Legislative Council

Wednesday, 30 September 1981

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

MEMBERS OF PARLIAMENT

Absence from Chamber

THE PRESIDENT (the Hon. Clive Griffiths): Before proceeding with the next item, I remind honourable members that it has been a long-standing convention in this House that reference to the absence of members is not made. I say that because there are many legitimate reasons that members are not necessarily in the Chamber. I remind members that this convention has existed for a very long time.

LEAVE OF ABSENCE

On motion by the Hon. Margaret McAleer, leave of absence for five consecutive sittings of the House granted to the Hon. P. G. Pendal on the ground of parliamentary business overseas.

NEWSPAPER LIBEL AND REGISTRATION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

MARKETING OF LAMB AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.01 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make provision in the Marketing of Lamb Act to give the Lamb Marketing Board powers to trade in live lambs under emergency circumstances and with the express approval of the Minister.

The intent of the principal Act is to enable the board to acquire lambs delivered by producers to abattoirs and to process, grade, and sell the products on the domestic or export markets.

The board pays producers for lambs delivered according to the weight and grade of the carcases. As the board is unable to make payments to producers for lambs on a live-weight basis under existing legislation, delays in slaughtering disrupt the board's marketing operations.

Since the commencement of the board's operations in 1972 the live sheep export trade has increased rapidly from 550 000 in 1971-72 to 3.1 million in 1980.

The development of this trade has been opposed by the Australian Meat Industry Employees' Union on the ground that it reduces the number of sheep for slaughter, and thus job opportunities for slaughtermen and associated workers. Numerous industrial disputes have arisen because of the AMIEU's attitude on this matter. However, the loss of jobs for slaughtermen is mainly due to the serious decline in the State's cattle numbers rather than to live sheep exports.

Despite the fact that exports of live sheep in 1980-81 were 3.15 million, 4.45 million sheep/lambs were slaughtered in Western Australia. This is the highest level since 1976-77.

The development of the live sheep export trade has increased the prices for all categories of sheep, improved the profitability of the sheep industry, and restored confidence in the future of wool and sheepmeat production.

In 1980 the AMIEU engaged in disruptive industrial action during the peak of the lamb killing season. Lambs are a perishable commodity and need to be slaughtered within a short period of delivery if weight loss and reduced payments to producers are to be avoided. If lambs are unable to be slaughtered because of industrial activity, alternative arrangements for their sale become necessary.

This Bill provides avenues for the board to dispose of lambs which have been delivered for slaughter, but are temporarily unable to be slaughtered because of industrial action.

With the express approval of the Minister the board is empowered either to hold lambs in some appropriate place until they can be slaughtered, or to sell them in the live form.

For the purpose of making payments to producers for such lambs, which would have been acquired by the board, the Bill provides for an assessment in the live form of the weight and grade of the carcases that would have been obtained from the lambs had they been slaughtered upon delivery.

The amendment contains a provision for the board to notify producers, wherever this is

possible, of the board's live assessment, and producers in this position may elect to take redelivery of their lambs if they so choose. In such cases, for the purposes of the Act, the lambs are deemed not to have been delivered.

Under existing provisions the board is obliged to accept all lambs which have been delivered to it in the prescribed manner. The Bill contains an amendment so that the Minister, by notice, can suspend the obligation of the board to accept delivery of lambs because of the temporary inability of the board to slaughter them.

This suspension would apply either generally throughout the State or in any particular area. In this situation the board is required to notify producers of the suspension of the board's obligation to accept delivery of lambs. This notification could be by radio broadcast or such other means as the board considers appropriate.

The Bill provides also for the board to trade in live hoggets in the same manner as with live lambs when slaughtering is temporarily disrupted. With this exception, the Bill does not extend, or alter, the board's powers in relation to hoggets.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

LAND: NATIONAL PARKS SELECT COMMITTEE

Report

THE HON. A. A. LEWIS (Lower Central) [5.05 p.m.]: I present the report of the Select Committee, and move—

> That the report, together with the evidence, be received and that the report be printed.

Question put and passed.

The report was tabled (see paper No. 416).

Statement by Chairman

THE HON. A. A. LEWIS (Lower Central) [5.06 p.m.]: I seek leave of the Council to make a short statement in connection with the report of the Select Committee inquiring into national parks.

Leave granted.

The Hon. A. A. LEWIS: I thank the House, and the statement will be brief. In presenting this report the committee has not attempted to write a textbook on overall park management, but has tried to highlight what it believes are the most urgent requirements for a national parks service in Western Australia. This service is not only for the present generation, but also for future generations, realising that in the next 50 or 100 years there will be a significant population explosion.

The recommendations include the appointment of a director whose responsibility will be direct to his Minister, not to an authority, and the amalgamation of the National Parks Authority with the Wildlife Authority, the Kings Park Board, the Rottnest Island Board, the herbarium, and the Zoological Gardens.

These recommendations and the others have been reached unanimously, but this does not indicate the amount of work the committee and each of its members individually put into the report. I would like to thank the members of the committee and our secretary (Mr Ian Allnutt) for the work they have put into the report and also *Hansard* and the other members of the Council staff who have contributed to the success of the committee.

ACTS AMENDMENT (LAND USE PLANNING) BILL

Second Reading

Debate resumed from 17 September.

THE HON. F. E. McKENZIE (East Metropolitan) [5.08 p.m.]: The Opposition does not oppose the Bill, but I should like to make a few remarks in relation to it.

Any amending Bill which results in changes to the scheme Act administered by the MRPA results in complications, because it is difficult to understand exactly the effects of the provisions. The position is quite clear to people skilled in the field of town planning and those involved with the metropolitan region town planning scheme; but it is very difficult for an average layman to understand the Act. Not only does one have to deal with the sections of the Act, but also one must relate to the clauses which are part of the scheme. People become confused as to what is meant by a "clause" of the scheme, and what is meant by a "section" of the Act.

The Bill before us refers to "planning control areas". In his second reading speech on the Bill the Minister said—

> The purpose of this Bill is to supplement the existing metropolitan region scheme legislation governing the control of development of land within the metropolitan region. It provides for a form of interim control of development within areas to be known as "planning control areas".

The Minister then explained the need for such legislation. We do not want to oppose the Bill, but I should like to point out the Minister did not

indicate the reason it is necessary to introduce these provisions. When legislation such as this is brought to the Parliament, clearly there must be a background of reasons for it. One wonders whether the provisions are necessary because a local authority has decided it wants to rezone a particular area which the MRPA believes should not be rezoned.

An example of such a position could occur in relation to a highway development. A local authority could submit plans for a flat or motel development to the MRPA and, because that body feels it may eventually need the area for road works, it may say, "No, we do not agree with your proposal". If the local authority believes a particular area ought to be rezoned for whatever reason and the MRPA does not agree, a conflict occurs. This could have some bearing on the amount of compensation payable to the landowner. Obviously a flat site is worth a great deal more in terms of compensation than is an ordinary, single dwelling site.

I do not know the reason the Bill has been introduced, but clearly some sort of reason must exist and the Minister may like to comment on it in his reply. It is quite logical to have planning control areas, but I would like the Minister to explain the reason for introducing the measure at this stage. At the present time, I can only speculate as to the reasons for it.

I have been involved in a number of compensation cases concerning my constituents. Therefore, these sorts of questions spring to mind when legislation of this nature is brought before the House. A number of people in my electorate cannot obtain what they believe to be a fair and reasonable valuation for the homes in which they reside. This creates many problems for members when constituents come to us and say, "I am going to be relocated somewhere else". This is of particular concern in areas such as the one I represent where many dwellings are situated close to industrial areas. Naturally valuations are not particularly high, but there is much development potential especially in relation to flats. If rezoning occurs, sufficient compensation should be paid so that the people concerned can relocate adequately elsewhere.

Frequently people are forced to move out of their homes and it is important that they are able to obtain a residence of a type similar to that which they have left. Therefore, adequate compensation should be paid to enable people involved in these areas to relocate successfully. At the present time a gentleman in my area (Mr Scharanguivel) is experiencing problems in this regard and I see him quite regularly. Some members opposite may have heard of him. He has been offered something like $28 000—I am not sure if that is the exact figure, but it is in that vicinity—for the home he resides in. All he wants to do is to be relocated somewhere else and receive what he terms is a fair valuation. I am not arguing with the valuation because he is in an area of depressed values, but I raise this point because we have a new type of area that will now be brought into the scheme—a deferred area known as a planning control area.

I think we ought to ask the questions: What is the need for it? Has it been brought about in order to overcome this compensation system? Has any local authority approached the MRPA with a view to rezoning in order to increase the compensation that may be payable? It seems to me that that may very well be the case but, as I indicate now, it is pure speculation.

The Minister has stated also that there is a proviso in respect of the inclusion of an owner's land within a planning control area which will not prevent the continuation of any lawfully established use or the construction or completion of any development which had been lawfully approved and/or commenced when the control area was gazetted. That is quite a good measure. We are pleased that that is in the Bill because it provides protection for someone who has commenced a development prior to the land being declared a planning control area.

The other point I thought I might raise with the Minister is the question of the sections of the scheme Act that apply to what is considered a substantial amendment to the scheme, because there are two forms of appeal in respect of substantial amendments. When the amendment does constitute a substantial amendment, in the first instance, of course, a comprehensive method is adopted to enable people to have their appeals heard adequately. However where the amendment does not constitute a substantial amendment—I am referring to section 33A when I speak about not constituting a substantial amendment—the appeal is merely to the Minister and does not go beyond that.

The provisions under section 33 relate to a comprehensive procedure which includes advertising so that people have the opportunity to appear before the tribunal to determine their appeal; whereas where a substantial amendment is not involved, it is merely an appeal to the Minister.

Any substantial amendment, of course, is laid before both Houses of Parliament. We have got the right to reject that substantial amendment;

but, in the case of one that is not a substantial amendment, there is no way that the Houses of Parliament, except perhaps by way of a motion, can disallow it. I am just wondering what the position will be in respect of any area that is declared a planning control area—whether it will be dealt with in the manner of a substantial amendment to the scheme, or whether it will be considered not to be a substantial amendment and the appeal will be merely to the Minister.

I indicate the Opposition's support of the Bill. It is guarded support, because we do not know what effect it will have on individuals. We all have to be concerned about the individual. Most of us have had some experience with people who are dissatisfied as individuals over a number of matters, not only relating to compensation; members will recall the dissatisfaction of Mr Uren, a constituent of mine—

The Hon. I. G. Medcalf: I have heard that name before somewhere!

The Hon. F. E. McKENZIE: I am quite sure the Attorney General is aware of that name. I might add that Mr Medcalf wears a halo as far as Mr Uren is concerned.

The Hon. I. G. Medcalf: I did my best for him.

The Hon. F. E. McKENZIE: The Attorney General certainly did. Mr Uren is most appreciative of the Attorney General's efforts and has expressed that to me. Because he is my constituent, I am always very cautious whenever appeals of this nature come before the House. Currently Mr Uren is away; he told me he was going overseas. When he returns, I have no doubt he will read *Hansard* because he is a fervent reader of debates affecting the Metropolitan Region Planning Authority and he will observe that at least I have raised some questions in the House as to what might be the future of this area.

The Hon. I. G. Medcalf: I am sure he will commend you for your efforts on his behalf.

The Hon. F. E. McKENZIE: I am not sure about that, but I am certainly doing my best for him. I have him in the back of my mind when I am speaking.

We do not want to oppose the Bill. I make these few guarded comments in respect of its provisions, in case they should be raised in the future. That is the real purpose of my advising the House of some of these things about which I am speculating; it is simply to be in a position in the future to be able to say, "I said that there may be some problems". I am not aware of any, but I would have appreciated the Minister in his second reading speech giving us the reason that this Bill came about after such a long period.

THE HON. NEIL OLIVER (West) [5.22 p.m.]: I support the Bill with some minor reservations about which I will speak during the Committee stage when I move amendments. I would like to point out that I support the Bill in principle as it intends to provide compensation to landowners whose applications for carrying out development in controlled areas are refused. I would say there would not be a member in the House who would not support that proposal which has just been so ably put by the Hon. Fred McKenzie. The Bill enables controlled areas to be set aside, which gives the opportunity for compensation to be provided.

Furthermore, the Bill goes even further, and it has my full support. In a controlled area where there is a particular zoning, and an owner applies for permission to divide his property in half—and I am not referring to developers in this sense, but to the same people to whom Mr McKenzie is referring—

The Hon. F. E. McKenzie: Can I just say that compensation is payable. The question I raised is: Is that compensation adequate?

The Hon. NEIL OLIVER: That is right. I cannot answer that one because that is a matter for the Valuer General's department; but I have heard that in many instances complaints have been made about it. What I am saying is that where a person does wish to develop in a controlled area and the proposed development is in accordance with the present zoning, if the preliminary conditions placed on the subdivision are unacceptable to the applicant, it seems to me that compensation will apply. Frankly, I believe this is an excellent piece of legislation.

I would like to compliment the Minister on his second reading speech. The reason I do so is that planning matters have now become extremely complex in our State and in other parts of the Commonwealth. I would like to compliment the Minister again for his second reading speech because it spells out in detail many of the mechanics of our planning operations which are not applicable to the Bill.

It was quite surprising to me when I received a copy of the second reading speech, to see how voluminous it was in relation to the size of the Bill. Frankly, this is an excellent second reading speech which spells out all the mechanics of our planning. At first I made a note, "What would one expect?", when I read that the Metropolitan Region Planning Authority is responsible for carrying out the metropolitan scheme including the task of controlling development areas to ensure they are consistent with the scheme. Why

the heck should that information be in a second reading speech? We all know why—because of the complexities of it. I commend the Minister for spelling out in detail all the items in it.

I want to make my concern quite clear: This is a Bill which assists developers in the sense of developers being people in the entrepreneurial business of developing; but, more importantly, the Bill protects the small person whose property or, a portion of property, for some reason, is required for the construction of a highway, and where the portion that remains, if that be the circumstances, provides no incentive for him and his family to stay there. It affords him the opportunity to receive compensation to enable him to move elsewhere, at a point of time and in a set of circumstances that may not otherwise occur for some time.

What I am concerned about is the ability of the State Treasury to meet the compensation that may be required by applicants, because my experience of this has been that the funds in the State Treasury, particularly in our current economic climate, are not very substantial. The Bill says that compensation will be paid, but this Government has not had a particularly good record for paying it in the past.

The Hon. Fred McKenzie said also that this Government has not had a particularly good record for paying the correct amount. I will not delve into that area.

I give an example of a situation that could evolve in this same developmental regional corridor arrangement and I refer to Kwinana Beach. This relates to a constituent who has approached me over the past three years. On each occasion I have written to the Department of Industrial Development because the matter involves the Industrial Lands Development Authority—ILDA. This person bought a block of land, being lot 72, Kwinana Beach Road, Kwinana Beach, some 10 years ago. The land, together with approximately 27 other blocks of land in the area, is currently valued at $10 000 per block. There is nothing this man can do with his land. It is reserved for future industrial development. All he would like is to be paid $10 000 for the block of land and get away and leave it, but he cannot.

Incidentally, there is no caveat on the property. If one looks at a zoning map one will see that it is light industrial land. So this gentleman has no way of selling his property unless he wishes to mislead an intending purchaser, or his agent breaches the Real Estate and Business Agents Act in respect of the description of the property. Over the last three years I have written letters on this man's behalf.

I would like to quote a letter from Mr J. W. Leahy of the Department of Industrial Development, which reads as follows—

> I refer to your letter of 6.2.1979 regarding your offer of the above property to the Department for purchase.
>
> Your offer was considered together with 27 others for purchase this financial year. Due to the current economic conditions, the amount of funds provided by the Government this year for this purpose can only meet the purchase of a small number of properties in the Kwinana Beach area.
>
> I advise that your property is not among the small number selected.
>
> However, your offer is noted in the Department's file and will be included in the review for purchase for the 1979/80 year.

Might I say that the rates and taxes imposed by the Town of Kwinana on this property were $79.88 in the financial year 1978-79, and they have increased to $170.50 for the financial year 1981-82. As members will understand, I am a little concerned and I would like an assurance from the Minister that if this legislation is passed the State Treasurer will have the ability to offer compensation to people and we will not have a set of circumstances similar to those prevailing in the Kwinana area at the present time.

Planning is a complex matter and I do not think there is a member in his House who has not found it is somewhat slow and cumbersome. We may be critical of it being slow and cumbersome, but precautions are necessary because we must take into account what will occur in 20 years' time. We are making decisions in respect of regional developments today which will affect the year 2000 and beyond.

In this Bill we are giving a blanket approval to the Metropolitan Region Planning Authority for planning control areas. In his second reading speech the Minister said—

> The purpose of this Bill is to supplement the existing metropolitan region scheme legislation governing the control of development of land within the metropolitan region. It provided for a form of interim control—

"Interim" I presume means "in the meantime". To continue—

> —of development within areas to be known as "planning control areas".

I will speak on that matter later, but I have my reservations about creating blanket control areas which could well involve a period of 150 to 200 years. This and other matters I will raise in the Committee stage.

In conclusion, I would like to touch briefly on a subject that was raised by the previous speaker regarding the use for which a property has been purchased. For example we could have a situation where a person is compensated for a property which is required for a school site. It is later found that the site is not required for a school and the Metropolitan Region Planning Authority is left with the decision as to what it should do with it. Having compensated the vendor, or vendors—as it may be necessary to purchase 50 to 60 properties for a school site—10 years later the Government of the day may say it does not require a school on that site, and because it is a valuable site it may suggest that it be rezoned to GR6 or GR12 for a major flat development. I am not suggesting that the previous vendors be given the opportunity to purchase that property for the amount they were compensated or that they be offered it at the present valuation by the Valuer General. What I am asking is: Why should the Government benefit from the sale of the property?

The authority should not be allowed to profit from its indecision, and frankly, I cannot accept that it should unless the Minister can give me an explanation as to whether there is some way in which this legislation can be re-examined so that the land may be reoffered back to the vendor or vendors at the previous purchase price or at the present valuation. I do not believe there should be an avenue for profit because of indecision on the part of the MRPA.

After those comments it might appear I do not support the Bill, but I do.

Debate adjourned, on motion by the Hon. Margaret McAleer.

EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

Second Reading

Debate resumed from 17 September.

THE HON. R. T. LEESON (South-East) [5.37 p.m.]: The Opposition supports this Bill, which has been brought about because there is some doubt about the validity of fees charged for various activities under the Act. For instance, materials have to be checked and people have to be licensed to handle dangerous explosives, and in my area in particular there is considerable activity in this regard. It is a small industry that has been operating for many years. People in the industry have to know what they are doing and vehicles and materials used in conjunction with this particular substance have to be in top order. The Opposition can see no reason that fees should not be charged for inspections, and for this reason we support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.39 p.m.]: I thank Mr Leeson for his indication of the Opposition's support for the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

ARCHITECTS AMENDMENT BILL

Second Reading

Debate resumed from 29 September.

THE HON. R. T. LEESON (South-East) [5.41 p.m.]: We on this side of the House oppose this Bill, the reason being that it is nothing other than a tax dodge for the architects' profession. Of course, as people know in this day and age the words "tax dodging" are fairly dirty words. We have had tax increases in virtually every Budget, from every angle, and because of this I suppose people are looking for easy ways out.

This Bill makes provision for a situation where a single architect is able to form a body corporate on his own. Previously it was left to two architects to form a company of which they would both be directors. It is a way in which architects will be able to take advantage of tax concessions in the same way that farmers, shop owners, or other people do, while people on low incomes and single incomes have to account for every dollar they earn and pay tax on it; and if they make some small mistake in their tax returns they are certainly very quickly hauled up for it. To me, there does not seem to be any justification in the present situation.

It is not so many months ago that the Australian public learnt that a particular person in Western Australia, Mr Robert Holmes a Court, was able to make $16.5 million in one weekend and was not required to pay one cent in tax on that money. Hundreds of people have

thrown that example at me, as if I could do something about it. That is the way people in our community think. Nobody in this House could tell me there is any justice in such a situation. Another example was the considerable amount of money made by Alan Bond in share dealings involving Ansett Transport Industries—

The PRESIDENT: Order! I suggest to the honourable member that his comments have absolutely nothing to do with the provisions contained in this Bill.

The Hon. R. T. LEESON: This Bill will enable a particular section of the community to dodge tax by permitting one architect to form himself into a body corporate where previously, two or more architects were required. The sole aim of the Bill is to enable people to avoid paying taxation.

We in this Parliament and people in other Parliaments continue to pass this sort of legislation designed to assist favoured people while the ordinary wage earner must pay tax on every cent he earns above $4 041. It does not matter what expenses he is faced with; apart from a select few items, he cannot claim any tax relief in respect of those expenses. We seem to be opening doors to people who in most cases can afford to pay tax. All members know what I am talking about.

For those reasons, the Opposition opposes the Bill.

THE HON. NEIL OLIVER (West) [5.47 p.m.]: I cannot allow Mr Leeson's remarks to go unchallenged; I believe he does not know what he is talking about. A private company is obliged to pay company tax of 47.5c in the dollar. In addition, a private company must distribute all its profits in any given year; it cannot hold some in reserve.

The Hon. J. M. Brown: Are you sure of that?

The Hon. NEIL OLIVER: I am absolutely certain; private companies must distribute all their profits after tax, each year, otherwise they are subject to penalties over and above the normal rate of taxation. Once the dividends are distributed to the shareholders—who may be directors of the company—the shareholders must pay personal income tax. That can hardly be described as "tax dodging".

I should like from the Minister an explanation as to where liability rests. When one is dealing with a body corporate, one deals with a nominated person who is responsible for that organisation. If one is dissatisfied with the service provided by that body corporate, what redress does one have, firstly, with the Architects' Board and, secondly, with the Royal Australian Institute of Architects? Normally, when such complaints are proved, disciplinary action is taken against the individual involved. I am a little uncertain as to how disciplinary action may be taken against a body corporate.

THE HON. H. W. OLNEY (South Metropolitan) [5.50 p.m.]: I did not come here today to give Mr Oliver a lesson in tax avoidance, but I think something should be said in support of the remarks made by Mr Leeson. There can be no question or shadow of doubt that the amendment to the Architects Act in 1978 which permitted the practice of the profession of architecture to be carried on by a corporation was made to enable members of that profession to take advantage of the tax benefits which can be obtained by splitting an income. I suppose that is fair enough; one might say that if two architects were practising as partners, they should be able to form a company.

The Hon. R. G. Pike: I remind you that you supported a similar Bill relating to lawyers.

The Hon. H. W. OLNEY: I will answer Mr Pike's interjection in a moment.

What is the purpose of a firm of architects forming a limited liability company? There would be two possible purposes: One is to obtain the benefit of limitation of liability—as I understand it, that particular advantage is negated in the statutory provisions—and the other is to take the income of that practice and divide it in a way which minimises the amount of tax which must be paid.

I agree with Mr Oliver that companies must pay company tax. If the rate they must pay is 47.5c in the dollar, it is less than 60c in the dollar, and many architects would be paying a marginal rate of 60c or more in the dollar.

So, the advantage is to take the total income and divide it into shareholdings with family trusts and other devices which have acquired respectability in this day, when apparently anybody who has a large income is a fool if he pays tax, whilst those on low incomes must pay tax. The device of forming a professional practice into a company has been established for no other reason than to provide tax benefits.

Mr Pike mentioned a provision in the Legal Practitioners Act which was passed some years ago. It is not correct to say I voted for that provision, because it was passed before I became a member of Parliament. That provision permits the Barristers' Board to make regulations permitting a legal practitioner to share his income with some person other than a qualified legal practitioner. In fact, rules have now been made to permit that course of action, provided the person with whom

the income is to be shared is a spouse or child, or it is to be shared through a family trust, where the beneficiaries are the spouse and child or children of the legal practitioner, and provided also that not more than 50 per cent of the legal practitioner's professional income is distributed in that way.

I have not taken any benefit from that provision. I pay the full tax on my combined parliamentary and professional income. I can tell members that if I did form a company and spread my income around as a result of which I paid less tax, my wife would think it was a great idea. However, because I do not believe in people taking advantage of the law in that way, I pay up; I do not smile when I pay, but I still pay.

The Hon. Neil Oliver: For how long have trusts been operating?

The Hon. H. W. OLNEY: Family trusts?

The Hon. Neil Oliver: Trusts as such.

The Hon. H. W. OLNEY: Trusts as such go back to the early days of equity. However, the sort of trusts we are talking about now are the devices which have cropped up mainly since World War II, since the incidence of high personal taxation. I am not saying there is necessarily anything wrong with such devices. In a legal sense, the device of being able to delay or distribute income in such a way as to minimise tax has been upheld time and time again by the High Court of Australia.

However, I think it is most inappropriate that the Government here should be making a further step—perhaps to correct a bungle in the 1978 legislation but a further step nonetheless—which will have the effect I am sure of decreasing the amount of income tax that is collected by the Federal revenue authorities. That can be the only reason for this amendment, which is the reason the Opposition opposes the Bill.

As I understand it, the Opposition did not oppose the 1978 Bill which permitted architects to form themselves into a company. All I can say is that since 1978 there have come into the Opposition a few more members with perhaps a wider experience in the field of business and commerce than the Opposition had prior to the last election. I feel that, in all modesty, we are now able to take a broader and perhaps more intelligent view of some of these legislative tactics of the Government.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.57 p.m.]: I am sorry the Opposition has seen fit to oppose this Bill. I do not think it amounts to a tax dodge at all; it simply will permit a certain group of people to make arrangements which are enjoyed by other people. Certainly, a saving of tax will be involved; I am not arguing about that. However, let us say Mr Leeson were to form a company—

The Hon. G. C. MacKinnon: Are you going to do it for members of Parliament? We would be very interested in that case.

The Hon. G. E. MASTERS: No, I am saying that if any member of this House set up a small company he would be able to make a business arrangement so that any profits derived from that company's operations could be distributed in a way which minimised tax. Why should architects be disadvantaged in comparison with other people in the community?

The Hon. G. C. MacKinnon: Let us continue the discussion about Mr Leeson and his colleagues.

The Hon. G. E. MASTERS: It is nothing more than the normal, accepted practice within the law.

Certainly, the legislation will enable an architect to make certain arrangements. However, it is not always to a person's advantage to form a small company. By the time auditors' fees are paid, incorporation costs are met and problems are encountered with having the accounts cleared, quite often it does not represent an advantage at all. However, the Government believes the architects should be no different from anyone else. If an architect wishes to take on another director, the Bill quite clearly provides that the other director shall not have any voting shares. It is quite obvious to anyone who reads the Bill that the registered architect will retain full control of the company in cases where there are two directors. Quite frankly, the Bill contains sufficient protections.

The registered architect is the person who is responsible, the person who is answerable; and in all cases the board will carefully vet the director, whoever he may be, and make sure everything is done in a proper manner. While the architect will be able to save money by this process, it is no more than other people in the community enjoy.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.01 to 7.30 p.m.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 14A amended—

The Hon. H. W. OLNEY: This clause seeks to amend the section of the principal Act which facilitates the practice of architecture by a corporation. In the Minister's answer to the second reading debate he conceded that the purpose of allowing architects to practice in the form of a corporation is to allow them to minimise the incidence of taxation. His justification for the changes needed to facilitate a one-man practice operating as a corporation so that an architect can minimise his income tax is that everybody else has that course available to him. That is not completely true in this modern age. Many of the learned and noble professions do not have the facility of splitting incomes in a way that minimises tax payments, and, if done sensibly, means that a person pays no tax at all by use of companies, trusts, and whatnot. In fact, I know one professional man who was approached by a fly-by-night consultant from the other side of Australia who said, "I can fix up your tax for you so that you don't pay anything. All you have to do is listen to me".

The Hon. D. J. Wordsworth: A few doctors do this.

The Hon. H. W. OLNEY: A few doctors may well have such schemes. My friend said, "Well, I am a member of the Labor Party and I do not believe in that sort of thing". The consultant said, "Well, if you have a conscience tell me how much tax you want to pay and I will fix that. You can pay a couple of thousand, and it will look all right. That will salve your conscience. You can have a scheme that will meet your needs". I am pleased to say my friend, being a member of the Labor Party, did not go into any scheme.

Some of us have principles, and people in certain professions have principles for which they are accountable. Architects are like doctors and other professional people. Architects must be registered by a statutory authority and follow proper procedures; they cannot practice architecture unless they hold that privilege. They ought to be accountable personally. This business of allowing them to practice as a corporation is quite anathema to that principle.

At least arrangements made under the Legal Practitioners Act preserve the personal relationship between those professional people and their clients, although I indicated earlier that lawyers can make certain arrangements whereby their tax burden is decreased. I am not sure whether those arrangements presently are in use, but I know they are at least contemplated. They will allow the splitting of incomes, but only to the extent of half the professional income. The personal relationship between the professional man and his client is retained; but that will not be done under this legislation. It is like trying to close the proverbial stable door after the horse has bolted. The present arrangements were fixed in the 1978 Act, but the proposed change facilitates further exploitation in that it virtually allows architects to do something that no other section of the community can; that is, to have a one-man company.

Of course, the Companies Act requires a company to have two shareholders and two directors, but this legislation contemplates the situation whereby the shareholders and the director are one. The architect will have three-fifths of the voting power, and the casting vote in the case of equality. Simply, such a company will be a one-man practice conducted under the corporate veil.

I must admit that there is a provision for the director of a corporate architect to accept personal liability. At least that is something, and it emphasises the fact that the corporate practice is nothing more than, and can be nothing other than, a scheme to minimise the contribution by architects to Government revenue and, correspondingly, an imposition of a higher burden of liability upon those parts of the community which are not able to take advantage of such schemes.

The Hon. G. E. MASTERS: Still I cannot believe that the honourable member is serious when he says that the sole purpose of this Bill is to allow architects to avoid paying taxes. Certainly architects will receive the benefit of a saving of tax if they wish to take advantage of the legislation, but that would put them in no more or no less a position than other people who run businesses and people who take legal advantage of arrangements under the taxation system.

I will not argue about that point; I argue that under this clause it is quite obvious that the board can lay down stringent conditions for an architect to follow when setting up his company. All requirements laid down by the board must be conformed with; if not, the responsible person—the registered architect—can be penalised and disciplined by the board.

I am quite certain that if an architect behaves in an irresponsible manner or a manner not in the interests of the profession, he will be penalised. If members read through the provisions relating to the board's powers they will see quite clearly that the registered architect is required to do a number of things and that the board at all times has powers to enable it to take action as it sees fit. That is the reason for the requirement upon the

registered architect to maintain the responsibility for full control of his company in respect of voting rights, shares and the like. It is a protection to the public and to the board so that architects behave properly.

The Hon. H. W. OLNEY: The Minister has confirmed what I was saying; section 22B of the Act does not allow a corporate architect to take advantage of the limitation of liability of which companies normally can take advantage. The architect-director will remain liable. I did not say he was not subject to all the disciplines as set out in the legislation that can be imposed for misconduct. This point gets back to the question of why architects want to practice as companies. The sole reason must be so that they can divide their incomes to minimise their taxation payments.

Clause put and passed.

Clauses 4 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ABATTOIRS AMENDMENT BILL

Second Reading

Debate resumed from 29 September.

THE HON. J. M. BROWN (South-East) [7.42 p.m.]: The Minister for Agriculture stated that repeal Bills he introduced recently to the Parliament were to get rid of skeletons from the cupboard, but this Bill will put skeletons into the cupboard. The purpose of the Bill is to extend the age at which members of the Western Australian Meat Commission must retire from 65 to 70 years.

The Hon. H. W. Olney: Charlie won't be able to be one now.

The Hon. R. T. Leeson: There will be another amendment.

The Hon. J. M. BROWN: In general the Opposition does not believe that the retirement age for any holder of public office, or for a member of Parliament for that matter, should be more than 65 years of age. We do not understand why there should be an extension to 70 years of age of the retirement age of members of the Western Australian Meat Commission, bearing in mind what the commission actually does.

It was set up as a body corporate comprising originally six members, which in 1978 was extended to eight. One member is to be a person with relevant marketing experience; one with personal and relevant experience in financial management; and one with extensive and relevant experience in the meat industry. Four other members represent the interests of meat producers, and one further member is someone to represent the interests of the State.

We recognise that the increase in the number of members from six to eight was to increase representation of meat producers and we recognise the capabilities of many men in the various fields of the meat industry. We wonder why we need to increase the age limit from 65 to 70 years of age.

It was said in the second reading speech that the reason for the extension of the retiring age relates to the expertise that may be applied to the functions of the commission from a particular member or members well skilled in the industry.

Surely, the commission would have the power to invite anyone to offer his skills and knowledge, if that were thought necessary. Why must we extend the age limit when the limit set now has served its purpose for many years?

When we consider the way the industry is running at the moment, new ideas and activities would be welcome. Do we wish to rest with the old ideas and have a situation of no change?

The Hon. P. H. Wells: You are saying that anyone who is 70 years old has not anything to contribute.

The Hon. J. M. BROWN: I have said that if certain people have the necessary skills then they can be invited to make a contribution to the commission. There would be no restriction on the utilisation of past experience. There are many capable people within this State, up to the age of 60, who can fill this function. I am suggesting that this is not merely a job for the old boys.

I ask: How does one gain experience if people are going to to be kept on beyond the age of 65? I can understand that this may be part of Government policy but why have a limit at all if it is to be Government policy? Despite the interjection from Mr Wells I could be confounding my own argument when we consider Dr Adenauer, Chancellor of Germany who was 81 years of age. Of course we can give the example of the cowboy Ronald Reagan.

The Hon. Lyla Elliott: That is a bad example, that one. He is a disaster.

The Hon. G. E. Masters: Don't be so silly.

The Hon. J. M. BROWN: Of course the question comes to everyone's minds: Why is it so essential, in the light of the operation of this legislation over many years—it was first

introduced in 1909—that the age limit be extended to 70 years if the skills required can be co-opted?

This happens quite often in local government. I suppose Margaret McAleer can say that many people have stayed on year after year in local government.

The Hon. D. J. Wordsworth: You are not saying she is approaching 65?

The Hon. J. M. BROWN: I had better be wary of what I say now because I have high regard for Miss McAleer and her contribution to this place. I will say that many people in local government stay on for 30 or 40 years. People become complacent and no-one will oppose them. No-one can deny the contribution they make over the years but they do not give anyone else the chance to demonstrate their abilities.

What I am attempting to impresss upon members is that it is a proposition of jobs for the boys on retirement. There are many people in our society who need only a chance to demonstrate their abilities. There is not a shortage of people to offer their services and there are plenty of skills available.

We have enough people to serve the interests of the people of Western Australia. The Opposition does not accept the proposition to extend the age limit from 65 to 70 because the limit of 65 has worked satisfactorily in the past. We have only to look at the annual reports of the commission to know how successfully the commission has operated. We know that three years ago the members of the commission increased from six to eight. We know also that their expertise must rub off on their fellow members as a result of the larger membership.

We do not support the amendment.

THE HON. P. H. LOCKYER (Lower North) [7.50 p.m.]: I support the Bill even though I note the points raised by Mr Brown. He raised some good points, but I cannot agree with his argument. Perhaps he has missed the reason that the Minister for Agriculture and his department have introduced this Bill.

As far as I can ascertain, the department is merely pointing out that there are people up to the age of 70 years who have something to contribute to the industry. It is generally accepted that the type of person who may be interested in serving on the commission or has the experience to be co-opted to the commission is likely to be close to retiring age before he can even consider an appointment on a board such as this.

This, of course, does not necessarily mean that any member of the Meat Commission will remain until he has reached the age of 70 years. It is very important that people involved in this industry and who have something to contribute are able to serve on the commission. Many people up to the age of 65 years and over are very active. To give one example, our own Premier is such a person. The Hon. J. M. Brown mentioned the President of the United States, and we can consider also the leader of the USSR who is well over 70. There is no substitute for experience and people who are close to 65 or over should have an opportunity to their expertise. The Bill is good, brief, and to the point, and we should support it.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [7.55 p.m.]: I thank members for their support of this legislation and I assure Mr Brown that his arguments can be laid to rest—perhaps alleviated is a better word.

In regard to this legislation, it is not a matter of someone wishing to stay on the board because he is indispensable. As it happens, we are placing on the board a person who will turn 65 before his term expires. It is his first term, so we are obtaining new experience on the board as well as a worth-while contribution.

I think this even conforms with Labor Party policy. Members opposite do not toss people out because they have turned 65; they are allowed to finish their terms. I do not know what the Labor Party will do when it has its 30 per cent membership of women.

The Hon. H. W. Olney: They will all be young women.

The Hon. D. J. WORDSWORTH: I think the Hon. Lyla Elliott will be here for another 50 years.

This legislation is not introduced so that a particular person can remain on the board. Indeed, we have new blood on the commission and to enable that person to see out his term—

The Hon. J. M. Brown: Who is the person?

The Hon. D. J. WORDSWORTH: He is Mr Keith Smart, the previous manager of the Commonwealth Bank. He is a man with a great deal of experience, and although the board was increased to eight members we did not increase its expertise in this direction, we only increased the rural representation. It made no difference with us increasing the non-rural representation.

I ask members to support the legislation.

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.

PERTH THEATRE TRUST AMENDMENT BILL

Second Reading

Debate resumed from 29 September.

THE HON. R. HETHERINGTON (East Metropolitan) [8.00 p.m.]: I place on record that, for once, I find the Minister's speech clear, satisfactory, and persuasive.

The Opposition supports the Bill.

The Hon. D. J. Wordsworth: I will not ruin it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

LOCAL GOVERNMENT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from 29 September.

THE HON. R. HETHERINGTON (East Metropolitan) [8.02 p.m.]: Generally the Opposition is not opposed to this Bill.

Of course, local government is a most important part of our governmental system. It is one of the three tiers of government in our Federation. We have always taken local government very seriously. We are pleased that the Government has taken the trouble to bring down this comprehensive Bill. I will let my colleague take the story from there.

THE HON. PETER DOWDING (North) [8.03 p.m.]: I wish to say only that the Opposition does not oppose this legislation.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.04 p.m.]: I thank the Opposition for its demonstration of unanimous support for the Bill. I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL

Second Reading

Debate resumed from 17 September.

THE HON. F. E. McKENZIE (East Metropolitan) [8.05 p.m.]: The Opposition opposes this Bill in relation only to the provision which involves aerial photography. That provision is contained in clause 3, which inserts a proposed new section 12EE. I will deal with that later. We are not opposed to the other matters in the Bill; but we are opposing the second reading because of that provision.

Another provision in the Bill relates to a new definition of "farm land" for rating purposes. We do not disagree with that definition because it is clear that some of the small hobby farm holdings are being utilised for the purpose of the lower rating, when it was never the intention that they be used in such a fashion.

Another provision in the Bill is for either party to arrange for the testing of a meter when a dispute arises as to whether the meter is recording the amount of water correctly. Previously the testing of the meter could be initiated only by the Minister; but it is proposed that both parties will have the opportunity to request that the testing be carried out.

We have no argument with the provisions relating to decimal currency and metric measurements.

In relation to proposed new section 12EE, the legislation requires an accused person to disprove aerial photographs. It removes the onus of proof from the shoulders of the Public Works Department and places it squarely on the owner of a property. That is objectionable. Proposed new section 12EE provides—

> 12EE. (1) In proceedings under this Part of this Act a document purporting to be—
>
> (a) a true copy of an aerial photograph marked so as to identify, and show the boundaries of, land according to official survey; and

(b) signed and certified by the Surveyor General as being a true copy of a photograph taken on the date specified in the certificate and as correctly identifying, and showing the boundaries of, the land according to official survey,

is, without proof of the signature of the Surveyor General, admissible as evidence of the matters so certified and of the condition, on the date so specified, of the vegetation on the land so identified.

(2) Where, in proceedings for an offence against this Part of this Act, it is proved that land has been cleared, the person who was, at the time the land was cleared—

(a) the occupier of the land is, in the absence of evidence to the contrary, deemed to have so cleared the land; and

(b) the owner of the land is, unless the contrary is proved, deemed to have permitted the land to be so cleared.

In those cases, the onus of proof is placed clearly on the shoulders of the occupier or the owner. That should not be the case.

We have a further objection to the photography itself. That will be elaborated on during this debate by members on this side of the House who are properly qualified in the law. They will indicate other reasons for objecting to proposed new section 12EE.

I rose merely to indicate our opposition to this part of the Bill. I notice that the Government has an amendment on the notice paper in relation to this matter, and I will discuss the amendment when we come to it.

THE HON. W. M. PIESSE (Lower Central) [8.11 p.m.]: For the most part, I support this legislation; but I also am concerned about proposed new section 12EE.

Can the Minister tell me how the photographs, when produced in court, can be certified as photographs of what they are claimed to be, bearing in mind that the court will be looking at the condition of the clearing of the land? Based on the aerial photographs I have seen, it is not possible to observe the surveyor's pegs, so one does not really know the boundaries of the land. One can make a guess based on the way the roads run and the position of buildings; but when one is looking at an area that is partly cleared and partly forested, it is difficult to tell which area is which.

Is there a complete set of aerial photographs of the catchment areas already in existence in the Surveyor General's office or in the Department of Lands and Surveys, with the clearing ban areas indicated on them? Certainly there is a need for that. For one thing, if a fire passes through an area of land, one can see from an aerial photograph that a fire has been through. In a high rainfall area, it may be a matter of only 12 months before that land will be so covered with saplings that, from the air, it is difficult to say whether the land is bush, or whether it is regrowth following a fire. If regrowth had occurred following a fire, and somebody flies over the area and takes a photograph, he could say, "Yes, they are clearing that piece of land". In fact, that would not be the case. The people may be returning the land to the condition it was in before the fire occurred.

That is an illustration of how inaccurate aerial photographs may be. I would be happier if provision were made in the Bill for evidence of aerial photographs to be supported by land inspections. It is all very well to say that would be too difficult to do when the areas are remote and inaccessible. There is nothing to prevent anyone from taking an aerial photograph in respect of which the Public Works Department can say, "Yes, it looks as if there is some clearing". The department should be duty bound to make a ground inspection of the area before the matter is raised in court.

It will be said, of course, that the department would not be able to obtain permission to enter the land. There is no reason that legal permission to enter the land cannot be obtained, in the circumstances.

It is foolish to say that the time involved would be too great, because there is no way that a man can roll up a cleared paddock and hide it away. If any clearing has been done illegally, it will remain for some time so anyone could go and inspect it legally, and then produce evidence of the clearing.

I am aware also it is considered aerial photography will be a cost-saving factor. My son has just obtained his pilot's licence and I am led to believe the use of any aircraft is very expensive. It would certainly be a very costly exercise to engage anyone to take aerial photographs. Therefore, I am inclined to question the validity of that argument.

The Hon. H. W. Gayfer: It costs $250 for an aerial snap of an area.

The Hon. W. M. PIESSE: It is true that is quite a large sum of money and one could travel a very long distance in a Land Rover for the same amount.

I have noted the amendment the Minister has indicated he will move and while I appreciate that effort to rectify what I consider to be a considerable flaw in the Bill, I shall be interested to hear his explanation as to how this will make the position very much safer.

We are dealing with two very serious problems. One is the problem of the encroachment of salt on our land and in our water and the other relates to the livelihood and reputations of members of our population. That is a very serious matter and should be given much attention.

The Hon. G. C. MacKinnon: Have you looked at section 12B?

The Hon. W. M. PIESSE: Even without using the provisions in the parent Act, one may still obtain permission to enter land. If the owner has been able to get into an area and clear it, there must be a way to get in there. It is not like the swamps of South America where no man can travel. It is quite possible to get onto the land.

I realise there are other members who are as anxious as I am about this. I hope the Minister will tell me the extent of aerial photographs which are in the department's possession now and will provide a comparative basis for analysing any changes which have occurred. I would be grateful also if the Minister could give us a comparison of the costs involved.

THE HON. A. A. LEWIS (Lower Central) [8.18 p.m.]: I did not intend to enter the photography argument—I planned to deal with the aspect of meters—but I will deal with it quickly. Mrs Piesse referred to the fact that doubt exists about photography. However, bearing in mind the wonderful work which has been carried out by the Forests Department—indeed, officers of that department are able to pinpoint the beginning of dieback in a blackboy by looking at a photograph—and the great advances which have been made in the total field of aerial photography, I begin to wonder whether aerial photographs are not better than maps at times, because the man entering the land may make more mistakes with his mapping than does a photographer.

The Bill refers to water meters and I was waiting for an opportunity to mention this matter in the House. I should like to indicate the attitude of the PWD to country people on metered water.

Three years prior to the situation I shall refer to in a moment, one of my constituents found the water meter in his shop was not registering. An officer from the PWD suggested arriving at a charge for the water used, by averaging his consumption over the last three years. Being a fair-minded bloke, he agreed with that proposition.

At a later stage the water meter on this man's property appeared to him to be functioning inadequately and I shall quote to members relevant figures for the periods concerned. This man lives in Bridgetown, a place which is not noted for its lack of water. Between July and November 1977 he used 125 kilolitres of water; the reading for November 1978, covering virtually the same period was 191 kilolitres; in 1979 it was 91 kilolitres; and to 30 November 1980 the figure was 2 063 kilolitres. The man believed something might be wrong with his water meter.

Prior to 1980 the average consumption registered by this man's water meter was between 1.4 and 1.5 kilolitres a day and that figure jumped up to 16.5 kilolitres a day in 1980. In Bridgetown in that particular year 781 millimetres or 31 inches of rainfall was recorded. Therefore, it appears between July and November, Bridgetown would not have been extremely dry.

Having represented the area, you, Sir, would be aware of the situation. In any period between November and March from 1978 to 1981 the maximum consumption recorded was 1 578 kilolitres, or an average of 13.04 kilolitres a day.

It is interesting to note the people in the Bridgetown department felt a little worried when they saw this man's water reading and they decided to change his meter. Seven days after it had been changed, they did a check reading and the new meter recorded a daily consumption of 2 kilolitres; so it can be seen the consumption had dropped from 16 kilolitres to 2 kilolitres.

Being the sort of intrepid soul I am, I contacted the Minister about the matter. Firstly I confirmed with my colleague, the Hon. Graham MacKinnon, who held the relevant portfolio previously, that Ministers have the power to waive payments of this nature. I then contacted the Leader of the House when he was the Acting Minister in this portfolio, and, when the Minister returned from his illness, I spoke to him about the matter in an attempt to have the water bill reduced.

I am sure members are aware that, in country areas, water consumed above a certain figure is charged at 96c a kilolitre. The end of the financial year is 30 June. Therefore, it can be seen what I consider was a faulty meter had resulted in that person being overcharged at 72c a kilolitre for all the water he used between November and March and, between March and June, he was charged at 96c a kilolitre.

The Minister said he would reduce the charge to 72c a kilolitre for the excess water used. It appeared to me that person should have been charged at the rate of 12c a kilolitre or at the most, 24c a kilolitre as this was the level at which he was charged for his water in previous years. However, as a result of a faulty meter, he is to be charged 72c a kilolitre or 96c a kilolitre for excess water.

That is a completely unfair situation. The Minister and the department should be told about this matter by the Minister representing him in this House. I suppose what I am saying will not do a great deal of good, but it is quite wrong that because of a faulty water meter a man is being charged an extra $1 000 dollars. Frequently we hear the glib statement that the department is always right and meters do not make mistakes. I remind the House that, after this particular meter was changed from an imperial measure to a metric measure—that is all that was done—the water consumption of that man dropped from 16 kilolitres a day to 2 kilolitres. I believe, in this case, the average water consumption of this person over the previous three years should be used as a basis for levying his water charges.

I support the Government in most areas, but I believe all consumers of country water should be treated fairly. The provisions in the Bill in relation to water meters may go some way towards alleviating the problem in this regard, but, without the Minister taking administrative action, the Bill does not provide for the case of a person who has been charged wrongly for water.

THE HON. N. E. BAXTER (Central) [8.26 p.m.]: This Bill deals with approximately four issues. The first issue relates to the interpretation of the words "farm land". In his second reading speech, the Minister provided scanty information as to the reason for amending the definition and I am in a quandary as to the real reason for it.

I mention this matter bearing in mind the fact that, in recent times, cases have arisen where a piggery has been classified as a commercial venture, not a farming venture. There is a difference in application as far as rating is concerned and also in respect of water charges. Departmental officers have the ability to recommend to the Minister whether land shall be classified as commercial for rating purposes, or whether it shall be classified as farmland. It is clear any recommendation by a departmental officer, as far as classifying land as commercial is concerned, would be accepted by the Minister without demur unless somebody objected to it. Under section 63 of the Act the Minister has the power to levy water rates in respect of ratable land in a country water area. Regardless of whether the land is occupied or actually supplied with water, the Minister makes the decision as to whether it shall be classified as farmland or any other type of land.

I should like the Minister in reply to explain the reason for extending the definition of "farm land", because the amendment expands on the definition which exists already in the Act. The Act refers to land being used as a horse stud, for the purposes of grazing horses, or for any combination of those purposes. The wording in that regard is somewhat nebulous and one could have a combination of all sorts of activities. I run a small horse stud and agist horses, so I am classified in the commercial category, because a few horses are trained on the property. However, I should like to know what happens in the case of a person who trains a large number of horses. Will all those who train horses be placed in the commercial category or will they be classified as farmers? I am questioning the intent of the provision and the reason for it.

The Hon. Win Piesse referred to the use of aerial photographs in respect of land clearing. I will not expand on what she said, but doubts exist in my mind as to whether the acceptance of these aerial photographs as prima facie evidence really creates a situation in which one can expect this to be adopted as a principle.

The Bill deals also with the testing of water meters, the cutting off of water supplies, and other matters related to the supply of water, water meters, and non-payment of accounts.

I am concerned also about clause 7 as a result of which the figure of 4.942c in the dollar will be deleted and 30c in the dollar will be substituted. This relates to the amount per hectare for rating purposes. I have been trying to work this out to ascertain what would actually happen, because the lesser amount applies in relation to this rating scheme. The jump from 4.942 to 30c seems a big one. This is covered in section 65 of the principal Act, and I refer members to that provision, which will be amended to provide a charge of 30c or 3 per cent of the value of the land, whichever is the lesser.

This would comprise a fairly low rate today. It does need a little bit more explanation than that contained in the Minister's speech. I have checked the matter and I think the Minister in this House should have given quite a bit more information when he was introducing this Bill. I suggest he might think about delaying his reply to the second reading and obtaining a little more information

from the Minister for Works to supply to this House so that we all know what it is all about.

THE HON. G. C. MacKINNON (South-West) [8.32 p.m.]: I would like to add my threepence worth to what has been said up to date. This Bill is of extreme interest, of course, to anyone in country areas. The parent Act was introduced by the Minister for Works (Mr Doney) back in 1947. It replaced the Goldfields Water Supply Act which at that time, as the scheme is now, was a matter of very great pride to anyone associated with water or public works anywhere in this State. He explained the ramifications of the Goldfields Water Supply Act and it was hoped that water would be supplied to a far greater area of the State. It is interesting to note that during his speech, on page 2318 of *Hansard* of 1947, Mr Doney said—

> The Great Southern towns and other areas involved will then be able to look forward for all time to an ample supply of pure water.

That water, of course, was to be supplied from Wellington by an enlarged Wellington Dam which was to be built over a period of six years, subject to how much unemployment there might be and whether the project would need to be speeded up. The tragedy, of course, is that the Great Southern at this time is no longer receiving pure water. It is getting water with a quite alarming salinity and it is sufficiently unpalatable to make tea or any beverage made with that water, less than pleasant.

The Hon. Margaret McAleer: Western Australian standards?

The Hon. G. C. MacKINNON: It is about 1 000 parts per million litres salt at its peak; it would be better than that now because a lot of the saline water has been flushed out. As members would be aware, that provided an obvious improvement. As the level falls, the Wellington Dam is being flushed out. The heavier salt water drops, and the lower profiles of the water are being evacuated, allowing the fresh water to take over. The engineers in charge do not believe they will allow the Wellington Dam to overflow this year, although it is getting fairly close, because they will just flush out more and more salt.

It takes an awful lot of flushing to reduce the percentage, but they are dropping it by an appreciable amount as the new water runs in. The point I wish to make is that in the days of 1947 the hope was that we would be able to get fresh water. There is one reason, and one reason only, that we are not getting fresh water now; that is, because too much land was cleared in the Wellington catchment area. In part, that, of course, is the fault of this Parliament. I think the action taken in controlling the flushing of the Wellington Dam was taken too late. There was too much beating about the bush in regard to the matter.

A Government member: Clearing!

The Hon. G. C. MacKINNON: Some 1 500 acres were cleared by farmers who could see that they would be restricted in their clearing and so rushed in and cleared the land, with the result that the Wellington catchment area is now in a very grave situation. In collaboration with the Federal Government, a considerable amount of land has been purchased in very wide-ranging plans for a reafforestation scheme in the hope that the planting of the trees will lower the water table and thus reduce the saline flow into the dam.

Unlike the Hon. Win Piesse, I welcome the addition of proposed section 12EE and I would point out to her that the aerial photograph must be a true copy and all that connotes at law. It has to be done according to the official survey of the Lands and Surveys Department, which is extremely active and efficient. It has to be certified by the Surveyor General, and only then can it be presented as evidence.

The Hon. W. M. Piesse: When proved by a signature?

The Hon. G. C. MacKINNON: The signature is on there. It is a certified document. The prosecution does not have to call proof that the Surveyor General actually signed it. Let me assure the member that not only can photographs pick up the boundaries of the land cleared, but also even as late as today, in watching the excellent presentation by the Public Works Department with regard to the outflow at Point Peron, we were able to look at photographs which showed the bottom of the ocean under 20 fathoms of water.

The Hon. W. M. Piesse: Can you tell from the photo exactly where it is?

The Hon. G. C. MacKINNON: Yes, without the slightest shadow of doubt. One could go down and identify it. So accurate is the photography becoming that it is being used as evidence to indicate where marihuana is being grown in small clumps. Photography does effectively pick up those areas. It is claimed that individual bushes can be identified. This is probably a little wild exaggeration—I would not know—but the individual blackboy bushes that are starting to show signs of dieback can be picked out as the Hon. A. A. Lewis pointed out. It is incredible, although it should not be incredible when we all

know we can receive pictures of the rings around Saturn and the like and that photography is so accurate that one can not only see what something looks like, but also can tell the composition of the material. It confuses many of us, although not so much the younger fellows around the place as the older ones, who have some difficulty in really appreciating the tremendous strides which technology has made.

Yet the one basic resource so essential to us all is endangered by careless action around the world and in this State in particular. We, of course, desperately rely on water, and it is water of which I speak. This Parliament and all its members, I feel, must be forever conscious of the need to protect water. This Parliament must be forever conscious of the need to have an increasing awareness of the uses to which the land is put.

I believe we have started the wrong way around in supporting the Metropolitan Region Planning Authority which has rights over the land of the metropolitan people. We really should have started with a country town planning board with rights over the country areas, because with the study of the demography of this world, it must become obvious that agricultural land will forever be at a premium. I believe it is essential that it should be protected to ensure that those two measured resources, agricultural produce and water, are safeguarded.

It is important that we should watch that land which can be used for agriculture is not cleared off for a factory to be established on it. I should have secured the statistics which show the amount of arable land in the USA which is annually put under bitumen for roads, car parks, and shopping centres.

The Hon. W. M. Piesse: The same thing happens in Victoria.

The Hon. G. C. MacKINNON: We all know, of course, the classic example of the once magnificent citrus orchards of California which have been turned into attractive suburbs. If that is to be the pattern of agricultural land around the world, God help us! While we have the opportunity to look after our land, to make sure that it can produce not only products, but also water, we must do so. I know it is a glib answer to say that we have lost only 2.7 per cent of our arable soil in the last 50 years, or whatever the figure may be. It may be quite true, but it is equally true that we have lost 50 per cent of our potable surface water. It is lost to us for a minimum of 200 years, and possibly for 2 000 years.

If anybody is interested in checking up any of the details on, I think, 8, 9, and 10 October a first-class seminar will be held at the South Perth Civic Centre which everybody can attend. When is it, Mr Masters? He is chairing it one morning.

The Hon. G. E. Masters: I do not have that in my diary.

The Hon. Peter Dowding: It is not important enough!

The Hon. G. E. Masters: Yes, it is. Of course it is, especially if I am there.

The Hon. P. H. Wells: Check the minutes!

The Hon. G. C. MacKINNON: I am sorry, it is 19, 20, and 21 October. It is open from 9.00 a.m. to 5.00 p.m. It will be chaired by the Hon. Gordon Masters and Maurice Mulcahy will be the major speaker. I think it will be a session which all members who are likely to have any problems with regard to salinity and potable water, ought to attend.

The Hon. Lyla Elliott: Do you mean to say that Mr Masters has the cheek to say that and has not done a thing for the Wooroloo Brook catchment area?

The Hon. G. E. Masters: What did I allow to happen?

The Hon. G. C. MacKINNON: I am sure Mr Masters was quite overriden by some of his Labor colleagues on that occasion.

The Hon. Lyla Elliott: I doubt that.

The Hon. G. C. MacKINNON: I was as alarmed as the Hon. Lyla Elliott that that was allowed to happen, because it really did make a bit of a nonsense—

The Hon. Lyla Elliott: It made a mockery of the Government.

The Hon. G. C. MacKINNON: Bear in mind that Parliament has already made its position clear with regard to water salinity in this State because the Bills to amend the Country Areas Water Supply Act in Western Australia, to control the clearing of catchments in the Warren area and near Albany passed through both Houses of Parliament without dissenting voices. If my memory serves me right, two or three speeches were made about it during the six weeks of their passing and not a vote was cast against those measures.

This makes it abundantly clear that the policies of the Liberal Party, the Labor Party, and the Country Party, including the National Party, are absolutely parallel with regard to the preservation and the availability of water in this State. I hear no contradiction to that statement.

The Hon. Lyla Elliott: Why didn't they do something about it?

The Hon. G. C. MacKINNON: I am taking the opportunity of the member's interjection to ascertain what is the policy of the Government and other parties and I indicate that on the previous occasion the Government was remiss in allowing this to proceed, and the expense involved was far from satisfactory.

The Hon. J. M. Brown interjected.

The Hon. G. C. MacKINNON: Let us not get too excited about that. I think a slap on the wrist is needed on that question, but political problems are involved to which I am not privy.

The Hon. G. E. Masters: There are legal problems as well.

The Hon. G. C. MacKINNON: What the Minister means is we did not have enough money to buy the land. That was the only legal matter involved and I know because I was in Cabinet when the decisions were made. It was not a legal problem, it was a financial matter.

The Hon. Lyla Elliott: You should not have given it away in the first place.

The Hon. G. C. MacKINNON: Let us get away from that. I hope the passing of this clause is indicative that the Government will remain firm with regard to the controls it has implemented and with regard to clearing. I am afraid the demands from the point of view of compensation might force the Government's hand with regard to easing up on the control of clearing. I hope the Government does not do this.

There are, of course, faults on both sides but many of the problems with regard to compensation arose from farmers who had no intention of clearing land in the first place, but now that compensation is available they have made the necessary claims in order to obtain some financial recompense. The Government has been over-generous in regard to this matter despite the criticism which may have been made. I hope the Government remains firm and uses this clause, as it requires, from time to time.

There is a Water Resources Council in this State which was set up at the instigation of the Country Party. Members on that committee are Messrs. Hi'lman (chairman), Beggs, Booth, Cheetham, Cohen, Emanuel, Georgeff, Gorham, Hunt, Partridge, Porter, Smith, and Stevens. Mr Glasford was on the committee initially, but retired. I would like to refer to one of the recommendations of the rural water committee which would be of interest to Mr Baxter and Mr Gayfer. The committee stated—

> It is impossible to justify, on purely economic grounds, the provision of reticulated water to farming areas not now served by the Comprehensive Water Supply Scheme.

The Hon. H. W. Gayfer: I did not agree with that.

The Hon. G. C. MacKINNON: This report was presented to the Government and the Government now has the duty to take notice of it. I am surprised that Mr Lewis did not interject immediately, express his opinion, and request that the Government take notice of the report he has tabled today. I hope it does take some notice of the report, anyway. There are arguments against encouraging farmers to obtain water by other means of supply.

The Hon. H. W. Gayfer: If you have a look at my dams you will find that they have nothing in them this year.

The Hon. G. C. MacKINNON: The report goes on to point out the heartbreak that farmers suffer if they are without water. In order to supply water it must first of all be available and kept at a mineral content which makes it possible to be used. If the water is to be reticulated over any distance it must be potable to a wide range of creatures, including man. It must be of high quality with a maximum of 500 parts per million of total dissolved salts. Water cannot possibly be allowed to reach 750, 1 000, or 1 200 parts per million of total dissolved salts, as some of our erstwhile fresh water rivers have now reached.

A member: Even 500 is a bit high.

The Hon. G. C. MacKINNON: It is high for humans, but it is possible to use and, of course, in a country which is as short of water as we are we have to make use of what is available. That is no excuse for allowing farming practice to reach the point where water supplies which can be harnessed for whatever purpose are placed in jeopardy. Under this Bill it will be possible to further the country areas water supply and to further that magnificent dream of C. Y. O'Connor to give water to the thirsty outback. Any Bill which furthers that dream and places Western Australia in the forefront of reticulation of water to remote areas has my support.

THE HON. PETER DOWDING (North) [8.52 p.m.]: I hope I do not detain the House at any particular length. I rise without any expertise in the area of water catchments and the need to protect the resource. I am concerned with the use of a certificate which I believe is quite wrong. With due respect to Mr MacKinnon, he has not understood what is proposed in clause 3.

The Hon. G. C. MacKinnon: I am just a dummy.

The Hon. PETER DOWDING: I did not say that, Mr MacKinnon said it. I said that with due respect to him he has not understood what is proposed in respect of the certificate. There are two stages of prosecution of any certificate. The first is the reception of that document by the court, and the second is the evidence which flows from the reception of that document. Having received the document—the photograph—there are two steps which flow from that. There is simply the information which is available on the face of the certificate, such as the outline drawn on the aerial photograph as the boundary of the property concerned. That is one matter. The second matter is that under the Bill the certificate goes further The certificate enables the photograph to be used as evidence of the materials contained in the photograph which, in my view, is essentially an interpretation of something.

It was interesting that Mr MacKinnon spoke of the wonderful precision of the aerial photographs, and I think he was talking in part of satellite photographs. The photographs can pinpoint an area, whether they be aerial or satellite photographs.

The Hon. W. R. Withers: They are not photographs at all, in fact—

The Hon. PETER DOWDING: Of course, the Bill does not say that the latest technology in aerial photographs will be used in evidence. Under this legislation I believe any aerial photograph could be used in evidence.

The Hon. G. C. MacKinnon: It does not say that at all.

The Hon. PETER DOWDING: The Hon. G. C. MacKinnon was heard in relative silence. I can develop this argument quickly if he permits me to. The Bill does not prevent an inspector sitting in a plane piloted by the Hon. Win Piesse's son, leaning out the window and taking a photograph with his box Brownie.

The Hon. G. E. Masters: Go on, pull the other one.

The Hon. PETER DOWDING: I made the point to illustrate the extreme, but where does it say that it is to be a particular type of aerial photograph? Perhaps the Surveyor General will use the best facilities available and perhaps in some areas of the State the most recent aerial photographs will be available; but there is no obligation that they be used.

The Hon. G. E. Masters: That is the weakest argument I have heard you develop.

The Hon. PETER DOWDING: With all due respect to the Minister, he has repeatedly dealt with the matter in a superficial way and it does make our task more difficult.

The Hon. G. E. Masters: That is dealing with it in a superficial way?

The Hon. PETER DOWDING: Where does it say that the latest technology in photography is to be used? Is it not a fact that the Lands and Surveys Department and the Department of Agriculture have a store of photographs, some of which were taken 20 years ago? Is it the case that a photograph can be admitted under this Bill only if it was taken recently, or within the last week, or within a limited time of the prosecution, or within a year of prosecution? Where is the provision that states the aerial photograph must be a recent one?

I made it clear at the beginning of my speech that I did not know much about the emotive parts of this issue, and it is irrelevant to me whether we pursue the dream of C. Y. O'Connor. But I am looking as a magistrate would look at the proposed piece of legislation and pointing out that it does not do what apparently some people think it does.

It was interesting also that Mr MacKinnon spoke of the clear definition in photographs that were available tonight at the meeting which some honourable members attended concerning the Cockburn Sound effluent discharge pipe. What the Hon. G. C. MacKinnon went on to say, without understanding the implications of it, was that three people spoke and explained what the photographs showed. Under this provision no-one will explain what the photograph shows. Is it up to the magistrate to make his own assessment of what the photograph shows, is it up to counsel, or is it up to the poor old farmer? The Bill does not say that at all.

The Hon. P. H. Wells: It says "... marked so as to identify, and show ..."

The Hon. PETER DOWDING: Yes.

The Hon. P. H. Wells: Showing the outline of the boundaries—

The Hon. PETER DOWDING: Can I urge the honourable member to read the next paragraph and can I urge him to read the entire proposed section which goes on to say, does it not, "... is, without proof of the signature of the Surveyor General ..."?

Some honourable members may take exception to that and I think in another place reference was

made to a specific case where the department could not identify a catchment area. I would have thought, in my innocence, that the boundary could be delineated and certified by the Surveyor General, but some people have said that presents problems. The proposed section goes on to say, "... admissible ... of the condition ... of the vegetation ..."

One may look at an aerial photograph and without any commentary say it has been cleared and yet a farmer may say that it has not. An expert may look at a photograph and say, "Yes, that was taken at 2 o'clock and the sun was shining from the left and the vegetation is there and you will see the dark spots which indicate it is not—"

The Hon. P. H. Wells: Yes, aerial photographs have that kind of data, the time of day, etc. on them.

The Hon. PETER DOWDING: But what can be concluded from that information? If I were the magistrate, what would I know about it? I am not an expert in aerial photography, and I do not think Mr Wells is either.

The Hon. P. H. Wells: I have probably used it more than you have.

The Hon. PETER DOWDING: Probably the honourable member is an expert. It seems to me it is not what a certificate says, but it is rather that one is required to interpret something, and matters should not be evidence by reason of the tendering of them.

Let me take an example. An aerial photograph of a plot of land could have endorsed on it the boundaries of that land, and it may show an area of land that has been cleared, an area of land that appears to have been cleared, or an area of land that someone says has been cleared. However, we would need an appropriate witness to tell a magistrate what the particular photograph shows, as it is not open to any one of us to understand aerial photography.

If it were that a photograph was of some use to explain what a witness was saying, that would make sense. If there were a necessity to call the actual photographer of the photograph to be tendered, that would make sense perhaps. However, for the photograph to be evidence of the state of the vegetation requires the photograph to be interpreted by the receiver of the evidence, who is the magistrate. In my view he ought not be required to make that interpretation, and nor should any person charged with an offence be faced with that evidence simply by the handing in of a photograph.

Another point which has not been canvassed by any other speaker is that if the photograph is to be evidence of such a fundamental matter as the boundaries or the state of the vegetation, surely the defendant should be given a copy a week before the trial so that he can check it.

The Hon. G. E. Masters: I draw your attention to a slight change of the wording of the amendment on the notice paper.

The Hon. PETER DOWDING: I have read that, and I will speak to the amendment in Committee. However, I urge the view that it will not change the situation at all. The photograph will still be evidence of whether the land has been cleared, and if it has been cleared, of the extent of the clearing. That is the subjective interpretation of the photograph.

It is a quite different situation from a witness saying, "I went to the spot, the land had been cleared, and here is a photograph to confirm what I saw". I understand that as being evidence, just as I understand the case of an aerial photographer saying, "I am an expert in aerial photography and the photograph produced shows that this land has been cleared". It is not sufficient to tender the photograph without providing an opportunity to cross-examine either the photographer or a witness swearing to the truth of the photograph. Apparently an accused person would not be told about the photograph until the moment the document was tendered. In all fairness I urge the Minister, who does not often take my advice, my suggestions, or my prayers—

The Hon. G. E. Masters: I am listening intently.

The Hon. PETER DOWDING: —that as this is not a political matter it should be taken back to the department with the comment that if a person is charged with an offence, surely he is entitled to know the case he has to answer. If he has to prove the boundaries of the land and the fact that it has or has not been cleared, then surely he is entitled to a copy of the photograph a week or two before the trial. It appears to me to be a matter of common justice. Why cannot the Minister take the legislation back to the department to have it reconsidered? The Minister could then return with the Bill the week after next, and amendments could be moved to tidy up the provision to which I am referring.

We do not have any fundamental objection to the provision, except that it seems to create another one of these injustices which will not be detected until some poor farmer suffers the consequences. He will then approach his member of Parliament to grizzle about the way the

prosecution of the case against him was conducted. His member of Parliament will then have to tell him that he has no rights in the matter because the Parliament says that the prosecution can produce this sort of expert material which the accused person has not had a chance to see until the moment it is tendered.

This is a very important principle because, like the Commonwealth, the State is relying increasingly on presumptions. We find increasingly in State legislation that there is a set of presumptions against an accused. The presumption here is that the person who was the occupier at the time the land was cleared is deemed to have so cleared the land and the owner is deemed to have permitted the land to be cleared. So something quite important hangs on the boundary area and the condition of the vegetation on the land, and both these matters can be proved without the admission of any evidence other than the photograph.

It was put to me earlier that some of the farming lobby had been placated by the suggestion that the photograph will be prima facie evidence only. I point out that it will be evidence—evidence the magistrate can rely upon. It will be material upon which the prosecution can succeed. The magistrate can say to the farmer, "You tell me that is not your land, but I have a photograph and a certificate". The evidence does not have to be challenged in any material way; it is just evidence.

I would like to draw members' attention to some comments about the normal way a photograph is used. This is a quotation from Halsbury's *Laws of England*, 4th edition, volume 17, paragraph 224, and this is the definitive work—at a fairly superficial level, although in some cases it goes to great depth—on this sort of problem. It says—

> Photographs. Photographs properly verified on oath by a person able to speak to their accuracy are generally admissible to prove the identity of persons, or the configuration of land as it existed at a particular moment (scientific deductions from them being made by a witness both skilled and experienced in such a task).

So it is the deduction of what one sees in a photograph which, under the general law, is required to be made by an expert witness. Surely the department can produce an officer who can explain what a photograph means. Surely the department can prove its case simply and within the interests of the public purse in a relatively short time, but equally well without relying on the mere production of a photograph.

I would like to quote also from paragraph 28 of the same volume of Halsbury's *Laws of England* about the meaning of prima facie evidence. It says—

> "Prima facie evidence" means evidence which, if not balanced or outweighed by other evidence, will suffice to establish a particular contention.

So if the photograph and the farmer's word balance each other out, a magistrate could well find in favour of the photograph, and yet the farmer's evidence may have been correct. It may be that what is required is an interpretation of the photograph. It may be that the boundary is not drawn correctly on the photograph, although I do not find the same strength in that argument. At the very least I urge the view that the photograph and the certificate ought to be available at least a week or a fortnight before the trial so that the person charged has the opportunity properly to define his case.

I believe that members of Parliament have an obligation to bring such matters to the attention of the House. I know how such legislation is prepared. The department puts forward some suggestions and the Minister agrees with the suggestions. The points I have raised are not covered by the proposed amendment.

The Hon. G. E. Masters: I did not know whether you had had a chance to see it, but you were using the word "vegetation" when that definition had been changed slightly. I was trying to help you.

The Hon. PETER DOWDING: So that the Minister and the members of the House understand our bona fides on this matter, we have made representations to the Minister about it. Even before the debate commenced, we endeavoured to point out what we see as inadequacies so that the Minister was not embarrassed. However, a photograph may still be produced as evidence of whether or not land has been cleared and evidence of the extent of the clearing. With all due respect, that is not much different from the state of the vegetation. The amendment will make the provision more specific, but the photograph still will be evidence of the amount of clearing. It may be clear from an aerial photograph, but all sorts of factors could affect the image on that photograph. Therefore, an expert ought to speak about the meaning of the photograph.

Debate adjourned, on motion by the Hon. Margaret McAleer.

BORROWINGS FOR AUTHORITIES BILL

Second Reading

Debate resumed from 29 September.

THE HON. J. M. BERINSON (North-East Metropolitan) [9.12 p.m.]: The Borrowings for Authorities Bill does not go to the merits of particular loan raisings, but to the techniques of these loan raisings. In effect the Bill proposes to use the Treasury as a central borrowing authority for State agencies and instrumentalities which would otherwise be left to a fragmented, more limited, and less impressive approach to lenders.

The proposed system offers advantages of efficiency, and it is hoped, at least marginal economy, both in interest rates and purpose. These are prospects worth pursuing, and, therefore, the Bill has the support of the Opposition.

The Opposition has some reservations about this legislation, relating not so much to the Bill itself, but rather the Government's declared intention to exclude from its operation in the normal course of events such authorities as the SEC, Westrail, and the Metropolitan Water Board. Those reservations have been expressed adequately by our colleagues in the Legislative Assembly. The reservations do not affect the actual terms of the Bill, and, therefore, it is hardly necessary to go over that particular ground in this House. We can only hope that the Bill will in practice give rise to the advantages at which it is directed.

For the reasons already indicated, the Opposition will support the measure.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.14 p.m.]: I thank the Opposition for its indication of support for the Bill. With regard to the reservation which the honourable member mentioned, he would, of course, appreciate that it is permissible to join these particular instrumentalities or authorities to which he referred in the borrowing programme in certain situations where, for example, they are part of a total borrowing for a particular project. Under normal circumstances there may be no need whatever to bring them in, simply because they are viable and sufficiently strong to borrow in their own right.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

MINISTERS OF THE CROWN (STATUTORY DESIGNATIONS) AMENDMENT BILL

Second Reading

Debate resumed from 29 September.

THE HON. J. M. BERINSON (North-East Metropolitan) [9.17 p.m.]: Despite the fact that four Bills are included in this cognate debate, relatively little comment is called for. The basic idea of the legislation is to be found in the Ministers of the Crown (Statutory Designations) Amendment Bill.

The provisions of this Bill are of a technical nature only. Their purpose has been fully explained in the Minister's second reading speech and they are not of a nature to call for repetition at this time. Suffice to say that this and associated measures are sensible and practicable, and with our usual positive approach on all such occasions, the Opposition will support them all.

THE HON. H. W. OLNEY (South Metropolitan) [9.18 p.m.]: I wish to affirm the positiveness of our approach on these Bills. However, I take the opportunity to remind the Attorney General that I think it was last year he indicated to Mr Berinson that he was going to endeavour to have the Interpretation Act assigned to his ministerial supervision with a view to having that Act brought up to date. As I understand it, he has not been able to wrest the administration of that Act from wherever it lies at present. I urge the Attorney to continue his efforts in that regard because there are many matters, such as the present definition which is going into the Interpretation Act, which could be put in that Act to simplify the legislation that we keep churning out.

I happened to pick up a copy of the Misuse of Drugs Bill and I noticed half a dozen definitions in clause 3 of the Bill which could be in the Interpretation Act. These are definitions which crop up in Bill after Bill, indicating that "schedule" means schedule to the Act, "section" means section to the Act, and "paragraph" means paragraph to the Act, and so on.

I suggest, for the sake of simplicity in our legislation, someone could spend time updating the Interpretation Act in a way that would enable

other Acts to be prepared more simply and to have them better understood.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.20 p.m.]: I thank members of the Opposition for their indication of support for these four Bills. I thank them also for having so readily understood the meaning and intention of the Bills and for having digested their contents so rapidly. This really is a fine indication of co-operation. I am sure that if members opposite extend this on other occasions we will get the business of the House done far more expeditiously.

The Hon. H. W. Olney: I have said before that we are only here to help you.

The Hon. I. G. MEDCALF: Indeed, I am thanking the member for that help. In regard to the question raised by Mr Olney, I have been endeavouring, ever since that time when I said I would make the endeavour, to get the Interpretation Act into my clutches, but so far without success.

The Hon. J. M. Berinson: We could be in for a long demarcation dispute.

The Hon. I. G. MEDCALF: I am not daunted and it was only last week that I wrote a letter to a certain official of the Government pointing out that it would be very advantageous if the Interpretation Act were included in the portfolio jurisdiction of the Attorney General.

The Hon. J. M. Berinson: Would it help you if Mr Olney and I no longer publicly supported you in your endeavour?

The Hon. I. G. MEDCALF: One sometimes finds that one's supporters are one's worst enemies. In any event I thank the Opposition for its support of these four Bills.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

ACTS AMENDMENT (STATUTORY DESIGNATIONS) AND VALIDATION BILL

Second Reading

Order of the day read for the resumption of the debate from 29 September.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT AND VALIDATION BILL

Second Reading

Order of the day read for the resumption of the debate from 29 September.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

INTERPRETATION AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from 29 September.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.28 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 13 October.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.29 p.m.]: I move—

That the House do now adjourn.

Driver's Licence: Theft

THE HON. H. W. GAYFER (Central) [9.30 p.m.]: I apologise for rising to speak on the adjournment debate, which is a practice I do not condone. However, I find it to be the only time to air matters which I feel I must air.

I am in somewhat of a dilemma over the matter I intend to raise. Possibly I am interpreting certain Acts of Parliament in such a way that I expect something should be done that does not necessarily have to be done. The matter I intend to raise is a source of embarrassment to me and my family. I have decided to raise it now for reasons which will become obvious. I am sure the House will agree that this matter needs to be sorted out.

On Friday, 5 June, my driver's licence was suspended for three months. At that time I was in the Eastern States and was notified by telex of that suspension. I was advised not to drive a motor vehicle. I was not asked to hand in my driver's licence. Section 94 of the Road Traffic Act states—

> When any driver's licence issued to a person is cancelled or suspended or a persor who is the holder of a driver's licence is disqualified from holding or obtaining a driver's licence, the person shall, on demand made by the Authority or a patrolman, deliver such licence to him.

I was not approached by any person to submit my driver's licence to the authority. I had believed it unnecessary that it should be handed in, although I knew it had been suspended and I could not drive a motor vehicle for three months.

On 24 July I wrote to Mr B. H. Larsen, the Chief Executive Officer of the Road Traffic Authority. The letter is self-explanatory. It states—

> I wish to advise that sometime during last weekend my parked car, in the basement of Co-operative Bulk Handling Limited, Delhi Street, West Perth, was entered and many effects stolen from therein.
>
> Amongst the personal papers removed was my driver's licence.
>
> This matter has been reported to the Police Station in West Perth.

Later I received a reply from Mr Larsen which states—

> Thank you for your letter of July 24, 1981, advising the Authority that your motor drivers licence has been stolen.
>
> On expiration of your driving suspension a duplicate licence may be issued on payment of the fee of $2.00.

I thought it a little strange that I would have to follow that course because my licence had not been taken from me. As I read section 95 of the Road Traffic Act, whenever a driver's licence is lost or destroyed a duplicate or certificate copy shall on payment of the prescribed fee be issued by the authority and shall serve and be available in lieu of the original.

I reiterate that the original licence was never taken from my possession, except by a thief. Because the period of suspension was due to expire on 5 September I wrote on 27 August to Mr Larsen stating—

> Thank you for your letter of August 11th acknowledging my advice that my drivers licence together with other papers had been stolen from my parked vehicle.
>
> I am enclosing a cheque for $2.00 and I would be pleased if you would issue me with a duplicate licence.

On 5 September I resumed driving my car, even though I was rather nervous because I did not have a piece of paper to say I could drive it. In fact, my very first trip was to go to York on that Saturday morning to attend the opening of a new police station. I arrived late. Many police officers were there.

The Hon. H. W. Olney: Was the tail light of your car working?

The Hon. H. W. GAYFER: It was working. When I pulled up I was rather embarrassed because I thought someone could say that I was driving illegally—without a licence. I have been told that driving without a licence is a criminal offence. However, nothing happened in that regard.

I noticed from one of my bank statements that the cheque for $2 was cleared through the bank on 8 September. I remind the House that I had sent that cheque with a letter to the authority dated 27 August.

Without having my licence I believed I was driving illegally. What else would a John Citizen think? Because of that I wrote on 22 September to Mr Larsen stating—

> Further to my letter of 27th August and my request that I be issued with a duplicate licence, and the enclosure of my cheque for $2.00, I wish to point out that I am not in receipt of a reply for my request or even an acknowledgement of my letter.

I had not received even a receipt.

Last Sunday night my wife and I were returning to Perth from Bencubbin when we were stopped by an officer of the RTA, It was a most unfortunate incident. The officer, a very courteous one, had a few words to say about the speed my vehicle had been travelling. He sat down beside the car and said, "Do you have your licence?", and I said, "No, you've got it". He said, "No, I haven't got it", and I said, "Well, I haven't. You must have it".

However, to make a long story short, he changed books and gave me a caution instead of a speeding ticket which was very good of him. Under the circumstances it was the only thing he could do. I did not have my licence with me. I had my wife in the car and she was very embarrassed. I was explicit in saying that I did not have my licence with me, and my wife was frightened that I may have been taken to gaol for driving without a licence, which was a thought that occurred to me.

I have had to raise this matter now because the House will rise until the week after next; and next week I intend to be in Brisbane where I hope to hire a car. Regrettably I cannot do so unless I have my driver's licence with me. I indicate that amongst the papers stolen from my car was my international driver's licence. The RAC will not issue me with another international driver's licence until such time as I produce my current Western Australian driver's licence or a duplicate thereof. I travel fairly frequently.

From the tenor of the letters I wrote to Mr Larsen I do not think it can be said that my communications were vindictive. I cannot say that about my remarks when I first lost my licence through a Supreme Court action; however, at this time my not receiving my driver's licence is an injustice because I have complied with every request and acted according to the book, a book which the Parliament has written. The Act states that a duplicate driver's licence "shall" be issued.

I know I cannot ask for the opinion of the Attorney General, and I do not think Mr Olney would give me his opinion. However, if I have done something wrong I would like to know, and in due course I would like the RTA to tell me if I have done something wrong so that I can clear up the matter once and for all.

At present I have a horrible feeling that for one reason or another, to use the vernacular, someone has a snout on me. I am starting to believe that I will have to wait for my licence until somebody at his pleasure decides to give it to me. However, it is my right to have a duplicate of my driver's licence after payment of the prescribed fee.

Just receiving a duplicate does not entitle someone to drive a motor vehicle, but in the period during which my licence was suspended and before it was stolen no-one from either the court or the RTA had attempted to take it from me.

I have been through all the proper channels. I would like to know whether I have done the right thing and whether a special case can be made of my wanting a duplicate licence. I hope that with a little speed someone can get a duplicate to me before next Monday. I will leave the matter until then in the hope that I am not detained during the weekend for driving without a driver's licence.

By making the remarks I have tonight I have protected myself, unless I am wrong in that assumption. I would like some ministerial assistance to try to determine what has gone wrong, or even to have my correspondence answered.

Football Grand Final:
Poaching of Players

THE HON. TOM McNEIL (Upper West) [9.42 p.m.]: I also apologise for detaining the House, although I do not intend to occupy much time with this matter.

The Australian Rules football grand final will be held this Saturday, and tonight is the last chance for me to voice a protest at the actions of the West Australian Football League.

I am concerned by the current negotiations between the WAFL and the Victorian Football League, and some television stations, so that a direct colour telecast of the Western Australian grand final can be shown in Victoria.

The other day I asked a question about this matter, and since the answer given tonight was unsatisfactory, I have jotted down off the top of my head the names of some of the football players who have left the WAFL to play in Victoria; names of players who went to Victoria but have now left the VFL; and names of players who are being sought by the VFL.

The names of the players I recollect as presently playing with the VFL are: M. Fitzpatrick, K. Hunter, P. Bosustow, T. Buhagiar, A. Reid, S. Magro, K. Worthington, J. Annear, B. Duperouzel, R. Alexander, S. Hargreaves, M. Bogunovich, B. Peake, P. Featherby, G. Malarkey, G. Sidebottom, Brian Taylor, Kevin Taylor, R. Wiley, P. Spencer, R. Glendinning, K. Bryant, P. Kelly, S. McCann, C. Hoyer, and Barry Day. That is a total of 26 players. The names of the players who have just finished playing with the VFL, some returning to this State but no longer playing WAFL football, are:

B. Beecroft, B. Cable, I. Miller, M. Richardson, W. Richardson, G. Young, L. Richards, D. Green and R. Reynolds.

The names of the players who have played with the VFL in recent years and have returned to play with the WAFL are: G. Melrose, B. Monteath, J. Duckworth, M. Jez, G. Moss, B. Valli, B. Cousins and J. Murray. That is nine who no longer play football and eight who still play.

If we look at the list of sought-after players we see the following: D. Turner, L. Keane, C. Allen, G. Buckenara, T. Gepp, R. Lester Smith, K. Judge, J. Sewell, S. Michael, M. Rioli, J. McKay, R. Barrett, M. Richardson, G. Neesham, M. Smith, I. Williams, P. Narkle, A. Sidebottom, S. Beasley, J. and P. Krakouer, S. Malaxos, D. Panizza, Alan Johnson, D. Simms, W. Simms, J. Dimmer, W. Otway, W. Ralph, B. Reynolds and G. Campbell—a total of 31 players. They are the names of 70 footballers we have furnished to the VFL or who may in the future play in Victoria. We have the situation where in answer to all the questions I have asked in this House and all the correspondence on this matter in which I have suggested that we should make Saturday an all-ticket game, the reply has been that the league cannot understand how we can sell standing-room tickets as this would not guarantee a clear view of the game.

We are not asking for something which is not occurring already. One can buy a ticket for the races or the trots and still have standing room. This is something which occurs in areas all over the world; it occurs with soccer matches and boxing matches. It is completely beyond my understanding that we still receive the answer that Subiaco Oval is not suitable for this type of operation.

On Saturday we will have the situation where the game will be telecast directly to Victoria, yet the metropolitan area of this State will not be able to view that match. No matter what has been said in this House, and although the match has been telecast in certain parts of the country over the last three years it has not been shown in the metropolitan area. This is essential if the game is to be promoted.

So at a time when league football is trying to increase attendances, we cannot even see the premier match televised. Apart from having signed on forms or contracts those 31 players I have mentioned, the clubs in Victoria will be able to see the best of our remaining young players and will continue their work in taking them away from this State.

Driver's Licence: Theft

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.47 p.m.]: I have listened with interest to what Mr Gayfer has said and I can appreciate the situation in which he finds himself. If he will authorise *Hansard* to make a copy of the transcript available as soon as it comes off the press, I will undertake to raise the matter with the Minister.

Question put and passed.

House adjourned at 9.48 p.m.

QUESTIONS ON NOTICE

ROAD

Beaufort Street

542. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

I refer to the Minister's letter to me of 24 April advising that the Main Roads Department would be installing median refuges in Beaufort Street, between Seventh and Tenth Avenues. As there appears to be no progress on this work to date, will the Minister advise—

(1) When will it be carried out in view of the serious hazard that exists for pedestrians there?

(2) Will the median strip be wide enough to accommodate prams, shopping trolleys, etc.?

(3) When will consideration be again given to the need for pelican pedestrian signals which have been requested by local residents and organisations?

The Hon. D. J. WORDSWORTH replied:

(1) Oral advice from the Stirling City Council indicates that it will be starting on roadworks in four to five weeks.

(2) The gaps in the median strip provided specifically for this purpose will be wide enough to take prams and the like, side-on while pedestrians are waiting for traffic to pass.

(3) Pelican pedestrian signals are not justified and are not likely to be in the near future. If circumstances change significantly the matter will be reviewed.

FIRES: BUSHFIRE

Cranbrook-Kendenup

543. The Hon. TOM KNIGHT, to the Attorney General:

(1) Is the Attorney General aware that the Coroner's inquiry to determine the causes of the Cranbrook/Kendenup bushfires of January 1981, was adjourned indefinitely in March 1981?

(2) Could the Attorney General advise why the inquiry was adjourned indefinitely?

(3) Could he further advise if he can have the inquiry reconvened?

(4) If so, when?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) The fire caused damage to several properties. Several of the parties involved were to be represented by counsel and a mutually convenient hearing date had to be arranged. In addition, because of the complexity of the matter, the coroner requested that counsel be appointed to assist him.

(3) and (4) The matter is scheduled for hearing on 28, 29, and 30 October 1981.

FISHERIES: DEPARTMENT OF FISHERIES AND WILDLIFE

Shark Bay

544. The Hon. P. H. LOCKYER, to the Minister for Fisheries and Wildlife:

Is it the intention of the Department of Fisheries and Wildlife to withdraw the services of the fisheries officer, residing in Denham, and presently serving the Shark Bay area?

The Hon. G. E. MASTERS replied:

No.

EMU BARRIER FENCE

Cost

545. The Hon. TOM McNEIL, to the Minister representing the Minister for Agriculture:

Further to question 379 of Tuesday, 18 August 1981, concerning the emu barrier fence, would the Minister provide an itemised list of expenditures in relation to—

(a) allowances;

(b) fares;

(c) vehicle repairs;

(d) fuel and oils; and

(e) miscellaneous?

The Hon. D. J. WORDSWORTH replied:

(a) to (e) The expenditure on the emu barrier fence has been given on several occasions in response to questions in Parliament and from interested parties. The expenditure is subject to normal Government audit as being reasonable and legitimate expenses.

The fence has been satisfactorily completed.

Under these circumstances the cost of preparing a detailed answer of the type sought, is not justified.

EDUCATION

School Camps

546. The Hon. R. HETHERINGTON, to the Minister representing the Treasurer:

(1) From which area or areas of the State's expenditure are funds debited for the operation of Education Department school camps?

(2) How much money has been allocated (for the camps) for each of the years from 1978-1979 to 1980-1981 inclusive?

(3) For each allocation made in (2), under what categories have amounts been provided, and what has been the extent of each amount?

The Hon. I. G. MEDCALF replied:

(1) Education Department—Consolidated Revenue Fund.

(2) and (3)

Expenditure

	1978-79	1979-80	1980-81
	$	$	$
Salaries	110 762	127 445	180 569
Staffing	8 331	8 183	7 368
Communication	5 085	6 595	6 604
Services	15 355	8 966	14 639
Consumables	120 301	136 525	163 005
Maintenance	544	3 545	3 927
Furniture/Equipment	11 621	12 630	23 605
Grants/Subsidies	15 033	15 355	16 944
Total	287 032	319 244	416 661

LOCAL GOVERNMENT: FUNDS

Rural and Industries Bank: Interest Rates

547. The Hon. H. W. GAYFER, to the Minister representing the Treasurer:

Does the State Government, under section 51, subclause 13 of the Australian Constitution, have the right to instruct the Rural and Industries Bank to make funds available to local government authorities and to nominate the interest rate accordingly?

The Hon. I. G. MEDCALF replied:

The Australian Constitution, in limiting the powers of the Commonwealth in relation to State banking, leaves to the States the right to establish and make laws relating to State banks. The Rural and Industries Bank was established and operates under that power.

The State Parliament could, by legislation, direct the Rural and Industries Bank to lend in specific ways and to give preference to certain bodies. However, such legislative direction could not ensure availability of the funds to the bank to lend in the manner proposed nor could it make it possible for the bank to lend money at below the market rates it would need to pay to obtain the funds.

The Rural and Industries Bank provides strong support each year for the local authorities and state semi-Government authorities borrowing programmes within the limits of the funds available to the bank. But it is relevant that in 1980-81, Western Australian local government authorities borrowed $42.3 million, a sum which would be well beyond the capacity of any one bank to provide.

BOATS

Shark Bay Slipway

548. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Works:

(1) Will the Minister reconsider the Public Works Department decision to install a 10 tonne jinker at Denham, and instead install one of larger capacity?

(2) In his considerations, will the Minister acknowledge that much larger boats are using Denham slipway presently, and will be in the future?

The Hon. G. E. MASTERS replied:

(1) No. The 10-tonne jinker being provided at Denham is to replace the slipway cradle which was isolated at the end of the jetty as a result of cyclone damage. Facilities are available at Carnarvon and Geraldton for larger vessels.

(2) It would be difficult to come to this conclusion as the jetty slipway, which was of 10-tonne capacity, has been inoperative since its winch was removed for inspection and reconditioning for the new facility.

EDUCATION

School Camps

549. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

Could the Minister advise what financial assistance is available to children attending schools in remote parts of the State to attend Education Department school camps closer to Perth?

The Hon. D. J. WORDSWORTH replied:

There are two distinct groups of assistance:

(a) routine camps; and
(b) *ad hoc* or special camps.

(1) The major assistance provided for routine camps is:

(a) School of the Air:
1 air fare per child to Perth per year;
1 air fare per child to choice of venue per year;
1 air fare/travel assistance for regional seminar; and
1 air fare per child and parent to Perth per year.

(b) Correspondence School:
1 air fare/travel costs per child to Perth per year.

(c) Isolated students' correspondence scheme:
2 air fares/travel costs per student to Perth per year;
1 air fare/travel costs per year 12 students to Perth prior to TAE examinations, for individual tutorials.

(d) Gifted and talented children:
Assistance with travel costs to Perth for annual camp.

(e) Physical education camp:
Air fares for children in north-west to attend camp in Perth.

(2) *Ad hoc* or special camps are provided as specific needs arise or specific funds are available.

FISHERIES: LANCELIN

Naval Exercises

550. The Hon. TOM McNEIL, to the Minister for Fisheries and Wildlife:

(1) Would the Minister advise if more American naval exercises are to be carried out off Lancelin during 1981?
(2) If "Yes", when?
(3) Are American naval exercises planned for that area during 1982?
(4) If "Yes", when, and for what duration?
(5) What restrictions will be imposed on rock lobster fishermen who normally fish that area?
(6) What compensation will the fishermen be afforded for loss of fishing gear should they leave their pots in the water?
(7) What compensation will they be afforded for lost time and catch if they remove their pots from the activation area?
(8) What reliance can rock lobster fishermen place on agreements made between AFIC, the Australian Navy, and the American Forces, regarding permission for them to continue to fish during naval exercises?

The Hon. G. E. MASTERS replied:

(1) and (2) I understand there is nothing planned for the remainder of 1981.
(3) and (4) Not known at this time.
(5) Generally speaking, no fishing activity is permitted during the period that the range is activated, but special arrangements can be made.
(6) Compensation for loss of fishing gear would depend on the particular circumstances.
(7) None.
(8) I am assured that the agreements can be relied upon.

EDUCATION: NON-GOVERNMENT SCHOOLS

Funding

551. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

(1) What was the total amount of assistance given to non-Government schools in 1980-1981 by way of per capita grants?

(2) In respect of payments in (1), do the same accounting procedures required of Government schools by the Education Department apply?
(3) Does the Education Department issue any accounting procedures in respect of these payments?
(4) If so, what are the details of these procedures?
(5) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) $14 889 838.
(2) and (3) No.
(4) Not applicable.
(5) The grants provided to non-Government schools are not tied to specific programmes or services. Accordingly there would be no benefit in instigating costly administrative procedures to report on expenditure. The information on non-Government schools' activities is collected and reported on by the Schools Commission.

SUGAR INDUSTRY

Ord River

552. The Hon. H. W. GAYFER, to the Minister representing the Minister for Agriculture:

What is the future of commercial sugar growing on the Ord?

The Hon. D. J. WORDSWORTH replied:

The prospects for commercial sugar cane production on the Ord are very encouraging. A programme of research and pilot farming since 1977 has shown that high yields can be consistently achieved, exceeding the best areas in Queensland, and almost double the average yield per hectare in Queensland. Costs of production of cane are competitive. On this basis the Government has circulated an information paper to interested parties in Australia and overseas inviting expressions of interest in establishing a processing facility in the area.

A copy of the information paper is tabled.

The paper was tabled (see paper No. 415).

HEALTH: NURSING HOMES

Licences

553. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Health:

(1) Are there premises in the metropolitan area licensed as lodging houses which are operating more like nursing homes?
(2) If so, can the Minister prevent this from happening?

The Hon. D. J. WORDSWORTH replied:

(1) No, not to my knowledge.
(2) It would appear that at least one nursing home is providing more care than is customary in lodging houses and the matter is being studied.

LAND: RESUMPTIONS

Roe Freeway

554. The Hon. H. W. OLNEY, to the Minister representing the Minister for Transport:

I refer to Main Roads Department urban planning section drawing No. 7721-57, which relates to the Roe Freeway land protection plans in the area between Hampton Road and Leda Street—

(1) What part of the area delineated on the plan referred to, has already been acquired by the Main Roads Department, the MRPA, or some other Government instrumentality?
(2) When were each of the relevant lots so acquired?
(3) Has acquisition been by resumption or negotiable purchase?
(4) Does any Government authority presently have any options over any part of the subject land?
(5) If so—
  (a) which parts; and
  (b) on what terms are the options held?
(6) Is any Government authority presently negotiating for the purchase of any part or parts of the subject land, and if so, which part or parts?
(7) When is it likely that freeway development in this area will proceed?

The Hon. D. J. WORDSWORTH replied:

(1) 56 parcels are under the control of the Main Roads Department; one is under the control of the Minister for Lands; and one is owned by the State Housing Commission.

(2) and (3) 24 parcels were acquired by resumption on 16 January 1959; the balance by negotiated purchase since that time, the most recent being in November 1977.

(4) and (5) I am not aware of any Government authority having any options.

(6) Not to my knowledge.

(7) There are no proposals for the early construction of this section of Roe Freeway.

RECREATION: FOOTBALL

Finals: Telecasts

555. The Hon. TOM McNEIL, to the Minister representing the Minister for Recreation:

In light of the recent newspaper article that the West Australian Football League grand final could possibly be telecast direct to Victoria—

(1) Would the Minister advise if the league is considering such action?

(2) If "Yes", what benefit would Western Australian football derive from such an exercise?

(3) Does the West Australian Football League see an anomaly whereby people in Victoria will receive a direct telecast of our game whilst portions of this State are denied that right?

(4) As it is likely that Saturday's grand final attendance will be a capacity crowd, will the West Australian Football League give further consideration to making it an all-ticket game by pre-selling the standing room tickets, thus ensuring a maximum gate return?

(5) On that basis, what objection does the West Australian Football League have to permitting a live telecast of the game to all country centres and the metropolitan area?

The Hon. D. J. WORDSWORTH replied:

(1) The West Australian Football League is currently negotiating with the Victorian television station for a direct telecast of the West Australian Football League grand final.

(2) Benefits derived by Western Australian football would be in terms of promotion of the game interstate and a television rights' fee.

(3) No.

(4) The structure of Subiaco Oval makes it impractical to pre-sell standing room tickets, since good sight lines for spectators cannot be guaranteed.

(5) Depending on the attendance at the grand final a decision as to a live telecast of the game to country centres will be made on the day. On this basis, the game has been televised live for the past three years.

HEALTH: NURSING HOMES

Nursing Care

556. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Health:

(1) Can the Minister provide a definition of "nursing care" as would be expected in a—

(a) nursing home;
(b) licensed hostel; and
(c) lodging house?

(2) Is it usual for people described as mentally disturbed and socially dependent to be living in a lodging house not licensed by the Mental Health Services?

(3) How can the Mental Health Services classify a person as mentally ill or intellectually handicapped on one specific date but not on the following day?

The Hon. D. J. WORDSWORTH replied:

(1) (a) The Nurses' Board of Western Australia has defined the practice of nursing as follows:

> The practice of Nursing is the performance of nursing procedures with skills acquired through formal education, by persons registered or being prepared for registration with the Nurses' Board of Western Australia.

In a nursing home which is defined in the private hospitals regulations as a "private hospital", only patients who require medical supervision but not constant medical attention are admitted.
Nursing care in a nursing home can therefore be defined as that given to patients under general medical supervision, and involving the performance of nursing procedures which encompass the general well-being of patients by registered nurses assisted by enrolled nurses and nursing assistants.

(b) Nursing care is not required of licensed hostels as defined under the Mental Health Act.

(c) Nursing care is not normally practised in a lodging house but it is possible for a registered nurse to practise from time to time nursing care as defined under (a) in a variety of circumstances including a lodging house.

(2) No. Clearly, however, lodging houses may accommodate a wide range of residents and it is always possible that a resident or residents of a lodging house, as with any group of persons, may fall within the categories named.

(3) Mental illness does frequently resolve and it would not be inappropriate for a decision to be made that a person previously considered to be suffering from a mental illness is no longer in that condition. Intellectual handicap is a life-long condition but this should not be confused with life-long patient status under the Mental Health Act.

GRAIN: TERMINAL

Broome

557. The Hon. H. W. GAYFER, to the Minister representing the Minister for Agriculture:

(1) What comprises the grain storage facilities being erected at Broome?
(2) When will they be completed?
(3) What is the estimated cost?
(4) Who will be the user, and for what grains?
(5) What is to be the anticipated annual throughput over the next five years?
(6) What percentage of the capital cost is being provided by the Government?
(7) Who are the other capital providers?
(8) How will the facility be amortised?

The Hon. D. J. WORDSWORTH replied:

(1) The grain storage facilities being erected at Broome comprise a 16 000-tonne covered mechanised load-in/load-out shed, portable mechanised ship loader rated at 2 800 tonnes per day for two shifts of 10 hours per day and a weighbridge for loading grain in and out.
(2) November 1981.
(3) $3 127 000.
(4) Initial user of the facility will be the Australian Land and Cattle Company for the export of sorghum grain.
(5) Anticipated annual throughput of grain over the next five years has been indicated in earlier discussions with the Australian Land and Cattle Company as 100 000 tonnes, 125 000 tonnes, 160 000 tonnes, 220 000 tonnes, 220 000 tonnes.
(6) Full capital cost is being provided by the Government for ultimate repayment by the Australian Land and Cattle Company excluding the weighbridge representing 2 per cent of the capital cost.
(7) The State, through General Loan Funds.
(8) The facility will be amortised—

(a) by a repayment of interest only on the capital for years 1-3;

(b) repayment of capital and interest on the ship loader over the years 4-8; and

(c) repayment of capital and interest on the balance over the years 4-15.

HEALTH: NURSING HOMES

X-rays and Pharmaceuticals

558. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Health:

(1) Is it possible for a lodging house proprietor to refuse a doctor permission to take X-rays of an intellectually handicapped tenant?
(2) Can a prescription be issued in the name of one person but the medication prescribed used by someone else?
(3) Is it usual for a lodging house to carry large amounts of varied medications obtainable by prescription only?

The Hon. D. J. WORDSWORTH replied:

(1) An intellectually handicapped person generally has the same rights as any other person in the community. More information would be required regarding the circumstances.

(2) The Minister for Health is sure it is common practice for prescriptions for many items, e.g. vitamins or ointments of various kinds, to be used by a number of people. Eighth schedule drugs must be used only by the person for whom the drugs are prescribed. In general, fourth schedule drugs should be used only by the person for whom the drugs are prescribed. The Commonwealth Department of Health may be concerned with national health prescriptions.

(3) This is not known, but it would not be an offence for a lodging house to hold prescribed medications.

HEALTH: NURSING HOMES

Penn-Rose

559. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Health:

(1) Does the Minister know why Mr Reginald Berryman, a Downs syndrome sufferer, was allowed to be a resident at the Penn-Rose Lodging House which was not licensed as a hostel by the Mental Health Services?

(2) Does the Public Health Department and Mental Health Services consider Downs syndrome sufferers as intellectually handicapped?

(3) Is the Minister aware that some former Mental Health Services patients accommodated at Penn-Rose Lodging House between 1971 and 1 February 1977, are still living there, while it is not a licensed hostel under the Mental Health Act?

(4) If not, is the Public Health Department or Mental Health Services aware of it?

The Hon. D. J. WORDSWORTH replied:

(1) Not all former patients, or persons on after-care status in terms of the Mental Health Act, are resident in licensed Mental Health Services hostels. There is no evidence that Penn-Rose was functioning as a private hostel or private psychiatric hostel, in terms of the Mental Health Act, at the time of Mr Berryman's last transfer to Penn-Rose. He was permitted to lodge there with the knowledge of his relatives, because he had lodged there quite happily previously and because it was considered that he did not require continuation of his residence at Pyrton.

(2) Yes.

(3) and (4) Yes. It should be recognised that a former history of mental illness is not of itself sufficient evidence to classify persons as falling within the definition of "socially dependent" within the Mental Health Act. Two persons believed to be presently resident at Penn-Rose were previously considered to show borderline intellectual handicap. The authority to examine persons resident in accommodation which may be operating in conflict with existing legislation is uncertain. Legislation relative to this area will be examined by departmental officers.

QUESTIONS WITHOUT NOTICE

HEALTH: NURSING HOMES

Licences

170. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Health:

In answering question on notice 553 today, the Minister said, in part (2)—

> (2) It would appear that at least one nursing home is providing more care than is customary in lodging houses and the matter is being studied.

Can that answer be examined? It would appear that where "nursing home" appears it should be "lodging house", and where "lodging houses" appears, it should be "nursing homes". I think the

terms have been reversed. It does not seem to be a feasible answer.

The Hon. D. J. WORDSWORTH replied:

I see the point that the member is making. I will draw the answer to the attention of the Honorary Acting Minister for Health.

HEALTH: NURSING HOMES

Licences

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

Will an answer as to the correctness or otherwise of the previous answer be directed to me?

The Hon. D. J. WORDSWORTH replied:

Yes.