in this case, the company concerned had already checked by referring the woman to its own specialist who had said that it was a genuine case. That still was not enough; the company proceeded to intimidate her, to try to frighten her out of her justifiable claim.

These unsavoury tactics by insurance companies would be condemned by any decent Government, and they should be condemned by society. I am not putting all insurance companies

in this class, nor all insurance assessors. However, I am saying that when such matters are drawn to our attention we should be fair and we should say, "We will have nothing to do with tactics like that; they are wrong." That is not the reaction of this Government.

I suppose that 20 per cent of the complaints I receive are related to insurance. A great clean-up is needed in this industry. A number of insurance companies smilingly and willingly take our premiums, and yet they will not pay up in a genuine case. Such cases are legion, and I am sure any member who bothers to listen to his constituents can tell of one of them. So I believe the Government should pay attention to insurance companies.

I want to draw the attention of the people of Western Australia to two points. Firstly, legislative changes need to be made, but there is no point in making them if the law is not enforced. So secondly, the law should be enforced without fear or favour against whomever is the transgressor. Those are the reasons that the Opposition moved the amendment.

**MR O'CONNOR** (Mt. Lawley—Minister for Consumer Affairs) [8.21 p.m.]: The member for Melville, in moving the amendment, virtually acted as a puppet for the member who has just sat down. We have seen tonight the morbid member for Morley on his left-handed merry-go-round, going round and round.

Several members interjected.

**Mr O'CONNOR**: In his usual role the member for Morley has a spike on the end of his shoe; kicking industry, kicking the media, and kicking anyone who holds a political view different from his own.

**Mr Pearce**: And fighting crooks.

**The SPEAKER**: Order! Before the Minister continues, I would like to draw the attention of the House to the fact that the member for Morley was able to make his speech virtually free from interjection, and I would ask that the Minister be accorded a similar opportunity to make his speech.

**Mr O'CONNOR**: Thank you, Mr Speaker. At an earlier stage when the member for Morley was speaking I thought for sure that he intended to move a censure motion on the media for actions its members have taken.

**Mr McIver**: It wouldn't hurt.

**Mr O'CONNOR**: The complaints he made, the tirade of abuse against myself and the media, were unbelievable from a man who has had favoured treatment from the Press.

**Mr Bertram**: How would you go if you went to the Press Council with a complaint?

**Mr O'CONNOR**: This member has demonstrated the insincerity of many of his complaints. He seeks to gain publicity to boost his overflowing ego. I would like to quote one instance. The member for Morley wrote to me with the claim that people should be able to get their money back when they were dissatisfied with goods.

**Mr Tonkin**: Not should be able to, but are able to by law.

**Mr O'CONNOR**: Before I received the letter the Press had received a copy of it, plus a Press statement. Was this man honestly sincere in trying to overcome a problem, or was he simply seeking to gain publicity?

**Mr Bryce**: The Premier taught us that one.

**Mr O'CONNOR**: I believe I have demonstrated his insincerity. The member for Morley claimed that I gave false information, and I say quite categorically that I did not. The member said that I said firms did not have to give cash refunds.

**Mr Tonkin**: I have the letter.

**Mr O'CONNOR**: That is correct; I did say it.

**Mr Pearce**: You said it and it was wrong.

**Mr O'CONNOR**: I said it after close discussions with my department and after obtaining legal advice.

**Mr Pearce**: It was still wrong.

**The SPEAKER**: Order!

**Mr O'CONNOR**: I am prepared to accept my department's view and legal advice rather than the view of the member for Morley.

**Mr Pearce**: Good gracious!

**Mr O'CONNOR**: People may be able to obtain cash back, but there are ways in which they must go about it. People can seek to exchange goods, and that is often the best method to use.

**Mr Tonkin**: That is not cash back.

**Mr O'CONNOR**: For instance, if goods are damaged while the customer has them, does the individual shopkeeper have to replace them? Such a case would have to go before a court and the court must decide what action to take. When I wrote to the member for Morley I passed on the advice I had received from my department after close discussion with its officers.

**Mr Tonkin**: Yes, hide behind that.

**Mr O'CONNOR**: I had a number of discussions with the departmental officers, and also I sought legal advice. I believe that the

information given to me and repeated to the member in the letter was correct.

Mr Tonkin: Why were the signs withdrawn?

Mr O'CONNOR: As far as I know the signs are not illegal, although there are cases where cash must be given back. However, the courts must decide. There is nothing to prevent firms from putting up signs.

Mr Tonkin: Yes there is; why don't you read the Act?

Mr O'CONNOR: The Opposition and the member for Morley say we have done nothing in regard to the Trade Descriptions and False Advertisements Act. Right at the end of his speech tonight the member admitted that I had introduced a Bill to overcome some of the problems in connection with this Act. I would like to read a brief part of my speech. The Trade Descriptions and False Advertisements Act Amendment Bill, 1979, was introduced into this House two weeks ago, and here is the member for Morley complaining because we have done nothing.

Mr Tonkin: I said you have not enforced it.

Mr O'CONNOR: Of course the member must keep interjecting. The Opposition have not let us get this Bill through the House yet.

Mr Tonkin: What are you talking about? We have not stopped you getting it through the House. You have control of the House.

Mr Bertram: The member for Morley is the best member in the House, with one exception.

Mr Tonkin: You are modest.

Mr O'CONNOR: In my introductory speech I said that difficulties had been encountered in enforcing the legislation, and I went on to say—

The prime purpose of this Bill is to amend section 8 which presently requires the establishment that the publisher knowingly published a false and misleading statement.

This provision is one of the things that have made it difficult to obtain convictions against a number of these people. The department advised me of this fact, and we took action to try to overcome the problem. How sincere is the member for Morley and members opposite when they move such an amendment knowing that legislation is before the House to try to overcome a problem which they know exists?

What does the legislation seek to do? It seeks to increase penalties for offences under this Act not by just 100 or 200 per cent, but from \$200 to \$5 000. That is a very substantial increase, and if

anything, I would have expected the Opposition to complain about it.

I find it very difficult to see that the Government has anything to answer on the basis of the arguments put forward by the Opposition tonight. As I say, the Government is doing something. In this State we have stringent regulations in regard to various types of sales. Members know that door-to-door sales are being watched closely, and if necessary, recommendations to tighten up the regulations will be made to me by the department. We have regulations in regard to pyramid sales and motor vehicle licences. I would refer members to the work of the Small Claims Tribunal.

Mr Pearce: All Labor-initiated.

Mr Tonkin: You are not enforcing the regulations.

Mr O'CONNOR: Yes we are. If members look at the record of the Small Claims Tribunal they will see that a large number of motor vehicle cases are dealt with by the two referees.

Mr Pearce: Something else that Labor initiated.

Mr O'CONNOR: We have announced already that we intend to amend the Motor Vehicle Dealers Act this year to tighten up the regulations in certain areas, and also to alter the regulations in regard to warranties. The Small Claims Tribunal deals with over 100 cases a week. There are two referees—members will know Mr Smith, and the other referee is Mr Kennealy, a well-known lawyer.

Members should consider the number of Acts which apply to this area: We have the Door-to-Door Sales Act, the Pyramid Sales Act, the Motor Vehicle Dealers Act and the Small Claims Tribunals Act.

Mr Pearce: All good Labor initiatives.

Mr O'CONNOR: To show just how unfair the member for Morley was, he claimed we were due to have a radio interview, but that I ducked out and would not face him. If that statement were true, it would be only because I did not want to shame him on air. The member for Morley knew very well that the day he went on air I had a long-standing appointment at Esperance.

Yet he came in here tonight and abused that knowledge and made false statements that I had ducked out. The member for Morley claims to be worried about people making false and misleading statements, yet he is a man who participates in that practice.

Because I was unable to be present at that radio interview, I asked someone from my

department (Mr Fletcher) to go along, and only answer questions. I know why the member for Morley was sore about this; it was because Mr Fletcher embarrassed the member for Morley by answering the questions so accurately that he actually slaughtered the honourable member.

Mr Tonkin: He did not enter into any political discussion; he acted very properly—far more properly than you ever do. He was embarrassed to be there in your place.

Mr O'CONNOR: He acted very properly and embarrassed the member for Morley because the honourable member could not get away with this snide operation of his. All the people telephoning the radio station wanted to speak to Mr Fletcher, and not to the member for Morley.

I say emphatically that I did not duck out in order to avoid the member for Morley; and, because I could not be present, I made arrangements for somebody else to attend and answer questions on behalf of the department.

Mr Tonkin: Name the date and time you will debate the matter.

Mr O'CONNOR: I am debating it now.

Mr Tonkin: Publicly, not with only one person in the public gallery. When will you debate it? Duck out, duck out!

Mr O'CONNOR: Mr Deputy Speaker, if I may continue: The member for Morley said I complained about Commonwealth intrusion into State affairs. I have made that complaint, and I repeat it now. I do not believe we should have duplication of effort in a number of these areas and I further believe the States themselves have the capacity to handle these matters.

Mr Tonkin: This State does not; it refuses to act.

Mr O'CONNOR: The member for Morley has not done his homework. Duplication occurs in a number of areas in which, constitutionally, the Commonwealth virtually is not allowed to participate. However, the Commonwealth is infringing on States' rights by entering these areas and I complained for that reason.

My specific complaint at the time was in connection with a labelling matter. The Commonwealth was labelling certain articles as being subject to shrinkage, and wanted us to put similar labels on certain goods. Western Australia did not do so because the amount of shrinkage was unknown and we felt it would be unfair to consumers to place that sort of label on these articles. We are working on this matter ourselves to try to arrive at regulations which will overcome the problem. I am not anxious to see the

Commonwealth intruding into States' business and infringing States' rights, yet the Commonwealth is doing it continually.

Mr Tonkin interjected.

Mr O'CONNOR: Mr Deputy Speaker, the member for Morley has a great deal to say not only when standing but also when sitting in his place. He said this Government was looking after the giant companies and that those companies were financing us. However, he would not name them because he could not.

Mr Tonkin: What about the oil companies?

Mr O'CONNOR: Which ones?

Mr Tonkin: All the big oil companies—Shell, and the rest. You caved in to them on the question of aviation fuel.

Mr O'CONNOR: We have not caved in to these companies on a State basis on any of these issues; the member for Morley is just talking his usual nonsense. Contrary to looking after the interests of the giant companies, what this Government has been doing is looking after the interests of the small man through the Small Claims Tribunal, the Door-to-Door Sales Act, the Pyramid Sales Act, and the Motor Vehicle Dealers Act.

Mr Pearce: All good Labor initiatives, each one of them.

Mr O'CONNOR: This Government is looking after the people who can ill afford to look after themselves. In fact, I introduced a Bill only two weeks ago designed to tighten up some of these areas and to impose more severe penalties on those who breach the regulations. This legislation is designed to look after individuals who may be pushed around in any way, totally contrary to what the member for Morley has been saying.

The member for Morley mentioned the Motor Vehicle Dealers Act. I was in the Eastern States on the 6th April discussing matters with other State Ministers, and I mentioned Western Australia's concern about the practice regarding the date of manufacture stamped on the chassis of some imported vehicles, where the actual date of manufacture may be two years prior to sale, yet where the car is sold in Australia as a new vehicle. Western Australia tried to get the States to act together and agree that the date of manufacture stamped on the chassis of imported vehicles should be the actual date of manufacture, not the date on which the vehicle arrives in Australia, or on the showroom floor, or when it is sold. In this way, the consumer is able to ascertain exactly when a car body was built. These are some of the problems we are trying to overcome,

and I believe we have done particularly well in a fairly short period.

The member for Morley said that New South Wales had the power to waive warranties. What is so marvellous about that? Western Australia has that power.

He also referred to the Trade Descriptions and False Advertisements Act and asked when was the last time the department took action to convict an offender.

Mr Bertram: When was the last time?

Mr O'CONNOR: There are about 10 cases before the court now; that indicates how much the member for Mt. Hawthorn knows.

Mr Bertram: They are *sub judice*, and you should not mention them.

Mr O'CONNOR: I did not mention them; I mentioned only the number and as long as I do not go into details, that is not *sub judice*.

Mr Barnett: What are the details? I'll bet there are none. You cannot prove these cases are before the court.

Mr O'CONNOR: That just shows how smart the honourable member is. Cases before the court at this time include one involving a restaurateur, another involving a supermarket, and a couple concerning car dealers; in addition, four decisions are pending, two against bike dealers and a couple against diamond corporations. Yet members opposite have the hide to ask when was the last time action was taken against people for breaches of the Trade Descriptions and False Advertisements Act. Action is being taken on a continuing basis, and when the legislation which currently is before the House is proclaimed, further action will be taken because it will give us the right to act in a further way than we have at the moment.

The member for Morley has been talking petty nonsense. He even referred to the matter of CB radios, knowing full well that is a Commonwealth matter; it has nothing to do with the States.

Mr Pearce: He referred to the fitting and installation of those units; that is a State matter. Broadcasting is a Commonwealth matter. If you cannot tell the difference, there is something wrong with you.

Mr Tonkin: The police have the right to prosecute; it is a State matter. You should do your homework.

Mr O'CONNOR: Members just do not want to hear and I know why: They are getting killed.

Mr Tonkin: It is a police matter.

Mr O'CONNOR: The member for Morley said we should have a register of banned goods. Such a register already exists.

Mr Tonkin: Why cannot small businessman get hold of it?

Mr O'CONNOR: I wish the member for Morley would let me tell him, instead of butting in all the time like an idiot.

Mr Pearce: That is asking for trouble.

Mr O'CONNOR: I am ready to take it. As the shadow Minister, the member for Morley should know there is such a register. It is organised on an Australia-wide basis and copies are available in the department.

Mr Tonkin: Small businessmen cannot get hold of it.

Mr O'CONNOR: Anyone can go to the department during working hours and obtain a copy. In fact, I spoke to Mr Fletcher as late as this evening and he advised me this is the situation.

Mr Tonkin: That was not the case when I checked a couple of weeks ago.

Mr O'CONNOR: The member for Morley was talking tonight; he levelled his criticism tonight, and he was incorrect. He said that I took no action on his complaints. If I took no action, it was only because most of what he says is not worth listening to. The register does exist.

Mr Tonkin: Thank you for taking notice of what I said a few weeks ago and making it available.

Mr O'CONNOR: The member for Morley also referred to the matter of industrial unrest. However, he did not refer to the industrial unrest caused by union going against union. He did not refer to the dispute which cost Hamersley Iron some \$17 million, simply because two unions claimed as members the same sort of workers. They went on strike for 17 days and when they came back, they were no closer to resolving their dispute, and the company had lost \$17 million-worth of production.

Mr Tonkin: I was talking about disputes over wages.

Mr O'CONNOR: These are the sorts of things which cause wage problems.

Mr Tonkin: Of course they do.

The DEPUTY SPEAKER: Order! There are far too many interjections. Particularly, I would ask the member for Morley to give the Minister the opportunity to make his speech, as was originally outlined by Mr Speaker.



Mr Tonkin: It is just that I am very disappointed by the standard of the Minister's speech.

Mr O'CONNOR: That might be the case, but what I am saying now is far in advance of what went on before I rose to my feet. The member for Morley said that New South Wales had fixed packaging regulations. The only area where there is any difference in the packaging laws of Western Australia and New South Wales is in deceptive packaging. I have examined this operation in New South Wales and discussed the matter with those responsible on the 6th April. In fact, I was quite impressed with what they were going.

The member for Morley complained that the Tonkin Government was asked by the media to give details of its electoral promises after only one year in office.

Mr Tonkin: I did not complain.

Mr O'CONNOR: Yes he did. If there was nothing to hide, the member for Morley would not have been worried. The Liberal Government has nothing to hide; we make the results of our election promises public without being asked for them.

Mr Deputy Speaker, I believe the amendment before the Chair is a facetious one. This Government is doing everything necessary at this stage to protect the public. It is legislating in areas which need tightening. I have already referred to the Bill which is before the House which will tighten up the Trade Practices Act and allow us to have a greater chance of convicting people we believe have committed offences. I have already referred to the other consumer-oriented legislation on the Statute book.

Mr Pearce: All good Labor legislation.

Mr O'CONNOR: Contrary to what the member for Morley indicated, a large number of people are before the court on charges relating to offences under the Trade Descriptions and False Advertisements Act. I believe the Government is doing all that it should, and I oppose the amendment.

MR McIVER (Avon) [8.43 p.m.]: It gives me much pleasure to support the amendment moved by my colleague, the member for Melville. I commend him for moving the amendment and for the comprehensive speech he made in its support.

Consumer protection is a matter of great concern to the people of Western Australia, and it is most unfortunate that this Government will not make this matter one of its major ideals, as it does on other issues.

I wish to refer particularly to country areas, where people are being robbed in many ways; these have been covered by the amendment moved by the member for Melville. The sale of new and secondhand motor vehicles has been referred to.

I wish to comment on the activities of chain stores in regional centres. Whenever they know there is to be an increase in the price of various commodities—irrespective of the amount by which those items are to increase—there is an immediate price mark-up on that particular day. I most certainly could produce evidence in this Parliament to substantiate that.

Recently the Mullewa-Meekatharra railway line was closed. In this Parliament we were told that one of the reasons it was to be closed was that there would be greater benefit to the people of the Murchison. Since then, irrespective of the service involved, we have been told there would be a marked reduction in freight rates. In some cases this has occurred in a small way, yet not one cent has been passed on to the consumer. In fact many items are far more expensive now than they were when carted by rail.

Mr Rushton: Rubbish; that is inaccurate.

Mr McIVER: It is not. Can the Minister tell me where I am wrong? Can the Minister prove I am wrong? For a case of apples railed from Mt. Barker to Meekatharra the cost was 80c, but now it is \$3.60.

Mr Rushton interjected.

Mr McIVER: Someone could tell the Minister anything and he would believe it. The Minister should check what I have told him. In hot climates there are many people who enjoy a glass of beer. Although we are told it is now being carted at reduced rates there has not been a 1c reduction in the price of beer. What I am saying is all factual. It is useless for the Minister to interject in the manner he has because if he checked he would find that for weights up to 30 tonnes and in excess of that the rail freight is far cheaper. I am surprised he has interjected in the way he has without making sure of his facts.

Another area of concern to me is the takedown of country people by fly-by-night builders. I say with all sincerity that this is an area in which the Government has fallen down by not supporting the Builders' Registration Board. This support could be given by prescribing more areas that can be covered by the board.

As members know, at the present time the area involved applies only to the metropolitan region. Tomorrow morning anyone in this Chamber could go to country areas with a hammer and chisel and

say he was a builder. I take this opportunity to highlight two cases.

One case refers to an invalid pensioner and his wife in Beverley. This particular pensioner needs the aid of two walking sticks to get around. He is a deformed man who drives a special car with the clutch fitted to the steering wheel because he cannot use his feet to drive.

The couple purchased an old home in Beverley and obtained a quote from a builder, so called, for renovation work. The builder quoted \$X which worked out to be practically their entire life's savings. After completion of the work he charged for—I will not say renovations—he took his payment, which as I said, was practically all the couple's savings.

To be quite honest, when the work was completed the house was in a far worse shape than before the work was started. That is no exaggeration as members will understand after I read from a report I have.

When the invalid pensioner contacted me I was absolutely appalled. I did not think anyone could be so unscrupulous that he would take money from such a man and his wife who would be left penniless after such substandard work had been carried out.

I will be the first to admit I am not a builder, but what I saw appalled me. I made an immediate submission to the shire as I wanted to know how in the world the work had been passed by its health surveyor. Notwithstanding that, I immediately contacted the Builders' Registration Board to assist me in what I was sure was a most genuine complaint. I will read in toto the board's findings because it is so very relevant to what I want to emphasise to the House tonight. It is most certainly relevant to the amendment.

I am disgusted that the Minister has left the Chamber while we are discussing such an important issue. It must be one of the most important issues Western Australians are facing today.

Sir Charles Court: The Minister won't be long; he has been in the House all evening.

Mr McIVER: I would like the Minister to hear what I have to say and what the Builders' Registration Board had to say, because this invalid pensioner has no redress at all to the Minister—not that it would do him any good.

Mr Pearce: Let us have the Minister back.

Mr McIVER: The report by the Builders' Registration Board reads as follows—

At the request of Mr K. F. McIver, M.L.A., Member for Avon, an inspection

was arranged for and carried out on Wednesday the 17th of August, 1977 at 10.30 a.m.

Documentation was not available to check the extent of the contractors involvement on site, therefore, comment will be restricted to workmanship viewed based on the owners verbal complaint.

The items viewed and Board comment are as listed below.

#### Bedroom No. 1.

1. Wardrobes not constructed to owners instructions.
  - 1.1 Woodgrain plastic laminate was required on all external surfaces, plywood was used in lieu, roughly stained and polished the resulting surface appearance is unsatisfactory and requires extensive remedial attention to present a normal appearance one would expect in furniture.
  - 1.2 The robes were required to extend from floor to ceiling (panelled above the door level) and to include a shelf above the hanging rail. The shelf is non existent and the robes fall short of the ceiling.
  - 1.3 The robe doors are warped and are uneven in levels to each other, in all, the wardrobes are of poor quality and should be rebuilt or replaced.
  - 1.4 Door catches do not operate (robe).
  - 1.5 The skirting adjacent to the right hand side of the robe was cut and damaged to install unit and a piece of skirting replaced to cover the gap.

#### Lounge Room.

2. Roof leaking causing water damage to wall and ceiling, timber ceiling not secured, insufficient flashings and overlap to iron roof.
  - 2.1 There is insufficient overlap between the new skillion roof cover and the existing roof, some attempt was made to include a lead flashing however this flashing is not wide enough, is not dressed down completely into the corrugations of the iron and has no turn up inside the roof space to stop any wind driven rain from entering.

2.2 Water entry is evident by stains on the ceiling left on the chimney breast and below this above skirting level.

2.3 The original timber ceiling material is loose and has separated from the joists by up to approximately 50m.m. and is now considered to be dangerous.

#### Front Verandah.

3. Unsatisfactory paint work, repair to the join in the beam at the left end of verandah. (Viewed from on the verandah.) Unacceptable, lead flashing over the roof cover fallen out, gutter not secured.

3.1 The paint work around the windows and entry door is nothing short of hideous, no attempt was made to remove old paint or to fill cracks and holes in the timber work, a coat of paint was simply slapped on over the existing surfaces without thought to any degree of workmanship, requires burning and scraping off then reapplied in a tradesmanlike manner.

3.2 The method used to repair or reinforce the verandah beam was simply to bolt a piece of timber over the join, evidently with no thought to the appearance or strength. The beam requires replacement or a full size timber spanning post to post should be fixed to the inner face.

3.3 The lead flashing normally at the junction of wall and roof cover has fallen away. Illustrating the unsuccessful attempt at securing the flashing into the brickwork, a masonry saw should be used to groove the brickwork and the flashing secured by lead plugs and galvanised clouts or springhead nails, any excessive gaps are then filled and the rendering made good.

3.4 The gutter at the front edge of the verandah roof is hanging down with only wire as some form of support. The gutter requires refixing using the usual straps and supports allowing for a slight fall towards the downpipes.

Could any member imagine this happening in Dalkeith, Nedlands, or anywhere else in the metropolitan area? It seems the Government believes it is good enough for the bush; that it

does not matter about country people; that it does not matter how much country people are fleeced. It seems the Government could not care less about country people. It seems the Government wants only to look after the people in the city.

All that is needed is for the Government to prescribe country areas and this would rectify the position; the change would not need to come before the Parliament. I continue quoting as follows—

#### Bedroom No. 2.

4. Wardrobes unsatisfactory.  
Water stains on ceiling.

4.1 The robes are of the same manufacture as bedroom No. 1 therefore the previous comments for Bedroom No. 1 are relevant.

4.2 The roof leaks are caused by a similar situation as noted in lounge room.

I will not weary the House with the rest of the report.

When this builder operated in Perth he was brought to the courts on several occasions. On top of that he was even employed by the State Housing Commission. I was so appalled I wrote to the General Manager of the State Housing Commission—and the Minister can see that letter on file—and emphasised how upset I was that the commission would employ a man of this calibre and of this nature; a man who would rob invalid pensioners of their last cent and then rob the Government of money to patch up this and other houses in country areas. It seems the Government does not mind what type of builders go to country areas.

When the original legislation was introduced into the Parliament on the 26th November, 1971, by my colleague the member for Cockburn, who was then the Minister for Labour, it was one of the most important pieces of legislation introduced into the Parliament at that time. We were the only State which up to that time did not have such legislation.

The present Government unfortunately has been in office for six years and has done nothing whatsoever to give the consumer protection legislation any teeth at all. The only thing the Government has done is to help parliamentarians by appointing a liaison officer to the Bureau of Consumer Affairs because it is the hardest Government agency from which even to get an acknowledgment to correspondence. There is not one letter I have written to the bureau that I have not had to follow up with several reminders and then make a phone call in frustration.

It is time the bureau was extended and more officers appointed. More money must be allocated to it. I believe this is what Western Australians want. They want protection. Country people especially want protection and I have just instanced the case of an invalid pensioner who has been left penniless. I have to say in this House that unfortunately because of the situation, this man's wife has left him; he is on his own, without a thing. He has nowhere to turn.

I tried to obtain the assistance of legal aid for this man so that he could take the matter to court. However, the Legal Aid Commission is being starved by the miserly mob in Canberra. No money is being allocated to legal aid; therefore, this man cannot obtain the help he needs to take this matter to court. I wish I had some way of speaking for him in court, because I could win the case with my eyes shut. However, because this man has no money he cannot engage a lawyer and take the matter to court so that the builder may be brought to justice and be made to provide some form of recompense.

Surely a person in this situation should have some form of redress. Under the present laws this is not the case. He has nowhere to turn. He has to live in a little shabby home for the rest of his life, because of the unscrupulous mongrel I have mentioned who robbed him of every cent he had. The Government sits back and scoffs.

Sir Charles Court: It does not scoff at all.

Mr B. T. Burke: What about having a look at it?

Mr McIVER: The Builders' Registration Board should be given some control in this area.

Sir Charles Court: Are you advocating on behalf of the Labor Party that the Builders' Registration Board should have its jurisdiction extended to the country?

Mr McIVER: The member for Welshpool tried to do what the Premier has mentioned, but his suggestion was rejected by the present Government. Not only do I want the Builders' Registration Board to have control in country areas, but I want it also to have extremely stringent control.

Sir Charles Court: In my experience in the country, the people there do not want that control extended, because they think it would bring a lot of disadvantages to the country. I am interested in obtaining your reaction which, I assume, reflects the policy of your party.

Mr McIVER: I do not know whether the Labor Party has a particular policy on this matter; but I believe the regulations need only to be gazetted

and the areas need only be prescribed. If I am wrong, I apologise; but I have done a little homework in regard to this matter and I do not believe I am wrong.

Sir Charles Court: Is it a question of policy as to whether you want the country areas covered?

Mr McIVER: I believe it is a necessity. I am not interested in the policy.

Sir Charles Court: The country people generally have not been anxious to have their areas prescribed as being within the jurisdiction of the board.

Mr Pearce: There is a saying also that country people do not want consumer protection!

Mr McIVER: I have a large electorate and everyone in it has urged me to raise this matter in the House. In particular, the registered builders in my electorate have asked me to do this. As I mentioned at the outset of my speech, I am indebted to the member for Melville for moving this amendment which has given me the opportunity to highlight this matter in the House tonight.

I have given one example only of this problem. I should like now to give another. A young farmer and his wife have told me they were anxious to renovate their home to improve their general standard of accommodation. This is quite common nowadays. They were prepared to spend \$8 000. The builder lived in a caravan on the property and he received the very best care. He was provided with meals and electricity. When he completed the work he wanted to charge the couple \$20 000. His workmanship was as shoddy as that of the builder I have just referred to and about whose work I read the report from the Builders' Registration Board.

Mr B. T. Burke: It was the same bloke, was it?

Mr McIVER: It was a different builder. It was British Construction.

Mr B. T. Burke: A good old colonial company by the sound of it.

Mr McIVER: I should like to quote from the report submitted by the inspector from the Builders' Registration Board so that it can be seen that this is an authentic case. One has to tie up the loose ends when talking to the Government, otherwise one may be accused of Labor Party politicking or something of that nature. We on this side of the House do not engage in those sorts of tactics. We discuss facts only.

The report, in part, reads as follows:

Inspection was based on the actual work carried out by the builder rather than the poor resume of work list representing a form

of contract document signed by both parties and dated the 25th February, 1978.

The workmanship comments are as follows:

# 1. Plumbing.

1:1 Plumbing work is substandard to say the least and is best described by reproducing in part comments of the Beverley Shire Health Department inspection notice dated the 10/1/79 in which it is stated—

After the shire was given a roasting about the other builder, it must have decided to be more specific on this occasion. To continue—

A. "Inspection of the 10/1/79 reference Sewerage & Plumbing works on Avon Location 6127, the aforesaid installation was condemned as not being in conformity with regulation of the Material Plumbing Code."

B. "The work is shoddy and in no way conforms to the accepted standards of plumbing."

1:2 No provision was made at any of the waste pipes for cleaning, that is cleaning eyes at the bends or at "P" traps under sink or hand basin etc.

That gives members a general picture of the plumbing situation, therefore, I shall not quote further from the report in relation to that particular matter. I should like to turn now to the general work. This builder lived in a caravan on the property for a number of weeks. He was provided with food and electricity. He lived off the fat of the land. There are some wonderful cooks in that area. To continue with the report—

The door between the lounge and passage is poorly fitted into the frame, excessive gaps appear at the locking stile while the hinge stile binds on the frame. The clearance over the head of the door tapers from  $\frac{3}{4}$ " to  $1\frac{1}{8}$ ".

The front door is similar to the above on clearances, has also excessive movement at the lock keeper when closed (door rattles).

Installation of aluminium windows cast wall of the study or office allows a large gap under the sill, water entry was noted on the day of inspection.

The new window in the rear bedroom was installed into the old timber frame, large gaps are now evident where the stiles were removed from the existing sill—no attempts were made to make good this defect or to cover them in any way.

The new aluminium frame would appear to be incorrect for the opening as the frame should have been fitted back over the inside rebate thus covering the majority of the defects that now appear.

The young couple for whom the work was being performed had paid already \$8 000 to this rogue for this bad workmanship.

Mr B. T. Burke: The Government must provide redress in a case like this.

Mr McIVER: I only wish the Government would provide redress. To continue—

Section of the skirting boards were cut out to allow for a partition or sink the method of repair was simply to apply plaster to the gap.

The partition erected in the sleepout off the main bedroom has a 4" high gap adjacent to the base of the lock stile of the door jamb—no skirting fitted.

The fly screen catch to rear door is not secure and the method of attachment of the keeper to the frame stile is a very amateur attempt.

No flashings are evident to the new shower base in the laundry making any attempt at rectifying a difficult and costly operation.

A broken sheet of asbestos was installed in the laundry ceiling.

Ceramic and mosaic tiling.

Mosaic tiles to the floor of the kitchen and bathroom require replacement due to extensive drummy areas, broken tiles and poor grouting.

Mr Nanovich: Is this the house that Jack built?

Mr McIVER: It looks a bit like it, does it not? To continue—

Wall or ceramic tiling in the bathroom is drummy on the fin wall between shower and bath other drummy areas exist on the walls in smaller amounts replacement necessary.

I should like to read the conclusion now, because it is very relevant. It reads as follows—

The job as viewed represented a poor example of workmanship and would if displayed in the metropolitan area of Perth be subject to extensive remedial action, in addition, a Board inquiry into the continued registration of the builder concerned would be held resulting in possible deregistration or at least suspension.

Mr Tonkin: That is scandalous.

Mr McIVER: To continue—

The writer is of the opinion that the original contractor does not have the ability to satisfactorily complete the work in an acceptable manner without the employment of competent tradesmen.

I have given members two classic examples of people who have been robbed of thousands of dollars. This report was not prepared by the member for Avon; it was prepared by very competent builders. There is no fairer institution than the Builders' Registration Board of WA. What a terrific job it does. However, it is so hamstrung by the Government that it is not allowed to go into country areas and protect rural people from this type of shoddy workmanship which is carried out every day of every week.

Rather than get its teeth into these types of situations, the Government prefers to carry out union-bashing operations. It prefers to talk, as did the Minister tonight, about the comments made by the member for Morley in relation to the Press, which I certainly endorse, rather than do something about matters such as this. I can understand the Minister being concerned, because the member for Morley does his homework very thoroughly and goes into matters in a sincere manner as the result of the information he receives from his constituents and from other people. No doubt this hurts the Government.

However, the Government should be prepared to admit, on occasions, that it has done the wrong thing. It should be able to say, "We have not paid attention to this matter, but we intend to do so in the future."

It is obvious from his interjections that the Premier has been listening tonight, so I trust the comments I have made have been noted by him. In particular, I refer to the remarks I have made in relation to the manner in which country people are being taken in by unscrupulous builders.

I have made three points. The first one is that chain stores should be made to justify increased prices. Secondly, an avenue of redress should be provided for people who are taken in by used-car salesmen when buying a used car and suffer as a result. Thirdly, country people should be protected from so-called builders who work in country areas under the builder's banner, but who do not possess the necessary skills of a builder. The Government should ensure that some form of redress is provided for people who find themselves in situations similar to the ones I have enumerated tonight. If these people cannot obtain their money, at least the defective work should be rectified.

This Government should concentrate on the issues I have mentioned. It should look after the people of Western Australia instead of spending its time on other issues which will never come to fruition. Western Australia would benefit as a result.

With those comments, I support the amendment moved so ably by the member for Melville tonight.

**MR B. T. BURKE (Balcatta) [9.15 p.m.]**: It is of interest and benefit to note the state of the Government front benches at this time, as that is some indication of the importance the Government assigns to the subject of consumer affairs. The Minister for Consumer Affairs is missing; the Minister for Housing is missing; the Deputy Premier and Minister for Police and Traffic is missing; the Minister for Fuel and Energy is missing; the Minister for Transport is missing. It is arguable that when they are present they are not missing also, but it is significant—

Sir Charles Court: The Leader of the Opposition, the Deputy Leader of the Opposition, and all other Opposition front benchers are missing.

**Mr B. T. BURKE**: As far as the Opposition is concerned, the absence of these Ministers—

Several members interjected.

**The DEPUTY SPEAKER**: Order!

**Mr B. T. BURKE**: It is significant that the absence of these luminaries from the front benches indicates that very little importance is attached to the subject of consumer affairs by this Government. The Opposition makes it perfectly clear that the Australian Labor Party makes no apologies for its policies in the field of consumer protection and consumer affairs. In this State and in this nation Australian Labor Party Governments led the way and blazed the trails—as far as protection for the consumer is concerned.

In the face of a tardy and recalcitrant Liberal Government, the Labor Government led by John Tonkin moved swiftly to institute and set up a series of protective tribunals, Government departments, and offices charged with a responsibility that had become so necessary as we moved into and through the 1970s. The Opposition says quite clearly to the people of Western Australia that just as they could rely upon the Labor Government previously, a Labor Party Government in the future will rank consumer affairs as one of its first and top priorities.

There is no doubt that as the economic situation worsens, as unemployment increases, and as inflation gallops out of the control of the policies imposed by an inept Federal Government, the need for consumer protection and the need to cater for the needy and the weak becomes more important. But what do we see? We see a Government willing to allow the people who provide goods and the people who occupy the most powerful positions to flaunt their positions of superiority by deliberately taking a weaker stance than was previously taken by the Labor Government when it set up these devices to protect consumers.

The Minister for Consumer Affairs is damned out of his own mouth by his weak excuses and his performance tonight. Let us recall the tone in which he commenced his contribution. He referred to the member for Morley "kicking, kicking, kicking with a spike in his boot." If that is not symptomatic of a man who is unable to answer logical arguments in a rational way, I do not know what is. That is the sort of personal abuse in which the Minister trades. It is the earmark of a person who is unable to contribute in a meaningful fashion. We saw the Speaker interrupt to ask that the Minister be heard in the same silence as was accorded to the member for Morley. But the member for Morley did not carry on in the way the Minister did; he did not use personal abuse—

Sir Charles Court: Some of the language he used about traders was revolting.

Mr Jamieson: That was not about another member.

Mr B. T. BURKE: The Premier would have us believe he cannot differentiate between personal abuse of members in the Chamber and criticism of people outside the Chamber to whom the amendment refers.

Sir Charles Court: The member for Morley does not respect anyone at all.

Mr B. T. BURKE: The Premier maintains, then, that criticism of a trader outside entitles members in this House to abuse each other on a personal basis. Is that the Premier's contention?

Sir Charles Court: Not at all, but the member for Morley has abused this Chamber more than any other man I know in the time I have been in it.

Mr Tonkin: This Government protects rogues and will not prosecute them.

Mr B. T. BURKE: I think the position I am trying to illustrate to those on the Government side of the House is best exemplified by reference

to the speech of the member for Avon. Nobody took exception on a personal basis to the fact that the member for Avon referred to a particular builder as a mongrel or a rogue. In fact, from the faces of members opposite and from the details that the member for Avon supplied, it seemed to me most people in this Chamber agreed with that description of the people he was talking about.

What I am saying is the Minister's contribution when talking in those terms about the member for Morley showed this House quite clearly that he was unable to answer the substantive points raised by the honourable member in his contribution. We know that is not something about which this Minister knows nothing. We know it is something in which he is quite practised.

For example, he drew strength from the fact that the Small Claims Tribunal was hearing 100 cases a week, when if he bothered to think for 50 seconds he would realise each referee had to hear 10 cases a day to handle that work load; which is more than one case an hour, if it is to be established that they are handling more than 100 a week. If the Minister says that is proper consumer protection, the Opposition will disagree with him. I pause to allow the Minister to tell the House about the current delays occasioned to people appearing before the Small Claims Tribunal.

Mr O'Connor: The delay is being reduced according to information I have been given.

Mr B. T. BURKE: Does the Minister know what the present waiting period is?

Mr O'Connor: I can't recall.

Mr B. T. BURKE: The area from which the Minister seeks to draw strength for his argument is an area in which his knowledge is lacking. I have already told the House if the tribunal is handling 100 claims a week—

Mr O'Connor: One hundred a month, I said.

Mr B. T. BURKE: I will stand corrected but the Minister not only said 100 a week; he repeated that statement.

Mr O'Connor: The number is 100 a month. If I said 100 a week, I correct it now.

Mr B. T. BURKE: Then the situation is somewhat different, but it is no less an illustration of the Minister's failure to grasp his portfolio. The Opposition does not blame the Minister for that, because he has been switched with frequent and monotonous regularity from one portfolio to another and he has not been given time to come to grips with each of the portfolios which have been thrust into his hands.

We are saying the Government obviously assigns to the subject of consumer protection and consumer affairs far less importance than the Opposition would assign to that area were it in government. I do not think anyone can argue about that. I do not think anyone can say that traditionally the subject of consumer affairs has not been one of the main preoccupations of the Labor Party in Opposition and in Government.

Mr O'Connor: You know who introduced the Small Claims Tribunal, I take it?

Mr B. T. BURKE: The Small Claims Tribunal was introduced in the first days of the Court Government when it brought down legislation which was drafted and prepared in the final days of the Tonkin Government.

Mr O'Connor: Not true.

Mr B. T. BURKE: Does the Minister deny that?

Mr O'Connor: It was brought down by our Government and we gave an election promise that we would do something along those lines.

Mr B. T. BURKE: Does the Minister deny that the Labor Party had already taken a Cabinet decision to introduce legislation to bring in a small claims tribunal?

Mr O'Connor: I have not seen a Cabinet decision but the legislation was brought in by us according to a policy undertaking.

Mr B. T. BURKE: Once again we see the Minister saying in effect—if we take away the verbiage surrounding the statement—he does not really know whether or not it was a Labor initiative.

Mr O'Connor: Three years you were in. You couldn't have given it much priority.

Mr B. T. BURKE: The Minister does not know.

Mr O'Connor: He does know.

Mr B. T. BURKE: Then we have the most amazing and bewildering defence of a situation I have ever heard. I am surprised at the Premier's allowing civil servants to be abused in this fashion. We heard the Minister for Consumer Affairs admit and boast about the fact that he had propelled the head of his department into a political debate on radio with the member for Morley.

Mr O'Connor: That is not so.

Mr B. T. BURKE: Whether or not Mr Fletcher had been given instructions not to involve himself in political discussions, he was asked to appear alongside the member for Morley in what was a political debate. No Minister has any right to tell

a civil servant who is charged with the responsibility of maintaining an even-handed and fair approach to all situations that he should represent the Government in anything approaching a political context. The Minister not only did that but he now boasts about it. On behalf of the Opposition I say categorically that never in government would the Australian Labor Party instruct civil servants to carry the political can for the Government when it falls down.

Mr O'Connor: Nor did I instruct—

Mr B. T. BURKE: We then heard the Minister's boasts with respect to prosecutions for misleading advertising. Of course, that is not the whole story, because who would know that misleading advertisers were being prosecuted? There is an obvious lack as far as the publicity accorded to these sorts of breaches is concerned. So the Opposition suggests this Government, if it is sincere and dinkum about breaches in this area, should undertake an advertising campaign in order that all those firms which break the law in this area are advertised at Government expense as law breakers, thus ensuring there are some real teeth in the legislation. The Minister and the Government know that with the pressure on the Press these days ordinary court matters are no longer covered, and this important deterrent of the publication of the names of law breakers and offenders is not being taken advantage of.

The Opposition puts forward to the Government tonight the proposition that it should arrange to advertise at the taxpayers' expense the names of firms which break the law in this manner. If the Government is sincere and dinkum it will agree that the small cost involved in advertising promises a much larger benefit to the people and a much stronger deterrent to those who break the law.

Mr Tonkin: They are here to protect rogues.

Sir Charles Court: I can tell you now neither this Government nor any Government I lead will do that sort of thing. If that is the policy of your party, let it be known, because it is shades of that Bill which was introduced by the Hawke Government.

Mr B. T. BURKE: I am very glad the Premier interjected; in fact I am indebted to him for interjecting to make his position perfectly clear. If he would allow me one or two words, I will sum up what the Opposition thinks of this position. The Premier is not so naive as to lead the House to believe that he does not realise the publication of an offender's name is considered at law to be one of the deterrents to the repetition of the offence.



Sir Charles Court: The law courts deal with this, and the Press in its ordinary course. If you want to put brands around people's necks or rings through their noses, that is your business.

Several members interjected.

Mr B. T. BURKE: I hope no-one has missed the significance of the Premier's interjection.

Sir Charles Court: I hope they have not.

Mr B. T. BURKE: A moment ago he said it is the job of the courts to organise the publication. He said that by interjection, and that is quite clearly wrong.

Sir Charles Court: Don't you tell lies. I didn't say that at all.

#### *Point of Order*

Mr PEARCE: On a point of order, Mr Deputy Speaker, if someone can control the Premier for a moment: I distinctly heard the Premier use the term "lies". That is most unparliamentary and I ask for a withdrawal.

The DEPUTY SPEAKER: He did not call the member a liar. He made the statement, "Don't tell lies." I do not regard that as unparliamentary. The member for Balcatta.

Several members interjected.

Mr Jamieson: That is most unparliamentary. You know that.

Mr PEARCE: Are you ruling that the term "lies" is not unparliamentary?

The DEPUTY SPEAKER: I did not say that. I said the expression "Don't tell lies" is not equivalent to calling a person a liar.

Mr PEARCE: I ask that we check the *Hansard* record because that is not my recollection.

#### *Sitting suspended from 9.30 to 9.35 p.m.*

The DEPUTY SPEAKER: I have checked with the *Hansard* reporter, and the interjection of the Premier was reported as, "Don't you tell lies. I didn't say that at all."

#### *Debate (on amendment to motion) Resumed*

Mr B. T. BURKE: Mr Deputy Speaker, as you will understand, I am not particularly concerned with what the Premier has to say. Whatever he said, all members can accept and realise that the manner in which he said it was the manner of a man unable to control the situation. That is quite clear.

Mr Watt: The member for Morley accused the member for Gascoyne of telling a lie.

Mr B. T. BURKE: I think as the time nears for the election the question of consumer protection and consumer affairs will prove to be the Achilles heel of this Government. The Government stands condemned by its failures, by its reticence to undertake adequate and proper consumer protection, and by its acceptance of the domination of the will of those people who occupy powerful positions in their dealings with consumers.

The Minister for Consumer Affairs takes refuge in the boast that he has before this House an amending Bill to the Trade Descriptions and False Advertisements Act. He has had five years in which to introduce the Bill, but tonight he blames the Opposition for holding it up for two weeks while the Address-in-Reply continues. The word already about the corridors tonight is that the Premier will have the House sit all night tonight if necessary to get the Address-in-Reply out of the way.

Sir Charles Court: Who told you that?

Mr B. T. BURKE: Does the Premier deny that he wants to finish the Address-in-Reply tonight?

Sir Charles Court: As far as I am concerned, you can go on and have the time of your life.

Mr B. T. BURKE: Thank you very much.

Sir Charles Court: You dream things up.

Mr B. T. BURKE: I am grateful for the assurance given by the Premier that he will not expect the House to sit for an unreasonable length of time.

Sir Charles Court: If you want to talk all night on the amendment, that is okay.

Mr B. T. BURKE: The Premier says we can take as much time as we like, provided the debate is continued and not interrupted by sleep or anything else unnecessary like that! So once again we see the Premier contradicting himself and ducking for cover. My proposition was that he would have the House sit all night if necessary.

The DEPUTY SPEAKER: Order! I would ask the member to relate his remarks more closely to the amendment.

Mr B. T. BURKE: Yes, Sir. To conclude on that point, the Premier now says, "You can go for as long as you like" but he indicates quite clearly that "as long as you like" will continue in those hours that stretch before us in an unbroken chain.

As far as the Trade Descriptions and False Advertisements Act Amendment Bill is concerned, the Minister has taken five years to introduce the measure, and it is misleading of him to say that the Opposition now holds it up for two

weeks. Two weeks pales in comparison with five years.

Then the Minister said we have laws covering door-to-door sales, we have laws concerning pyramid selling, we have laws concerning the sale of motor vehicles, and we have the Small Claims Tribunal. Each one of those was an initiative of the Labor Government.

Mr O'Connor: Not so.

Mr B. T. BURKE: There is no new area for which this Government could claim any credit. Regardless of the Minister's interjection, all those initiatives in the area of consumer protection are initiatives which quite rightly belong beside the name of the Australian Labor Party. Who could think it would be any other way when we have the Premier, the Minister for Consumer Affairs, and the Cabinet consistently defending the actions of people who occupy privileged positions in their dealings with others less powerful than themselves?

Mrs Craig: Rubbish!

Mr B. T. BURKE: "Rubbish!" says the Minister for Local Government. Let me give members an idea of her concept of consumer protection—and this is the sort of feeling that exists right throughout the Government. I have a constituent who, when he bought a property, inquired of the local authority whether or not there were accrued rates owing on the property. The local authority replied to my constituent's letter by saying, "No, there are no accrued rates." Two years later, on checking its records, the council found it had made a mistake and that there were rates owing by the previous owner. The council wrote to the Minister, asking whether it could write off those rates because it felt it was wrong to seek from the present owner the payment of rates that had been in arrears from a previous owner. The Minister said, "No, prosecute the owner."

Mrs Craig: It was the council's mistake, and the council must rectify it.

Mr B. T. BURKE: The council must rectify it at the expense of my constituent, who is the only innocent party in the whole deal. The original owner did not pay the rates, the council wrongly advised my constituent's lawyer, and two years later the council, not wanting to recover the rates from the new owner who is completely blameless, sought permission to write off the rates; and the Minister said, "No."

Mrs Craig: The council made an error, and it must not make such an error again.

Mr B. T. BURKE: So we will teach the council not to make errors in future by forcing my constituent to pay.

Mrs Craig: It is the prerogative of the council to decide that.

Mr Bryce: What a bully, hiding behind a big desk.

Mr B. T. BURKE: Let us reinforce this Minister's notion of consumer protection. She now claims it is the council's prerogative to write off rates. If that is so, why did the council write to the Minister seeking permission to write off the rates?

Mrs Craig: You tell me, and we will both know.

Mr Pearce: Why did you write back and say no?

Mr B. T. BURKE: If I could further enlighten the Minister, who is sinking further into the mire, yesterday I spoke to the secretary of her department. Mr Paust himself told me that he would be putting the matter up again for her reconsideration and further decision; so he certainly does not know that the Minister does not have to give permission, because he is asking her to change her mind.

Mrs Craig: He has not yet asked me, nor has he made any recommendation.

Mr Grill: It is written into the Act that you have a prerogative and that they must apply to you.

Mr B. T. BURKE: It is incredible that all these people are asking permission of the Minister to do something for which she says she does not have to give permission. Why does she not tell them that they need not ask her permission? This is not consumer protection, this is consumer persecution.

Mr Young: Will someone slip him a copy of the amendment?

Mr B. T. BURKE: It is absolutely unbelievable.

The Minister for Health is perfectly correct with his interjection; but the tenor of this Government's attitude and policy towards consumer affairs is best mirrored by the way in which members of the Government behave. The behaviour of the Minister in this case is inexcusable because she has not told the council—whether or not it is true I do not know—that it may write off rates without reference to her.

The Minister is continuing to entertain requests that she change her mind when her state of mind has no bearing on the ability to rebate the rates. That is the tenor of the mentality that pervades

this Government in relation to consumer protection.

There is one other point on which I wish to touch very briefly. It concerns the ignorance of the Minister for Consumer Affairs in respect of those matters that the member for Morley touched upon when he discussed the question of windfall profits enjoyed by the multi-national oil companies and exploiters. I will give the Minister the benefit of the doubt in relation to his interjection upon the member when he said, "Which one, which one, which one?" If the Minister does not know, then that is indictment enough of his lack of knowledge. Let us consider the situation step by step. Let us see the way in which this community is being held to ransom.

The community is being held to ransom especially in those areas that members on the other side so often boast about as being far removed from Perth, and underprivileged by definition. There were oil discoveries made years ago. From those discoveries 90 per cent of the fuel used in our communities is supplied. By way of parity pricing, those oilfields have been valued upwards by thousands of millions of dollars. The revaluation is in no way related to the costs of exploration or the risks of exploration as they affected those discoveries. The Fraser Government, without one voice of protest being raised by the Government in this State, has said that each barrel of crude oil produced from those wells is now worth \$8 or \$9 more than it was one day before the pricing decision was made. There could be some argument to support the policy of parity pricing. However, those arguments do not apply when this Government fails to make clear its position that the extra profits accruing in respect of the increased prices should be spent on exploration, and when this Government does not seek any guarantee that that will be the case. It is idle for the Minister to claim that those oil companies are not holding to ransom the community which he represents. Is the Minister happy with the situation in which a Government decision can pour millions, hundreds of millions, and thousands of millions of dollars into the coffers of the giant oil companies without any guarantee that those unexpected, unearned, windfall profits will be used to expand the oil resources upon which we can call?

Mr Tonkin: Carter is going to tax them.

Mr B. T. BURKE: Is the Minister, is the Cabinet, are back-bench members on the other side happy about that situation?

The silence is deafening!

The silence speaks volumes for the proposition and the prediction that petrol prices will rise to more than \$1.50 a gallon in the next year. What is this Government doing about that prospect? What policies are being formulated to protect the consumers from such increases? What about the country members? Where is the National Party on the question of parity of fuel prices for country areas? Where is the National Country Party on the question of unfair increases facing the farmers to whom they owe their allegiance?

We are not surprised that the Liberal Party is silent on that point. The Liberal Party owes its allegiance to the vested interests which will profit from what goes on. However, no member of this House should be happy with the prospect of the price of fuel rising to \$1.50 or \$1.60 a gallon. However, we have heard nothing by way of constructive policies aimed at minimising the brutal effect that that sort of increase will have.

This silence comes from a Government that says, through this Minister, that it has no case to answer. Time and time again the member for Morley has presented in this House detailed and substantial arguments on the subject for which he has the responsibility within the ranks of the Opposition.

Time and time again the Minister has failed to meet the challenge. Time and time again the Minister has dismissed with wise words, smart aleck sayings, and shallow arguments all of the points raised by the member for Morley. However, let this Government not think that it is so safe that the Minister for Housing cannot be removed from this House; or that the member for Pilbara is a permanent fixture; or that the National Party will not despatch the member for Narrogin, leaving the member for Subiaco holding the balance of power. Let not the Government become so complacent that it thinks that downgrading the importance of the portfolio of Consumer Affairs earns the votes of the people with the money power; that the State Housing Commission, as it caters for the consumers at the lower end of the scale, can be abused by a string of incompetent and inefficient Ministers.

Mr Shalders: At least you are talking about the electors taking away members on our side. Your own party has got rid of the member for Fremantle—chopped him up—because he did not toe the line.

Mr B. T. BURKE: Who is to say that the member for Murray will be here next year?

Mr Shalders: Or the member for Balcatta?

Mr Young: The 10 000 electors in Murray will not say that.

**Mr B. T. BURKE:** The member for Murray is not a permanent fixture.

I am trying to emphasise that no Government, whether Liberal or Labor, can afford to ignore an area as vital as consumer affairs. Older members must concede that in this area the Tonkin Government was elected largely because of the disrepair into which the protection provided to consumers had fallen in the final years of the Court-Brand Government. That situation can be repeated, if we have examples such as that engaged in by the Minister for Urban Development and Town Planning; if we have defences as shallow as those put forward by the Minister for Consumer Affairs; and if we have policies as ramshackle and run-down as those followed by the Minister for Housing. In those circumstances, the spectre of defeat founded upon the very same grounds could rise again before this Government.

**MR PEARCE (Gosnells)** [9.52 p.m.]: The House tonight is being asked to decide whether the Government has a good record in relation to consumer protection. It has been made clear by the speakers this evening that the Government has a poor record in this area.

I take heart from the fact that yet again Government back-benchers, Government members, and Government supporters have not risen to the defence of their own. Time after time during the Address-in-Reply debate the same situation has arisen. We have raised matters of great importance to the State, and we have been given misleading and trivial replies by the Minister. Where are the Government supporters? Where are the people who back up the Minister in his rather peculiar claims about the Government's record on consumer protection? Where are the battalions behind him, standing up to defend him? After all, they are supposed to be his followers—the people he hopes will raise him to the deputy leadership, and ultimately, perhaps, to the leadership of the party.

In this crucial area, his supporters are not standing up for the Minister at all. They are not even prepared to come out with the usual clichés and to say, "What a great job the Minister is doing in this area of consumer protection." Where are the Government supporters? Where are the Government members tonight? I sometimes wonder why they bother to attend this place.

A number of speakers have given a clear indication that consumer protection in this State owes its existence to a series of Labor initiatives over a number of years. All of the matters which the Minister claims to be the mechanisms by

which his Government protects consumers in this State were instituted directly by Labor Governments or were set in train by Labor Governments. In the one case the Minister mentioned, the Labor Government went out of office just before its plans came to fruition, and the incoming Liberal Government signed the last sections of the Act and put it into practice. However, all of these things are Labor initiatives.

The Labor Party is unique among the great parties in Australia as the party which is concerned with protecting consumers. One only has to see who is on the other side of the business/consumer equation to realise the truth of that. The Liberal Party sets itself up as the protector of business. It seems that the bigger the business is, the more protection it receives. The Premier let the cat out of the bag in one of his series of very rude interjections that he was indulging in earlier in the debate when he said that he did not want to be in the situation in which the Government took it upon itself to name publicly and put a brand upon the companies which failed to do the honourable or even the lawful thing in dealing with consumers. In effect, the Premier said that if a business could put it over an individual consumer, and the consumer felt affronted by this, he could go to the court to try to patch it up himself. He said that if the poor individual consumer took on the big business and tried to have the problem rectified, it would not be the job of the Government to look after the people in that situation.

We disagree with the Premier and the Government on exactly that point of principle. We believe that it is the job of the Government to protect the small person, the man in the street, if he is badly dealt with by a company or a businessman in any type of business transaction.

I will give the example of a transaction between myself and, say, Boans. I have no particular reason for taking that company as an example, but it represents the large retailers in the State. If there is a dispute between myself and Boans, the company is at a much greater advantage than I am. I have no great resources behind me, whereas Boans could afford to take me to the High Court or, if possible, to the Privy Council. That company could keep me going through litigation until I could not afford any longer to protect my interests in what was originally a small monetary dispute. If the matter involved \$500, apart from the Small Claims Tribunal there would be no avenue open to me.

As soon as one is involved with lawyers, the court costs expend a larger sum of money than the amount in dispute. It is incumbent upon the

Government to step in and provide the equalising muscle to put the consumer on an equal footing with a business concern in a dispute over a consumer matter. That is the first point of principle that we make.

The second point was well documented by the Australian Broadcasting Commission in its Statewide programme on the Friday before last. That programme dealt with the question of a repairman of colour television sets. The programme named a colour television repairman who resides in the electorate of the member for Whitford. That person had been named in the report of the Consumer Affairs Bureau. He was named for being incompetent, for overcharging, and for charging for services which he was not actually providing. That man was slated heavily by the Consumer Affairs Bureau in its annual report last year which was presented to this Parliament.

The first thing that the Statewide team discovered was that the repairman was still operating his business. Despite his being named in the report, his business was still functioning. The Statewide team conducted a test. They obtained a television set which was in perfect working order, and they brought in an expert of their own to disarrange it in a certain way. The set was put out of action in fairly minor ways, but ways which would be quickly picked up by any competent repairman.

Following that, the Statewide team called in our friend from Wanneroo and asked him to have a look at the set and to fix it. When the set was returned, the expert checked it and discovered that the repairman had taken the set away to his own shop when that was not necessary. The repairman claimed that things were wrong with the set which were not wrong with it at all. He claimed to have fixed a couple of parts which he did not fix at all, and to have replaced parts which he did not replace. In fact, he did not fix the fundamental fault that the expert had made in the set in the first place. For this service he wanted to charge hundreds of dollars.

That man was named in the Consumer Affairs Bureau's report last year. According to the Statewide report, he is operating in exactly the same way as when he earned such unremarkable reference in the report I have mentioned last year, and yet nothing is being done about it.

Simply, the answer is this: the Consumer Affairs Bureau has no powers other than to name people in its report; and, after all, who reads the reports of the Consumer Affairs Bureau? Who reads them? They are not even widely available to

most consumers and the Press reports of them which come up from time to time are transitory. I believe there is passing reference in the local Press in regard to this. It prints the names of key offenders reported to the Parliament; but that is not sufficient.

However, the Premier seems to feel even that is too much in terms of action taken; he does not think the bureau should even name these people in the first place, if I understood his interjection correctly. That seems to me to be a remarkably uncaring attitude towards the small man in the street.

Obviously any member worth his salt in this place, who deals with electorate complaints in any depth at all, will have understood and learnt already for himself the defects in the operations of the Consumer Affairs Bureau, because it is obvious it has no enforcement power whatsoever.

I would say a person who is a TV set repairman of the type of the gentleman named in the Consumer Affairs Bureau report of last year, and as demonstrated on Statewide last week, ought to be prevented from operating as a colour television repairman on the grounds that he is incompetent and that he appears to be operating in a manner which has highly dubious morality, to put it in the nicest possible way. That person should not be allowed to continue to operate. That is what consumer protection in that sense really is. It is meant to stop consumers being ripped off in this manner.

Not only is the Government doing nothing and, if the Premier is an indication, it is proud of the fact that it is doing nothing, but also—

Mr Coyne: His punishment is already there. He is a proven rogue. Surely that is bad publicity.

Mr PEARCE: That is the point that is being made. The man is a proven rogue, and yet he operates as a colour television repairman, because his reputation as a proven rogue has not been spread widely. It has appeared in one report presented here and not produced in any wider way. It is presumably picked up in the stories on the radio which follow next day. The report is presented to Parliament and that is the end of the matter.

If it came to the point that just naming was the important aspect, one could imagine that the Consumer Affairs Bureau could take a page in *The West Australian* each week and it could repeat the names of proven rogues.

Mr B. T. Burke: You cannot put tags on people. You cannot put brands on people.

Mr PEARCE: That is correct. We cannot put brands on people, as the Premier says. Not only is the Premier brushing the matter aside, but also he is proud of the fact that the Consumer Affairs Bureau is doing nothing to identify these rogues. He is sticking to that as a matter of principle—presumably that is one of the fundamental principles of the Liberal Party—that rogues can be proven to be rogues once, but after that they have to be let go, because one does not want anyone to know they are rogues as that puts a brand on them.

What happened then? That was the fastest countdown of all time. Shall I continue, Mr Speaker?

The SPEAKER: You may continue.

Mr Laurance: It was a malfunction of the equipment.

Mr O'Neil: They are automatically trying to protect the consumers from what you are saying.

Mr PEARCE: Another area in which there is a very serious deficiency in the way in which limitations put on those people are working to protect consumers, is found in the situation with regard to the Builders' Registration Board. Like the member for Avon, I should like to instance a particular example which came to my notice in my electorate. A gentleman bought a new house as a spec home. It was not one built specifically for him. Once he moved in he discovered the walls of the house were covered with what I believe is called in the trade "drummy plaster"; that is, after the plaster wears, it starts to bubble away from where it adheres to the brick backing of the wall. It breaks up and disintegrates in patches.

When this man called in the Builders' Registration Board after his discussion with the builder, the board sent along an inspector who looked at the drummy plaster and drew around the sections which needed to be replaced. It was quite clear to the inspector from the Builders' Registration Board, and to anyone else who had an inkling of what was going on, that those sections of drummy plaster would spread. No matter how one cut out the sections of plaster, gradually this disease would spread throughout the whole wall. Effectively this meant the builder had to come back three or four times to replace the sections of plaster. All the plaster in the particular wall should have been stripped off and the wall replastered. That would have solved the man's problem in one hit. But the inspector from the Builders' Registration Board said he had no power to order the builder to do that, because the board is restricted to requiring the builder to fix work which is defective at the time the inspection

is made. So even though the inspector knew full well the sections of plaster on the wall which seemed to be sound at the time were going to have to be replaced some time in the near future, he did not have the power to order the builder to fix it all at once. All he could do was come back at regular intervals and mark out the new sections which had gone bad so that he could order the replacement of those particular areas.

You can imagine, Sir, how happy you would be if someone had to come into your lounge room at monthly or six-weekly intervals, trample all over your carpet, and fix up your wall, knowing full well the man would have to return in two months' time to fix up the next part of the wall.

It seems to me the emphasis in a number of these cases is that as little onus as is possible should be placed on businessmen to remedy defects in their work or in the products they sell. More teeth and greater power should be contained in the Act so that it can deal specifically with particular instances. Businessmen should be made to put right their mistakes with regard to the specific instances which come to the attention of the Consumer Affairs Bureau.

Also there needs to be a much stronger general power operating which will penalise people who offend consistently in an attempt to rip-off consumers. I believe one matter all members would acknowledge is that for every consumer dispute or for every unfair consumer practice which comes to dispute level, there must be 10, 15, or 20 such instances which have not been reported to the authorities. In fact not every consumer creates a dispute if he finds he has been sold defective goods. More often, people shrug their shoulders and buy new goods. If people find themselves with substandard work, frequently they shrug their shoulders and put up with it, because they do not know where to go in these cases.

Mr B. T. Burke: If they do go somewhere, nothing will be done about it.

Mr PEARCE: I agree with the member for Balcatta that even if they do not have that experience themselves, they know someone who has. I am sure the member for Balcatta and other members have had the experience I have had of people coming into my office, wanting something done about a complaint, and saying, "I would not go to the Consumer Affairs Bureau, because when my friend went there it could not do anything for him." Or he might say, "I went there previously and it could not do anything for me." It is easy to understand that, because the Consumer Affairs

Bureau has very little power and it is not surprising that hopeful consumers who have gone there and have found they receive no satisfaction feel very frustrated and annoyed thereafter.

I can understand why the Government is so reluctant to do anything about protecting consumers. The answer, of course, is that it does not see its loyalty as being to consumers. It sees its loyalty as being to people who operate businesses and perhaps in the name of the viability of business, the Government is prepared to go along with what are essentially rip-off practices. We in the Labor Party see matters differently. We believe, firstly, that it is the duty of the Government to provide adequate protection in these areas. It is the duty of the Government to stand behind the individual when he finds himself in conflict with larger institutions and organisations, or businesses which are dealing with him unfairly. It is the job of the Government to put that individual on an equal footing with these organisations. It is the job of the Government also to ensure people are not allowed to prey on their fellow members of society. Many of these small businessmen, such as the colour television repairman I have mentioned, are vultures preying on the innocent and unsuspecting members of society.

If we knew enough about colour television, for example, we, as individuals, could fix our own sets and colour television repairmen would not be needed. But the corollary to that is, when a man comes into our home to fix a colour television set we do not know whether or not the work he is doing is necessary. We do not have that level of expertise. We are forced to take that man's word for it. We are forced to accept that he has done the service he has said he has done and that it was necessary to fix the problem in the television set. We must accept also that the price he charges for his services is a fair one. In fact, we have no way of knowing whether we have been dealt with fairly.

But very often someone does know whether or not we have been ripped off and more often than not that someone is the Consumer Affairs Bureau. And yet, the bureau is virtually stopped from preventing the consumer being ripped off by the businessmen.

I should like to know of one businessman who has been put out of business by unfavourable reports from the Consumer Affairs Bureau. I should like to know the name of one businessman who has been put out of business in that way. There ought to be a list of them if in fact what the Government is saying is correct. If the powers of the Consumer Affairs Bureau are sufficient, one

would think these practices would be stopped; but what we find instead is that people who have offended continue to offend and the same sorts of names seem to crop up year after year in Consumer Affairs Bureau reports. That is not a very happy state of affairs. That is not the record of a Government which has a good name in matters of consumer protection. It is the record of a Government which has inherited a series of consumer protection mechanisms from previous Labor Governments. It is the record of a Government which does not want to do much with those mechanisms, but is afraid to dismantle them because of adverse public reaction from consumers who all want protection mechanisms.

We have a Government which does not like protective mechanisms and would not have instituted them had it not been done for it previously. It is afraid of taking them away, because of adverse reaction; so it lets them go rusty, like the railway lines, and hopes they will fall apart from lack of use.

Mr Coyne: Do you favour the Islamic method of cutting off their hands?

Mr Jamieson: They will cut off more than that, if you are not careful.

Mr PEARCE: That is a poor analogy. If we are talking business, we should cut off their business. That seems perfectly reasonable to me. Does it not seem reasonable to the honourable member?

Mr Coyne: No. Surely the publicity should do that.

Mr PEARCE: Let us take the case of the Wanneroo television repairman which we have been discussing. He has received publicity and indeed Statewide made sure he had a little more, but he has not received much publicity from the Consumer Affairs Bureau. It is not doing much to give him publicity, other than naming him in its annual report which I think members will accept is not strong publicity. As the member said in his previous interjection, the repairman is a proven rogue; but, notwithstanding that, he continues to operate. He could be "fixing" someone's television set while we are talking about it here.

Mr O'Neil: You believe in a penalty which will last the term of a person's natural life.

Mr PEARCE: I would be prepared to accept something like a term of suspension in the first instance in a case like that. Would the Chief Secretary go along with that?

Mr O'Neil: You have said he should lose his business.

Mr PEARCE: I did not say he should lose his business for ever.

Mr O'Neil: Yes you did.

Mr PEARCE: I did not say the man should lose his business for ever. I said he should lose his business and a period of one year may be a good first penalty. If the man returns and carries out his work in a moral and legal way thereafter, everyone will be happy. It is exactly the same principle as putting people in gaol.

Mr Jamieson: If he is in the racing game and does something wrong, he is disqualified for a period.

Mr PEARCE: That is a very apt analogy.

Mr Davies: It depends who you are, of course.

Mr PEARCE: That is exactly what happens to people who offend in the racing game. Such people are suspended for a period of time. Why cannot that situation apply in the case of businessmen? It can be done, but the Liberal Government is not prepared to do it, because it does not have sufficient attachment to consumer protection.

The Government would rather produce a report, throw it on the Table of Parliament, and say, "That is all we can do about the matter. Blow all the hundreds of people who will be ripped off by these businessmen!" The Government does not care.

Mr Sodeman: For the purposes of consistency, does it not apply also to workers and to unionists? The Opposition and Hayden said they did act irresponsibly at times. Should that apply to them also?

Mr B. T. Burke: Don't tell lies!

Mr Sodeman: Get back in your seat!

Mr PEARCE: The member for Pilbara is talking about another thing altogether.

Mr Sodeman: I expected you to say that.

Mr PEARCE: If the member for Pilbara will listen I will explain. When the honourable member refers to things which affect consumers, he could say that accidents affect consumers. I am not talking about the effect on consumers in a general way or in an overall sense. I am talking about people who go into business with a distinct and determined intention of ripping off consumers. Many industrial disputes are provoked by a Government which is hell-bent on provocation in that situation. Of course individuals are affected in any form of dispute, but an industrial dispute bears no resemblance to the matter under discussion.

Mr Sodeman: Of course it does. The consumer is affected adversely.

Mr P. V. Jones: Consumers are denied access to goods by TWU members. They do not warrant the same action, according to you.

Mr PEARCE: The analogy is not a proper one because the Minister is referring to industrial disputes which are a different story from individual transactions.

Mr Sodeman: What is the difference? The effect is the same.

Mr PEARCE: When we are talking about consumer matters of this type we are talking about a form of contractual relationship between an individual and a firm.

Mr Laurance: You are clutching at straws now. You are drawing the long bow.

Mr PEARCE: It is fair and logical thinking.

Mr P. V. Jones: You protect some members of the community and not others.

Mr PEARCE: Consumer protection is for all people equally in the areas in which consumer protection applies. It is as simple as that.

Mr P. V. Jones: Where it applies!

Mr PEARCE: A member of a union can be protected as can the Minister for Education, the member for Pilbara, or a housewife. Everyone is protected equally. That is what consumer protection is all about. I have not heard the member for Pilbara suggest that the Consumer Affairs Bureau should be given authority to determine industrial disputes between unions and employers, Governments and unions, or, indeed, Governments and employers. No-one has suggested that. I did not hear the member for Pilbara suggest it.

Mr B. T. Burke: He is a dill.

Mr PEARCE: That is a fair summary of the member for Pilbara who is clutching at straws now.

Mr Sodeman: I must bow to that description. It comes from an expert!

Mr PEARCE: He is certainly clutching at straws. Members opposite indulge in straw clutching whenever a serious matter affecting the whole community is involved. They always shout about unions and then indulge in union bashing. If that does not work they refer to "commos". The member for Gascoyne is one of the prime offenders in this regard. Next we will hear there is a Communist newspaper which has spoken out in favour of consumer protection. It was almost a return to the old days to have the Communists mentioned as being the cause of the ills in our society. It gave me quite a feeling of *deja vu* or nostalgia for the old days.



To summarise my comments, I wish to state that the Government does not have a good record on consumer protection. In fact it has a bad record and I can quite understand the reasons which I have outlined fairly clearly. I would like the members for Cottesloe, Pilbara, and Murchison-Eyre to get up on their feet in defence of their Minister and the Government's record in this area. I do not really expect them to do so tonight or this side of the election. However, if they are honestly and sincerely intending to vote in favour of the Government tonight, we are entitled to hear their reasons, if any.

**DR TROY (Fremantle)** [10.20 p.m.]: I would like to speak to the amendment concerning consumer affairs and, in particular, I would like to deal with the Legal Aid Commission.

Before I proceed I would like to indicate that having talked to one or two *Hansard* reporters, I have been made aware that at times they have difficulty in hearing me. In other words, unless dead silence prevails, they have a problem. I know that when I refer to the nationalisation of the mining industry, the member for Pilbara has no difficulty in hearing me, but apparently when I am talking on other subjects it is a strain.

**Mr B. T. Burke:** The member for dillbury!

**Dr TROY:** Such remarks on the mining industry are bound to get a response from someone who speaks on behalf of vested mining interests.

I see that the microphone has been placed at my disposal, but if the *Hansard* reporter has any problems I will be happy to help.

The particular aspect of the operation of the Legal Aid Commission with which I would like to deal concerns the case recently before the courts when two people—K. Mason and R. Donovan—were accused, charged, and tried for a very serious crime; that is, rape. The circumstances surrounding the case are interesting and are worth relating.

K. Mason was offered legal aid, then it was withdrawn. The letter from the commission reads, in part—

... having regard to the question of legal merit and other circumstances, the expenditure of funds for your representation on a defended trial would not be justified.

That man languished in gaol for five and half months before he eventually came to trial. His alleged partner in the crime—one Mr Donovan—also applied for legal aid and was offered it provided he would plead guilty to the charge. In both cases the bail set was high and

neither man could afford it, so both spent five and a half months in custody.

Here we have a case involving a consumer applying for the expenditure of funds over which the Government has direct control and a serious state of affairs exists.

I might add that at the last moment both these people were defended by a lawyer free of charge and the outcome of the case draws attention to the alarming situation. The attitude of the LAC was wrong. The outcome was that both men were acquitted by a unanimous decision of the jury.

A number of issues are involved. It is no credit to the Government and its directions—whether official or otherwise—to the LAC that a serious miscarriage of justice did not occur.

Credit must be given to the Council for Civil Liberties. I would like to read a letter sent by the secretary (Mr Brian Tennant) to the newspaper because it aptly sums up the case. The letter reads as follows—

The acquittal last week of two men charged with an offence carrying a maximum penalty of life imprisonment highlights a disturbing feature of the legal aid system in this State.

Both men had applied for legal aid to enable them to engage a lawyer to defend them at the trial. Their applications were refused, not on the basis of means, but on the ground, in one case, that "the proceedings are not likely to be determined in a manner favourable to you", and in the other that "having regard to the question of legal merit and other circumstances, the expenditure of funds for your representation on a defended trial would not be justified". To add insult to injury, one of the applicants was offered legal aid for a plea in mitigation should he decide to plead guilty. He did not succumb to that temptation.

Apart from the fact that the Commission's assessment of the case was quite inaccurate, it is astonishing to think that legal aid should have been refused simply on the basis of the Commission's view of the applicants' guilt. As events have shown, the Commission is in no position to assess an applicant's guilt, and it has no business attempting to do so. The question of guilt, is one solely for the jury after all the evidence has been presented and the witnesses tested by cross-examination.

These men faced certain prison sentences if convicted. They had professed their innocence throughout and were entitled to have their case properly put to a jury. The

fact that their chances of acquittal looked bleak was all the more reason that they needed to be represented by counsel. The seriousness of the charge alone should have assured them of legal aid.

Presumably the Commission has decided to allocate aid on the basis of its own inadequate assessment of the applicant's guilt because of shortage of funds. If that is the case, the government must act immediately to ensure that adequate funds are made available. But whatever the reason, the criterion used by the Commission is an affront to our whole concept of criminal justice and must be abandoned before a serious miscarriage of justice occurs, if one has not already occurred.

That is a fine letter.

The incident poses several questions and one of them concerns the operation of the commission. It is fairly clear from all the details of the case that the Government is starving the commission of funds. Secondly, and probably more importantly, the commission is carrying out the function of judge and jury. It is prejudging cases and therefore is prejudicing the operation of the law as it ought to apply; that is, equitably to every citizen in the country.

It is also clear that under our legal system we have one law for the rich and another for the poor. In addition it clearly demonstrates the class bias of our legal system.

I have raised this matter in the debate for the simple reason that the two people involved were consumers, if we like, of legal protection, but they were failed dismally by the Legal Aid Commission as a result of the attitude of the Government which is starving this particular organisation of funds.

Amendment put and a division taken with the following result—

Ayes 18	
Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Tonkin
Mr H. D. Evans	Dr Troy
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman

(Teller)

Noes 28	
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Shalders

(Teller)

Pairs		Noes
Mr Taylor	Mr Sibson	
Mr Bryce	Mr Blaikie	
Mr T. D. Evans	Mr Mensaros	
Mr McIver	Dr Dadour	

Amendment thus negated.

#### *Debate (on motion) Resumed*

**MR H. D. EVANS (Warren) [10.33 p.m.]:** With the opportunity afforded by the Address-in-Reply, there are several matters I would like to raise. A number of them are somewhat parochial in outlook, but they have a rather general application. The first of these is the fixed charge as presently applied by the State Energy Commission.

Mr Davies: A 412 per cent increase.

**Mr H. D. EVANS:** The Opposition has drawn attention to the inequity of these charges as they apply to certain groups, and in particular, as they apply to pensioners. Recently I have been approached by several organisations who perform very worth-while services in the community about this fixed charge. These groups include the Girl Guides Association, the Scout Association, and certain youth organisations. These organisations must pay the fixed charge in regard to their own halls, and it is becoming increasingly difficult for them to operate.

As every member in this House knows, the costs of every facility has escalated dramatically. In reply to a question asked by my colleague, the member for Canning, on the 5th April this year, he was informed that the fixed charge had increased as follows—

1st November, 1971, increased to \$1.20 per quarter.

1st August, 1974, increased to \$1.50 per quarter.

13th January, 1975, increased to \$1.80 per quarter.

1st July, 1975, increased to \$2.04 per quarter.

1st July, 1977, increased to \$6.00 per quarter.

1st July, 1978, increased to \$7.50 per quarter.

The rate of increase as indicated in the answer far outstrips the rate of increase in the costs that the SEC faces, and certainly it outstrips the rate of increase in wages and salaries.

It is rather hard to defend the imposition of a charge of this sort on voluntary groups. The fixed charge is being used as a taxing measure on the old-age and invalid pensioners. So it is not surprising that the Opposition has made its view clear that, upon becoming the Government, it will do away with the fixed charge and revert to the policy of the consumer—that is, the person using the electricity—paying for it. In this way a fixed charge would be avoided.

I could not allow this opportunity to pass without mentioning the Midland abattoir, especially in the light of certain Press articles and statements made by the Minister for Agriculture that the rather traditional Greek tragedy conclusion to which the abattoir is slowly grinding is fairly close at hand. It is rather appropriate to raise this question now, particularly as we have some farmers in the House. It might be interesting to see whether we can evoke a reply of some sort from one or two of them.

Mr McIver: Don't bank on it.

Mr H. D. EVANS: It will be most interesting to hear the valedictory to this abattoir. I could certainly produce an epitaph that would be at least appropriate and indicative of the mismanagement of this Government and its predecessors over a period of many years. I could point to the cost that the taxpayers and the meat producers of this State have been subjected to over a very long time.

The most recent statement made by the Minister has cleared up, to a small degree, a number of the questions asked during this session. In today's edition of *The West Australian*, the Minister has indicated that the pig floor will close on the 1st June. With a gradual strangulation, the operation at Midland has been reduced to the pig floor only.

This has certainly evoked a considerable amount of discussion in the Press, but I am afraid that in the discussion the overall problem and concept have been lost sight of. There has been no appreciation of the implication of the overall situation. I have said before, and I will say again,

that the policy of this Government has been to dispose of the service abattoir at Midland, and it has almost achieved that objective. As well as announcing that the pig floor will close on the 1st June, the Minister said—

It (the pig floor) would be kept on the same care-and-maintenance basis as the mutton and beef floors—

There is no way that the abattoir will remain on a care-and-maintenance basis, whether for the lamb and sheep season later this year, for pigs, or for beef.

Let us consider the beef situation. Last year a further export licence was allocated to an export company. This action was not taken in the interests of the industry, but rather in the political interests of those opposite and, I repeat, against the interests of producers. Those on the other side of the House who represent producers should hang their heads in shame at what they have allowed to transpire. We saw that transaction put the coffin nail in the operation of the meat floor at Midland, and without a beef floor, no abattoir can function economically.

Mr Old: Of course it can't.

Mr H. D. EVANS: Economic viability is brought about through the rendering works, and that comes through the operation of the beef floor. The first step was to close the beef floor at Midland and that step was taken surreptitiously and shamelessly. To suggest that the beef floor can open against competition from other abattoirs is somewhat ludicrous.

There is no way that the mothballs can be brushed aside and the abattoir put into operation for the lamb and sheep season of 1979. For a start, the practical difficulties are too great. The cooling systems present difficulties; if ammonia gas is allowed to stagnate in the pipes, it is not many months before the system is no longer operational. It is as simple as that. So one difficulty is the machinery and plant.

I asked the Minister a question as to what measures are being taken by the commission to ensure the availability of skilled operators in the event of the Midland abattoir being open for the lamb season. The reply was that the commission would look at this matter if the necessity arose.

Mr Old: What do you think we should do—keep them there doing nothing?

Mr H. D. EVANS: The Opposition has been spot on in its remarks about the Midland abattoir.

Mr Old: We have heard the same story so often I could recite it to you.

Mr H. D. EVANS: There has been a lack of administration, and a complete incapacity to—

Mr McIver: Ask your colleagues what he did when he was a Minister. They will tell you, if you are not sure.

Mr H. D. EVANS: There is no way that skilled workers can be brought back to Midland for a seven-week season.

If these people are brought out of some other industry by incentive payment it will take at least a month for the problems to be ironed out and for the plant to be running smoothly again. When slaughtermen go north, it takes them at least a month to regain their dexterity with the knife, and it would take a similar period before Midland would be rolling again. This would be right in the peak of the lamb season.

This is the stupidity of the Government's approach, and it expects people to swallow it. The Government expects the farmers to sit back and take it. This matter is of real importance to the farmers, as it was in 1968 and 1969 when the absence of abattoir space cost the producers of this State about \$14 million over two years. This was the claim of the Chairman of the Australian Meat Board when he attended the carcass competition in Western Australia. So, it is not only my opinion but also the opinion of one of the most authoritative people in Australia.

Mr Old: You have changed your mind about him, have you? That is not what you called him a while back.

Mr H. D. EVANS: This Government's inaction means that the producers will go through that same shortage of abattoir space once again.

It is estimated by the Minister it will cost some \$2.5 million a year to keep Midland abattoir on a care-and-maintenance basis. This situation has arisen because of the stupidity and ineptitude of this Government, which claims to be an outstanding organiser and manager. Because of this Government's ineptitude, \$2.5 million each year will go down the drain on the care and maintenance of Midland abattoir. That is something even this Government could not stomach; certainly, the public will not tolerate it. So, as I predicted about two years ago, the simple fact is that Midland abattoir is due to go. I know that \$2.5 million is only chicken feed to this Government; it is only a high school or two, chicken feed in comparison with what the Government has wasted up there to date. But even this Government cannot allow the situation to continue much further. Having got to this stage, the Government will use this as the excuse. It will say, "The economics of the situation do not

support keeping the abattoir open", just as it did with the Morawa-Meekatharra railway line.

The Government is adopting the tactic of allowing the situation to develop whereby the economics of keeping the abattoir open cannot be defended.

It is surprising that those who have given political loyalty to the Government for so long have continued to give that loyalty for no return. However, if we took some members opposite and put their hands in a vice and screwed the vice to close it at the rate of one turn a day they would say, "That is all right, as long as it is a Liberal-Country Party Government doing it."

I turn now to the question of the pig floor. Midland abattoir is the only abattoir in this State which has American DIA approval for export. This brings with it a series of problems. It is not only a matter of export to the United States but also of export to other countries which adopt American DIA standards.

As the first disability, that brings us to the second, which is that no other abattoir can handle the large pigs—the choppers in excess of 350 lb, and the boars.

Mr Old: Who told you that? Are you sure of that?

Mr H. D. EVANS: Midland abattoir is the only place which can handle them without referring back to the beef floor.

Mr Old: Are you sure of that?

Mr H. D. EVANS: That is my information, and I have checked it several times.

Mr Old: It is wrong.

Mr H. D. EVANS: I will look to the Minister for further enlightenment because this information came from someone who is engaged in the trade. Unless they use the beef floor at Tip Top, Midland abattoir is the only place which can handle the large ones.

Mr Old: That is not right.

Mr Skidmore: It is not right.

Mr H. D. EVANS: I am sorry. The pig floor was removed from Robb Jetty and set up at Midland for the express purpose of handling the large animals.

Mr Old: Watsons can handle the choppers and has undertaken to handle them. Did you check with that company?

Mr H. D. EVANS: The corollary to that, of course, is that Watsons still does not have American DIA approval.

Mr Old: Are you sure of that?

Mr H. D. EVANS: This is a fact; Watsons does not have that status.

Mr Old: I have news for you.

Mr H. D. EVANS: In addition to that, I placed a number of questions on the notice paper, not the least of which queried the total killing capacity for pigs in Western Australia and the numbers which had been killed on an average weekly basis over the preceding 12 months. I believe problems will arise in regard to pig killing space. Some of the smaller operators now are on the threshold of being forced out of business.

Mr Old: No they are not.

Mr H. D. EVANS: That is not what was told to me by one of the operators.

Mr Old: Tip Top has increased capacity, and so has Watsons—plenty of it.

Mr H. D. EVANS: Is it assured, satisfactory and convenient, and how long can this individual depend on it? He does not think so.

Mr Old: The same individual was told the situation, and was given the figures.

Mr H. D. EVANS: I wonder then why this letter was forwarded to the Minister with a copy going to the Premier and to the Leader of the Opposition, calling for a meeting and setting out the difficulties? The letter was dated the 18th April, 1979, and concerned the intended closure of the Midland abattoir pig floor.

Mr Old: Was the meeting held?

Mr H. D. EVANS: Yes, as far as I know; however, the results were not very satisfactory.

Mr Old: They went away quite happy.

Mr H. D. EVANS: This is another of those situations the Government is most adept at creating. It started off by saying, "We will leave the floor open." Then, after it had had the support of the operators for some time, it turned around and said, "Perhaps we will close it."

Mr Old: That is not right.

Mr H. D. EVANS: Two of the largest operators then cut their losses—

Mr Old: You know that is not right; get it in its proper chronological order.

Mr H. D. EVANS: When at the same time the concessions were added, they changed their way of business. That is about the bungling which occurred.

Mr Old: That is not right, and you know it.

Mr H. D. EVANS: So, the pig industry—which is only the smaller portion of the operation at Midland—is going to end, and we

have "Vale Midland". The question must now be, "Whither next?" or, "Quo vadis?"

I wish to refer the House now to some agricultural projections which have been made for the next 20 years and which reflect on our need for abattoir space, the number of firms operating in this area, the work force, and other relevant factors. It can be seen there will be an increase in the requirement for labour in this sphere of activity. The projections relate to cleared land in Western Australia. In 1960-61, some 10.2 million hectares were cleared for agriculture in Western Australia. This increased to 15.4 million hectares in 1975-76. The projected figure for 1985-86 is 17.8 million hectares, while by the year 2000, it is anticipated that 21.5 million hectares will be under production. So, in the 40-year period from 1960-61 to the year 2000, it is expected that the arable land under agriculture in Western Australia will treble.

This in turn reflects on all the products Western Australia produces. It means, too, there will be an accompanying demand for services and facilities of all kinds if this increased production is to be handled. We must bear in mind that within four decades we will see a 104 per cent increase in production; in fact, we are almost half way through that period, because 1980 is just around the corner. It is true that farm sizes will have a tendency to increase. Holdings over 2 500 hectares have risen, and the total number of holdings in Western Australia fell by 16 per cent. However in the four years prior to 1976-77 the number of rural holdings rose by 11 per cent. This trend will also reflect in increased production.

There are interesting areas of conjecture with regard to the production of crop and livestock; namely, sheep, beef, and pigs and the associated use of fertiliser and everything else which implies a requirement for abattoir space. These are all matters which must be considered. The period of conjecture is something like only three or four decades, yet here we have the Government winding down its service abattoir at Midland. It leads me immediately to think of the future of Robb Jetty. That abattoir must meet the problem of effluent disposal by, I think, 1984.

Mr Clarko: That is an important year.

Mr H. D. EVANS: It could well be, on many counts; I hope the member for Karrinyup will bear that in mind. It will be essential for the authorities to install an updated effluent disposal system at Robb Jetty by that time; in fact, it will be mandatory. If the situation at Robb Jetty is anything like the shambles at Midland, this will involve many millions of dollars. There is no pig

floor at Robb Jetty, and no provision for one. So, immediately the producers will find their service abattoir facility has been cut back to that extent. It is up to the producers to take their own stand and determine what they will do as they think best.

I was rather interested to hear the Minister mention that he favoured country sales. I do not know whether he is correct on this one; I suspect he is not at the moment. However, it will cost this State a large amount each year to run the saleyards at Midland with the abattoir on a care-and-maintenance basis and with the need for an effluent disposal system.

Mr Acting Speaker (Mr Crane), I know you will be interested to hear some of the figures relating to maintaining the Midland saleyards. They show that the total cost of operating the saleyards in 1977-78 was \$584 969 which, in effect, represented a substantial loss of \$243 037. Thus, with the saleyards operating in the same locality as the Midland abattoir, which will be on a care-and-maintenance basis and therefore will not be able to provide the normal services, that loss will increase even further and, with the care and maintenance of the abattoir costing some \$2.5 million annually, and the saleyards showing a healthy loss, the Government will have created a situation whereby it can say, "Look at the economics of the situation." The situation has arisen due to the Government's almost criminal negligence.

Sales in country areas therefore must be considered more closely. At this time, it is questionable whether it would be an improvement to have sales in country areas because, as members know, Midland abattoir has long provided the yardstick against which prices at country sales are measured; this has provided the practical comparison which most producers use, and it is upon this price that they arrive at the decision of whether or not to sell. This also applies to stock firms.

Mr Old: Do you think the location dictates the price? Do you believe that if the saleyards were shifted 60 miles out, it would alter the price?

Mr McIver: That is about the place to shift it—60 miles away.

Mr H. D. EVANS: I would like to clarify some geography for the Minister. If he moves a major saleyard 60 miles further out he will move it 60 miles further from the metropolitan area and this will be reflected in the costs. How silly can the Minister get? The only solution he can look to would be a series of sales in country areas upgraded by existing ones. The system as it exists

would act against the interests of the producers. Even the Minister should have the sense to see this.

This brings me to the point of the Governor's Speech and his contribution with respect to agriculture. If there was ever a more barren Governor's Speech in regard to the field of agriculture I have yet to hear it. The total absence of reference to legislation other than in respect of administration left me cold. Legislation with respect to plant diseases and fruit fly is to be introduced again but, in respect of agriculture, as the opening line shows, all the Speech has to say is, "The graph of Western Australia's rural fortunes is now rising in a gratifying fashion." Had it not been for "someone up there" smiling on us and improving the fortunes of Western Australian farmers, nothing would have been done to benefit them. For a Government in its final year of this term of office this legislative programme is a shocking indictment—it is as shocking as its management of Midland. Worse than that, we find that what its colleagues have done in Canberra—not the least of which is dealing with fuel—has been accepted. The increase in the price of fuel as far as the farmers of Western Australia are concerned is the worst sellout of all. When the Whitlam Government made certain changes, was there not an outcry?

Mr McIver: It was a sin!

Mr H. D. EVANS: Of all the changes the Fraser Government proposed, the only one which came to pass was an assurance on the super bounty, and the pensioners suffered for 12 months to make up for it.

For starters, the Fraser Government has broken its promises in regard to the Rural Bank. All those changes such as in regard to taxation structures introduced by the Whitlam Government have not been changed. Were they really so heinous and unbeneficial to the farmers of Western Australia? If so, why have they not been changed by members opposite and their colleagues in the Eastern States?

Several members interjected.

Mr H. D. EVANS: Tax changes have been imposed by the Fraser Liberal-Country Party coalition Government. None of the Whitlam Government alterations have been rescinded.

Mr McIver: It will cost them plenty now.

Several members interjected.

Mr H. D. EVANS: What about things such as wheat stabilisation and the floor price for wool? The latter was the biggest single change since

World War II. A sum of \$200 million was given to assist the industry.

Mr Shalders: At least we do not have the gall to say it is in the pipeline like other members have.

Mr B. T. Burke: Don't tell lies.

Mr H. D. EVANS: If farmers do not think they have had it bad enough they have now to contend with increases in the price of fuel.

Several members interjected.

The DEPUTY SPEAKER: Order! The member for Avon is rather enjoying himself with cross-Chamber chatter with the member for Greenough and I think we have had sufficient of that. We should respect the member on his feet and let him say his piece.

Opposition members: Hear, hear!

The DEPUTY SPEAKER: Order! I am still on my feet. The member for Warren.

Mr H. D. EVANS: Farm fuel bills rose by a massive 24 per cent in the 12 months to September, 1978, outstripping all other costs. That was in a one-year period and that is only the start. I thought the Minister was going to do great things. I thought he was intending to go to Mr Anthony and make a great showing and present a case for rural dwellers in Western Australia in a very forceful manner.

But what do we find? A Government report of February last has warned of some serious effects of the Budget oil price rise. These include a fall in the rural work force of 2.8 per cent, a decline in output of export orientated agricultural industries of between 0.9 per cent and 1.8 per cent and a lowering of income from export-orientated farm industries of between 6 per cent to 8 per cent.

Every member in this House knows that every single commodity taken on to or off a farm is subject to some cartage cost. That cost is dictated to some extent by the cost of fuel. So it is not the cost of operating machinery on farms alone; it is the cost of every single thing utilised in any way in the course of production.

It is not only the lamentable barrenness of the indications in the Governor's Speech; it is the contributing difficulties which have been occasioned by the present Federal Government that are going to make rural industries in Western Australia virtually untenable.

The further two points to which I wish to make reference I have raised earlier by way of questions. One involves another apiary disease in Kashmir virus which has been established in Queensland, New South Wales, and South Australia. The Queensland infections were

detected between November, 1977, and March, 1978. Kashmir virus is another of those diseases which, if we get it in Western Australia, will wreak havoc on the apiaries and of course the apiarists in Western Australia.

The European foul brood disease was the one that occupied some prominence towards the latter part of 1978. Certain measures were introduced by way of preventing the importation of bees, bee material and honey. The question of Kashmir virus is one that is indicative of the need for continued vigilance, because this disease has been in existence in the Eastern States for some time and both diseases are capable of wiping out apiaries.

There is no doubt about it, the Nullarbor Plain is a great saviour in many regards as far as pests are concerned in Western Australia. Kashmir virus is prevalent at the present time and this reinforces the need for the restrictions as they operate to be relaxed only after very great caution and very exhaustive studies.

If diseases such as these two become rampant the possibility of reducing them would be virtually nil. There are so many wild hives throughout the bush of Western Australia that they would be virtually impossible to control. If it got to the stage of wiping out the bee population, that would be only the start of it. As has happened in America, operators are providing a bee service. These people move onto sites with hives and bees purely for the purpose of pollination and make a charge for so doing. It is a multi-million-dollar industry and if it ever gets to that stage in Western Australia, heaven forbid. It would mean not only tremendous increases in costs to rural producers, be they concerned with any aspect of rural production, but it would mean also a greater degree of uncertainty as far as production is concerned. It is for that reason I re-emphasise the need for eternal vigilance.

The final point is of a more parochial nature and is in connection with tourism in the south-west. The Department of Tourism is certainly insufficiently supplied with funds to achieve the development which is going to be necessary to bring about a tourist industry of the sort that is envisaged and spoken about in many quarters. At the present time, going back to the last Estimates of expenditure for the year ending the 30th June, 1979, we find that of the \$3.311 million allocated to tourism only \$350 000 is earmarked for grants and advances for tourist facilities. From this figure has to be supplied funding for a vast range of tourist facilities such as boat ramps throughout the length and breadth of the State. Facilities of virtually every type are needed.

The officers of the department are working well; there is no question of that. The director (Mr Semmens) runs a good ship but he has limitations in funding that no matter how good an operator an administrator is he just cannot overcome the full problem of insufficient funding for the projects that must be undertaken.

There are two projects to which I would like to make reference. The termination of the Donnelly River mill means there is a possibility there of a tourist settlement. It has been examined by a committee, and the Tourist Advisory Committee at its last weekly meeting visited the area and is well aware of the project. At this juncture it is now a matter of awaiting developments and projects from the Forests Department before something finally can be brought to the planning stage. This is one project I think everyone in the south-west will be interested in, because it has implications and ramifications for virtually the whole of the south-west.

The other matter is the railway line between Pemberton and Northcliffe which is under a cloud at the moment as it is one of the nine lines listed in the SWATS report for further examination. This line runs through some of the finest timber country and examples of flora in Western Australia. It is one of the most picturesque, scenic railways this State could ever hope to provide. It travels over five separate bridges, the highest of which would be approximately 120 feet. It has cement pylons which carry girders which are spaced at about six inches with 10-inch sleepers. As I have said, the line travels over five bridges, which makes it rather unique and if the line is closed and pulled up, it could never be replaced.

I have referred the matter to the Minister for Tourism and the Minister for Transport. While I admire the ability of the letter writing of the secretary and the sympathy engendered in the wording, it did not get me very far. No attempt was made to take any initiative despite the uniqueness of the line.

At this juncture the full correspondence has been sent to a private firm and it is possible that it will have sufficient interest to take the matter up as a project. If this does occur it is to be hoped that Government departments will co-operate and ensure that the proposition is feasible.

As I have said, the line is geographically ideally situated and runs parallel to the main tourist highway. Buses could offload passengers who could then make the train journey and be picked up at the other end. It could be run as a picnic excursion.

The line could be put to a variety of uses, but one thing is for certain: The line is unique to Western Australia because of the locality through which it runs and because of the nature of the line itself.

I am concerned because the railway unions are of the strong opinion that the line will be phased out. This will probably not be done before the next election but, at the same time, it is to be hoped that some undertaking can be given before then.

I thank you for your tolerance, Mr Speaker.

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

## JUSTICES ACT AMENDMENT BILL

### *Receipt and First Reading*

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

### *As to Second Reading*

MR O'NEIL (East Melville—Chief Secretary) [11.18 p.m.]: I move—

That the second reading of the Bill be taken forthwith.

By way of explanation I indicate that this is one of the Bills in the schedule to the motion passed recently. That motion allows the passage of the Bill before the Address-in-Reply is adopted.

Question put and passed.

### *Second Reading*

MR O'NEIL (East Melville—Chief Secretary) [11.19 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make two amendments to the Justices Act.

The first is to rectify a minor omission which occurred when the Act was amended in 1977.

One of the 1977 amendments was to make Family Court judges and certain acting judges, justices of the peace.

However, in the course of drafting that particular amendment, the previous reference in the Act to members of the Executive Council was overlooked. The Bill will rectify that omission, and back-date its provisions to the 7th November, 1977.

The second amendment concerns the acceptance of written pleas of guilty which can be tendered in Courts of Petty Sessions.



Magistrates have, by long-standing custom, accepted pleas of guilty by endorsement of a summons, or by letter, as an indication of the defendant's intention. There are no statutory provisions to sanction this action, and the amendment proposed in the Bill will give legal standing to this custom.

The ability of a defendant to signify his admission of guilt in writing, instead of by personal attendance at court in response to a summons, is seen primarily as being convenient to the defendant and, secondly, to any witnesses who might otherwise be called.

Safeguards are, however, provided. Even though a defendant may have made an endorsed plea of guilty, no sentence of imprisonment may be imposed on him in such circumstances in his absence.

Further, section 136A of the Justices Act provides machinery for the review of a decision made in the absence of a defendant, so that any person convicted in his absence would not be unduly disadvantaged.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

*House adjourned at 11.21 p.m.*

## QUESTIONS WITHOUT NOTICE

### TRANSPORT: AIR

#### *Fares: Intrastate*

1. Mr DAVIES, to the Minister for Transport:

- (1) What steps is he taking to prevent cuts in vital air services to areas such as Marble Bar, Halls Creek, Wyndham, Bunbury, and Meekatharra as a result of the recent 40 per cent rise in fuel prices?
- (2) What steps is he taking to moderate the effects of air fare increases on remote communities such as Esperance, Cue, Mt. Magnet, Wiluna, Marble Bar, Meekatharra, Halls Creek, and Wyndham?

Mr RUSHTON replied:

- (1) and (2) The issue raised by the Leader of the Opposition which relates to the increase in the price of fuel imposed over the last day or so, is under review by the Commissioner of Transport, and it is something which I am following through. We have a responsibility to ensure that reasonable intrastate services are provided at a reasonable cost, and we intend to pursue this objective. I was delighted we were able to achieve improved services in the areas served by MMA, with operations of decreasing charges and fares. The other matter raised by the Leader of the Opposition is before me, and I will see that every step is taken to ensure adequate services are provided.

## HOSPITAL

### *Wanneroo*

2. Mr HASSELL, to the Minister for Labour and Industry:

Did the Minister read a recent report, or did he hear a recent report via other media, in relation to the construction of the Wanneroo Hospital to the effect that an agreement had been reached between employers and unions which included the claim on the part of one side that they had achieved a great victory in the negotiations? Was the report correct, and if not, what is the position?

Mr O'CONNOR replied:

I have seen the report but according to the information I have it is not accurate. A joint statement issued today by the Confederation of WA Industry and the Trades and Labor Council states as follows—

The Confederation of Industry and the Trades and Labor Council today issued a joint statement concerning the resumption of work on the Wanneroo Hospital building site last Friday (April 27).

The confederation's Labour Relations Director, Mr. W. J. Brown, and the Secretary of the TLC, Mr. P. F. Cook, said in a joint statement: Both parties regret that some initial media coverage conveyed the wrong impression that

the settlement was a victory for one side in a battle.

Industrial relations generally suffers from the seeming lack of understanding by some of the news media in their interpretation of the facts in a dispute.

The settlement and subsequent return to work was not a 'victory' for either side—the terms of the negotiated settlement make this quite clear.

The settlement terms were agreed after protracted negotiations and entailed substantial accommodation by both sides of the other's viewpoints.

Under these terms, the Wanneroo Hospital site will be no different to any other building site in W.A.

Both parties have agreed that the express terms of settlement shall remain confidential in an endeavour to allow the site to revert to a stable industrial relations situation.

Mr Speaker, I was unable to ascertain whether that statement had been printed in today's newspaper, and I thought members should know the actual position.

## LOCAL GOVERNMENT

### *Party Politics*

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

In view of the Government's condemnation of party politics in local government, will she obtain and study the Wood report on local government to ascertain the manner and the extent to which the Liberal-National Country Parties have infiltrated local government and have used local government as a training ground for State Parliament?

Mrs CRAIG replied:

I understand that the "report" to which the member for Geraldton refers is more in the nature of a thesis. However, I am quite sure it will be studied by my department and in due course I will receive its comments. I cannot undertake to read the paper in its

entirety in the immediate future, but I am sure that at some time I will attempt to wade through it.

## TRANSPORT

### *Remote Areas*

4. Mr H. D. EVANS, to the Minister for Transport:

Has he approached the Federal Government seeking assistance for people living in remote areas of this State who face increasing transport costs as a result of price increases for petrol, diesel and aviation fuels?

Mr RUSHTON replied:

No, I have not personally approached the Commonwealth Government seeking the assistance to which the member for Warren refers. We have directed our attention to assessing the impact and ramifications of the recent fuel price increases, and will take whatever steps are necessary to ensure the public receive satisfactory service at a reasonable cost.

## TRANSPORT: AIR

### *Fares: Intrastate*

5. Mr CARR, to the Minister for Transport:

How does the Minister explain the inconsistency between the following two statements: Firstly, by the Acting Minister for Transport (Mr O'Connor) in January and February criticising the ALP campaign for cheaper intrastate air fares and stating the existing fare levels were fully justified and, secondly, his own comments in the last day or so expressing the view that further initiatives for cheaper air fares in Western Australia should result?

Mr RUSHTON replied:

From memory, the statements by the Acting Minister for Transport were spot on in that they referred to some incorrect information provided by the comments over the last few days related to MMA making a commercial judgment and offering a service in the hope there will be a response to its initiatives sufficient to permit spokesman for the ALP. My own comments over the last few days related

to MMA making a commercial judgment and offering a service in the hope there will be a response to its initiatives sufficient to permit further consideration to be given to improving the services and facilities provided by the company and the costs relating to those facilities.

### FUEL: SUBSIDY

#### *Fares and Farmers*

6. Mr H. D. EVANS, to the Minister for Transport:

Is it the policy of the State Government to endorse the fuel subsidy scheme for fares, as proposed by the Deputy Prime Minister (Mr Anthony) or the contention of the Prime Minister that it is difficult to justify special fuel subsidies to farmers because the rural sector is picking up significantly?

Mr RUSHTON replied:

I am not quite sure of the two points of view to which the honourable member refers, and I would ask him to place his question on the notice paper so that I can give it adequate consideration.

### POLICE

#### *Lockridge*

7. Mr TONKIN, to the Minister for Police and Traffic:

My question without notice, of which notice has been given, is as follows—

- (1) Is it a fact that there has been an epidemic of violence in Lockridge over the past few weeks, resulting in 40 smashed car windows and many assaults?
- (2) If those figures are not accurate, what is the exact position?
- (3) Will he, as a matter of urgency, arrange for more police to be available especially during the hours of darkness?
- (4) What plan does the Government have to combat the situation so that law abiding citizens can go peacefully about their business or lie undisturbed in their beds?

Mr O'NEIL replied:

I thank the honourable member for adequate notice of his intention to ask this question, the answer to which is as follows—

- (1) No.
- (2) Since the 1st April, 1979, there have been 16 reports—not 40—of broken car windows, and four assaults.
- (3) Yes. Additional patrols have been deployed to augment local police.
- (4) Police resources will be deployed to give optimum protection to all citizens.

### HER MAJESTY'S THEATRE

#### *Management Committee*

8. Mr DAVIES, to the Premier:

Would the Premier tell us when he intends to announce the names of the people who will comprise the committee which will be concerned with the management of Her Majesty's Theatre?

Sir CHARLES COURT replied:

I could not be precise about the matter, but the Minister is endeavouring to expedite it as much as he can. I hope the matter will be before Cabinet very soon.

### HOUSING

#### *Home Savings Grant*

9. Mr HARMAN, to the Premier:

I refer to question No. 583 on today's Notice Paper.

- (1) In view of the answer the Premier gave to the House today, does he not now agree that many Western Australians are adversely affected because the Commonwealth Government is not able to pay the home savings grant for nine months after the grant has been approved?
- (2) Does he not agree that many Western Australians are adversely affected because, in the cases where they seek bridging finance, they are faced with interest rates of some 13 per cent?

Mr Tonkin: Scandalous!

Mr HARMAN: To continue—

- (3) In view of this, and as the Premier now is aware of the position, will he take up this matter with the Prime Minister on behalf of those Western Australians who are suffering?

Sir CHARLES COURT replied:

- (1) to (3) In answer to the member for Maylands, he knows as well as any of us in this House that the matter to which he refers is not one under the jurisdiction of this Government.

Mr Davies: Neither are pensions, and those things.

Sir CHARLES COURT: For that reason, we need not have given any answer at all. However, we did remind the member of the fact that this is a Commonwealth matter. We also remind him of what is virtually common knowledge around the town, that if anyone does have this grant approved, there is machinery available if he so desires. I am not suggesting people should use it. I do not advocate that they should have to use bridging finance. I know that my colleague, the Minister for Housing, keeps closely in touch with these things. I would be surprised if he himself is not in touch with his counterpart in the Commonwealth Government to ensure that an easing of the situation takes place, if in fact there is the bottleneck to which the member refers.

#### EDUCATION: SCHOOL

##### *Hampton*

10. Mr TONKIN, to the Minister for Education:

I might say that the reason I am asking this question, despite the one on notice, is that I did receive representations from many parents who were very concerned since the question on notice was formulated. Although this question may seem fairly similar to the question on notice, in fact it goes further. I believe the Minister has received notice of the question, which is as follows—

- (1) Did he receive a letter dated the 20th April, 1979, from the Hampton Primary School Parents and Citizen's Association?

- (2) Is he aware of the unsatisfactory conditions at the school, relating in particular to the lack of toilets, the unhygienic state of the toilets, the ungrassed nature of the playing grounds which makes the children's clothing filthy, the urgent need for reticulation and the great heat experienced in the demountables which are unsuitable for classrooms?

- (3) Will he receive as a matter of urgency a deputation from the Parents and Citizen's Association?

Mr P. V. JONES replied:

I thank the member for Morley for some notice of this question. The answer is as follows—

- (1) and (2) Yes, I have received a letter. Indeed, I have received a lot of letters in relation to the Hampton Primary School, largely as a result of a circular sent around by the secretary of the P & C Association, to whom I have replied directly regarding all these matters.

Mr Tonkin: In reply to that letter?

Mr P. V. JONES: I have replied directly to the secretary of the P & C as a result of all the letters. I have not replied directly to the letter dated the 20th April yet because it did not reach me on the 20th April.

- (3) In relation to the third part asking will I receive a deputation as a matter of urgency, the answer is, "Yes, I will." I think the member would find that it may be better for the P & C to wait until the survey which is being carried out at the present time is completed. When that is done, I would be only too happy to discuss the results with the parents and, in fact, visit the school at a mutually convenient time.

#### HER MAJESTY'S THEATRE

##### *Management Committee*

11. Mr DAVIES, to the Premier:

I ask the Premier a question supplementary to the question I just asked regarding Her Majesty's Theatre. In view of the fact that it is now some

three months since he made the initial announcement regarding the management of the theatre, and in view of the fact that his earlier reply gave us little hope that an announcement would be made for at least some weeks, and considering that once the names are announced the committee will take some further weeks to become operative, how are the entrepreneurs, promoters, and groups who wish to use the theatre up to two years and more ahead of the present time to make inquiries regarding bookings, and hopefully to make some arrangements regarding the hiring of the theatre for the required periods?

Sir CHARLES COURT replied:

In answer to the Leader of the Opposition, the facts are that the Government wants to bring the theatre into operation as soon as practicable. It is not an easy matter when an old theatre like that one is modernised, at the same time retaining its character. We are determined that when the theatre is put into operation, it will be a credit to the community, not only now but for years into the future.

Mr Davies: That is not related to the question.

Sir CHARLES COURT: It is related to the question because we do not wish to make decisions prematurely about the management and the details of the advisory committee, because there is no urgency. Anyone who has business with the theatre now or wants to do business with the theatre in the future has easy recourse. First of all, Mr Townsing is readily available to anybody; and the people in the theatrical business know that. If they do not find that access adequate, there is recourse also to the Minister for Cultural Affairs, and there is access also to me. I have not found any of these people reluctant to make inquiries.

Mr Davies: But you still cannot make bookings for them

Sir CHARLES COURT: If those people want to make advance bookings, there are plenty of ways by which they can make application for them.

Mr Davies: They cannot get a hearing.

Sir CHARLES COURT: As far as I am concerned, we will make an announcement about the management agreement and the personnel of the advisory committee as quickly as possible. There is good reason for our not having done so to date. The Leader of the Opposition is drawing on his own imagination when he says that it will be some weeks—

Mr Davies: I am drawing on approaches that have been made to me.

Sir CHARLES COURT: —before we make any announcement. I do not know where he obtained that information.

Mr Davies: You just said so.

Sir CHARLES COURT: I have not mentioned anything about "some weeks". We will make the announcement as quickly as possible.

Mr Davies: You are too slow about the whole thing.

Sir CHARLES COURT: Nothing will convince the Leader of the Opposition. He is just trying to stir up trouble.

Mr Davies interjected.

The SPEAKER: Order!

Sir CHARLES COURT: This is a great project being carried out in a very competent way by a number of people. The people who will be most directly concerned are the local people who know very well what the conditions will be.

Mr Davies: You forget the ones who are contacting me.

Sir CHARLES COURT: If the Leader of the Opposition is saying that the local people who are going to use the theatre are contacting him, I would be amazed.

Mr Davies: They want bookings—

The SPEAKER: Order!

Sir CHARLES COURT: If the Leader of the Opposition would just shut up and listen for a moment, he would hear the answer.

Mr Davies: If you would give a decent answer instead of yak yak—

The SPEAKER: Order!

Sir CHARLES COURT: The people who will receive the greatest benefit from the theatre are the local groups—

Mr Davies interjected.

The SPEAKER: Order! The Premier will resume his seat. I ask the Leader of the Opposition to have some regard for the statement that I have made with respect to the answering of questions without notice.

Mr Davies: I will.

Sir CHARLES COURT: If the Leader of the Opposition is interested in the shows that Michael Edgley and others will bring from abroad, I want to tell him those shows are not our priority. We are interested in the local people.

Mr Davies: Who wish to get a booking. They have no-one to talk to, and you know it.

The SPEAKER: Order!

Mr Davies: I am sorry. I thought question time was over.

## LAND

### *Bicton Animal Quarantine Station Site*

12. Mr HODGE, to the Premier:

In view of the recent successful negotiations for the transfer of ownership of land at Woodman Point and Rottnest Island from the Commonwealth to the State, can the Premier now give me a report on the progress of negotiations for the transfer of the animal quarantine station at Bicton, the negotiations having been in train for at least six months that I am aware of? Can the Premier explain why the negotiations are taking so long?

Sir CHARLES COURT replied:

I want to report to the member for Melville that the negotiations are proceeding satisfactorily.

Mr Davies: Just like Her Majesty's Theatre!

## QUESTIONS ON NOTICE

## CONSUMER AFFAIRS

*Beer Prices*

542. Mr BATEMAN, to the Minister for Consumer Affairs:

In view of his answers to my questions 79 of Thursday, 6th April and 369 of Wednesday, 11th April, 1979, will he state clearly and in detail:

- (1) Why his department does not know the reason why hotels charge a greater percentage more for beer sold in Western Australian hotels than in any other State in Australia?
- (2) If his department does not know the answer, will he direct them to make enquiries from a competent department to obtain such statistics?
- (3) If "No" why not?

Mr O'CONNOR replied:

- (1) to (3) I have requested my department to initiate a detailed inquiry.

## COMMUNITY WELFARE: JUVENILE OFFENDERS

*Kalgoorlie and Boulder*

570. Mr GRILL, to the Minister for Community Welfare:

- (1) How many juvenile offenders have been brought before the courts in Kalgoorlie and Boulder during the last five years on a year by year basis?
- (2) How many of the aforementioned offenders were charged with vandalism or offences of a like nature?
- (3) How many offenders have been brought before the juvenile panel in Kalgoorlie and Boulder on a year by year basis?
- (4) How many juveniles were charged with breaking and entering and how many were charged with vandalism on a year by year basis?

Mr YOUNG replied:

- (1) The number of court appearances for Kalgoorlie and Boulder is listed below. The number of appearances is greater than the number of offenders in that some people appeared more than once in a given calendar year.

If the member so requires, the information could be extracted; however, this would mean examining all court lists for the past five years.

## Number of Appearances:

Year	Boulder	Kalgoorlie
1973/74	24	179
1974/75	26	189
1975/76	17	164
1976/77	3	130
1977/78	1	170
Total	71	832

- (2) There are six different offence codes recorded in children's courts and juvenile panels. Vandalism (wilful damage) is recorded as part of category one. Category one also includes: stealing; breaking, entering and stealing; unlawful use of motor vehicle; breaking and entering with intent; unlawfully on premises; interference with parts of a motor vehicle; unlawful possession of property; false pretences; wilful damage; receiving; arson; forgery and removing and damaging a boat.

The total number of appearances for category (1) for the last five years was—

Boulder	75
Kalgoorlie	793

Total 868

- (3) The number of offenders appearing before the juvenile panel is as follows—

Year	Boulder	Kalgoorlie
1973/74	—	7
1974/75	—	4
1975/76	—	7
1976/77	2	27
1977/78	—	33

Total 2 78

- (4) See also answer to question (2). To secure this information would mean examining court lists for the past five years. However, the numbers of appearances for category one on an annual basis are as follows—

Year	Boulder	Kalgoorlie
1973/74	22	206
1974/75	23	141
1975/76	26	185
1976/77	4	113
1977/78	—	148
Total	75	793

## HERBICIDE: 2,4-D

*Geraldton*

581. Mr CARR, to the Minister for Agriculture:

- (1) Is 2,4-D ethyl ester presently being taken into Geraldton in either or both 80% or 100% forms?
- (2) If "Yes" where precisely is it being unloaded and stored?

- (3) Has he received a request from a representative of tomato growing associations in Geraldton for a meeting of himself with Agriculture Department officers, tomato growing representatives and regional parliamentarians to discuss the usage of sprays in the 1979 season?
- (4) If "Yes" to (3), does he propose to agree to such a meeting?
- (5) What is the present status of the package of proposals put to a special public meeting in Geraldton earlier this year concerning usage of 2,4-D?

Mr OLD replied:

- (1) Yes.
- (2) It is being unloaded in Geraldton and stored on distributors' premises.
- (3) Yes.
- (4) Not at this time.
- (5) Regulations are expected to be gazetted at an early date to prohibit—
  - (i) the use of high volatile 2,4-D within 50 km of Geraldton;
  - (ii) the storage of high volatile 2,4-D within 19 km of Geraldton; and
  - (iii) the storage, except by permit from an authorised officer, of high volatile 2,4-D between 20 to 50 km of Geraldton.

## NATURAL DISASTERS

### *Earthquakes and Tremors*

582. Mr HARMAN, to the Minister for Mines:

- (1) What areas in Western Australia are considered to be fault free with reference to earthquakes and tremors?
- (2) How many earthquakes and tremors have occurred in Western Australia since records were first kept?

Mr MENSAROS replied:

- (1) There are many discrepancies between the distribution of known faulting and the distribution of earthquake epicentres so that each needs to be considered independently.  
Some seismically active areas apparently have no associated surface faulting, while elsewhere major faults are not seismically active. However, large areas of the State are among the most seismically stable in the world, and these include areas relatively free from geologically recent faulting.
- (2) Although instrumental monitoring has taken place since 1923, records based on acceptable modern instrumentation are only available since 1959 when the Commonwealth Government Mundaring Geophysical Observatory was established. Since 1959 more than 240

earthquakes with magnitudes equal to or greater than 3 on the Richter scale and with their epicentres in Western Australia have been recorded.

## HOUSING

### *Homes Savings Grant*

583. Mr HARMAN, to the Premier:

- (1) Is he aware that there is a delay of at least nine months in payment of the Australian Government home savings grant after the application has been assessed and approved?
- (2) Is he aware that this delay is possibly caused by the fact that the Budget provision for the present fiscal year has been over-expended?
- (3) Have a considerable number of Western Australian home buyers been adversely affected?

Sir CHARLES COURT replied:

- (1) to (3) Home savings grants are administered by the Commonwealth Government and inquiries on these matters should be addressed to the Commonwealth Minister for Housing and Construction. Local inquiries could be directed to the Director of the Commonwealth Department of Housing and Construction.

However, I am advised that applicants whose home savings grant has been approved and who have a letter of confirmation to that effect, may obtain bridging finance to the amount of the approved grant through at least one permanent building society.  
Hence, the applicant is not prevented from immediately proceeding to finalise a home purchase contract.

## SUNDAY ENTERTAINMENTS BILL

### *Details*

584. Mr BERTRAM, to the Chief Secretary:  
Reference to the Sunday Entertainments Bill:

- (1) When placing some restraint on public entertainment on days identified with religious observance:
  - (a) what are the various criteria which are applied;
  - (b) will he list the names of persons and organisations who during the last year:
    - (i) have been restrained from providing entertainment;
    - (ii) have been permitted to provide entertainment;



- (c) in each instance, what was the reason for the decision?
- (2) (a) Will he table or make available the overseas and interstate laws which the committee of Government officers examined;
- (b) if "No" why?
- (3) (a) What changes did the Government officers committee suggest and why;
- (b) which of these changes have already been implemented;
- (c) when and why?
- (4) How will the Bill simplify operations?
- (5) (a) In what respects has the existing system been untidy; and
- (b) why has the untidiness been tolerated for so many years?
- (6) Why has he discriminated against sport-recreation and religion by omitting them in the definition "Public entertainment or amusement"?
- (7) In precisely what circumstances will he invoke:
  - (a) clause 3 (2) (a);
  - (b) clause 3 (2) (b);
  - (c) clause 3 (3) (a);
  - (d) clause 3 (3) (b)?

Mr O'NEIL replied:

- (1) (a) The preservation of good order decency and the avoidance of nuisance.
- (b) (i) No application was refused.
- (ii) A list of those approved is tabled herewith.
- (c) The proposed entertainment satisfied the criteria.
- (2) (a) and (b) The information is available from the Parliamentary Library. References suggested are—
  - Sunday Entertainments Act, 1967 (Victoria);
  - Sunday Entertainments Act, 1966 (N.S.W.);
  - Sunday Observance Act, 1968 (Tasmania);
  - Places of Public Entertainment Act, 1913 (South Australia).

There is no Statute governing the subject in Queensland.

- (3) (a) The recommendations were—
  - (i) Consolidation of administration within one department, the Chief Secretary's Department.
  - (ii) A system of exempting promoters by substituting a declaration of permitted entertainment. For instance, it is contemplated that the showing of a family type film will be generally permitted between 12.30 p.m. and midnight on Sundays.
  - (iii) The practice of requiring promoters in some sections of entertainment to donate a percentage of their takings to charity be discontinued.
- (b) The condition requiring a donation to charity has been dropped.
- (c) As from 1st January, 1979, for the reason that it was being applied only to selected entertainments and was therefore inequitable.
- (4) By removing the need for unproductive clerical work on the part of community organisations, businesses and Government officers.
- (5) (a) A law which was part of the Police Act was in part administered by the Chief Secretary's Department.
- (b) Not known.
- (6) It could be regarded as offensive to describe religion as "public entertainment or amusement" and the Bill has no application to sport and recreation unless spectators are required to pay an admission charge.
- (7) (a) The exhibition of films other than restricted films on Sunday afternoons and evenings except where the day happens to be Christmas Day. An embargo would also apply to Good Friday.
 

It may be possible to include other forms of entertainment in the light of future experience.
- (b) Casual events such as special sporting events, balls and theatrical entertainment which were to be provided on a once only or irregular basis.

- (c) and (d) In the event of any permitted entertainment being conducted so as to conflict with the criteria for entertainment proposed to be regulated by the Act.

*The paper was tabled (see paper No. 153).*

## GOVERNMENT REPORTS

### *Private Consultants*

585. Mr BATEMAN, to the Premier:

- (1) Can he provide a list of private consultants who have been commissioned by his Government in 1978 and 1979 to make various reports?
- (2) What studies were they commissioned to undertake?
- (3) Can he further advise the individual cost to the Government for each report?
- (4) If not, why not?

Sir CHARLES COURT replied:

To answer this question with any assurance that the answer is complete, would involve a lot of research through all departments and instrumentalities.

It is suggested that this would not be warranted but, if the member has any specific areas about which he desires information, I shall endeavour to respond if he lets me know what he requires.

## POLICE: STATION

### *York*

586. Mr McIVER, to the Minister for Police and Traffic:

- (1) Will he advise if the York police station will be constructed as scheduled?
- (2) If "No" would he state the reasons?

Mr O'NEIL replied:

- (1) and (2) A replacement police station is listed in the Loan works proposals for 1981-82.

Although proposed works are projected three years in advance, it is not possible to predict precisely which works will be undertaken because unforeseen circumstances could alter priorities.

A new cell block and quarters for the officer-in-charge were completed in January this year.

## WATER SUPPLIES: CATCHMENT AREAS

### *Land Clearing: Licences and Area Approved*

587. Mr STEPHENS, to the Minister representing the Minister for Water Supplies:

- (1) In each of the declared water catchment areas respectively:
  - (a) how many applications for licences to clear land have been made;
  - (b) what area has been applied for;
  - (c) how many applications have been approved;
  - (d) what area has been approved?
- (2) Of the total area approved in each catchment—
  - (a) what area was virgin bush;
  - (b) what area was cleared timber;
  - (c) what area was part cleared and/or regrowth?

Mr O'CONNOR replied:

- (1) The figures recorded up to 27th April, 1979, are:

Mundaring Weir catchment area—

- (a) 4;
- (b) 85 hectares;
- (c) 3;
- (d) 81 hectares.

Denmark River catchment area—

- (a) 28;
- (b) 1 271 hectares;
- (c) 24;
- (d) 736 hectares.

Warren River water reserve—

- (a) 134;
- (b) 4 967 hectares;
- (c) 117;
- (d) 3 147 hectares.

Kent River water reserve—

- (a) 79;
- (b) 5 593 hectares;
- (c) 63;
- (d) 2 464 hectares.

Wellington Dam catchment area—

- (a) 241;
- (b) 9 438 hectares;
- (c) 213;
- (d) 4 726 hectares.

- (2) The figures recorded up to 27th April, 1979, are:

Mundaring Weir catchment area—

- (a) 1 hectare;
- (b) nil;
- (c) 80 hectares.

Denmark River catchment area—

- (a) 18 hectares;
- (b) 680 hectares;
- (c) 38 hectares.

## Warren River water reserve—

- (a) 219 hectares;
- (b) 2 816 hectares;
- (c) 112 hectares.

## Kent River water reserve—

- (a) 169 hectares;
- (b) 2 259 hectares;
- (c) 36 hectares.

## Wellington Dam catchment area—

- (a) 1 483 hectares;
- (b) 2 340 hectares;
- (c) 936 hectares.

## POLICE

*Boat Ramps in Cockburn Sound*

588. Mr BARNETT, to the Minister for Police and Traffic:

- (1) Is it a fact that police closed off all public boat ramps to Cockburn Sound on the arrival of the nuclear submarine USS "Tunney"?
- (2) (a) How many police were involved;
- (b) how many ramps were involved;
- (c) how long were the public barred from access to the ramps?
- (3) What justification was there for precluding the boating fraternity of the general public from exercising their lawful rights to fish and follow recreational pursuits during this period of time?

Mr O'NEIL replied:

- (1) Yes.
- (2) (a) 17;
- (b) 6;
- (c) 2 hours.
- (3) To facilitate the free manoeuvring of the submarine during berthing operations.

## GARDEN ISLAND NAVAL BASE

*Nuclear Powered Vessels and Trident Missiles*

589. Mr BARNETT, to the Premier:

- Is the State Government in favour of establishing the Garden Island naval establishment as a base for—
- (a) nuclear powered vessels;
- (b) Trident missiles?

Sir CHARLES COURT replied:

I am unaware of any such proposals. The base is designed to be a naval support facility under the control of the Commonwealth Government.

This State would naturally support any Commonwealth proposals which would enhance the defence of Australia, and particularly the Indian Ocean seaboard.

## METAL TRADES

*Pilot Programme*

590. Mr TONKIN, to the Minister for Labour and Industry:

When will the pilot programme in the metal trades and which aims to implement intensive training programmes be instituted?

Mr O'CONNOR replied:

I have just received advice in writing from the Federal Minister for Employment and Youth Affairs that this State's proposal for the introduction of a special intensive trade training scheme has now been considered by the national training council.

Mr Viner informs me that the national training council has recommended the introduction of pilot complementary trade training programmes in the metal trades in N.S.W., Victoria and Western Australia. This recommendation has Mr Viner's support.

In summary, this State's proposal for an intensive trade training scheme has not been accepted; however, pilot courses in the complementary trade training programme may get off the ground, subject to the Commonwealth Government and the national training council being more realistic about some of the guidelines. For example, at this time, the national training council recommends that no subsidy should be paid to the employer during the trainee's period of training on the job within industry.

## TRAFFIC: PEDESTRIAN CROSSINGS

*Schools: Formula, and Weld Square*

591. Mr TONKIN, to the Minister for Police and Traffic:

- (1) How long will the Government continue to use the schools crossing formula which uses the number of children walking to school in a hazardous situation as a prediction for the number who will walk to school when it is safe?
- (2) Has he received a letter from the Weld Square primary school parents and citizens' association dated 19th April and which draws his attention to the injury of yet another child whilst walking to the school grounds?
- (3) Will he urgently investigate the need for action in the matter?

Mr O'NEIL replied:

- (1) A set formula of vehicle v. pedestrian is not used in respect to school crossings. Each application is dealt with on its merits with due regard to the age of the child, speed of traffic, vehicle numbers, width of road and other environmental factors.
- (2) Yes.
- (3) Yes, the letter has been passed to the school crossings committee for investigation.

## EMPLOYMENT AND UNEMPLOYMENT

### *Job Displacement*

592. Mr TONKIN, to the Minister for Labour and Industry:

- (1) Will he make himself familiar with the Nora-Minc Report on job displacement which is referred to in question 302 of 10th April and which has attracted a great deal of interest throughout the world?
- (2) Will he make available to members of this House, preferably in a translation from the original French language, this report which is attracting such world-wide attention?

Mr O'CONNOR replied:

- (1) and (2) I will arrange for the matter to be investigated.

593. *This question was postponed.*

## EDUCATION: SCHOOL

### *Hampton*

594. Mr TONKIN, to the Minister for Education:

- (1) Adverting to question 171 asked on 5th April, 1979, have firm proposals with respect to the need for reticulation at the Hampton primary school yet been decided upon?
- (2) If not, when can action be expected?
- (3) If answer to (1) is in the affirmative, what are the details?

Mr P. V. JONES replied:

- (1) No.
- (2) I am advised that an investigation into the capacity of the bore to supply water to an additional area is to be conducted. Should this be possible, a design sketch and estimate will be prepared and the project considered for inclusion in the 1979-80 works programme.
- (3) Not applicable.

## LAND

### *Woodman Point and Point Peron*

595. Mr JAMIESON, to the Minister representing the Minister for Lands:

With reference to question 553 of 26th April, 1979:

- (1) Was not the price of the Woodmans Point land negotiated by the Hawke Government in its term of office?
- (2) Was not this negotiation tied up with the purchase from the Commonwealth of the Point Peron land for recreation purposes?
- (3) Is the Minister aware that the Commonwealth had made no payment prior to the time of the Hawke Government negotiations?
- (4) About what approximate date did the Commonwealth set up their quarantine activities on this site?
- (5) In view of the above questions of negotiations having taken place between 1953-1959, why is it such records are not now available?

Mrs CRAIG replied:

- (1) The land the subject of this question includes land used by the Commonwealth for both quarantine and Navy purposes. The department has not been able to trace any information on its available files which would confirm, or suggest, that the price of Woodman Point land was negotiated during the term of the Hawke Government.
- (2) No such evidence has been found on departmental files despite diligent search. The Commonwealth made Point Peron available for recreation purposes in 1964 at the price of £30 460 (\$60 920).
- (3) No. The facts of the question seem not to be correct. The Commonwealth Department of Administrative Services claims that 29.425 7 ha of Navy land was compulsorily acquired from the State for the sum of \$22 160 on 28th December, 1916. The Commonwealth also states that \$29 328 was paid to the State in 1928 for quarantine station land. This latter payment may have resulted from complicated negotiations between the Commonwealth and all States as recorded in the Financial Agreement Act No. 5 of 1928, assented to 2nd April, 1928, which related to State properties transferred to the Commonwealth under section 85 of the Constitution of the Commonwealth of Australia. Lands in Western Australia valued at £736 432 (\$1 472 864) were evidently set off against the public debt of the State.

- (4) Quarantine activities, according to Lands Department records, existed on the site as early as 1883 on Reserve 207 (since cancelled). The department has no record of the commencement of Commonwealth quarantine activities. The Commonwealth Department of Administrative Services, which has assisted these researches, has suggested it was about 1909.
- (5) No evidence has been produced by the Member to show that any price negotiations between 1953 and 1959 involved the Lands Department or for that matter that the Hawke Government negotiated the price of the Woodman Point land as claimed. It is usual, after land is freeholded, for Lands Department records to be destroyed in accordance with guidelines set by the Public Service Board in 1976.
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