Legislative Council

Thursday, the 23rd August, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

BILLS (3): THIRD READING

1. Dental Act Amendment Bill.
2. Radiation Safety Act Amendment Bill.
3. Skeleton Weed (Eradication Fund) Act Amendment Bill.

Bills read a third time, on motions by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The Legal Practitioners Act is primarily concerned with the admission of practitioners and the regulation of their conduct and, over the years, it has been amended on a number of occasions so that its provisions are kept up to date and the public are afforded the protection at which the Act is aimed.

The amendments proposed in the Bill are consistent with those objectives.

Section 79(4) prevents a practitioner from sharing any income with any person other than a certificated practitioner or his executors or administrators. This particular subsection was directed at the undermining of a practitioner's professional independence. This could happen, for instance, if unqualified persons were used to promote business for a practitioner in return for a share of the practitioner's fee or, more generally, if unqualified persons were associated with the practitioner in his practice, otherwise than as employees.

There is no other profession, trade, or occupation, so far as I have been able to ascertain, which has a similar prohibition against profit-sharing written into legislation.

It is a well-known fact that most self-employed persons can split the income of their trade or profession between themselves and other members of their families by taking them into partnership, and the amendments proposed in the Bill to sections 6 and 79(4) will permit the Barristers' Board to prescribe the cases and conditions in which certificated practitioners may share the whole or any part of their income with persons other than certificated practitioners or their executors or administrators.

I am advised that the Barristers' Board, in prescribing the cases and conditions—which will be in the form of rules—will undoubtedly exercise its usual care and circumspection so as to restrict the categories of persons with whom practitioners may share their income and so as to ensure that the practitioner will not thereby be relieved of his full normal requirement of professional indemnity.

It is envisaged that the sharing of income would apply to close relatives or others in a close relationship with the legal practitioner concerned.

In any case, the rules to be prescribed fall within the definition of regulations and will be tabled in Parliament and be subject to disallowance by either House in the normal manner.

It is also mentioned at this stage that this situation already obtains in New South Wales and Queensland, but in those cases it was not necessary to amend the law governing legal practitioners.

The second amendment proposed relates to amendments which were made to the Legal Practitioners Act in 1977. The Act which was passed in that year had two objectives; firstly, to allow an articled clerk to serve a portion of his articles with a practitioner other than the practitioner to whom he is articled, subject to the approval of the Barristers' Board; and, secondly, to permit the Director of Legal Aid to employ four articled clerks.

In both amendments a cut-off date of the 31st December, 1979, was inserted.

As this was explained at the time, it was believed that a legal education course would be in operation prior to December this year, and despite the fact that some initial progress was made with the proposal, it is now evident that the course proposed will not eventuate in the immediate future.

With this in mind, it is proposed to extend the operation of these particular parts of the Act for a further four years until the 31st December, 1983.

The proposed amendment to section 10(5) will have the effect of allowing clerks who are articled to either the Crown Solicitor of the State or the Deputy Commonwealth Crown Solicitor in this State, to be placed on the same footing as those articled to private practitioners.

This would mean that they must serve a period of one year in the office after admission before they can practise on their own account.

At present, clerks articled to the Crown Law Department are required to serve in that department for a period of five years after admission, before being entitled to practise on their own account. This restriction also applies to clerks articled to the Deputy Commonwealth Crown Solicitor in this State.

This provision was inserted some 25 years ago, at a time when the Crown Law Department was far less concerned with general legal matters than it is today. Articles in the Crown Law Department now include acquiring a familiarity with the work of the Titles Office, the Public Trust Office, the Companies Office, other offices, and the courts.

More importantly, however, instruction is now given in the areas of office management and accounts by way of formal lectures.

The Council of the Law Society of Western Australia has considered this question and agrees that the requirement of serving five years after admission should be abolished.

A reference has also been included in this section to the Director of Legal Aid. As a result of this proposal, section 10(4) becomes redundant and will be repealed.

The remaining amendment deals with the title of the office of secretary of the Law Society of Western Australia.

The Law Society recently adopted a new constitution and the officer formerly known as the secretary is now known as the executive director. The amendment proposed will formalise that title.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

CONSTITUTIONAL POWERS (COASTAL WATERS) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.47 p.m.]: I move—

That the Bill be now read a second time.

The Bill is part of a package of seas and submerged lands legislation which was agreed upon at the June, 1979 Premiers' Conference. The package of legislation will, when enacted, have the effect of returning the territorial sea to the State control and will resolve questions of State and Commonwealth jurisdiction in the off-shore area.

Members will be aware that the need for this legislation arose from the High Court decision in the 1975 seas and submerged lands case.

Before that time it had been assumed that the territorial sea belonged to the Australian States and not to the Commonwealth. The High Court decision that low water line was the territorial limit of the States has, since 1975, caused considerable inconvenience as well as altering existing practices and the general application of State laws.

The Bill, together with other legislation in the package, will in general terms restore the territorial sea to the States.

The legal and constitutional matters dealt with in the Bill are complex and of necessity must be considered in order to understand this Bill.

The Bill requests the Commonwealth to enact the Coastal Waters (State Powers) Bill which is included as a schedule to the State Bill.

The request by the Parliaments of all the States is necessary before the Commonwealth Parliament is able to legislate pursuant to section 51 (XXXVIII) of the Constitution.

Section 51 (XXXVIII) confers power on the Commonwealth Parliament to make laws for the peace, order, and good government of the Commonwealth with respect to—

> The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:

Following a favourable indication that a formal request would be made by all States, the Commonwealth agreed to enact the scheduled Bill pursuant to section 51 (XXXVIII).

The scheduled Bill provides that State legislative powers extend to the making of laws as if coastal waters are within the limits of the State.

It should be noted that "coastal waters" for the purposes of the scheduled Bill include all waters to landward of the outer limit of the three-mile territorial sea excluding internal waters.

The scheduled Bill also confirms State legislative powers with respect to matters which may extend beyond the territorial sea, such as—

subterranean mining from land;

port-type facilities including ports, harbours, shipping facilities, installations, dredging and related coastal works; and

certain fisheries in Australian waters beyond the territorial sea.

The agreement among the Commonwealth and the States is that following requests by all States the Commonwealth will enact the scheduled Bill.

As a result of that enactment the legislative powers of all States in their adjacent territorial sea will be the same as State powers to legislate with respect to on-shore territory.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

CRIMES (OFFENCES AT SEA) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.51 p.m.]: I move—

That the Bill be now read a second time.

The Bill is part of a complementary scheme of Commonwealth and State legislation which together will provide a consistent application of criminal law to the waters surrounding Australia and to conduct aboard Australian ships.

The need for this legislation arose because of doubts resulting from the 1975 High Court decision in the seas and submerged lands case as to the valid application of State laws in the off-shore area.

The importance of securing valid, consistent criminal legislation in off-shore areas is obvious. Since 1977 the Commonwealth and the States have co-operated in developing this complementary scheme. The Commonwealth Crimes at Sea Act was passed by the Parliament of the Commonwealth earlier this year and awaits proclamation pending passage of legislation in substantially the form of this Bill by all States.

I draw attention to certain of the most important clauses of the Bill.

Clause 6 provides for the application of the criminal laws in force in the State to acts or omission in the coastal sea and to conduct aboard Australian ships which proceed on a voyage between places in Western Australia. Provision is made as well to apply the criminal laws of the State to the conduct of survivors of certain shipwrecks.

For the purposes of the Bill, the "coastal sea" includes all waters to landward of the outer limit of the territorial sea, but does not include internal waters. At this time the territorial sea is three nautical miles in breadth.

If, consistently with international practice, the territorial sea is extended at any time in the future, it is the intention that the change will automatically be adopted through this definition of the coastal sea.

The criminal laws which are applied by clause 6 include any laws whether written or unwritten and whether substantive or procedural that make provision for or in relation to offences. The intention of this broad definition of criminal laws is to assure full off-shore coverage of criminal law.

This broad general coverage is, however, subject to clause 7, so that certain laws, which are incapable of applying off-shore or by their own terms do not extend to the off-shore area, will not apply. Members may also note that the power to exclude the application of particular laws by regulation is included in clause 13 of the Bill.

Clause 6 provides for the application of the criminal laws of the State to all conduct in the coastal sea. The Bill will therefore apply to conduct on or from all ships whether Australian or foreign while they are in Western Australia's coastal waters.

When an offence occurs on or from a foreign ship, clause 8 requires that the provisions of article 19 of the 1958 International Convention on the Territorial Sea and the Contiguous Zone be considered.

Article 19 limits the circumstances in which the criminal jurisdiction of a coastal State should be exercised on board a foreign ship passing through the territorial sea.

Clause 8 of this Bill requires the written consent of the State's Attorney General before committal proceedings go forward with respect to an offence on or from a foreign ship and that the consent of the Attorney General will, *inter alia*, refer to the provisions of article 19.

Members will also note that provision is made in clause 8(2) for consultation with the Attorney General of the Commonwealth before consenting to committal when a foreign ship is involved.

The full complementary scheme of Commonwealth and State legislation of which this Bill is a part will assure complete criminal law coverage in the off-shore area by a system of applied law.

The system is such that in some cases the same act or omission will constitute an offence against the criminal laws of Western Australia as applied by this Act and also an offence against the

criminal laws of Western Australia as applied by the Commonwealth Act.

In other circumstances, the criminal law of another State or Territory will apply to the same act or omission. Some overlap has been necessary in order to assure complete coverage.

When the scheme leads to such a result, clause 10 makes provision for concurrent operation of State or Territory laws so that the person may be prosecuted and convicted in respect of each offence, but may not be punished more than once.

Further provision is made in clause 12 for a stay of proceedings against a person for an offence against the criminal laws as applied by this Bill when other proceedings have been proposed or instituted against the same person for the same act or omission constituting an offence against a provision of the law of the Commonwealth or of another State or Territory.

Clause 11 is intended to eliminate the extraordinary difficulties which may otherwise arise in establishing for the purposes of criminal proceedings whether an act or omission occurred in the course of a voyage between places in the State or in the coastal sea.

Members will no doubt appreciate the problems associated with establishing, for example, the exact position of a vessel at the time of an offence when that vessel had been under way through coastal waters.

Clause 11 raises a presumption as to the place the act or omission occurred and will go some way towards eliminating this problem.

As has been mentioned, the Bill is part of a package dealing with off-shore matters which resulted from an agreement between the States and the Commonwealth.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

OFF-SHORE (APPLICATION OF LAWS) ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.57 p.m.]: I move—

That the Bill be now read a second time.

Passage of the Crimes (Offences at Sea) Bill, 1979 will require consequential amendment of the Off-Shore (Application of Laws) Act, 1977.

As enacted, the Off-Shore (Application of Laws) Act, 1977 applies every law of the State in the three nautical mile territorial sea adjacent to Western Australia.

The proposed amendment will exclude criminal laws from the laws applied by this Act.

This amendment is necessary, because following enactment of the Crimes (Offences at Sea) Bill, 1979, the criminal laws of the State will be applied in the territorial sea by that legislation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

RESERVE (WOODMAN POINT-JERVOISE BAY) BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [2.58 p.m.]: I move—

That the Bill be now read a second time.

The Bill is necessary to authorise excision of about 25 hectares from the area of Class "A" Reserve No. 24309 set apart for the purposes of "recreation & camping" and vested in the Town of Cockburn. After the excision about 30 hectares of the reserve will remain for the original purposes under current vesting. The terms of the Bill include cancellation of the vesting of the portion to be excised.

The Bill forms part of the legislative action to give effect to a comprehensive review of land and water use in the Woodman Point-Jervoise Bay area and it is complementary to amendments to the metropolitan region town planning scheme tabled by the Minister for Urban Development and Town Planning.

The subject area abuts the southern boundary of the existing small shipbuilding industry sites on the foreshore of Jervoise Bay and is adjacent to a large industrial zone. It is considered particularly suitable for providing sites for the fabrication of jackets and module units needed for the North-West Shelf gas project of such vital importance to Western Australia.

About two-thirds of the area to be excised has been extensively quarried for limestone and any recent quarrying has obviously not been consistent with the reserve purposes and the responsibilities of the vestees. Relatively little coastal heath remains on the undisturbed portions and it is fair to say that only a minor portion of the excision adequately fulfils the original purposes of the reserve.

When the excision has been completed the resultant Crown land will be made available to

the Industrial Lands Development Authority in exchange for freehold land it currently holds. The authority will ensure the best use of the land for essential industrial purposes.

A number of recreational clubs have been located on leases from the Cockburn Town Council within the area to be excised. The Government intends to relocate the Tiger Go-Kart Club (Inc.) on another site south of the Cockburn industrial zone. The Cockburn Power Boat Association (Inc.) and public boat launching facilities will be provided with substantially larger sites and land will also be made available for the Underwater Explorers Club of Western Australia.

The State Government has reached a firm understanding with the Commonwealth Government for the acquisition of Commonwealth held land at Woodman Point and is arranging also to shift the explosives depot to an alternative site in the Rockingham district. In consequence virtually the whole of Woodman Point will become "A"-class reserve for the purposes of conservation and recreation.

This whole coastal area between Coogee and Naval Base has been most carefully planned after studies by competent consultants to ensure the best relationship between the respective needs of industry and people. The scheme has been the subject of public advertisement and comment and I am confident that the public interest is served by this portion of ravaged Class "A" reserve being made available to essential shoreline industry which cannot be located elsewhere with advantage.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

MARGARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd August.

THE HON. NEIL McNEILL (Lower West) [3.01 p.m.]: The Bill has been described as a simple one by one speaker to this debate. Perhaps I should content myself by saying that it is a Bill the essential purpose of which is to allow for the availability—without finding against the margarine definition—of a particular product known as dairy blend. Of course, that will not be the only consequence of the passage of this Bill.

Several matters contained in the Minister's second reading speech are deserving of some comment. Firstly, the Minister referred to the Dairy Industry Act of 1937-39, and that Act is now redundant. The second provision in the Bill deals with the availability of a product, dairy blend, and this is considered to be the main purpose of the legislation. The third provision—which is not referred to in the second reading speech—deals with section 25A of the Margarine Act which was the subject of an amendment to the Act in 1973. The purpose of that amendment was to limit the production of margarine in the year 1973.

I will be referring essentially to table margarine and the fixed quota. In other words the amendment raised the quota to something in the vicinity of 1 400 tons. That provision is to be repealed, and on the face of it it is understandable because it referred to the year 1973, although it is in fact still in the Margarine Act.

I wonder what the effect will be. I can understand that that particular provision was redundant, but I am somewhat confused and would like an explanation from the Minister as to whether in fact there is some other consequence involved. Nowhere else in the Margarine Act can I locate a reference to a precise quantity or quota.

Another clause in this Bill provides for the removal of the 500-gram limit on the containers of margarine that can be sold. This fact was referred to in the second reading speech. If it can be seen that there is a necessity or desirability to remove that limit and make that maximum limit the subject of regulations in the future, is it also to be inferred that with the repeal of section 25A a total quota is also to be similarly set in the future?

It may be but when I read the Bill I could not detect this point. Perhaps it is mentioned somewhere, and I am not aware of it. I am really querying whether we will continue to have the quota that was established in 1973.

The Hon. R. Thompson: Is there a quota now?

The Hon. NEIL McNEILL: This is the point. Section 25A refers specifically to the year 1973 when they were bound to operate within that quota of 1 400 tons and presumably each year since then. Maybe that is an academic question. I suppose in a sense it is in this House, but it is not for the industry at large or the consumer public. My colleague (the Hon. John Williams), the Hon. Ron Thompson, and, I think, the Leader of the Opposition debated the subject of quotas and perhaps we could debate whether in fact there ought to be a quota or whether there ought to be a limit. Perhaps we could go to the extreme that the Hon. Ron Thompson did when he said, "Why should we have a Margarine Act at all?".

If in fact it is proposed to impose a limit of 500 grams by regulation, on what basis will these regulations be applied in the future, or even determined. What will be the criteria? Perhaps the Minister will be able to give us some explanation.

Usually when there is proposed new legislation or a regulation we are given some explanation as to why it is occurring and, furthermore, an indication of the maximum to be prescribed, and the conditions which may occur from time to time require some further variation.

We are always faced with difficulties when we are attempting to make predictions for the future. I recall a quotation given at the dairy industry seminar during Agro 79 Week by one of the most eminent persons attending. He quoted an old Danish expression which is "It is terribly difficult to predict, particularly the future."

That might well be the case here with regard to margarine and butter, but I think some predictions are at least implied in the Minister's second reading speech, and I will make some reference to them.

I would like to refer to one other matter while dealing with the specific provisions. In proposed new subsection (2) of section 6, which is set out in paragraph (c) of clause 3 of the Bill, the following words appear—

> . . . and to the proportions thereof, to the regulations in force under section two hundred and forty of the Health Act, 1911.

This has some relevance to the point the Hon. Ron Thompson raised; that is, that neither the Bill nor the second reading speech makes any reference to the composition of dairy blend other than to say it must meet whatever may be the prescribed conditions under the Health Act regulations. Because we are examining the Bill, it is proper to refer to section 240 of the Health Act, which one might think would prescribe the particular proportions or amounts.

Section 240 of the Health Act covers three pages, and I will omit what I consider to be irrelevant provisions. The section deals with settling and appointing standards for the composition of foods, drugs, and disinfectants, and the amount of dilution, if any, to be allowed in the sale by retail of any foods or drugs; the taking of samples of food, drugs, and disinfectants; the payment of certain fees; prohibiting the manufacture, sale, and offering for sale of any textile substance; settling and appointing methods of analysis and examination, etc. It goes into details such as that and stops short of specifying what the precise proportions or amounts might be. Perhaps those proportions and quantities are spelt out in the regulations under the Health Act, 1911-1973, but once again they are not available to us here. We deserve to know what they are.

We need and deserve to know for another reason; that is, the use of the term "dairy" in a Margarine Act. Dairy blend is to be included in the Margarine Act because it will contain a certain proportion of a dairy product as against a vegetable oil product; namely, margarine.

While most of the debate so far has been concerned with the prospects of the dairying industry and how this particular provision might assist the industry, we must also bear in mind that the real reason the provision is to be contained in the Margarine Act is the protection of the margarine market and, for good and sound reasons, the consumers and purchasers of margarine. Margarine is to be included in this product and sold as a dairy blend, and people may well be prone to believe the substance is exclusively or to a great extent an animal fat product rather than a polyunsaturated or vegetable oil product. It is necessary to know that.

The next point I raise is: What are the requirements governing the use of the term "dairy"? I am sure that in the minds of most people the term means essentially a dairy product. I believe there ought to be in existence some protection in regard to the use of the word "dairy" to ensure it does not create a wrong impression in the minds of purchasers or prospective purchasers.

I now pass to other matters, some of which have also been canvassed by other members during this debate. Much of the debate has had reference to the role of polyunsaturated products in heart disease. I am quite sure in my own mind that it is a long way short of being proved that dairy products, and butter in particular, necessarily contribute to any significant degree to heart disease unless a person is in fact disposed to such a condition. In other words, because they are animal fats containing fatty acids, under certain circumstances dairy products can be predisposing factors to the production of cholesterol, whereas vegetable oils, being unsaturated, may not have that possibility. But is that the chief consideration?

I should make another reference to the dairy seminar and quote from the address of one of those eminent speakers. I will take a moment or two of the time of the House to quote an extract which fits in very well with some of the comments which have been made, particuarly by the Leader

of the Opposition. I will quote from the transcript of the address given to the dairy seminar at Agro '79 by James Morton, the Managing Director of the Milk Marketing Board of England and Wales. Quoting from page 6 of the transcript, he says—

> In many countries dairy industries have acted as if they have a divine right for a share of the housewife's purse. They have not appreciated the fact that no one owes us a living and we have to work hard to sell our products; we have got to go out and fight for a share in the market. There seems to be a belief in some areas that the housewife will always buy the products of the dairy farmer. Ironically, it is in some of the countries that have increased the production most that the least effort has been made to sell in their own home markets. I have some of our EEC partners in mind in saying this. In most countries we have watched supermarkets take over the distribution of our liquid product from the roundsman and seen consumption decline. We have homogenised, standardised and ultra heat treated our milk and harmed its natural image, if not its acceptability to the housewife. We have seen our butter market eroded to its virtual extinction in some countries and, worst of all, we have watched margarine interests indoctrinate the public, and even the medical profession, to the detriment of butter. In saying this I am not criticising our margarine friends, rather complimenting them on their initiative.

I quoted that extract because it refers to the effect margarine is taken to have on the present sale and consumption of butter in this country. It is obviously related to it. It is normally considered that margarine has had a very considerable effect, but it is implied if not stated baldly by a gentleman who must without doubt be one of the greatest authorities in the world on the dairying industry and dairy products particularly. He suggests it may not be just the margarine, but rather a matter of the selling and marketing techniques of the margarine industry.

Mr Morton goes on to refer to other matters, and I will not take the time of the House to quote all his references. This document is publicly available. He examines some of the steps which might be taken in order to enable butter and dairy products to regain some of the market they have lost to margarine. My other reason for making this reference is that in his second reading speech the Minister said—

> The dairy industry has suffered a considerable loss of revenue in recent years due to the steep decline in butter consumption within Australia. In Western Australia, for example, butter consumption has declined from 9.98 kg per head to 4.66 kg per head during the last 10 years.
>
> Butter which is not consumed within Australia has to be sold at a considerably lower price on the export market.

The Minister then went on to attribute much—in fact he almost implied all—of that decline to the greater spreadability of margarine. Certainly the Minister did not make any other statement to suggest there is any other reason for the reduced consumption of butter.

Of course, Australia is not the only country facing this problem. As stated in the quote I made from James Morton, a reduction is occurring in other countries. I quote again from Mr Morton's address as follows—

> At the present time per capita consumption of milk solids in Europe ranges for butterfat from just over 22 kg in Finland—

As against 4.66 kg in Australia. To continue—

> —to round about 7 kg per head in Italy.

The Hon. D. J. Wordsworth: That is dairy produce?

The Hon. NEIL McNEILL: No, butterfat. It may well be there is some decrease in respect of all dairy produce. However, I think the principle is still applicable, even if it is not stated precisely in the figures. Mr Morton goes on to say that the range for solids-not-fat is even wider, from 31 kg in Finland to only 10 kg in Italy. He says—

> No one in Europe would suggest that it is possible to base consumption in Italy on the level of that in Finland. A more modest target would be to increase consumption in Western Europe as a whole to the averaged levels now prevailing in the nordic countries.

He went on to examine that matter, but I will not elaborate further upon it. We can draw some hasty and quite erroneous conclusions from that; we could say that perhaps Finland has not felt the ravages of the margarine market to the same extent as other countries, but I suspect that is not right because Finland must be as prone to the margarine market as any other country. Obviously there are other reasons. I think the point Mr Morton was making is that the reasons should be thoroughly explored. If such an examination is necessary in the United Kingdom, surely to goodness we need a similar examination in Australia.

The Hon. G. W. Berry interjected.

The Hon. NEIL McNEILL: To comment on Mr Berry's interjection: that may be true. Finland has the cold climate, but I believe Sweden developed the refrigerator.

The Hon. R. F. Claughton: We didn't hear Mr Berry's interjection.

The Hon. NEIL McNEILL: He referred to Finland not using butter because it is so cold there.

In his second reading speech the Minister referred to the decline in the apparent popularity of butter. He also said that if we produced more butter it would be exported at a considerably lower price.

I note that in his speech the Minister did not refer to Western Australia, but to Australia as a whole. It is a long time since Western Australia had an exportable surplus of butter. I am not sure that I can remember when Western Australia has ever had an exportable surplus of any dairy product.

The Hon. G. W. Berry: We used to export prime quality butter before the war.

The Hon. NEIL McNEILL: What Mr Berry says is probably true.

The Hon. G. W. Berry interjected.

The Hon. NEIL McNEILL: Yes, and the situation has deteriorated markedly in terms of production in many areas. Members have heard me speak at great length on that subject on other occasions. The fact remains that for a good number of years Western Australia has not had an exportable surplus of butter; therefore we have not been contributing to that embarrassing situation in which butter is exported at a price lower than that on the home market. In fact, quite the reverse has been the case.

It might be claimed that dairy blend is a more spreadable product; I understand that is the basis of its introduction. It is said that because dairy blend is more spreadable it will be used to a greater extent by housewives and others and, therefore, this will have a promotional effect on butter in the dairying industry. Sales of butter will be increased which in turn presumably will increase returns to butterfat producers. As a consequence production in the dairying industry will increase.

While it may be claimed that the use of dairy blend will have a promotional effect on butter, I wonder whether in fact that will be the case.

The Hon. R. F. Claughton: It might increase production only in the Eastern States.

The Hon. NEIL McNEILL: That is right; I am glad Mr Claughton realises that. The suggestion is that irrespective of what has been happening and despite the decrease in the consumption of butter per head of population in the last 10 years, if all other things are equal this move might perhaps increase the demand for butter. But, of course, that will not occur at all, because dairy production—particularly in the butter fat manufacturing sector—has continued to decline.

To emphasise the point made by Mr Claughton, I refer to an article which appeared as a supplement to the *Western Farmer and Grazier*, which I believe is generally regarded as a reputable and responsible weekly paper for the rural community. The supplement was described as the "Primary Production Analysis '79", and it appeared in the issue of the 9th August, 1979. Under the heading, " 'Special' milk of future" a number of references are made which I think deserve some mention here. The editorial referred to the fact that the comment accompanying the charts of the production analysis had been prepared by the Bureau of Agricultural Economics and the Department of Agriculture.

The quote I wish to make to is as follows—

> The relatively low price received for manufacturing milk has been the major cause for many producers ceasing to supply manufacturing milk.

That means there has been a lower production of butter, which in turn is paving the way for other inroads to be made, all other things being equal, by the margarine industry. A further quote is as follows—

> In 1979, the decline in both the number of manufacturing milk producers and manufacturing milk production is likely to continue and reliance on dairy imports will increase.

That relates to the point made by Mr Claughton. Of course, members will recall a recent speech I made, and questions I asked in this House during the second part of last year's session, which dealt with it. A further quote from the same article is as follows—

> In the future, manufacturing milk production is likely to form a sideline to market milk and SMP milk production.

The term "SMP" means "special milk products". That quote indicates that manufacturing milk production will be phased out, and will be only a sideline. Butterfat and butter production will assume less importance.

At the moment, there are about only 40 registered and licensed manufacturing milk producers in Western Australia. The closing

comment in the article from the "Primary Production Analysis, '79" is the very important one—the punchline. It is as follows—

> In the future, much of the Western Australian consumption requirements for butter, milk powders and cheddar cheese will be serviced by eastern states imports.

If the editorial comment contained in the *Western Farmer and Grazier* of the 9th August is to be accepted, the article was produced by the Bureau of Agricultural Economics and/or the Department of Agriculture of Western Australia. That is an absolutely pitiful comment to be made, when in fact, as was said in the second reading speech, the reason we have the Bill is to make butter more competitive with margarine by enabling us to have available this dairy blend product which will provide a boost for our butter producers and our manufacturing milk producers in Western Australia. How can one reconcile that, on the one hand, with the sentiments expressed in the article to which I have just referred? They seem to be poles apart.

Quite frankly, if we carry on the way we are, there will be little point in our doing anything other than what the Hon. Ron Thompson said. All we will be doing in the future in Western Australia in terms of this product is facilitating and promoting the products of the Eastern States and not producing dairy products in Western Australia.

Perhaps I am taking an unduly parochial attitude—the West versus the Eastern States, and so on. I do not believe I am. We should try to promote our agricultural industries, and particularly the dairy industry. As I say, I make no apology for speaking in what could be regarded as a somewhat parochial sense. There is something far more important than that—

The Hon. R. F. Claughton: I think your assessment is quite correct.

The Hon. NEIL McNEILL: This might be considered to be a fairly simple Bill with a fairly simple purpose; but its implications can be quite considerable. There is an underlying sentiment of defeatism, perhaps, although I do not necessarily think there should be. I think we could draw a parallel between what is happening here in providing for a mixture of the two antagonists in this market with what happened in the wool industry a number of years ago.

In the wool industry there was controversy when pure wool was suffering a decline in demand throughout the world. We saw the proportional percentage of wool in the textile trade falling from 12 per cent, to 11 per cent, to 10 per cent, to 9 per cent, and to 8 per cent. The textile manufacturers and the wool producers were very concerned. The great controversy arose because the Australian Wool Board and, more particularly, the International Wool Secretariat, suggested there ought to be a blending of wool and synthetics. It was suggested a blended product should be promoted. Of course, that created a tremendous furore in the wool industry.

It is to the great credit of the administration of the wool industry that the industry lived through it. It is now maintaining its proportion of the world textile trade with an absolutely first class product selling in its own right against the synthetics. The synthetic fabrics for some years now have been suffering the decline and the problems. The wool industry now does not need the assistance of the synthetics to sell its product. Admittedly a number of people say there are many textiles which are better because they are blended; and I agree with that point. Such textiles have their uses.

It would be stupid to close one's eyes to the problem and say that although we produce vegetable oils, we must have nothing to do with them. That is a silly reaction. If it happens to suit the purposes of the great consuming public, it is silly not to produce a product which is required. At the same time, we should recognise that there are great advantages and tremendous virtues in producing a pure product.

It is my belief that with the right sort of promotion and marketing, and with the right sort of attitude on the part of the public, butter and dairy products will establish and maintain their own position in the market. They will be products which will sell well in their own right.

From my comments, it might be thought that I will vote against the Bill. I will not. My whole purpose is simply to indicate the steps which are being taken in relation to this tremendously important industry. It is an industry which is immensely important to Australia and to Western Australia.

Let me take the opportunity to say that while we can produce vegetable oils in this country, and do it very well, at the same time we can also produce our own dairy products. If in fact the population continues to increase at its current rate in Western Australia, we ought to have an industry which is properly geared to meet the demand.

I support the Bill.

Debate adjourned, on motion by the Hon. G. E. Masters.

TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd August.

THE HON. O. N. B. OLIVER (West) [3.40 p.m.]: I can appreciate the Government's concern in respect of limitations requiring the necessity to refer matters to the Trade Practices Commission for action. Obviously this is an undesirable situation, as penalties are considerably higher under the Trade Practices Act.

However, I would like to draw the attention of members to the activities which occurred prior to the inception of the Trade Practices Act and compare them with what has occurred since the Federal Government passed that Act.

In my opinion it would be obvious to an unbiased observer who had experienced the situation prior to 1974 that there is little difference between that and the situation which obtains today.

In the three years of the existence of the Trade Practices Act there have been 27 convictions. Only 40 per cent of those are related to advertising. According to the reference I have, only four involved advertisements by major advertisers. I am sure you, Sir, would be aware of the Sharp case where the penalty was $100 000, and the more recent case involving Pye Industries where the penalty was $50 000. The total penalties which have been incurred under the Act up to the present date, taking into account the recent Pye Industries case, amount to $240 000.

Possibly the fact that the advertising house was in remarkably good order before the Act came into force is due to the Advertising Standards Council of Australia—

The Hon. R. F. Claughton: That is rather a bold statement, isn't it?

The Hon. O. N. B. OLIVER: —which was set up in 1973—

The Hon. R. F. Claughton: They would hardly bring in legislation if the advertising house was in good order.

The Hon. O. N. B. OLIVER: —by the Media Council of Australia. I believe all members receive a copy of the monthly bulletin issued by that association. It is called *Interface.* Incidentally, the Advertising Standards Council comprises 11 members who are not connected with the media, including the chairman (Sir Richard Kirby), former president of the Commonwealth Conciliation and Arbitration Commission, and Chief Judge of the Arbitration Court.

In its most recent report the council said—

> Only a very small proportion of complaints received related to dishonest, unfair or misleading advertising. A large proportion concerned questions of taste and decency, an area with which the Advertising Standards Council is still grappling, and with which the Trade Practices Commission is not directly concerned.

Even the chairman confesses that, when he accepted the post as chairman, he felt he would have his hands full with complaints about dishonesty through misleading advertisements; but he now agrees that, and I shall quote—

> Whilst at the time I probably thought advertising had a case to answer in this regard, my experience since has been quite the reverse. In fact, it would appear that the various State consumer bureaux and the Trade Practices Commission have put everyone on their toes, not only advertisers, and the small proportion of complaints which concern dishonest advertising indicates that the standards were pretty good when we started.

This brings me to the fact that the advertising industry has a long history of self-regulation which came into being well before the setting up of the Advertising Standards Council or the passing of the Trade Practices Act. In fact, for more than 40 years the industry has adopted various behaviour codes. I believe the films we saw of the wild west with its patent medicine men have not been a reality in Australia over the past 20 years. This is certainly the case in the electorate I represent. We do not have any patent medicine men.

The Hon. G. E. Masters: I would not bet on that. There might be one or two.

The Hon. O. N. B. OLIVER: We do not have medicine men selling various items. This may happen in the northern provinces in the north-west, but not in the city areas.

The Hon. G. E. Masters: We have one here.

The Hon. O. N. B. OLIVER: In recent times the industry has regulated itself in regard to cigarettes and alcohol. This is a most excellent example of a self-regulating industry. Currently I understand codes of ethics are being formulated for the real estate industry.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. O. N. B. OLIVER: Prior to the afternoon tea suspension I was referring more

particularly to the trade practices legislation, and I mentioned that further work was being done in the formulation of a code relating to real estate advertising, and also in relation to mail orders.

I find it disappointing that this legislation is an extension of an already bureaucratic machine. It is difficult to ascertain the plane of truthfulness one would expect with the introduction of this legislation, which deals particularly with trade practices. It seems that suddenly a whole revolution overtook it. As a matter of fact, the revolution cannot be detected; it is not there. The fact is that industry was not trying to cheat the public in the first place.

I believe the trade practices legislation was socialist inspired. It presupposes that all the cliches over the last 20 years were right, and that the whole of the private enterprise system was composed of crooks trying to rip off the public.

Nobody asked for this legislation. Nobody produced any evidence to justify the harshness and the repressiveness of the Act in its original form.

It was put to the Federal Parliament in that form without any evidence of abuse of advertising, or any misinformation. If we are to continue with this type of legislation, which commonly refers to advertising in newspapers and on television, at some time in the future we may see legislation introduced to control the Press and the activities of journalists.

I see this measure as a step in that direction. We are extending our Act because of a deficiency which has arisen and which has already been covered, and incorporated into the trade practices legislation.

I also wonder whether this legislation will be of benefit to the consumer. Quite frankly, it may even batter the consumer. Hardly a day goes by that one does not read an apology in the newspaper. Normally, an apology in a newspaper would mean that someone was in trouble and if one was a competitor one would want to know what was going on. In fact, the use of apologies is used in advertising to draw attention to certain commodities.

The Hon. W. R. Withers: You will need to talk a little louder so that the Press representatives can hear you. I think they are all down the other end.

The Hon. O. N. B. OLIVER: I thought the Press might have been concerned with this legislation. Apologies appear regularly in the newspapers stating that an article has been advertised 2c under or 2c over its correct price. The cost of that advertising would no doubt be added to the price of the article and to the overall cost of the product to the consumer. I believe the consumer is being battered by this type of consumer legislation.

I am extremely doubtful whether the machinery is available at the moment to regulate the intention of this Bill. I do not think the expertise is available to implement its provisions.

It is very difficult at times to ascertain whether or not an advertisement is correct, particularly with regard to the scaling of a building plan in an advertisement. In the real estate selling industry it is difficult to ascertain the size of a bed in a room on a plan. It is difficult to ascertain the length, width, and scale of the floor plan in the advertisement. If we intend to pursue this type of legislation we will need to have more expertise in the Bureau of Consumer Affairs.

I had a very interesting conversation with an officer from the Western Australian Bureau of Consumer Affairs about a complaint he received. It concerned a gentleman from a country area, well east of Perth, who purchased two large Easter eggs. The Easter eggs were each purported to contain 56 chocolate beans. Having made the purchase, the gentleman returned to the country and when he opened the Easter eggs he found that one contained 57 beans, and the other contained 53 beans.

The Hon. I. G. Medcalf: How disgraceful!

The Hon. O. N. B. OLIVER: In that case the advertising was false.

The Hon. R. G. Pike: They were not human beings; they were beans.

The Hon. O. N. B. OLIVER: The gentleman concerned lodged a complaint which had to be dealt with by the bureau.

I support this legislation, although that may not appear to be the case. I do feel we should be encouraging associations to be self-regulating. They should set acceptable standards. If they do not measure up to those standards, then legislation should be introduced to ensure that proper ethics are carried out in accordance with the articles of their association. If other businesses which are not members of that particular association do not wish to join, it is up to the association to make certain it publicises itself so that the public can decide whether or not to deal with a member of that reputable organisation, or to fly with the wind and deal with people who may be of ill-repute.

I support the Bill.

THE HON. W. R. WITHERS (North) [4.09 p.m.]: Like the previous speaker, it might appear I am speaking against the Bill, but I am

not. I will support the Bill, but I would like to point out that it contains no provision to prevent a flippant charge being laid against a person who actually contravenes the Act when that person, in all sincerity, produces something—and advertises something—which is of benefit to people in that it provides some humour.

I know of manufacturers—and of one manufacturer in particular—who have the highest ethics and the highest business morals, but who produce products which contravene the provisions of the Act and this Bill. I will give a demonstration. I display to members a carton. On the product is printed, "Do you have a fun thing?" Under that heading appears, "water + sunshine + fresh air + time = dehydrated water + memories." The next line reads, "Remember your visit. Take home a can of dehydrated water, only 25c." There is an asterisk to indicate an interpretation of the word "dehydrate". It means, "to remove water."

The product in that carton is a small 2 oz. can which is sealed, and which has a printed label. It reads, "Kununurra, Ord River Dam dehydrated water. For that wonderful feeling you experienced in Kununurra, add two parts of Cameo Scotch whisky plus water to taste. A DJAARU gems product."

Members can see that the advertising of this product would contravene the provisions of the Act and this Bill. Yet the product is meant to provide a little humour at little cost, and a memento to the purchaser of the product. I am quite sure it is not the intention of the Government or the Minister to see such a manufacturer charged, otherwise I will be in a great deal of trouble!

As members are aware, I actually produce and manufacture the product I have mentioned. There are other products which are meant to provide some humour as well as being a souvenir. One is sold as a contraceptive. It is in a clear plastic bag and is made from foam plastic about three centimetres in diameter. The directions state that it is a "Sure fire contraceptive, 100 per cent effective," It states it is 100 per cent effective as long as the lady does the right thing and places the pad on the inside of her left knee. She then has to hold it firmly in place with her right kneecap. I know it could be 100 per cent effective, but only for missionaries. More imaginative people could say that the contraceptive was not effective, and charge the manufacturer for false advertising under the provisions of this Act.

I come to the third demonstration, and I ask *Hansard* to be very careful about the spelling. I am holding in my hand a spray can. The label reads, "Dr. Blowhard's World Famous BULLS-HIT Repellent". Of course, the manufacturer of this product could be charged because he claims it helps to provide a cure for political discussions. I am quite sure that if I sprayed some onto the Minister in charge of the Bill it would not stop him from speaking. This product is meant to cause a little fun and laughter, and also to be a souvenir of New Zealand. However, anybody selling it could be charged under the provisions of this Act.

I could speak for several hours about various other products which are produced in Australia and elsewhere. These products provide fun and they make people laugh, but the people producing them could be charged under the Act by a flippant person wishing to create mischief.

The Hon. R. F. Claughton: I think you are giving us a clear example of what the legislation is designed to prevent.

The Hon. D. K. Dans: I think you are talking a lot of bull!

The Hon. W. R. WITHERS: I know it is not the intention of the Attorney General or the Government that the manufacturers of these small cottage industry goods should be punished in any way. However, I cannot read into the Act that there is any protection against flippant charges being brought, and we would like his assurance that it is not the intention of the Government to have the manufacturers or the advertisers of these products charged, so that if some person did bring a flippant charge, the court would take note of his comments. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.16 p.m.]: I thank members for their support of the Bill. All members who have contributed to the debate have supported the Bill, although some of the comments might have led one to believe that they were not supporting it! Nevertheless, they did support it, and I thank them.

This measure will tighten up the legislation. I would like to deal firstly with the point made by the Hon. W. R. Withers. I can only express my sadness that he did not spray some of the contents of the can on himself before he started—it would have shortened the debate. However, I assure him that I know of no case where prosecutions have been taken under this Act in regard to such fun things or flippant products. I do not think that the Bureau of Consumer Affairs would bother about such matters. Obviously it would receive an occasional complaint by a crackpot, but no action

would be taken. There is a principle of law that the law does not take any account of little things. I could say it in Latin, but the sentiment is well expressed in English.

The Hon. R. Hetherington: There is something about a young man called "Rex"!

The Hon. I. G. MEDCALF: I can assure the honourable member that the legislation is not designed to take account of such trivia.

The Hon. N. E. Baxter referred to a television advertisement in which a company recommends some outstanding land for sale and it is stated that the land is 15 minutes' drive from Perth. It takes Mr Baxter 20 minutes to drive to his residence, and this particular land is 10 minutes further away from Perth. I am informed by the Commissioner for Consumer Affairs that the legislation already covers the kind of advertisement used as an example by Mr Baxter.

The amendments before the House, in addition to greatly strengthening the penalty for breaches of section 8 of the Act, will give much greater strength to the Bureau of Consumer Affairs to take successful action against people who make recklessly misleading statements as well as against those who deliberately set out to mislead. The television advertisement referred to is under current investigation with a view to prosecution.

I thank members for their support, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

WILDLIFE CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.20 p.m.]: The Opposition supports this legislation. The matters which were of concern to us were brought to the notice of the Government in the Legislative Assembly, so I do not propose to cover the same ground. It did seem rather extraordinary to us that legislation is required to provide for Ministers to speak to each other. Such a provision is contained in this Bill, and the response of the Minister in another place seemed to indicate that such discussion should take place and that it normally would take place. We are still uncertain as to why such a provision is necessary, but we will not pursue that matter.

In this measure a prosecution for an offence against the legislation can be undertaken only by the director; in other words, the Bill removes the power of an individual to initiate a prosecution.

In another place the Minister for Fisheries and Wildlife said that this matter would be studied, and if necessary, some action would be taken in this Chamber.

We feel that the existing provision is a desirable one, and as the Minister undertook to have the matter examined, perhaps the Attorney General will comment on it.

The only other aspect to which I would like to refer is that although the legislation was introduced in 1950, the penalties have not been amended for a considerable time. It may well be that the Government has simply overlooked it, but the Bill would have afforded an opportunity to bring the penalties into line with present-day values. Other legislation has been amended in this way.

THE HON. A. A. LEWIS (Lower Central) [4.23 p.m.]: I do not know whether to cheer or to weep.

The Hon. D. J. Wordsworth: Cheer!

The Hon. A. A. LEWIS: I am sure the Minister for Lands would not cheer if he had studied this legislation and discovered that we are amending the parent legislation and an Act which, although passed in October, 1976, was never proclaimed.

The weeping part is that some of these provisions were bad enough as they were, but they will become even worse if we pass the present measure. In 1976 Mr Claughton made the point that the Crown is meant to be bound by the Act, and the Minister handling the Bill then gave us some not particularly satisfactory answers to such queries raised by members of this House, and told us that all would be well. Obviously all is not well, because that Act was not proclaimed, and it is now to be altered.

One of the amendments provides that in the case of flora, only the Minister in charge of the department which has a problem can talk with the Minister for Fisheries and Wildlife, and these two Ministers can come to an arrangement if they so wish. If a problem arises concerning a local authority, the Minister for Local Government can approach the Minister for Fisheries and Wildlife and come to an arrangement. If some agreement is not reached, the matter then goes to the Governor, and I assume that this means it goes to

Cabinet. Cabinet then discusses the matter, and it decides what is to be done.

So under the legislation the Crown will have rights which an ordinary individual will not. A Government department or a Crown authority can seek to have a matter brought before Cabinet; in other words, the Executive.

I am not one who knocks progress; I am not one who says that all progress should be stopped to preserve a few blackboys or a few kangaroo paws; but I am of the opinion that the provisions in this Bill will not be binding on the Crown.

After studying the parent Act, the amending Act that has not been proclaimed, and the Bill before the House, I consider the Crown Law Department and the legal profession will have a great deal of work to do in the future. I doubt very much whether we will save any more of the State's flora, mainly because the legislation is so very complicated. The Government should look closely at some of the legislation it is introducing.

For the benefit of the Attorney General, I would like to refer to clause 4 of the Bill which is to repeal proposed section 9 of the principal Act. The newly proposed subsection 9(3) appears on page 3 of the Bill, and I would like the Minister to explain to me exactly what it means and how the matter will be dealt with in an administrative manner, particularly if one deletes the words "arises, or" in the second line.

The Hon. G. W. Berry: That appears in proposed subsection (2) also.

The Hon. A. A. LEWIS: Yes, it is badly drafted. The same thing also appears in clause 5. I believe the Bill should be withdrawn and drafted properly so that we can understand it, so that it makes sense to the community generally, and so that we can preserve the wildflowers of this State.

I notice that the protection of fauna is not included. For instance, there is no provision to protect fauna such as the noisy scrub bird. As far as I can see, one could drive a bulldozer right through the nest of such a bird without fear of prosecution. Apparently now we have a conscience only about flora.

Still, my main point is that the Crown does not appear to be bound in the same way as a private individual. I refer members to the wording of clauses 7 and 4, proposed new paragraphs (d) and (e). Why can we not simply say that anybody taking rare flora must have a permit in writing from the Minister, instead of requiring two clauses which provide for much the same thing? We are using words we do not need to use.

In October, 1976 I mentioned that in section 15 of the Act we were playing around with the phrase "reasonable manner" and this phrase is perpetuated in clause 6 of the Bill. The onus of proof remains with the person who is being prosecuted. The Minister handling the Bill in 1976 said that I was wrong, but did not tell me why. Clause 6 states—

> (1a) In any proceedings for an offence against subsection (1) of this section it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner..

That places the onus of proof on the person charged, not on the person charging; and I do not believe it to be fair in any shape or form.

I have dealt quickly with clauses 4, 5, 6, and 7 of the eight clauses in the Bill. The Hon. Roy Claughton dealt very successfully with the point that the director will be able to take all proceedings provided for under this legislation. That does not thrill me at all. I have nothing against the director or the person authorised by the director. However, in my electorate I happen to have problems with flora, fauna, and national parks and with the releasing of land to the National Parks Authority.

I believe that, before long, this Parliament must examine what is happening in these areas to establish whether we have any guidelines and whether we know where we are going. I believe in the preservation of flora, fauna, and national parks, as long as we can look after them. However, as the Minister for Lands well knows, today we have a situation where cattlemen on the south coast are handling their land far better than the National Parks Authority is controlling its areas, simply because the National Parks Authority has insufficient personnel to look after the land in a proper manner.

Are we to go on year after year committing additional land to national parks and to flora and fauna reserves, when we have insufficient personnel to look after that land? This action will result in the land being managed far worse than it is at the moment.

I urge the Minister to come back to the explanations given in this place on the 19th October, 1976 when the Hon. D. J. Wordsworth had a fair bit to say and when I also had a little to say. He should examine the arguments put forward relating to the rights of the Crown and how it was bound, and how this really applied to local authorities.

Who is in the right or the wrong when the Crown in its wisdom lays down a road? The first person to remove rare flora is the bulldozer driver, but he takes his instructions from his engineer or somebody further up in the department. Who is going to take the kick for this action? Does this "may arise" situation mean that Ministers can have a yarn together after rare flora has been destroyed and say, "We will agree, and we will backdate the document to alleviate the problem of that rare flora being destroyed"?

This entire Bill appears to create problems. It may be all right for the legal eagle, but it is not drafted so that the average person, especially the country dweller, can understand it. The people who will have to deal with these problems, in the main, live in the bush and this Bill will be unintelligible to them. The Bill appears to take the view that only people in Perth know anything about wildlife. Occasionally we have city people telling us what we are allowed to do with our kangaroos and all the other problems we face on our properties; yet some of us live with those problems every day of our lives. These problems are all around us in the country.

The Hon. W. R. Withers: They are not around my house!

The Hon. A. A. LEWIS: Perhaps Mr Withers uses that spray to get rid of them!

The Hon. W. R. Withers: They are in the bush, but not in the house.

The Hon. A. A. LEWIS: I am glad the honourable member does not have to drive through them all the time.

In answer to my query in 1976, Mr MacKinnon said, "Yes it binds the Crown, which is liable." That comment appears at page 3185 of *Hansard* of Tuesday, the 19th October, 1976. I want to know whether the Crown really is liable because it seems to me there are so many loopholes in this legislation that in fact it may not be liable. We have had cases where the Main Roads Department in its wisdom has bulldozed land adjoining the Albany Highway and has planted trees. The local people were of the opinion that had the scrub been burnt for four or five years, the indigenous flora would have grown and the wildflowers would have returned. The surface at the side of the road would have been bound by the plants growing there and we would have had something which was native to this country. But no, officers of the Main Roads Department came along with the graders and bulldozers and pushed everything out; they then walked along planting trees on the side of the road.

It will be very difficult to keep fires out of these replanted areas. If we burn the indigenous shrubbery along the road verge, it will create a firebreak which will last for several years. We could burn every four or five years to keep the debris under control and retain the natural firebreak.

This Bill seems to have been drafted to make it easy for departments to get around the real meaning of the legislation. I hope the Minister or one of his officers has time to read through the arguments advanced by his fellow Minister and myself on the 19th October, 1976 and explain why these changes have been made. I do not think they have done anything to bind the Crown any further than the existing provisions which were not proclaimed.

It is about time the Government brought to this House legislation which was decently drafted and meant what it said. If we are going to bind the Crown, the Crown should be bound in the same way as anybody else. It is not good enough for a couple of Ministers to have a meeting in a corner and say, "Is that all right?" and then have the Minister for Fisheries and Wildlife write a note saying, "You can do what you like on that piece of road." The general public cannot do that, and the Crown should not be allowed to do it.

I believe the flora and fauna of this country should be studied far more than it is being studied at present. We have the research staff. I met an expatriot Western Australian in New Zealand recently who said, "Do you have the same crazy way of going about research in Western Australia?" I stuck my chest out and prepared myself for a bit of a battle. I said, "What do you mean?" and he replied, "You allow your academics to reseach what they want to research instead of giving them money and instructing them to research matters which have practical application, whether it is in regard to livestock, clearing of land or anything else. They should be instructed to come back and prove they have made some use out of the money made available to them."

It is about time the Minister for Fisheries and Wildlife, the Government, and the Parliament as a whole started considering the entire matter of wildlife and its application to the community at

large. Too often we hear, "We will make a national park of this area and then nobody will be allowed to come into it." So, we have a wilderness area which nobody can enter.

In the old days, the Aborigines used to go in and hunt for their food and occasionally clear out the bush by burning it. That is why the wood chipping industry is so wonderful for Western Australia; we are doing by physical labour what the Aborigines did by fire when they were hunting through these areas.

In my opinion, no real research has been conducted in regard to what we as Western Australians and Western Australian Governments will do in the total wildlife scene over the next 20, 30, or 40 years. It is about time this Government—which has been so progressive in every other area—sat down and looked at the problem instead of leaving it as a backwater portfolio. The Government should make the portfolio of Fisheries and Wildlife one which is worthy of the future of Western Australia. What better year than this to start on this problem and to make some strides towards a proper policy which will look after our requirements for the next 150 years?

I am not able to say whether I will support the second reading of this Bill until I receive the Minister's reply to my queries. At present, from my reading of the Bill, I would be forced to oppose it.

Debate adjourned, on motion by the Hon. G. E. Masters.

HEALTH EDUCATION COUNCIL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [4.44 p.m.]: The Health Education Council as we know it today was established in 1958 by the Hawke Government. Originally, in 1956, the same Government established a body with the same name, but without statutory authority. It was generally recognised at the time that although the original body did a reasonably good job within the limitations imposed upon it, it did not function as well as it could. Despite that feeling, it was accepted that it did a good job in its educational campaigns in respect of things like the common cold, flies, and home accidents. It also had the responsibility for the publicity campaign when the Salk polio vaccine first became available.

It is interesting to note that the council came to the conclusion that it would be more effective and would command greater public support if it were to become an autonomous body, rather than be incorporated in the Public Health Department as it was at that time. The council took a deputation to the then Minister for Health (Emil Nulsen) unanimously supporting a change to its present status. At that time it was stated the public desired the change, which was expected to result in greater public financial support. The Hon. Emil Nulsen had the following to say during that debate in 1958—

> It will be under the control of the Government, because the Government will have to subscribe finance, but not to the same extent as while it is a non-statutory body. This council met me at a deputation and unanimously asked for the legislation which is now before us.

Further on he said—

> . . . most of this measure has been suggested by the council itself, which asked me on several occasions to put it on a more independent basis, so that it would receive a greater response from the public than it has received as a non-statutory body.

Still further on he said—

> These people said that unless they had some statutory power and autonomy they would not do as well in the future as they had done in the past; because the general public has requested them to have a body to which presentations can be made.

The present Minister told us that the council will continue to manage a trust fund created to receive special grants made by outside organisations for specified health education purposes.

In view of what was said in 1958, it would appear the public is not over-anxious to make subscriptions, presentations, or donations to a Government body. I shall quote Mr Nulsen again, as follows—

> . . . I think that by making it an autonomous body, similar to the one in Queensland, more public support will be obtained than would otherwise be the case. For some reason, the public seems to have an abhorrence of giving money to any Government department or Government organisation.

There are references to this throughout the debate.

So I would not be too sure there will be much funding by way of special grants from outside

organisations if we have to change back and have the sort of body which existed prior to 1958. It was obvious that it was not working as well as it would if it were given autonomy, and so the legislation was passed in 1958 to give the council its present status.

Since that time there have been two amending Bills; one in 1961 which added a representative of the Australian Dental Association to the council; and one in 1975 which significantly changed the composition of the council by increasing its membership from 18 to 21. That Bill removed representation from the Red Cross, the Australian Broadcasting Commission and commercial radio stations, and added representatives of the following bodies: Mental Health Department; Alcohol and Drug Authority; WA Teacher Education Authority; WA Branch of the Royal Australian Nursing Federation; Pharmaceutical Society of WA; and the WA Branch of the Public Health Association.

The present Bill virtually rewrites the Act and reverses the situation to what it was in 1958, when action was taken by the Hawke Government to take the Health Education Council out of the Public Health Department and make it a more powerful autonomous body.

I find it incredible that a Bill such as this, which has far-reaching implications, was dealt with by the Minister in such a perfunctory way—it took him about two minutes to present it to the Parliament. The Minister gave no real reasons for the important changes. He said—

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

Next he said—

> This Bill seeks to make such changes as will enable the council to function as an advisory body to the Minister for Health on matters relating to health education of the people of the State.

The Government intends to take away the rights and powers conferred on the council in 1958 and to change it into an advisory body for the Minister. However, we were not given any good reasons for this being necessary.

I was under the impression that the council was functioning reasonably well within the financial limitations imposed upon it. All members are undoubtedly on its mailing list and would be aware of the well prepared and diverse publications it distributes. Members would also be aware of the council's various other activities and of the decentralisation of its services. It has officers located in community health centres in Busselton, Geraldton, Mandurah, Fremantle, South Hedland, Armadale, and Kwinana.

Members must keep in mind that, thanks to the generous funds provided by the Whitlam Labor Government, community health centres were established throughout the State.

I am wondering whether the changes we are now asked to accept are due to two things dating back to 1975. One was the Bill which was introduced in 1975 and which increased the size of the council. Perhaps the council has been made unwieldy. The other event was the election of the Fraser Government in 1975. As every member is aware, the Fraser Government has greatly slashed spending on health and welfare. This fact could have exacerbated the problems of the council. Can the Minister indicate whether the changes made to the council by his Government in 1975, or the lack of funds, have contributed to this Bill? I would like the Minister to advise also why section 15 of the Act has not been complied with. That section requires the council to submit an annual report which is supposed to be tabled each year. I do not recall such a report being tabled over the last five or six years, and I would like to know the reason for this.

The Opposition is opposed to the Bill, because it feels a body with the very important function of educating and changing community attitudes on matters affecting health should be independent of direct ministerial or departmental control. It should be allowed to receive a wide input of community contribution and to have the power to carry out its functions as it sees fit, unfettered and uncensored by the Minister.

I realise the present Act gives the Minister the final say with respect to the activities of the council, but ministerial interference has been rare. The most memorable interference by the Government would be its banning of the distribution of the council's "Clanger Molloy" pamphlet. I thought that pamphlet was a good way to educate certain young people in the community on the subject of VD. It was an outrageous act by the Government to have it banned.

The Hon. R. Hetherington: It made a clanger!

The Hon. LYLA ELLIOTT: That is an example of the problems that could face the council if it were under direct ministerial control. Health education embraces a range of matters including sexuality, drugs, and human relationships generally, which requires an independent and enlightened approach, free from interference by persons with narrow, bigoted, or Victorian attitudes. I believe that neither the present Minister nor his predecessor would fall

into those categories. However, Ministers are subjected to pressure from the community, their departments, and Cabinet colleagues.

We oppose the Bill. The Minister should give detailed reasons when the present situation should revert to what it was prior to 1958.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.57 p.m.]: I support the Bill for a very simple reason. I will not reach the Everest of hypocrisy in which the Opposition found itself. The Bill has my support because the Health Education Council itself recommended that these changes take place. To oppose the Bill is to say that a man of the stature of Jim Carr has no integrity.

The Hon. R. Hetherington: What a lot of nonsense. Your are over-reacting.

The Hon. R. J. L. WILLIAMS: And the same would apply to Mr Bill Lucas.

The Hon. R. Hetherington interjected.

The Hon. R. J. L. WILLIAMS: It is difficult to continue while Mr Hetherington is interjecting. Certainly I know far more about the subject than he does.

The Hon. R. Hetherington: But you are using words incorrectly.

The Hon. R. J. L. WILLIAMS: I was saying the integrity of Bill Lucas and Jim Carr should not be blackened. These men have been with the council for many years—in the case of Jim Carr, since its inception. These men have recommended that these changes take place, and for very good reasons.

The Hon. Lyla Elliott: Why didn't the Minister give us the reasons when he introduced the Bill.

The Hon. R. J. L. WILLIAMS: The reasons can be found by those who care to do a little reading of *Hansard*. On page 1804 of *Hansard* the reasons are given by a member of the Opposition in another place. At that time that member gave every reason for the council to be abolished.

The Hon. Lyla Elliott: Are we supposed to read the speeches made by members in another place in order to get information, rather than hear it from the Minister introducing the Bill here?

The Hon. R. J. L. WILLIAMS: It depends entirely on the member's point of view. If a member wants to do research in one way or another, it is entirely up to that member. Knowing that the Bill was finally to come to this Chamber, one could have expected the Opposition to place on the notice paper questions about the impending problem.

A review was made of the working of the Health Education Council. The committee of review comprised eminent members of the community. Professor Michael Hobbs, an Associate Professor of Social and Preventive Medicine, was the chairman; and the committee members were Dr L. Holman, Dr J. F. Woolcott, and Mr J. T. Carr, the executive officer of the Health Education Council.

I have attended many Health Education Council meetings and I have spoken on numerous occasions with Mr Jim Carr on this very subject. Jim Carr's one wish was that the health education services could be expanded in such a way as would enable him to do a better job than he felt he was doing. Everyone who knows Jim Carr is aware that he is a workaholic anyway and has done a tremendous job for the Health Education Council. His council—like many departments—was dependent solely upon funds he obtained from Commonwealth sources and it was a case of planning from year to year. As has been mentioned, and rightly so, some of the material produced by the Health Education Council has been invaluable. For instance, the council was very active when fluoride was first introduced into the State. Representatives and lecturers of the Health Education Council as well as many volunteers who were pressed into service travelled all over the State.

The Health Education Council had an excellent name throughout the State; but it was not operating to the capacity which the executive officers felt it should. Consequently they asked for a review and, working on the recommendations of that review, the Minister for Health decided that the council should be restructured and become an advisory body responsible to the Minister. As a result of this no jobs would be lost, no positions would be downgraded, salaries would be carried on, and certainly the work would continue unhampered, unabated, but somewhat more solidly backed financially. So this is one worry taken off Jim Carr's shoulders.

Much of the reseach done into public health problems is done not only by the Health Education Council, but also by the agencies within the Public Health Department and the co-ordinating and disseminating of this information will now be very much more effective with the extra assistance Mr Carr will receive.

Those who know Jim Carr know he is a rugged individual; one may agree or disagree with him, but this does not alter the fact that he has his say, and he has a right to express his opinions, as no doubt he will continue to do in the future.

The 21-member committee will advise the Minister and discuss the problems of the department as they come to light. Those members may be able to suggest ways to make the community aware of some disease or epidemic. The committee will discuss issues and, via the executive officer, pass its recommendations to the Minister who will then be in a position to implement them through the Public Health Department.

There has been a lot of talk about the Public Health Department taking over. It is not so much a takeover as a question of liaison and help and this is really the purpose of the Bill. I therefore ask members who have been in contact with the Health Education Council, and knowing the good work it has done in the past, to allow it this new lease of life, which its members themselves recommended unanimously. I stress the word "unanimously", and support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.05 p.m.]: I thank members for their contribution to the debate; however, I am rather disappointed that the Opposition has indicated that it will not support the Bill.

After listening to the Hon. Lyla Elliott's speech it seems to me she considers the position will be the same as it was when a previous Labor Government set up the Health Education Council. I would have thought that would be an argument for her to support.

The Hon. Lyla Elliott: You were not listening to what I said.

The Hon D. J. WORDSWORTH: I thank the Hon. John Williams for his very major contribution, and as members will appreciate, he has made a great contribution himself to the health of this State, especially when he was Chairman of the Drug and Alcohol Authority. Obviously, he has worked very closely with the council and with Mr Carr. I believe he has proved the point that perhaps the Opposition endeavoured to make as to why this body should not be returned to an advisory committee.

The Hon. Lyla Elliott: The Alcohol and Drug Authority is a separate statutory body, is it not, not an advisory committee to the Minister?

The Hon. D. J. WORDSWORTH: That is correct. I was saying that the Hon. John Williams has worked very closely with this council.

The publications of the council are very readable and acceptable and they have illustrated the story of drug abuse very well. The Hon. John Williams worked with the council in the writing of this.

The Hon. R. J. L. Williams: The ADA has a representative on the Health Education Council in its own right.

The Hon. D. J. WORDSWORTH: That was one of the amendments the Hon. Lyla Elliott did not acknowledge.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Debate resumed from the 21st August.

THE HON. D. K. DANS (South Metropolitan) [5.10 p.m.]: The Opposition supports this Bill. I have had an opportunity to read the amending Bill and also the debates which occurred in another place.

Great emphasis seems to have been placed on boats and the river, but the amendments within this Bill extend much further. One of the criticisms I have is that the Western Australian Marine Act seems to have been reborn over the last few years. This is no doubt obvious as a result of the sophisticated fishing vessels being built in this State. Because of the number of amendments to the Bill I would have thought that now that we are at the stage of amending the Act it would be appropriate to reprint it. Perhaps we may be able to look at this at some future date. The Bill is virtually in two parts.

We could look at the part of the Act that applies to river pleasure craft and yachts and perhaps the other areas in respect of fishing boats and coast vessel trade. However that is only an observation on my part. I could go further and say limited coast trade vessels should come under the Commonwealth Navigation Act. It is strange because if a paddle steamer in South Australia or Victoria was on a river which crossed the border it would come under the jurisdiction of the Commonwealth Marine Act.

The Bill deals first of all with infringements. It seeks to allow an inspector of the Harbour and Light Department to issue infringement notices in the same manner as the RTA. If one considers the few inspectors we have and the large number of boats using the river and travelling between

Perth, Garden Island, and Rottnest one must say they do a magnificent job. They also have to patrol Cockburn Sound and the waters out to Rottnest.

No-one likes increases in penalties and registration fees, but the Government should be now in a position to take up its obligation to provide funds for the provision of boating facilities, by way of ramps and proper boat moorings and marinas. Everyone wants a marina as long as it is not in his backyard.

If we are to decrease congestion on the river we will need adequate mooring facilities outside the river. In view of the energy crisis, undoubtedly more people will turn to sailing. We all know the difficulties of taking a sailing boat out of the river, with the two traffic bridges and the railway bridge which entail lowering masts, and so on.

I make those observations because I think they are important. I see nothing wrong with the infringement system. I do not imagine the number of infringements would gather in much revenue. Undoubtedly many infringements go unchecked because inspectors of the Harbour and Light Department are spending a great deal of time in the courts.

The Bill makes a very substantial and important amendment in that the Act as it stands requires all coast trade and limited coast trade vessels to hold a valid certificate of seaworthiness before proceeding to sea but there is no legal obligation for a ship to be seaworthy when moving within port limits. The port limits, particularly in some of the ports in the north-west, extend for hundreds of miles. All vessels will now be required 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. It is important that this authority should also apply to vessels which move about within the port limits. The Bill is designed to provide the Harbour and Light Department with the authority, and I support this amendment.

The Bill makes a number of important amendments, one of which is that 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 at present 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 the Act by obliging operators of all craft, be they commercial or private, to obey the rules of the road. The Act 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 within their capabilities. Penalties are provided for failure to do so.

If this Act is to be reprinted at some stage, I would like the Minister to give consideration to printing with it a small booklet setting out the provisions in clear and concise terms for the information of all boat owners, because the legislation will now apply to everyone.

The Hon. R. F. Claughton: We really need two.

The Hon. D. K. DANS: I do not know that we need two, but we certainly need a booklet to give a small boat owner some knowledge of what is required of him to prevent collisions at sea. After all, even big ships collide. In addition, people who own boats should be apprised of their legal obligations. People buy boats, put them in the water, and away they go. From my reading, it seems that was one of the problems with the Fastnet race. From time to time newspapers and other bodies produce literature on boat safety which people can buy, but I think we should have an authoritative document which sets out the position clearly, particularly as the provisions applicable to coast trade vessels will now apply to all vessels.

Because of the increasing number of pleasure boat operators who, after being involved in a collision, fail to stop, it is proposed that they be subject to the same requirements as coast trade vessels. People may think collisions do not occur very often but on quite a few occasions I have seen junior yachtsmen run down by boats which kept going. On one occasion when I saw this happen on the river the fellow who ran the young yachtsman down was unlucky because the boy's father was a harbour patrol officer and he chased him down to the harbour. The man did not know he had to stop.

It will be incumbent upon the operators of boats involved in collisions to exchange names and addresses and submit a written report should death or injury result from the collision.

This is a small Bill but it makes many important changes to the legislation in its few pages. It gives the department the right to remove navigational hazards, which in the main arise from boats which are moored in the river. Some boats seem to be moored in the river for years and

no-one knows who owns them. No power has existed to remove them, but that power is now given to the department. Safeguards are provided for the people who own the boats. Should the cost of removal not be recoverable by other means, the department may sell the vessel and use the proceeds to defray the expenses incurred in its removal. The owner will be entitled to any surplus, and he will be advised what is about to happen through notices in newspapers and so on.

I hope the Minister will think about consolidating and reprinting the Act, and printing with it a booklet which sets out chapter and verse in concise terms which will be easily understood by people who own boats. Perhaps one of the reasons we do not have many accidents is the limited area for water sports. They are based on the triangle between the river, Garden Island, and Rottnest. However, as people buy bigger boats they will start to venture up the coast. Some adult education and extension courses provide yachtmen's certificates for those who are willing to attend them, but unfortunately in our society not everyone is willing to do so.

Debate adjourned, on motion by the Hon. R. F. Claughton.

IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.23 p.m.]: The Opposition does not oppose this Bill. The purpose of it is to ratify an agreement between the State and Hamersley Iron Pty. Limited. The agreement amends the proviso in section 9(1)(b) of the Hamersley Range agreement.

Under the existing proviso the company is required to pay an additional rental of 25c a tonne on all iron ore on which royalties are paid. When the Minister is replying to the debate perhaps he will tell us whether any iron ore is mined which does not attract royalties. This seems to be a strange provision.

The rental would have become due as from August, 1981, but the date has now been brought forward to the 1st July, 1979. The additional rental will be payable only on up to eight million tonnes. I cannot recall the exact amount of revenue it will bring in but the additional 25c rental will provide funds for the blacktopping of the roads and other works in the north-west.

I have just spent 11 days travelling around the Pilbara area by car, and while the main highway is rather good some of the other roads leave a great deal to be desired. I can understand the people in those areas being anxious to have more roads with blacktopping. The wear and tear on vehicles over the existing roads would be considerable. The inadequacy of the road system in the north is a constant source of complaint. I went to Millstream Station and was assured it was a fairly good road. If that is so, I would not like to travel on some of the bad ones. No doubt the Hon. Bill Withers knows more about that than I do.

One could wax eloquent on all the things that should have been done and have not been done, such as the money that has been earmarked for the Hardey River bridge and other works in the north-west. But it is of no use going back over the past. The additional 25c a tonne up to eight millions tonnes is something, if it only provides for a couple of roads to reduce the wear and tear on cars. There is no other way to travel in the north, unless people have their own aeroplanes; and not many do.

We support the Bill.

THE HON. W. R. WITHERS (North) [5.27 p.m.]: I am delighted with this Bill. Similar Bills could be introduced for works other than roads. My colleague the Hon. John Tozer, and my colleague in another place (Mr Sodeman), have spent a long time discussing such proposals with company and Government officers and Ministers. I know they are both delighted to see the legislation which is now before us.

Prior to his election to Parliament and since he has been a member of Parliament the Hon. John Tozer has been fighting for funds for roads. I will not make a long speech because the Hon. John Tozer has done a great deal of research into the matter and he will be able to tell members far more than I can.

When I returned from my overseas study tour on remote area development I suggested to the Government a scheme such as the one contained in the Bill. I found one province in Canada had a similar scheme. In Canada it was realised that a great amount of wealth was taken out of a mining region which had great difficulty in providing services for its community.

I think the reason for this can be seen by most members of Parliament and by the public. It is that when a remote area is being developed an influx of people occurs into what was previously an area of low population. With the influx of people a large population develops in the

area—not large by city standards, but a much larger population than was there before. This causes problems with the provision of services and, in particular, with the provision of that very important service: the road.

In Canada the companies and the Government came to the conclusion, and rightly so, that it was necessary to take some of the revenue provided by the mining of minerals in a particular Province, and to convert that part of the revenue into services in the region from which the revenue was extracted. This seems to work very well. In addition it provides for happier people working on the project, and it provides also a better form of decentralisation.

I have said enough. I am extremely pleased to see this Bill. I hope at some other stage in the development of this State we can go a little further and apply this principle not only to roads but also to other services. I hope we can not only request advances of revenue from the companies concerned, but also actually include in the Budget a specific percentage of such revenue for expenditure on services in the region from which the revenue is extracted.

Debate adjourned, on motion by the Hon. R. J. L. Williams.

House adjourned at 5.32 p.m.

QUESTIONS ON NOTICE

TRAFFIC ACCIDENTS

Children: Injuries and Deaths

169. The Hon. Lyla ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

Further to my question 128 on the 14th August, 1979, concerning the number of children injured or killed as a result of conflict with motor vehicles, will the Minister advise whether the figures he supplied refer to—

(a) all accidents in which children have been involved including as passengers in motor vehicles; or

(b) only those accidents in which the children were either pedestrians or cyclists?

The Hon. I. G. Medcalf (for the Hon. G. C. MacKINNON) replied:

(a) and (b) The figures supplied in answer to question 128 on the 14th August, 1979, refer to all accidents involving motor vehicles in which children were casualties, including as passengers.

LAND

Urban Lands Council

170. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Urban Development and Town Planning.

(1) How many blocks of land owned by the Urban Lands Council were recently offered for sale by auction in the area bounded by Esther Street, Belgravia Street, Alexander Road and Daly Street, Belmont?

(2) (a) How many were sold 'under the hammer' at the auction;

(b) how many by negotiation on auction day; and

(c) how many by private treaty after auction day?

The Hon. I. G. MEDCALF replied:

(1) 31.

(2) (a) 1

(b) 7

(c) 6.

ROAD

Orrong Road

171. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

(1) Is the Minister aware that the Belmont City Council will not upgrade Orrong Road, Rivervale, until a solution acceptable to all residents and owners has been reached?

(2) Will the Minister give a similar undertaking to the owners and residents affected?

(3) If not, will the Minister advise what powers exist that will enable the construction of the six lane highway if the Belmont City Council refuse to sanction its upgrading?

The Hon. D. J. WORDSWORTH replied:

(1) The Minister has read newspaper reports to that effect.

(2) No.

(3) No decision has been taken to construct Orrong Road as a six-lane highway. To date decisions taken by MRPA relate to planning.

LAND

Urban Lands Council

172. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Urban Development:

(1) On what date was the Urban Lands Council formed?

(2) On what date did it commence selling land?

(3) How many blocks has it offered for sale since it commenced operations?

(4) How many have been sold—

(a) at auction;

(b) by negotiation on auction day; and

(c) by private treaty after the auction day?

The Hon. I. G. MEDCALF replied:

(1) An agreement was made between the Commonwealth and State Governments on the 11th June, 1975, pursuant to the Urban and Regional Development (Financial Assistance) Act, 1974.

(2) The 26th June, 1976.

(3) 2 454.

(4) (a) 384

(b) 274

(c) 1 435.

HOUSING: RENTAL

Rents: Pensioners

173. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Housing:

(1) As pensions will not be increased until November, 1979, will the Minister give an assurance that any proposal to increase State Housing Commission rents for pensioner tenants will not be effected until the first increase in pension payment is received by them?

(2) If not, could the Minister please explain the reason for not doing so?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) Answered by (1) above.

CULTURAL AFFAIRS: ART GALLERY

Employees

174. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

Further to the Minister's answer to my question No. 161 on the 22nd August, 1979, will he advise—

(a) what appointments other than the establishment staff and those covered in the Minister's answers to questions 113 and 161 of 1979, have been made to the Art Gallery; and

(b) what are the duties of these appointee/s

The Hon. D. J. WORDSWORTH replied:

(a) and (b) The member's persistent questioning relative to various aspects associated with the management of the Art Gallery of Western Australia is such that the Minister for Cultural Affairs invites the member to detail in writing any concerns regarding the gallery which he may have, or which may have been expressed to him, so that a consolidated response may be provided.