Legislative Assembly

Tuesday, 11 November 1980

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

EDUCATION: SCHOOL

South Kalgoorlie: Petition

MR E. T. EVANS (Kalgoorlie) [4.32 p.m.]: I have a petition which reads as follows—

TO:

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

We, the undersigned residents of Kalgoorlie in the State of Western Australia do herewith petition the Government to re-consider its decision not to install air-cooling in the South Kalgoorlie Junior Primary School Cluster Building. This School is subjected to extreme temperatures in summer and conditions are such that students and teachers find it impossible to perform at maximum capacity.

We believe that a re-consideration of this vitally important matter is in the best interest of all persons concerned with the best education for the students of this School.

The petition bears 246 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 34.)

LONG SERVICE LEAVE ACT

Amendment: Petition

MR BRYCE (Ascot) [4.34 p.m.]: I have a petition which bears 1 397 signatures and reads as follows—

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

We, the undersigned hereby petition that the Long Service Leave Act be changed to allow for the entitlement to an amount of long service leave as follows:—

(a) in respect of ten (10) years, thirteen weeks
(b) in respect of each seven (7) years continuous employment so completed after such ten years, thirteen weeks,

also that changes be made in the legislation to provide for pro-rata leave after 7 years, on the basis of 13 weeks for 10 years.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I have certified the petition conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 35.)

LIQUOR ACT

Liberalisation: Petition

MR WILSON (Dianella) [4.36 p.m.]: I have a petition which reads as follows—

TO:

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

We, the undersigned residents in the State of Western Australia do herewith pray that her Majesty's Government of Western Australia shall resist any proposals to further liberalise the Liquor Laws in W.A. including lifting of the restrictions on Sunday Trading.

Our reasons are:—

1. The State Government needs to be seen as supporting the Federal Governments declaration of a National Policy—that there should be a diminished consumption of Alcohol in Australia.
2. Lifting restrictions on Sunday Trading of Packaged liquor could contribute to Sunday being regarded as being no different from any other trading day resulting in increased death and injury on our roads. We respectfully request that all packaged sale of liquor on Sunday be stopped and that consideration be given to having Sunday free from all sale of liquor.

Your petitioners therefore humbly pray that your Honorable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition bears 57 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 36.)

BILLS (6): INTRODUCTION AND FIRST READING

1. Industrial Arbitration Amendment Bill.

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

2. Consumer Affairs Amendment Bill.

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

3. Noise Abatement Amendment Bill.

4. Occupational Therapists Registration Bill.

   Bills introduced, on motions by Mr Young (Minister for Health), and read a first time.

5. Town Planning and Development Amendment Bill.

   Bill introduced, on motion by Mrs Craig (Minister for Urban Development and Town Planning), and read a first time.

6. Local Government Superannuation Bill.

   Bill introduced, on motion by Mrs Craig (Minister for Local Government), and read a first time.

INDUSTRIAL TRAINING AMENDMENT BILL

Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [4.43 p.m.]: I move—

That the Bill be now read a third time.

It will be recalled that during the second reading debate on this Bill, the member for Fremantle brought forward a point regarding the aspects of clause 6. He requested that we rectify the position in order that the Industrial Training Council could make recommendations regarding regulations to the Minister. I undertook to look at the matter and if I found it necessary to amend the clause I would arrange for it to be done in another place. I have found that it is necessary to amend the Bill further.

I wish to advise that it is my intention to arrange to have two amendments to the Bill moved in another place. Those amendments are—

(a) to delete clause 6; and

(b) to amend clause 12 to delete subsection (3) of the new section 32A.

Some concern has been expressed to me of the need to review the proposals in these clauses and, after further discussion with the parties involved, I am prepared to agree to an amendment to the extent previously mentioned. This will be done in another place.

Clause 6 has the effect of deleting paragraph (b) of section 16 of the current Act which gives the Western Australian Industrial Training Advisory Council the right to "make recommendations to the Minister as to the regulations to be made under this Act". This amendment was made consequential to clause 20 which deleted from section 42 of the Act in subsection (1) the words "on the recommendation of the council". In practice the Minister recommends regulations to the Governor, not the Western Australian Training Advisory Council, and hence the reason for that amendment.

However, reverting to clause 6, the council is expected to recommend to the Minister the type of regulations necessary for carrying out the purposes of the Act whether that role is written into section 16 or not, so it is agreed that paragraph (b) of section 16 remain as it is.

As far as clause 12 is concerned, the new section 32A is considered to place unreasonable and, in subsection (3), difficult conditions for either party to move to terminate an employment contract regardless of the circumstances. As a result agreement will be given to delete subsection (3).

It is normal for an apprenticeship indenture to be registered after an employer has employed a probationer for three months subject to both the employer and apprentice assessing the position and being in favour of it. An employer can apply for an extension of the probationary period if he has good reason for so doing. However, where an employer continues to employ the probationer and will not apply for an extension and will not sign and return indenture papers, power is given to the director to execute the indenture on behalf of the party in default. The Crown Law Department has given the opinion that the indenture paper requires to be signed as the terms of an agreement could not be certain if it was only a deemed agreement.

It is more appropriate to give the director the power to execute as he has the administrative role whereas the council is an advisory body.

Subsections (1) and (2) of the new section 32A will achieve the necessary purpose and can stand as they are with subsection (3) being deleted.

I advise members, and particularly the member for Fremantle, that already I have passed on to another place the amendments in connection with this matter. The amendments will be made and will be returned to this place in due course.

MR PARKER (Fremantle) [4.47 p.m.]: I am delighted that the Minister has seen fit to accept my suggestion with respect to the deletion of clause 6, which has the effect of deleting paragraph (b) of section 16 of the parent Act. The second amendment also is in relation to a clause which I suggested could be amended, but the amendment is different from my suggestion in that the period will be two months instead of one month.

I have had a short period of time during which to peruse the second proposed amendment, and there are one or two matters which currently concern me, but which on closer examination may not be of concern.

We will examine the second proposed amendment, which is to be moved in another place, and I am sure my colleagues there will admirably and capably deal with it. I am very pleased with what the Minister has done so far as the first amendment is concerned.

There is another comment I believe should be made during the course of the passage of this Bill. It is appropriate to place on record the great role played by the people who work in this area, and who work on the Industrial Training Council. They work for the young people. Many people involved in the Industrial Training Council give their time freely. I assume the normal fees are paid, but those fees would not compensate for the loss of earnings of those concerned, or for the other work they could be doing. In every case, the people are involved with the council because of their commitment to the training of young people in this State. I refer to the employers, the unions, and Government personnel.

In respect of the unions, many of them have been subject to criticism—and sometimes quite severe criticism—because of their supposed attitudes towards the community. However, on the question of apprenticeship training, without exception, the unions are committed to the training of young people, even if that provision is not within their scope or within their constitutions.

They are very much involved in the protection of apprentices. Irrespective of whether or not an apprentice is a member of a union, the major unions will represent apprentices if they get into trouble. The unions regard that assistance as an investment for the future. They regard any undermining of the apprenticeship system as being something of detriment to their industry. They take the view that they should support apprentices who are not members of unions although, of course, they would prefer that they join the union.

In respect of employers, a number of employers in industry do make a great contribution to the training of apprentices. I have already mentioned some in the mining industry who I believe have done a very good job in the training of apprentices, and who have been flexible in the way they have carried out that training. I am aware of a number of such employers in the building industry—and two come readily to mind—who through thick and thin times in the industry have carried out their obligations. The first is the Geraldton Building Company of Geraldton, which has performed probably the single most valuable role of any employer in this State with respect to apprenticeship training. The second is Jaxon Construction Pty. Ltd., a principal of which (Mr Tom Matyear) is a member of the Industrial Training Council. The Jaxon company, quite often at additional cost to itself, has ensured that its apprentice training scheme has been maintained at a high level.

That is not to say I agree with everything those employers do, but in this area they have done a particularly good job. I am sure there are many other employers of whom I am not aware who also have done a good job and who at times do not get the recognition they deserve from the community by way of contracts, and so on. In many instances these firms are taking up slack which should be taken up by Government departments.

I certainly intend to take up the comments of the Minister on the matter of Government contracts being handled by Government departments, especially where I am aware that Government departments could take on more apprentices.

Mr Deputy Speaker, certainly I agree with the first proposed amendment which is to be moved in another place. I will consider the second amendment. I commend the Bill to the House.

MR STEPHENS (Stirling) [4.52 p.m.]: The member for Fremantle may be delighted that the Government has accepted his suggestion in respect of an amendment; but I think we should consider the situation that before any legislation leaves this Chamber, it should leave it in the form

in which we decide it should be. I am most concerned at the increasing trend for Ministers to say, "You might have a point; we will consider it and if we agree we will see that an amendment is moved in the other House."

Many members of this Chamber question the role of the other House, and ask whether it is a genuine House of Review. I believe in the bicameral system of Parliament, but I believe in a system which works effectively. Let us look at what occurs now. The Bill before us will leave this Chamber and be sent to another place, already committed to an amendment. Statistically, it will appear in the future that the so-called House of Review has amended a Bill when in fact it was really amended in this place. I believe this trend is something we should watch very carefully.

If an amendment is worth while, the legislation should be amended in this House before being sent to the other place. In that way in future the other House will have to earn its keep statistically, without trading on the work done in this House.

I make that point. It is time the Opposition and some other members gave cognisance to the fact that in years to come we will have something put over us in respect of statistics.

Question put and passed.

Bill read a third time and transmitted to the Council.

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL

Third Reading

MR MENSAROS (Floreat—Minister for Water Resources) [4.53 p.m.]: I move—

That the Bill be now read a third time.

MR STEPHENS (Stirling) [4.54 p.m.]: Members of the National Party are a little disappointed in the attitude of the Government and the Opposition to this legislation.

Mr Nanovich: Because you disagree with it doesn't mean you are right.

Mr STEPHENS: I am entitled to my opinion. That is what this place is for: to express one's point of view and the point of view of the people one represents. There is no way that the member for Whitford or anyone else will deny me that right.

Mr Nanovich interjected.

Mr STEPHENS: We know where the member for Whitford stands in this place; he does what the Premier tells him to do.

Mr Nanovich: That is totally wrong.

Mr STEPHENS: Of course he does. I think half the time he does not even know what is in the legislation he is agreeing with.

Mr Nanovich: You are so smart, aren't you?

Mr STEPHENS: I do not profess to be smart, but I do profess to be here to represent the point of view of the people who elected me, and neither the member for Whitford nor anybody else will deny me that right.

The DEPUTY SPEAKER: Order! The member for Stirling should ignore the interjections and proceed with his speech.

Mr Nanovich interjected.

Mr STEPHENS: Empty kerosene tins make a lot of noise!

Perhaps if the acoustics in this Chamber were better, or if there were some way of projecting members' voices to the area where I sit, I would not be speaking to the third reading of this Bill. However, it is very difficult for members in this area of the Chamber to hear what Ministers and members in other parts of the Chamber have to say.

When speaking in reply to the debate last week, the Minister made reference to the fact that the National Party was making some noises for home consumption. Let me assure the Minister that such is not the case. As I have already indicated in answer to interjections, members of the National Party are here to represent the point of view of their electorates, and Parliament really should be a place where a consensus is arrived at. However, Parliament is becoming more and more a rubber stamp for the Executive rather than a place where legislation is carried.

However, the National Party always expresses its point of view. Its members are not here to make points for home consumption; they are here to express the point of view of the people they represent. If every other member of this place had the same attitude, perhaps the dignity and prestige of Parliament would rise.

Mr Sodeman: Are you saying you are going to vote independently of your colleagues?

Mr STEPHENS: Members of our party are free to make their own decisions, which the member for Pilbara is not free to do. I know that hurts him.

The Minister indicated also that we did not put forward constructive criticism. When speaking to the debate, I indicated we would support certain aspects of the Bill, but we would oppose other aspects. In the Committee stage we indicated our position in respect of certain provisions which we felt were not necessary. Therefore, we put

forward an alternative point of view: That there is no need to amend the Act in certain respects. We have consistently advocated that the Government should institute a trial of the WISALTS concept to prove whether it works. We have consistently put forward that proposition to the Government, which has resolutely refused to take notice of it.

The Minister also mentioned a suggestion that I supposedly put forward in respect of local committees. However, obviously the Minister was not listening—I will not be so unkind as to say he deliberately distorted the situation—because he indicated I should read my own question to him. In fact I did not ask him a question on this matter; I asked a question of the Premier. I will read out the question so that there is no misunderstanding. It is question 1292, and it reads as follows—

> (1) With respect to his policy speech—*The West Australian*, 8 February 1980—wherein he stated that his Government would continuously review the clearing controls affecting farmers in the southern water catchment areas and keep in mind the practical needs of the producers, such as establishing local committees, etc., how many local committees have been established?

That question was directed to the Premier, and not to the Minister for Water Resources, and the local committee suggestion was not put forward by me, but was mentioned in Liberal Party policy. Therefore, I correct the misunderstanding of the Minister in that respect.

He also referred to the fact that when I was speaking I said the Rural Adjustment Authority was not in touch with the people and lacked understanding. I made no such statement. What I did say was that the Rural Adjustment Authority was established to handle the funding side, and to examine the viability of farmers. I went on to outline the members of the authority and to point out only one was a representative of farmers. I gave credit to the ability and work of that one farmer representative (Mr Bill Frost) who happens to be the President of the Plantagenet Shire Council.

However, that is only one area of many in the catchment areas. I went on to say also that the Rural Adjustment Authority would not have much expertise in the areas of saltland, clearing controls, and that type of thing. Once again, the Minister misrepresented what I said.

The Minister also went on to refer to the guidelines laid down; and he said that they were preferable to regulations. I question that because at least regulations are tabled in the House, and members know what the department is trying to do. However, the guidelines were never tabled. In fact, they were not seen by any member of this House until after the controversy over the legislation erupted. I wonder whether the Deputy Leader of the Opposition was aware that guidelines existed within the department.

Mr H. D. Evans: No, and neither was anybody else in this place.

Mr STEPHENS: But the Minister is trying to tell us the guidelines are preferable to regulations, but nobody knew they existed, or what was going on.

Mr H. D. Evans: They were not even gazetted—a departmental document that never saw the light of day.

Mr STEPHENS: And we were not aware of it. I know some of us claim to be fairly good, but we are not mind-readers.

Mr H. D. Evans: Clairvoyance would be very useful with this Government.

Mr STEPHENS: If the Government is to regulate the farming community, it is essential that there be regulations so at least the Parliament knows what is going on, and there are no secrets within the department.

The Minister asked me to indicate the PWD officers who said there would be no way to obtain licences. I assure the Minister I will not breach the confidences I have been given; but I assure him that two senior officers have assured me of that statement. There was no misunderstanding.

When the legislation went through the House, all of us thought it was a genuine attempt to regulate clearing with a licensing system, and that licences would be granted. In the area I represent, most farmers agree it is necessary to have regulation, but certainly not a total ban. After this legislation came before the House, when I was talking about the effects or the impact of the legislation on the people I represent, on two separate occasions two senior officers of the PWD said to me: "Look, Matt, the farmers can apply for a licence and they will be refused. They can appeal to the Minister, and he will refuse it; and they will be compensated." There is no misunderstanding there. Those officers clearly indicated that as far as the department was concerned, and possibly as far as the Government was concerned, there was no real intention to grant other than the minimum number of licences. That is one of the reasons I claim the Government misled the House, because it did not indicate clearly the way it would implement the clearing regulations.

The Minister made light of the shires and their revenue. I assure him that the five shires affected by this legislation do not view the question very lightly. In fact, as was mentioned the other night in the House, they have already had a meeting to decide what to do about twisting the arm of this Government so that they are granted compensation in one form or another. In fact, the Cranbrook Shire has gone as far as raising the matter with the Premier. In his reply, the Premier indicated that he may have considerable difficulty in convincing residents in the north and in certain other areas of the State of the benefits of preserving south-west water resources, and controlling salinity levels if this is to be a tax against the whole of the State and not something affecting the respective shires. I point out to the Minister and to the Premier that if that sort of argument is going to be used, perhaps the people in the City of Perth should meet the $45 million that will be used to overcome the pollution of Cockburn Sound, because there will be considerable difficulty in convincing the people of the north that they should contribute to the solution to that problem.

Mr Taylor: No trouble at all.

Mr STEPHENS: I know the member represents the area; but if the logical argument is followed through, he must accept that sort of thing. I believe in both instances the charges are ones that all the people in the State should be prepared to accept. The loss of revenue to the shires is not a small matter.

As I said earlier, because of the acoustics in this place I did not hear all of the Minister's comments. I was interested to read that he said the following—

> The Public Works Department officers have never claimed that the theory of Mr Whittington is wrong. They have simply said it has yet to be proven that this is a sure method to prevent or improve salinity in creeks and reservoirs.

That was complete news to me. It is contrary to what Professor Holmes, the "expert" that the Government brought over from South Australia, had to say. However, if that is the case, why did the department recommend that the Government not accept the suggestions the National Party had made for 12 months or more that the Government carry out full-scale trials of the Whittington interceptor bank system in a small catchment area and prove it right or prove it wrong. This half-baked idea of small-scale trials, with some scientific measurements being taken and then a subjective interpretation of the scientific measurements, is completely wrong. The only way to settle the matter is to give it a full-scale field trial, and then the result proves the question. There is no need for interpretations of scientific data. That is a point we have made, and we will continue to make it.

The Government has failed the people of Western Australia in not carrying out that trial. If the trial proved to be successful, we could have water harvesting and agriculture complementary to one another. This would overcome the problem of the tremendous cost of paying compensation, buying up land, reforestation, and the like. It would also reduce the loss of production in the areas affected.

It is high time the Government instituted a trial. If it costs $200 000, or $500 000, so what? That is a small sum of money compared to the cost of the scheme the Government is instituting.

We were a little disappointed at the attitude of the Labor Party to this legislation. We thought the ALP might have supported some of the moves we have made; but as socialists, no doubt the members of the ALP want more and more power to wield a bigger and bigger stick in dealing with the community; so it is not surprising they supported the Government on the initiatives that we took.

As I said in my second reading speech, there were certain provisions in the Bill that we supported, and there were others to which we were totally opposed. In the context of the third reading, because of the attitude of the Government, we want to register our protest, and we will vote against the third reading.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [5.09 p.m.]: I must reply firstly to the member who has just resumed his seat, and then I will ask several questions of the Minister so he can reply.

I recall a pamphlet put out by the member for Stirling in which he went to great pains to explain the term "sitting on the cross-benches".

Mr Pearce: Is that the same as "sitting on the fence"?

Mr H. D. EVANS: I seem to recall such words as "integrity", "balance", "honesty of purpose"—

Mr Stephens: Have you got the pamphlet there?

Mr H. D. EVANS: It was quite a voluminous pamphlet.

Mr Davies: Did you say "humorous"?

Mr H. D. EVANS: In practice, there is a deal of disparity between what the member for Stirling

set out in that pamphlet and the attitude his party has adopted in regard to this measure.

Mr Stephens: Now you are making a statement, will you prove it?

Mr H. D. EVANS: Yes, I will. The position of the Opposition—

Mr Stephens: You are just trying to justify your lack of support for good measures.

Mr H. D. EVANS: The Opposition was in support of the principle espoused in this Bill; and that was a responsible attitude to take. No responsible person could take another view about preventing salinity in the rivers of the south-west. That is indisputable. It is true that we have opposed the shortcomings of the present Government and the previous Government in relation to the Act; but as the member for Stirling said, when it was introduced the Bill was shrouded in secrecy. The Government received no credit for the way it handled it. That is why the Government got rid of the previous Minister. In him, they had a hatchet man who brought forward legislation that was unpalatable. The legislation was introduced in such a manner as to have created quite a reaction throughout the five catchment areas. What did the Government do to that Minister? It cut him adrift.

Mr Stephens: They did not cover the PR side of it.

Mr H. D. EVANS: With all his faults, the Minister certainly carried out his role faithfully and loyally. Members should make no mistake about that. However, to return to the point made by the member for Stirling, the attitude of the Opposition was quite consistent with the areas of concern expressed. We had some reservations; and we had a watching brief as far as those matters were concerned. That is the role we adopted, and we received some support from other quarters.

I point out that the Farmers' Union and the Pastoralists and Graziers Association both accepted this measure. If we had directly opposed it, in confrontation with the two organisations representing the affected landholders, it would have been difficult to maintain that position.

Mr Stephens: So you are sitting on the fence on it?

Mr H. D. EVANS: The Minister did not answer all of the areas of concern that were expressed to the satisfaction of those who will be affected. I point out that the branches of the Farmers' Union in the area I represent have discussed with me particular areas about which they have some apprehension. Now the opportunity has been lost to register fully those complaints; but in the main they have been traversed in the course of the debate.

I ask the National Party to qualify the sources and the areas of authority that they purport to represent. Instead of having a situation in which the cross-benches attempt to influence the Government, there has been a considerable element of cheap political advantage being sought by some members.

Mr Bryce: In Parliament of all places!

Mr Stephens: We listen to the voices of the people who put us here.

Mr H. D. EVANS: Members have every right to do that; but, at the same time, the motivation behind the actions of some members seems to stem from a desire to obtain cheap political advantage at the expense of treating this Bill in a responsible manner.

During the second reading debate, I asked the Minister to reply to some specific questions I raised. Regrettably, he has not done so and I shall repeat those questions and ask him to deal with them at this stage.

The first matter was whether or not a formal contract had been entered into with the Rural Adjustment Authority to establish that priority should be given to farmers who have been affected injuriously as a result of clearing bans in so far as the availability of land is concerned. I refer to land which has either been purchased or for which compensation has been paid.

I should like to know the position in regard to Crown land also. It has been referred to several times, but the Minister has not set out the situation in a clear manner. If priority is to be given, such a situation should be indicated at this stage so that farmers who are unable to clear land, or who will lose land, may take advantage of the situation. I refer to land in close proximity to the catchment areas, and in the catchment areas themselves.

The second question related to land for which compensation has been paid. I wanted to know whether the value of that land would be deducted from the total value of the property. The Minister referred to this matter in an ambiguous fashion and I should like an unequivocal answer.

The third question concerned catchment areas and whether the situation could be adjusted in order that some areas could be cleared and others could be reforested. Reforestation should occur in certain areas anyway after the land has been cleared. For example, if 100 acres of land were saline, the area could be forested and a farmer could clear another area in its place. This would

solve some of the problems which will arise. I seek a clear indication from the Minister on the three questions I have raised.

MR McPHARLIN (Mt. Marshall) [5.18 p.m.]: As I indicated during the second reading debate on the Bill, a number of measures contained in it are not acceptable as far as I am concerned. It is clear the Deputy Leader of the Opposition does not understand fully what was suggested when I referred to the measures which could be used to assist in the control of salinity. The Minister has not grasped the importance of the situation and does not understand the position. Nobody disagrees with the principle of controlling salinity. Before he sat down, the Deputy Leader of the Opposition said that, if farmers were allowed to plant trees on say 100 acres of land which was saline already, the situation would be improved. Surely the Deputy Leader of the Opposition realises one cannot grow vegetation in saline areas. I challenge members to give me an example of a situation in which the planting of trees has controlled salinity.

Mr Pearce: This happens in the forests. The natural forest in the Darling Range controls salinity.

Mr McPHARLIN: I should like to ask the member for Gosnells whether he intends to attend the seminar which is to be conducted over the next few days.

Mr Pearce: No, I'm not going to it.

Mr Barnett: I am.

Mr McPHARLIN: I can refer members to a paper to be presented to the seminar in which two qualified scientists have referred to this matter.

Mr H. D. Evans: Is it not better to see some areas which have been cleared, reforested?

Mr McPHARLIN: As a result of the system of reforestation proposed, agricultural land is taken out of production.

Mr H. D. Evans: There could be better agricultural land, you silly fellow.

Mr McPHARLIN: Farmers are upset, because they have invested large sums of money in agricultural land and it is being taken out of production.

Mr Pearce: If your hypothesis is accurate, why aren't these areas saline before they are cleared?

Mr McPHARLIN: Some of them are.

Mr Pearce: Many of them are not.

Mr McPHARLIN: Some areas experience problems with salinity before they are cleared. In recent years a great deal more knowledge has been gained and, in the future, clearing planning should be examined. It is important that in areas where salinity problems could arise, suitable methods are employed to control it. The situation should be watched closely and use should be made of the system which I have advocated in this House over a number of years.

Mr Pearce: We prefer trees to mud banks.

Mr McPHARLIN: Surveys and testing could be carried out and in an area where land clearing is to take place the system I have advocated for years should be implemented.

I was pleased to hear the Minister comment to the effect that the PWD has accepted the system I advocate has some application. As time goes on, I hope this attitude becomes more prevalent and scientists in Western Australia will accept such a system. Certainly, the comments made by the Minister indicate there is a move in the right direction. Nobody has said the system solves all the problems in all circumstances; but it has been successful as far as many farmers are concerned and, therefore, it deserves more encouragement.

It is not correct for the Deputy Leader of the Opposition to say we are trying to gain cheap political points. We are standing firm on a policy I have advocated for some years. The Government is failing to encourage a measure which could be of great advantage to the water catchment areas and agriculture generally in this State.

The system I advocate is being looked at more closely now, and it is accepted more readily than previously. To some extent, that is a step forward. It is only to be expected that scientists will not accept new ideas without research and until such time as they can be assured the new system will work well. If scientists support a new theory and it does not work, it is clear they become targets for criticism. However, a great deal of adverse criticism has been made of this system and this does not help the situation. I was pleased to hear the Minister say the officers of the PWD are adopting a more flexible attitude in regard to the application of this system which is being used by many farmers.

This Bill places too much authority in the hands of the officers who will impose these controls. There is a better way to solve the problems. I should like to read the first paragraph of the Minister's speech in reply to the second reading debate. It reads as follows—

> I suppose the amendments in the Bill before the House are the quite normal results of a two-year period of experience gained after the implementation of something novel.

I do not know how the Minister interprets the situation as being "something novel". The farmers

had a different explanation for it. The problems will not be alleviated by instituting more controls and taking greater areas of land out of production. There is a better way to improve the position. I hope the officers responsible for controlling the position exercise a degree of flexibility and co-operation when the Bill is proclaimed.

The Bill has created consternation amongst a number of people to whom I have spoken. It is to be hoped that those who administer the measure do not behave in a dictatorial manner which would serve only to create further dissension.

During the next two days an international seminar is to be conducted at which highly qualified scientists will speak. I hope they are able to put forward a suitable method which will solve the problems we have been discussing.

Mr Jamieson: How many Liberal members do you think will be interested in that seminar?

Mr McPHARLIN: I have no idea. I shall be interested to hear what the scientists have to say and I hope they can give us a method which will alleviate the problems of salinity. The proposals in the Bill are not totally satisfactory and perhaps the scientists who will speak at the seminar may be able to suggest better alternatives. However, I have read most of the papers which have been prepared and I do not believe an effective solution has been suggested so far.

I have weighed up the advantages and disadvantages of the Bill before the House and, on balance, I find it difficult to support the third reading of the measure. Some of the provisions in the Bill will be helpful, but I do not approve of a number of them.

MR MENSAROS (Floreat—Minister for Water Resources) [5.28 p.m.]: I listened with interest and some degree of detachment to the argument which went on between the Opposition and the members who call themselves the National Party. I do not want to interfere in that argument, nor do I want to arbitrate on it.

I should like to reply, however, to the questions posed by the Deputy Leader of the Opposition. I referred previously to the pamphlets which will soon be distributed by the Minister for Agriculture. It is clear the farmers who have been affected by the clearing bans in catchment areas will enjoy some sort of priority treatment by the Rural Adjustment Authority. It must be borne in mind the whole purpose of this exercise is to alleviate the hardship which was imposed on farmers in the interests of the community.

The Deputy Leader of the Opposition asked also whether the compensation paid is deductible from the property value. I can only refer the member to the Valuer General who is not under my jurisdiction. Even if the Valuer General were under my jurisdiction, he would not be subject to my interference. It could easily occur that, under the circumstances, the Valuer General could take into consideration the compensation received by the farmer. However, it is always possible to appeal against his determination.

The Deputy Leader of the Opposition referred also to reforestation and I should like to point out that rules which are subject to legal interpretation are being taken into consideration and the present Bill makes it possible that, in some cases, an agreement could be reached in the court that land, other than that which has been cleared illegally, should be reforested. Based on this indication and past practice, it is done by an application lifting the clearing ban by an appeal or perhaps by way of negotiating with the Rural Adjustment Authority.

I cannot see that any rejuvenation would apply and the cases mentioned by the Deputy Leader of the Opposition would not be examined. I do not think there is much to answer to the member for Stirling because he has only repeated what he said before.

Mr Stephens: Would you speak up, please? I cannot hear you.

Mr MENSAROS: If the member speaks he can hear me less.

Mr Pearce: If you can't hear him, count yourself lucky.

Mr MENSAROS: If I said that the question by the member for Stirling was directed to me, then it was a lapse of the tongue. The member for Stirling said that it is the Government's policy. I said to the member for Stirling that he should read his own question because the matter was spelt out. The member quoted from a reported policy. He quoted from a newspaper report that reported the Premier promising to "keep in mind" the practical needs of the producers, such as establishing local committees etc. My reply was that the matter was kept in mind but the pragmatic solution was not to create local committees. So, I do not think we have any argument.

Mr Stephens: I think you fail to understand the situation.

Question put and a division taken with the following result—

Ayes 41

Mr Barnett	Mr Laurance	
Mr Bertram	Mr McIver	
Mr Blaikie	Mr Mensaros	
Mr Bridge	Mr Nanovich	
Mr Bryce	Mr O'Connor	
Mr Carr	Mr Old	
Mr Clarko	Mr Parker	
Mr Coyne	Mr Pearce	
Mrs Craig	Mr Rushton	
Mr Crane	Mr Skidmore	
Mr Davies	Mr Sodeman	
Mr E. T. Evans	Mr Spriggs	
Mr H. D. Evans	Mr Taylor	
Mr Grayden	Mr Tonkin	
Mr Grewar	Mr Trethowan	
Mr Grill	Mr Tubby	
Mr Hassell	Mr Williams	
Mr Herzfeld	Mr Young	
Mr Hodge	Mr Bateman	*(Teller)*
Mr Jamieson	Mr Shalders	
Mr T. H. Jones		*(Teller)*

Noes 3

Mr Cowan	Mr McPharlin	
Mr Stephens		*(Teller)*

Question thus passed.

Bill read a third time and transmitted to the Council.

LAND AMENDMENT BILL

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [5.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill incorporates amendments to the Land Act which can be grouped conveniently in three categories.

The first category relates to fees charged by the Department of Lands and Surveys and affects sections 41, 142, 144 and 145 which contain reference to four particular fees.

The bulk of departmental fees and charges are set by the regulations. The amendments to the above sections are designed simply to transfer the specified fees from the Act to the regulations. This action will avoid the necessity for constant amendments to the Act when fees are revised and will allow all fees and charges to be reviewed and promulgated at the same time.

For the information of members, the four statutory fees affected are Crown grant fee, $4; transfer or sublease fee, $2; mortgage registration fee, 50c; and transfer of mortgage fee, 50c. These particular fees have not been amended for some 30 years.

It is intended to amend the regulations as soon as practicable, so that all departmental fees can be equated with comparable charges applied by the Land Titles Office on freehold land transactions under the Transfer of Land Act.

The second broad category affects section 42A of the Act. The amendments liberalise the conditions under which purchase moneys can be refunded when townsite land is forfeited for non-compliance with contract of sale conditions.

Under existing provisions, a refund either in whole or part is conditional on the applicant's proving that non-compliance was caused by circumstances beyond the applicant's control or circumstances that could not be foreseen by the applicant. It is also necessary for the land to be re-sold before any refund can be approved.

The amendments to this section remove the requirement for re-sale of the land and retain the provision for full refunds subject to the other existing conditions being met. However, a new provision has been added giving the Minister discretion to appove refunds of up to 90 per cent of purchase moneys paid without the need to meet restrictive conditions.

These new provisions will ensure that applicants will not be unduly penalised for non-compliance with sale conditions and that approved refunds will not be delayed. With increasing servicing costs, the financial penalty for forfeiture has become severe.

In addition, the amendments will remove any inhibiting effect on applicants for land in Crown subdivisions whilst preserving a deterrent factor against the speculator.

The remaining provisions of the Bill relate to the illegal use or occupation of Crown land and reserves—section 164.

For some time the incidence of unlawful use of Crown land has caused concern—particularly in regard to the growth of "squatter" settlements. Most "squatting" takes place on the coastal fringe where fishermen or holiday-makers erect shacks for occasional occupation.

Several aspects of this problem must be mentioned. Firstly, there is the effect on the natural environment—particularly in fragile coastal dune areas—where the proliferation of illegal buildings, the destruction of vegetation and the removal or dumping of materials all contribute to serious erosion problems and fire hazards.

Then there is the obvious moral issue of people flouting the law and setting themselves up where they wish while responsible citizens conform to established standards and accept legal limitations on where they should build.

It is also relevant that people who use or occupy Crown land illegally are gaining the use of the land free of charge and avoiding paying rates although they take advantage of local facilities. Once again, this is at the expense of the responsible members of the community.

In some cases, the Lands Department with the co-operation of local authorities has endeavoured to sanction some squatter settlements in suitable locations by providing legal tenures. However, there are limits to this solution and such action has often given encouragement to the growth of further illegal settlements.

As squatter settlements grow, they can become pressure groups for the provision of essential services. If such services are finally provided it is at greater cost to the taxpaying community than would have applied if sound planning principles had prevailed.

Nor must one ignore the question of health standards. Most of the structures and associated sewerage and waste disposal facilities are substandard and well below the building and health requirements of local authorities.

The existing provisions of section 164 state *inter alia* that any person found in the unlawful or unauthorised use or occupation of Crown lands or reserves, or who in any manner trespasses thereon, shall, on conviction, be liable to a fine not exceeding $50.

This section has been found to be ineffective, owing to lack of specific powers and because of the inadequate penalty provided. In practice, it has been necessary to rely on the co-operation of local authorities to initiate Health Act orders or to utilise time consuming and complicated Local Court actions.

These facts and problems, as highlighted by an officer committee report, have prompted the Government to take action to ensure that effective legislation will be available to meet the situation and to provide a realistic deterrent.

A new section has been included to provide power to the Minister—on the order of a court—to remove any illegal structure on Crown lands together with the contents of the structure.

Provision is made for three months' notice to be given to offenders prior to the Minister's seeking a court order. This notice must be served on the person in apparent occupation or control, must be affixed to the structure and published in the *Government Gazette* and a local newspaper.

Realistic penalties have been included in the event of specified offences being proved in a court of law. These penalties can range up to a maximum of $1 000 in the court's discretion.

If the offence continues after conviction, there is provision for a further penalty not exceeding $20 in respect of each day that the offence continues.

This continuing penalty does not apply to illegal structures as a court order would be the prelude to removal. The daily penalty is intended to discourage continuation of other forms of illegal usage.

Recent cases of illegal quarrying of Crown land and sensitive Crown reserves have highlighted the need for adequate penalties and for the deterrent of continuing penalties if offenders do not heed a court's findings.

There is also provision for a court to order payment of costs to meet the rehabilitation of public lands that are damaged by illegal use.

To assist authorities which are responsible for the management of Crown reserves, provision has been made for the Minister to delegate his powers to any person or authority in whom a reserve is vested.

This will enable the responsible authorities—such as local authorities, National Parks Authority, WA Wildlife Authority—to control effectively the problem on reserves in co-operation with the Minister and the Lands Department.

Overall, the proposed amendments preserve the existing principles of section 164 but in a more detailed and specific manner and provide effective powers to meet the serious problems of unlawful use or occupation of Crown land and reserves.

Where required, it will be possible, with the legislation proposed, to take positive action to ensure that environmental damage to Crown land and reserves can be avoided and that normal development and planning considerations are not hindered by illegal activities.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

QUESTIONS

Questions were taken at this stage.

BANANA INDUSTRY COMPENSATION TRUST FUND AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

COMPANY TAKE-OVERS AMENDMENT BILL

Receipt and First Reading

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

INDUSTRY (ADVANCES) AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [6.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the amendment of the Industry (Advances) Act 1947-1961 and the repeal of the Assistance to Decentralized Industry Act 1974 in an endeavour to—

(a) remove the existing uncertainties as to which industries qualify for Government assistance;
(b) strengthen the guidelines for assistance;
(c) encourage the banking sector to assist Government in developing new industries and in expanding existing industries, particularly small business;
(d) reduce administration procedures; and
(e) provide a wider range of financial incentives to industry.

For some time, it has been apparent that assistance to industry by way of the existing Industry (Advances) Act 1947 has required review.

Mr Bryce: Hear, hear!

Mr O'CONNOR: Moreover, the guidelines for assistance under the Industry (Advances) Act 1947 have become complicated and in some instances confusing to applicants. These guidelines have now been reviewed and updated.

In addition, the Assistance to Decentralized Industry Act 1974 which provides for assistance to industries in regional areas by way of pay-roll tax and freight concessions and interest subsidies, tends to discriminate against those businesses which are not required to meet pay-roll tax as the Act limits the amount of monetary assistance to the amount of pay-roll tax actually paid by the firm.

Administration of the Industry (Advances) Act 1947 has become time consuming. The current procedure requires applications for industrial assistance to be made to the Department of Industrial Development and Commerce which, based on its investigations, makes a recommendation to its Minister who in turn makes a recommendation to the Treasurer. In practice, the Minister's recommendation is referred to Treasury which in turn makes its own investigation and the Under Treasurer then makes a recommendation to the Treasurer for the issue or not of a Government guarantee.

The new Bill will remove these shortcomings and provide a wider range of financial incentives to industry.

The main feature of the Bill is the amendment of the Industry (Advances) Act 1947 to incorporate—

(a) a new definition of "industry";
(b) provision for the Treasurer to delegate to the Minister for Industrial Development and Commerce authority to approve the issue of guarantees up to a specified limit; and
(c) new incentives to manufacturing, processing and specified service industries by way of—
  (i) a capital establishment assistance scheme;
  (ii) a regional industry assistance scheme; and
  (iii) a residual indemnity scheme for small business.

I propose to outline the provisions of the Bill dealing with each of these features.

Under the provisions of the Bill "industry" will now be defined as any organisation which—

converts any raw materials into a different marketable form; or,

by the addition of expertise and/or conversion of material, adds value to a product; or,

provides specialised services and maintenance or repair facilities as direct support for resource-based production—not being actual resources production derived from mining, farming, or pastoral activities.

The definition of "industry" also includes reference to the provision of tourist accommodation facilities in a decentralised location.

For many years guaranteed assistance has been provided to this type of industry under Cabinet policy where the Minister for Tourism recommends such assistance to the Treasurer, and it is intended that this assistance will continue.

It may be noted that the new definition excludes reference to mining which was included in the original Act. It has been Government policy for many years not to provide financial assistance under this Act to mining activities and therefore it

is considered appropriate to eliminate any reference to mining in the amended Act.

It is anticipated that the new definition of "industry" will remove the existing uncertainties as to which industries are eligible for Government assistance.

The Bill also provides for the delegation by the Treasurer of his functions and powers to the Minister, Under Treasurer, or any specified officer of Treasury. The reason for the proposed delegation to include the Under Treasurer or any specified officer of Treasury is purely for purpose of administrative functions and is primarily to relieve the Treasurer of the burden of signing numerous documents, and to speed up procedures.

It is intended under this provision that the Minister for Industrial Development and Commerce will have the authority to approve the issue of the guarantees up to a limit of $100 000 to any one firm and an overall limit of $1 million in any one year.

It is also intended that the Minister will have authority to approve assistance provided under the capital establishment and regional assistance grant schemes as well as the residual indemnity scheme.

The above delegation should streamline the processing of applications and overcome the present dual investigation of applications by both the Department of Industrial Development and Commerce and Treasury.

As mentioned previously the Bill provides for a new range of incentives to industry by way of capital establishment and regional assistance grants and a residual indemnity assistance scheme.

I shall now mention the main features of each of these schemes.

Capital establishment assistance scheme: Under this scheme, grants in the form of convertible loans will be available to approved new industry to assist with the capital costs of establishing the operation in Western Australia. Paid as a lump sum before commencement of operations to a new project, this form of assistance can be considered as a contribution to capital costs and as such is unlikely to attract income tax.

It is proposed that capital establishment loans be based on—

(a) Up to 15 per cent or a maximum of $200 000 of capital requirement of land, buildings, plant and equipment for a pioneer or non-competing industry establishing in a regional area; and

(b) up to 10 per cent or a maximum of $200 000 of capital requirement as defined in (a) for pioneer or non-competing industry establishing in the metropolitan area.

The variation in percentages here is designed as an added incentive for industry to consider establishment in a regional area.

To protect the Government's position and ensure that the loan is expended in accordance with the agreement, assistance under this heading will be provided as an interest-free loan with the capital sum owing reducible by 20 per cent for each year of operation—that is, the loan is progressively converted to a grant on condition that the project continues.

Successful applicants will be required to give the Treasurer security to secure the balance of the loan outstanding from time to time. Convertible loans will be transferable to a new owner only on the understanding that the objectives of the original company which attracted the convertible loan are fully met by the owner.

Regional industry assistance scheme: Under this scheme grants up to a maximum of $60 000 will be available to established industries in regional centres conforming to the new amended definition of an "industry".

Grants will be considered where the applicant—

is not in competition with a similar venture in the region; and

is expanding the operations; or,

is diversifying to meet the needs of the region in which it is located; and,

the project is considered to be in the best interests of the State.

This form of assistance will be substituted for interest, pay-roll tax and freight subsidies currently provided under the provisions of the Assistance to Decentralized Industry Act 1974. Existing agreements under that Act will continue at the approved level until they are extinguished.

It is intended assistance will be either by—

(i) annual instalments over three years which will be subject to annual review; in these cases the capital grants will be subject to a maximum benefit for each organisation of $20 000 in each financial year; or,

(ii) the amount of assistance assessed in (i) may be paid by a lump-sum capital grant calculated to present day values;

(iii) where the grant is for the purpose of funding land, buildings or plant and equipment for diversification, it will be calculated to be 15 per cent of the total investment, subject to a maximum prescribed amount of $60 000.

Residual indemnity scheme: Under this scheme residual indemnity assistance will be available for those small businesses employing up to 20 "full time" employees, other than the proprietor and his dependants, and is engaged in the manufacturing, processing or servicing industries.

This scheme is designed to support businesses that approach their banks for assistance but are refused aid due to a lack of total asset backing. The Government will guarantee to qualifying applicants the balance of the loan which will not be met by the bank.

The main features of the scheme will be as follows—

(i) an approved lender is required to advance funds on a term loan to the borrower on approved terms and conditions, particularly in relation to interest rates and securities;

(ii) the lender administers the term loan in the normal manner and only in the event of all prudent action for recovery having been taken to the satisfaction of the Treasurer will the State pay out the indemnity.

Sitting suspended from 6.15 to 7.30 p.m.

Mr O'CONNOR: To continue—

(iii) The scheme maintains the existing client/bank relationship and the banks see advantage in improving this relationship. There are no fears that a flood of applications will embarrass their liquidity as the criteria to be established to qualify will ensure that only genuine applications are processed.

(iv) Potential borrowers must meet the following criteria—

(a) They are unable to meet collateral requirements for borrowings from other sources.

(b) In remote areas prescribed by the Minister the loan guarantee will be no greater than 40 per cent of the total loan value and in all other areas 30 per cent of the total loan value.

(c) The maximum residual guarantee not to exceed $50 000 in remote areas and $30 000 elsewhere.

(d) As a rule of thumb guide, net equity investment in each enterprise so assisted must be equal to the amount of the guarantee requested.

(e) They should presently employ several persons apart from the proprietor and his dependents.

(f) The funds to be applied to expansion of a developed business or working capital to enable expansion.

(g) Future viability must be established by submission of satisfactory cash flow statements and other required documentation.

(v) The lender must be satisfied that the borrower has the capacity to repay the total loan and the reason for the lender not assisting to the full 100 per cent of the loan is related to the level of security available only.

(vi) Repayments on the loan must be applied towards extinguishing that part of the loan which is subject to the Treasurer's indemnity before the lender's secured loan is reduced. In other words, the State is last in, first out.

(vii) Security for the residual indemnity to be in the form of an agreement between the applicant, the lender, and the Minister whereby it is understood that the State's liability is to be secured by charges immediately behind those held by the bank. It may be noted that whilst the initial level of security will be low, the reduction in principal over the life of the loan would reduce the State's exposure to potential loss.

(viii) Preference to be given to those industries which can demonstrate that funds will lead to direct employment of additional labour or, in the case of high technology, assistance to the ultimate benefit of the State.

(ix) Total funding under this scheme will be up to $1 million in total loans guaranteed by the State at any one time.

The residual indemnity scheme has the support of the banking sector and the advantage to the Government lies in the fact that the applicant's banker will be responsible for the initial assessment of the application.

It is, of course, intended that the existing practice of guaranteeing term loans under the Industry (Advances) Act 1947 will continue.

With regard to the processing of applications in respect of all financial assistance programmes previously outlined, a review committee will be established comprising a chairman, appointed by the Minister for a period of three years; the Director, Department of Industrial Development and Commerce or his nominee; the Under Treasurer, or his nominee; a member representing industry, appointed by the Minister for a period of two years; and a member representing the banking industry in Western Australia, again appointed by the Minister for a period of two years. The function of this committee will be to review recommendations in respect of all applications received. It is considered the committee will provide additional expertise and experience in assessing the merits of each proposal.

I conclude my remarks by emphasising that the Bill as a whole has been designed to improve and increase the range of financial assistance programmes available to industry, particularly small businesses. As such it is hoped the Bill will lead to positive results in the development of industrial enterprise and the creation of more employment opportunities.

I therefore commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

DENTAL AMENDMENT BILL

Second Reading

MR YOUNG (Scarborough—Minister for Health) [7.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to the Dental Act to overcome some anomalies. It will allow for changes in the employment situation of dentists in this State and alter the composition of the Dental Board.

The first amendment proposes to reduce by one the number of members on the board and to simplify the manner of nomination of members so it is similar to the Medical Board in its appointment process. No need has been found for a medical practitioner always to be on the board, consequently this position has been deleted.

By agreement, the board will comprise four dental practitioners selected from a panel nominated by the Australian Dental Association; a legal practitioner nominated by the Law Society; and two representatives of the Commissioner of Public Health, at least one of whom will be a dentist. At present the nomination of four dentists, selected by election from among the State's registered dentists, is an outmoded requirement of the Act which presents unwarranted administrative difficulties.

The next amendment proposes restrictions on the automatic registration of graduates from certain overseas colleges and countries. All overseas dentists, except those from universities of the United Kingdom, Ireland, and New Zealand, will be required to pass the committee's dentistry examination on overseas professional qualifications before becoming eligible for registration.

Dental organisations in Australia are concerned at the apparent unchecked immigration of dentists and its effect on the future of the Australian-trained dentist. The supply now generally exceeds the demand and will become worse if deterrent steps are not implemented now.

A school dental therapist trained outside Western Australia can undergo further training, as required by the Dental Board, to become eligible for registration for employment in private practice. There is no such provision for the Western Australian-trained school dental therapist to undergo this training and to be registered. Equal opportunity for registration should be given to school dental therapists trained in this State and an amendment is proposed to correct this anomaly.

The Act is very restrictive on the use of the words "dental", "dentist", or any other similar word. It prohibits its use by any person other than a dentist or by a company or firm other than one registered with the board. An amendment proposes to allow such legitimate use of these terms, as this prohibits such usage of such terms as dental technicians, dental equipment suppliers, dental mechanics, and dental nurses by people and firms legitimately associated with the profession.

Another amendment proposes to delete the reference to "female" in relation to dental attendant, to ensure that a male dental attendant is subject to the same provision of this Act.

A further amendment proposes to permit the board to seek from dentists simple statistics and information at the time of requesting payment of their annual practice fee. The information sought is purely for manpower planning and student intake purposes and is on similar terms to those in the Medical Act. It will include such things as location and nature of his practice, and further qualifications gained since being registered. It would not include private or patient information, nor would it involve the dentists in an onerous increase in work.

The last amendment is to allow the board to take action against a dentist who is deregistered for an act that may have been committed by him prior to deregistration. If a dentist's name is removed from the register at his request or for any simple reason, he is then not subject to the Act and its regulations. The board could be powerless to take action against him on a complaint, received after but occurring before he was deregistered, regarding his professional conduct or practice.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hodge.

HOSPITALS AMENDMENT BILL

Second Reading

MR YOUNG (Scarborough—Minister for Health) [7.42 p.m.]: I move—

That the Bill be now read a second time.

The Hospitals Act Amendment Bill provides for matters relating to the constitution of hospital boards and the appointment of chairmen of those boards. At this time the amendment will apply only to teaching hospitals. These boards are responsible for the administration of major institutions with a large labour force and operate at the cost of considerable public funds. The Royal Perth Hospital, for example, has a gross annual expenditure in the region of $72.7 million. The boards administering the teaching hospitals in Western Australia have co-operated particularly well, especially recently when financial constraints have posed particular problems. However, the method of appointing those hospital boards has not changed for many years. No criticism of the boards is intended, but to a degree some boards have tended to be self perpetuating.

Section 15, subsection (1) of the principal Act is amended and will give the Governor power to direct a board to seek nominations of persons to be members of a board.

The chairman of a board will be nominated by the Minister and this will be achieved by amending subsection (6) of section 15 of the Act.

Section 21 of the principal Act is to be amended to make provision for the payment of any expenses incurred by a board in connection with the nomination or election of persons for appointment to the board.

A new subsection (1)(a) to be inserted in section 15 of the Act gives the Minister power to recommend to the Governor that the size of a board may be reduced at the time of the expiration of the term of appointment of a member or sooner, and sets out the method by which this reduction may be achieved.

An amendment to section 37 of the Act will make provision for the framing of regulations.

Details relating to the composition and size of a board and its establishment will be spelt out in the regulations. For example, these regulations can incorporate the university nomination as required in the Queen Elizabeth II Medical Centre Act in relation to the composition of the board of Sir Charles Gairdner Hospital.

The regulations can nominate the number of board members to be elected by hospital subscribers as at the Princess Margaret Hospital for Children.

The regulations also will provide that no one group may dominate a board and, to that end, the regulations will provide that not more than one-half of a hospital board shall be medical practitioners.

If I may quote Mr Justice Street's comments in regard to boards of management, he said—

> Nomination of the individual members and their selection to membership by interested groups ensures that the board as a whole has access to a wide range of views, and it is to be expected within this wide range of views that inevitably there will be differences in the opinions, approaches and philosophies of the board members.
>
> Each of the persons on such a board owes his membership to a particular interested group; but a member will be derelict in his duty if he uses his membership as a means to promote the particular interest of the groups which chose him.

I believe the Hospitals Amendment Bill 1980 will provide for greater flexibility in the appointment of members and ensure the appointment of a board with requisite managerial skills to administer these very important, essential and increasingly complex teaching hospitals.

I commend the Bill to the house.

Debate adjourned, on motion by Mr Hodge.

INDUSTRY (ADVANCES) AMENDMENT BILL

Message: Appropriations

Message from the Administrator received and read recommending appropriations for the purposes of the Bill.

WILDLIFE CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 1 October.

MR BARNETT (Rockingham) [7.48 p.m.]: The Opposition has had a fairly close look at the proposed legislation and notes that it is of a machinery nature to allow for regulations to be made for flora control and flower picking in the commercial flora industry. The need for the proposed regulations arose when the Government introduced legislation in 1976 and in 1979 to enable precisely what we will legislate for this evening.

To some extent I think we all have been at fault in the past. Far too often we see legislation such as this coming back to the House to have tidying-up clauses inserted. I do not mean to be too critical of the Government. We all make mistakes from time to time; perhaps we of the Opposition are equally to blame. We in this Parliament should not make such mistakes repeatedly and with regularity as we are making them now. Far too often legislation like this comes back to the House to have tidying-up clauses inserted so that the legislation can do the job we thought it would do when it first went through.

The proposed legislation will allow for the licensing of commercial flora pickers and the like. Page 2 of the Minister's second reading speech notes mentioned there would be a requirement for returns under the licence to be given to the Government and to include details of wildflowers taken. To my knowledge the regulations are only for the purpose of allowing the picking of flora and have no regard whatsoever to wildlife. The Minister's use of only the word "wildlife" may have been a slip of the tongue but perhaps when the Minister replies he can advise me of the correct position.

I want to mention a couple of other points. To the principal Act we have had amendments in 1975, 1976 and 1979, and, of course, we have the proposed amendment now before us. All amendments total more than the size of the principal legislation. No reprint has occurred, and I would think, because the amendments are in size more than the principal legislation, a reprint is long overdue. I would be grateful to the Minister if he could make some comments about that.

Another point is that I was concerned about a message from the Forests Department to my local council, and, I assume, to all local councils. On 23 September this year the Rockingham Shire Council was advised by the Forests Department that it was no longer responsible for the administration of native flora protection, which was obvious because of the implications of the principal Act and the proclamation which came into effect in May this year. However, that does not concern me. What concerns me is that the department said it would remove gradually from the road verges the signs prohibiting the picking of wildflowers. I find that action hard to follow.

Mr O'Connor: I am not quite with you. Did the shire say that?

Mr BARNETT: No, the Forests Department. It contacted the council and said the signs prohibiting the picking of wildflowers would be removed because the prohibition of this action no longer came under its control. I wonder whether some arrangements can be made to pass responsibility for those signs on to the authority for wildlife. We would then be much better off than removing the signs and having to put them up again at a later stage.

Apart from those few comments, the Opposition supports the Bill.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [7.55 p.m.]: I thank the Opposition—in particular, the member for Rockingham—for its general support of the Bill. The member for Rockingham mentioned a couple of problems the Opposition could see in the Bill. In regard to the matter of flora and fauna taken, he said there was reference only to flora. He is correct, but I understand the interpretation of that word refers to flora and fauna and therefore wildlife will be covered. The point he raised was good, but I hope my explanation covers it.

He asked a question in regard to the Minister's discretion to allow at times fees not to be charged. This would occur in relation to organisations that operate on a non-profit basis or for charity. The Orchid Society of Western Australia does a good deal of work, especially in finding underground orchids and the people in that society are doing good work. They look after the environment and search for rare species to try to retain them. The proposed amendment will allow those sorts of people to do that work and not be disadvantaged. The amendment is fair.

I will refer to the Minister responsible for this matter the member's comment in regard to the reprinting of the Act.

In regard to the signs prohibiting the picking of wildflowers, I believe they are essential and provide a good service especially to people who do not know the State and may go into an area in which rare species of wildflowers exist. The signs try to ensure that these species will be available for the future. I will investigate the matter.

I thank the Opposition for its support and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 23C amended—

Mr BARNETT: I rise briefly to validate the Minister's comments in replying to the second reading debate. Prior to the introduction of this Bill I mentioned to the Minister my concern over the ability of this clause to waive fees payable for a licence under section 23C of the Act. The Minister beat me to the gun.

I did not mention this matter during my comments but I am quite happy with the Minister's reply. I can see a need exists for some of the voluntary organisations to be allowed to continue with some of their programmes and with what they intend to do. I thank the Minister for mentioning this matter without my asking him to do so.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ACTS AMENDMENT (MOTOR VEHICLE POOLS) BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Rushton (Minister for Transport) in charge of the Bill.

The amendment made by the Council was as follows—

New Clause.

Page 3, Add after Clause 5 a new Clause 6 as follows—

Section 82A inserted

6. After section 82 of the principal Act, the following section is inserted—

Motor Vehicle pools and insurance

"82A. (1) For the purposes of any contract of insurance, a motor vehicle shall be deemed not to be used for the carriage of passengers for hire, fare or reward by reason only of the carriage of passengers if the carriage is pursuant to a motor vehicle pooling arrangement.

(2) For the purposes of subsection (1), a carriage of passengers is pursuant to a motor vehicle pooling arrangement if the carriage is—

(a) incidental to the main purpose of the journey;

(b) not the result of touting for passengers by the driver or any other person on any road; and

(c) pursuant to an arrangement for the carriage of the passengers for a consideration limited to—

(i) an undertaking by or on behalf of the passenger to carry the driver or a member of the driver's family on a similar journey; or

(ii) the payment of an amount which does not contain any element of profit in respect of the operation of the motor vehicle or the motor vehicle pool or any recompense for the time of the driver." . . .

Mr RUSHTON: I move—

That the amendment made by the Council be agreed to.

Representations by members of the other House were made to the Government to ask that this amendment be inserted for the purpose of removing any uncertainty that might be contained in the clauses of this Bill in regard to insurance for vehicles involved in car pooling. The Government considered the request and agreed to it.

I ask members of the Chamber to accede to this request. I commend the proposed amendment to the Committee.

Mr PEARCE: One would think the Minister is stretching the truth a fraction when he says this proposed amendment was accepted after representations by members of the other House. Even a cursory look at *Hansard* will show the proposed amendment was moved by a

Government member in the upper House and not spoken to by any other member of that House. Quite clearly the requirement for insurance protection for people involved in car pooling is necessary and was necessary from the time the Bill was introduced in the Assembly. The fact that the Government realised only subsequently to the Bill's passage through this place does not speak volumes for the Government's competence in legislating in respect of this matter.

Nevertheless, reluctant as we are to accept the role of the Legislative Council as a sort of belated amendment place for the Government when the Government subsequently finds its legislation is not acceptable, the Opposition is not opposed to protecting people involved in motor vehicle pooling arrangements. Obvously if you or I, Mr Deputy Chairman (Mr Blaikie), were to carry people in our cars and charge them money, we would not be covered by the normal insurance policy, but we would have to pay commercial rates of insurance. If, as private citizens, we are involved in a motor pool the validity of our insurance policies can be questionable if we are involved in accidents while carrying people who are paying for a proportion of the petrol used or the wear and tear on the vehicle. So, the amendment is perfectly reasonable and natural.

I point out that these things were not discovered before the Bill was on its way to the upper House. The Government has backed up this move and has used the Legislative Council—in its capacity as a House of Review—as the reason for the amendment. The more the Government takes this action, the more it demonstrates its inability to prepare legislation properly.

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

Report

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

DOOR TO DOOR (SALES) AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

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

The amendment made by the Council was as follows—

Clause 3, page 2, lines 3 to 11—Delete the clause.

Mr O'CONNOR: Members in another place felt the status quo should remain regarding the time during which salesmen can call at homes. Instead of a finishing time of 6.00 p.m., the other place has recommended the finishing time of 8.00 p.m. should remain.

The Legislative Council was quite happy to agree to the other important amendments contained in the Bill. However, it was felt that because during the summer time it did not get dark until 7.30 p.m., the request was not unreasonable. It was felt also that because the later time applied in the other States, the status quo should remain. We have no reason to object, and we accept the amendment. I move—

That the amendment made by the Council be agreed to.

Mr PEARCE: It is not the intention of the Opposition to support this amendment. The Government has caved in badly over the question of restricting the hours of door-to-door sales.

The Minister said this provision was not the main part of the Bill; he implied it was a minor amendment which the House of Review sought and which the Government was quite happy to agree to. I think that is pushing the truth a fraction.

The diminution of hours during which door-to-door salesmen were entitled to call—reduced from 8.00 to 6.00 p.m.—was the major thrust of the amending Bill which did not do a lot of other things. The Bill went through this place with the agreement of the Opposition, and we agreed to the cut back in hours.

Mr O'Connor: Your spokesman suggested the hours should be extended to 7.00 p.m.

Mr PEARCE: Our spokesman, who was the member for Balcatta, canvassed the possibility of changing hours because of the difference in daylight between summer and winter.

The Opposition came under a considerable degree of pressure, as did the Government, from various organsiations to reduce the time during which door-to-door salesmen were able to call. It was thought the reduction was reasonable, and the Opposition agreed to it.

The point which needs to be made is that the Government, coming under the same sort of pressure as the Opposition, has caved in to those pressures to allow the status quo to remain. The pressures came from the door-to-door sales organisations which were fearful of a reduction in sales because of the reduction in hours during

which salesmen could call at homes. The result was that the Legislative Council has agreed to a further amendment which the Government agreed to introduce in that House. Obviously, that is a vastly different kettle of fish.

It is most unfortunate that the Government is prepared to knuckle under to commercial organisations when it should be knuckling under to the best interests of the vast bulk of the citizens of this State. The main reason given by the Government in the first place for the cut back in hours was the large number of women who live alone; separated people, divorced people, single supporting mothers, and so on. It was said they were concerned about calls after dark by people knocking on their doors. The cause of concern was the incidence of violence in the community.

One also observes the massive growth in door-to-door selling organisations. People are knocking on doors selling items ranging from religion to saucepans. People are getting sick of it. I suppose most members here spent a little time door-knocking prior to the last election. I was amazed at the number of signs I saw stating that hawkers and religious people should stay away. The public are thoroughly sick of people calling and wanting to sell them something. Indeed, they are sick of people wanting something from them, such as a politician asking for their vote.

Some limits have to be set on callers, and the hours in which these people can operate. Why is it that the sales organisations are so desperate to have the hours during which salesmen can call remain at 8.00 p.m. instead of being changed to 6.00 p.m.? Most other people seem to be fighting hard not to work during those hours. There is a simple commercial motive.

It is easier to sell an article to a housewife when her husband is present. A trick of the trade, for example, is that encyclopaedias are sold under the pretence of being given away. However, they are given away in such a manner that it costs the donee some $700 or $800 when the deal is finally worked out.

When a salesman knocks on a door quite often the housewife is reluctant to buy anything unless her husband is present. She refuses to buy on the spot because she has to talk to her husband who very often controls the purse strings. When the husband and wife are together during the evening they are given a sales spiel, and quite often they are sold an article before they have time to consider. I say that one very rarely, if ever, purchases an article at the door at a price cheaper than that at which the same article is available at an established retail outlet. Door-to-door salesmen depend on the effect and the force of their own personality in order to sell. People do not realise that they should compare the value of the article which is being sold to them against the price of the same article in an established retail outlet.

The profit margin involved in door-to-door selling is very high. If one can sell successfully at the door, one can make a fair amount of money. Door-to-door salesmen have established themselves as being unscrupulous, which is totally deserving in many cases.

I have never forgotten an experience of mine at university, when going through a relatively depressed time. An advertisement appeared in *The West Australian*, without the name of the company involved, and I applied for a job in "publishing". I was quite interested in books, so I rang the telephone number and was accepted. I was placed in a room with 50 or 60 other people and given a spiel on how to sell encyclopaedias. The organisation was P. F. Collier Inc. I have to say the proposition put to me, and the other people who attended that session, was one of the most immoral and dishonest I have ever witnessed. I was to go out and pretend to housewives that we were to give them for free a set of Collier encyclopaedias. That represented a saving of several hundred dollars.

The spiel was carefully constructed by psychologists and, doubtless, previously tested. One told a housewife that she was to get a free set of encyclopaedias. Having convinced the housewife that she was to get the set free, I had to tell her that she would have to help us because it was a preliminary exercise. We asked the housewife to sign a letter recommending the set of encyclopaedias. We would tell her that was the reason she was getting the set of encyclopaedias; it was in return for her services for recommending the books.

When the housewife was about to decide we would tell her that we hoped she was a respectable citizen, and that she should maintain her set of books in a way which would be a credit to her. One got the poor sods to sign up to order year books over a 10-year period, and to subscribe to the library services for 10 years, all payable in advance at a cost of something like $700. It was totally dishonest because the housewife bought her set of encyclopaedias.

The system has been very successful for P. F. Collier Inc. and I have no reason to suspect that many other people do not do the same thing on a comparable basis. P. F. Collier would take on part-time university students during the vacation,

and did not pay a retainer. That company did not care whether a person made any sales. It was a most unsatisfactory situation altogether.

A great number of door-to-door selling organisations are totally unscrupulous in their operations and, in fact, prey on people who are most vulnerable. Of course, P. F. Collier Inc. used to love its operatives to work between 6.00 and 8.00 p.m. because the husband and wife were together and they were signed up on the spot. They had no time to consider the comparitive value of what they were buying.

I can understand why door-to-door selling organisations are so keen to hang on to the extra two hours. I am opposed to the proposal for two reasons: firstly, I think it is fair that people be given a good deal of time to consider door-to-door selling propositions.

That is, when making laws Parliament ought not make it easy for door-to-door salesmen to pressure people into buying at the doorstep without giving proper consideration to the decision they are making.

The second point is that the period between 6.00 and 8.00 p.m. is a very busy one in any household. It is the time when workers are coming home from work and the family is settling down to the evening meal. It is not a time when people wish to be bothered by door-to-door callers. Most people do not wish to be bothered by door-to-door callers at all, but if they are to be bothered by them I feel sure they would prefer to be bothered at a time when they are relatively free, and not during the main meal and when people are coming home from work to unwind and relax. That is one of the reasons the Government moved in the first place, to limit door-to-door sales to 6.00 p.m., and that is the reason the Opposition agreed with the Government's move to try to protect people from the predators who might land on their doorsteps.

Some suggestion was made that a variable limit should apply between winter and summer; that is to say, perhaps some regard could be given to the fact that during the longer daylight hours of summer people tend to eat later and women living alone may not be so fearful of callers in the evening because they would call in the hours of daylight rather than darkness. Although that argument might have some merit, it is not one I accept in terms of this legislation and it has not been accepted by the Government because the amendment made in the Council, which we are now discussing, does not distinguish between winter and summer. The proposed limit is 8.00 p.m. both in winter and in summer.

Therefore, door-to-door salesmen will be entitled to knock on anybody's door in the hours of darkness at a time in winter which is comparatively late at night.

I again voice my disappointment that the Government has caved in to commercial pressure groups—it has given in to pressure which obviously it must have resisted in moving to amend the Act in the first place. I believe the original amendment was in the best interests of the ordinary residents of Western Australia, and the Opposition was pleased to see the Government introduce it. We are sorry that the Government has caved in to commercial pressure, and we are even sorrier that it chose the Legislative Council as its tool to bring about the amendment to the Bill.

The Opposition does not support the amendment, and I hope this Chamber will join with us in sticking to its earlier resolution and not bowing to pressure in the way the Government has.

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

Report

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

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL

Second Reading

Debate resumed from 1 October.

MR DAVIES (Victoria Park—Leader of the Opposition) [8.20 p.m.]: I do not think we can accuse the Government of being anxious to get this legislation through Parliament. The Bill ratifies an agreement made on 22 December 1978 between the Commonwealth, the Northern Territory, and all the States. The measure passed through another place on 17 September and was introduced into this House on 1 October; and it has languished on the notice paper ever since, although we have no opposition to it. We could well and truly have got this legislation out of the way and saved printing the title of the Bill on the notice paper each day since 1 October. It is nice to see that at least the Deputy Premier is anxious to get the notice paper cleared of little odds and ends.

When I say "little odds and ends" I do not say it in a disparaging manner, because this Bill is the second step in setting up a national companies and securities commission, as was agreed to on 22

December 1978. As I said earlier, all States have agreed to this move, and holding legislation was passed in this Parliament in 1979. That was designed to hold the situation until the passage of the Bill now before us.

However, even this Bill is not the end of the story; further measures will come in due course, and eventually a number of Acts of Parliament will control the situation.

Certain things may be done in the meantime, and the Bill before us is quite a lengthy one. However, as I said previously, it has been agreed to by Governments of all States—both Labor and Liberal, and National Country Party in the case of Queensland—and we most certainly do not object to it under those circumstances.

I do not know that this legislation will provide the ultimate solution to the problems brought before the Federal Parliament some years ago—I think principally in the Rae report. Nevertheless, it is a step along the way towards controlling the activities of companies on a national basis and dealing with some of the less acceptable practices of the securities industry which have been obvious in the past.

I do not want to be charged with delaying the progress of this Bill through the Parliament. As it has been universally accepted, on behalf of the Opposition I will agree with it also.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [8.23 p.m.]: I thank the Leader of the Opposition for his support of the Bill. As he said, it is a fact that the Order of the Day has had to be printed on the notice paper each day for some time.

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.

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) AMENDMENT BILL

Second Reading

Debate resumed from 1 October.

MR DAVIES (Victoria Park—Leader of the Opposition) [8.26 p.m.]: The remarks I made in regard to the urgency of the Bill with which we have just dealt, could be made also in regard to this Bill, which has been brought down on much the same grounds; that is, each State has agreed that this legislation should be on its Statute book so that money owing to Papua New Guinea by way of taxes may be claimed in the courts of Australia.

When introducing the second reading, the Deputy Premier said—

> The Foreign Judgments (Reciprocal Enforcement) Act of 1963-1965 permits judgments of courts from other countries to be enforced in the Supreme Court of Western Australia.

He went on to point out that the Act contains a specific exception, which is that it does not relate to charges, taxes, fines, and other penalties. He then said the principal purpose of the Act is to facilitate the recovery in the courts of Western Australia of judgment debts, such as breaches of contract, applying in other countries.

However, it seems that since Papua New Guinea gained—I was about to say "was given"—its independence, many Australian people who were living there quit the country without paying their just dues in the way of income tax. Papua New Guinea has approached the Federal Government about the matter, which has been considered by the Standing Committee of Attorneys General. The standing committee decided each State should amend its Act to exclude from the exemption provisions matters related to income tax owing in Papua New Guinea. Therefore, the passage of this legislation will mean that those people who thought they quit New Guinea without paying tax no doubt will be caught up with eventually and forced to pay whatever is owing to Papua New Guinea; and the due processes of the law as applying in the Supreme Court of Western Australia will apply if they are resident in this State. Similar provisions will apply in other States.

I do not think we can complain about that. I suppose each of us at times would like to be able to dodge his income tax; but that is not to be. We should not encourage or be a party to assisting fellow Australians who have returned from Papua New Guinea to dodge their obligations to the country where they obtained their employment and living, whether it be for only a short time or for a long time.

I note the Bill contains two exemptions. In his second reading speech the Deputy Premier said—

> It makes provision for two exceptions as to the type of revenue judgments which can be enforced—firstly, penalty tax and, secondly, tax declared by the Governor not to be properly a tax on income for the purposes of this legislation.

So really we are only providing a reciprocal agreement under our Foreign Judgments (Reciprocal Enforcement) Act in respect of personal income tax. We are not likely to be in a situation where a country can say, "This is a special little tax we have thought up ourselves and, as you have not paid it, we are now claiming it from you." Those types of taxes are exempt. Only taxes on personal income are involved.

As I said, we support the independence of Papua New Guinea. This is a reasonable piece of legislation because it applies only to Papua New Guinea, and we are not looking for it to apply to all countries because of the special circumstances and the special relationship which exists between Papua New Guinea and Australia. Because of that, we are prepared 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.

POLICE AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Hassell (Minister for Police and Traffic) in charge of the Bill.

The amendment made by the Council was as follows—

Clause 4, page 2—Delete all words in lines 15 and 16 and substitute the following—

(a) inserting after the section designation "34" the subsection designation "(1)";

(b) deleting "or felony" and substituting the following—

"felony, or civil emergency"; and

(c) inserting the following subsection—

"(2) In this section, "civil emergency" includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons.".

Mr HASSELL: I move—

That the amendment made by the Council be agreed to.

The amendment proposes to insert in clause 4 of the Bill a definition of "civil emergency". This matter was the subject of discussion during the second reading debate; and I gave an indication at that time that the incorporation of an amendment to define "civil emergency" in some way would be considered. I indicated also that although it was difficult to define "civil emergency", I had a draft definition and I would recommend that it be moved as an amendment in the Legislative Council. That was done; and that is the basis upon which the amendment now returns to this Chamber for its consideration.

Mr Davies: A pretty poor amendment.

Mr HASSELL: It is proposed to define "civil emergency" as follows—

"civil emergency" includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons.

That is linked to a power proposed to be inserted in section 34 of the Police Act to permit the appointment of special constables by justices in the event of a felony, a riot, or a civil emergency, "civil emergency" being the category added. The categories under which special constables have been able to be appointed in the event of a riot or a felony have existed for many years. As I said, the insertion of the civil emergency situation was as a result of recommendations from the Law Reform Commission.

The purpose of the amendment is to give some guidance to the justices who have to consider the matter, because they have to proceed on the basis of the oaths of responsible people. I have to say the reason there was no definition included in the Bill originally was that it is not easy to define these things precisely, and there is a question as to how successful any definition could be. What we are doing is trying to provide for an emergency situation; and in those circumstances it is not possible for justices, particularly in remote areas and in times of emergency, to have a law book and legal counsel to put up fine arguments as to the meaning of a particular situation. They have to make judgments in the circumstances, bearing in mind that if they do wrong and are outside the authority given under the Act, the constables appointed would undoubtedly be acting without lawful authority, and they would be subject to questioning as to what they did.

As I indicated, in good faith we have carried forward a proposal to include a definition of "civil

emergency". I hope it will find the support of this Chamber.

Mr T. H. JONES: The Opposition opposes the amendment very strongly. In our opinion, it is a classic example of a good piece of window dressing.

When I was debating the Bill at the second reading stage, the Minister assured me that he would have the matter attended to, and a definition included in the Bill in another place. I will prove by legal opinion in a moment what the new amendment could mean, and how it could be defined.

It will be remembered, when I drew this to the Minister's attention, I said we felt that a definition of "civil emergency" should be included in the Bill. Then on page 2376 of *Hansard* I said—

> I want you to tell me how you define a "civil emergency", because you did not do so in your second reading speech on the Bill.

Then the Minister said—

> The member has qualified the basis of his objection. It is not something the police officers have dreamed up for themselves. I refer members to the "Law Reform Commission of Western Australia, Project No. 29, Report on Special Constables" of 25 March 1975.

Then we went on to deal with the problem of "civil emergency" and the Crown Law opinion. Then, more importantly, on page 2377 the Minister said—

> These powers are designed to affect rights of individual people. This legislation is to provide the right to appoint special constables in circumstances where there is some kind of emergency or some kind of a problem. We have had a long history in this State of not having emergency powers legislation.

So it is quite clear, even there, that the Minister could not define clearly what was intended by the definition of "civil emergency". Of course, he was incorrect; and I hope he is listening, because he was misleading the Chamber. Whether he did it on purpose or not, I do not know.

Mr Pearce: I bet it was deliberate.

Mr T. H. JONES: The Minister said that, following the Law Reform Commission's report No. 29 on special constables, the Government had decided to give the power to magistrates or justices to appoint special constables. I challenge the Minister to show me where report No. 29 recommends that justices of the peace should be given that authority. He cannot do that.

For the record, I will quote from that report. On page 17 the following appears—

> Who should have the power to appoint special constables?
>
> In its working paper the Commission asked who should have the power of appointing persons as special constables. The Commission suggested that the primary power should be that of the Commissioner of Police, but that for appointments in emergencies (see paragraph 17 above) there should be a residual power vested in magistrates.

It does not apply to magistrates, because they are trained. It continues—

> It is now the Commission's view that for all categories of special constables only the Commissioner of Police, or in limited circumstances his delegate, should be empowered to appoint special constables and to delineate the powers which they should possess, and it so recommends.

I cannot find any reference in that. Let us look at the other pages. I refer to page 18 of the report—

> Taking into account the comments that were made to it, the Commission is now less persuaded by this argument. In the sort of emergency envisaged, where communications had broken down or become severely disrupted, it would be far from certain that the man on the spot would in fact be a magistrate (and no one suggested that the power should be retained by justices).

On page 16 there is an argument against giving the justices of the peace at Karratha the right to appoint special constables under these circumstances. On page 18 the following appears—

> As for other types of special constables, the Commission considers that it is desirable to provide for a unified system of appointment to enable policy to be consistently applied. The Commissioner of Police is the person properly vested with law enforcement functions in our community, and anything relatively central to those functions should be within his control. Because of this he alone should have the power to appoint.

A similar view is expressed also in paragraph 28 of the New South Wales report, but it goes a stage further. In New South Wales, when changes to the legislation were being considered, a similar

view was expressed. On the bottom of page 18, the quote continues—

> Several consequences follow from the recommendation that the Commissioner of Police should alone have power to appoint special constables—

Finally, on page 21, the following is spelt out clearly—

> Persons appointed special constables should readily be able to demonstrate that they possess the status and authority which they are purporting to exercise.

Without reflecting on justices of the peace, my argument is that they are not trained and not skilled. In effect, they are laymen doing a good job; but they should not be given the power to appoint special constables in an emergency. That is asking an untrained person to appoint a specialised person who could act as a policeman in an emergency.

The Minister cannot argue with that proposition. I quote again from the report at page 24, under paragraph (g)—

> (g) that the Commissioner of Police—
>
> (i) be solely empowered (except in limited circumstances) to appoint special constables and to delineate the power which they should possess;

This theme continues throughout the report. Justices of the peace are mentioned in a couple of places but, in the main, it can be seen the report says the Commissioner of Police should appoint special constables.

I intend to move an amendment at a later stage. It is my intention to amend paragraph (c) of the Council's amendment. My amendment will seek to delete the word "includes" and substitute the word "means", because the word "includes" is open to a very wide definition.

I should like to quote some examples of the decisions which have been made by the courts on this question and I turn to Volume 3 of Words and Phrases Legally Defined where, at page 33 the following statement is made—

> "The word 'include' is very generally used in interpretation clauses in order to enlarge the meaning of words or phrases occurring in the body of the statute; and when it is so used these words or phrases must be construed as comprehending, not only such things as they signify according to their natural import, but also those things which the interpretation clause declares that they shall include. But the word 'include' is susceptible of another construction, which may become imperative, if the context of the Act is sufficient to shew that it was not merely employed for the purpose of adding to the natural significance of the words or expressions defined.

That is one definition. Members on this side of the Chamber believe that is the intention of the Government. The Minister will not give the Committee an assurance the provision will not be used against the TLC and I expressed this view earlier in debate on the Bill.

If we look further at the interpretations and rulings of the courts, we find on page 34 the following statement is made—

> In my view the word 'includes' as used in para. (g) is not a term of limitation or precise definition.
>
> "'Included' is a word to which parliamentary draftsmen seem considerably addicted."

The Parliamentary Draftsman is using this terminology in an endeavour to enable the clause to be extended so that it can be used under certain circumstances. The situation is not defined clearly, as the Minister indicated it would be. We would like to know the intent of the word "includes".

I could give other definitions, but I believe the definitions I have given are adequate. Some refer to the situation under the law in Canada and others relate to Australia; but, generally speaking, there is a grey area in relation to the intended meaning of the word "include". The Minister gave an assurance and, as a result, we thought a clear definition would have been given; but unfortunately this has not occurred.

When the Minister dealt with the amendment from another place, he said, "In this section, 'civil emergency' includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons." This has nothing to do with the argument.

The Minister cannot deny we were concerned mainly that this clause would be used against the trade union movement and the Minister has not cleared up the situation. As I said previously, it is a piece of window dressing. The Minister has tried to indicate he is meeting the wishes of the Opposition in defining the term "civil emergency" when in fact he has not done so.

As a result of my amendment, the clause would read as follows—

> In this section "civil emergency" means a natural or man-made disaster which causes or threatens to cause loss of life . . .

If we adopt the amendment, we would clear up any misunderstanding. It can be seen from the examples I have given the definition of the word "includes" can be extended to meet any situation which occurs. The Government is aware of this, and after consultation with the Crown Law Department, it intentionally drafted the clause in that manner so that it could be used against the trade union movement in a number of circumstances.

I challenge the Minister to tell us the intention of the clause. If it is not to be used against the trade union movement, the Minister should accept my amendment. I should like the Minister to tell us where, in the Report on Special Constables—Project No. 29—reference is made to justices of the peace having the power to appoint special constables. I cannot find such a reference.

In the view of members on this side of the Chamber, the Minister misled the Parliament, because he said the Government was adopting the recommendations contained in the report of the Law Reform Commission of Western Australia. In fact that has not been done. Contrary to the recommendations contained in the report, the Minister has agreed to give justices of the peace a power which, in our opinion, they should not possess. For those reasons, we strongly oppose the Council's amendment.

Mr PARKER: I support the proposition advanced by the member for Collie. A number of questions arise out of this Bill, particularly in regard to the provisions with which we are dealing now and the amendment which has been made in another place.

When the matter was dealt with previously, we raised a number of issues concerned with the civil liberties aspects of the Bill. When some of those matters were raised the Minister indicated he would look at the definition of a "civil emergency", because one of the problems was that, if one considered a reasonable man's definition of a "civil emergency" it could mean different things to different reasonable people.

By introducing the amendment in another place, the Government has made the position worse than that which would apply if we were simply to rely on the courts' definition of a "civil emergency", because that may be something which is quite reasonable, based on what a reasonable person would understand from the words involved. However, the way in which the Government has framed the amendment which it proposes should be adopted by this Chamber, results in anybody wanting to make such an appointment being able to go well beyond the reasonable definition of the words "civil emergency", because they are defined in a way which would allow somebody to include all manner of other things in the definition. That is what concerns me and other members of the Opposition.

I refer members to the wording of paragraph (c) of the amendment. Presumably the words "natural or man-made disaster" are capable of reasonably ready interpretation. The words, "which causes or threatens to cause loss of life" do not go back to the basic proposition which limits the definition of "a natural or man-made disaster". By that I mean, "includes" is not limited by the words "which causes or threatens to cause loss of life".

On the other hand, if the proposition advanced by the member for Collie were accepted, there would be a limiting effect on the whole operation of the definition and, in particular, the word "means" would define the situation much more closely. The same position applies with respect to the words "injury to persons or property or distress to persons". In the case of property, a rather wide definition can be applied, and, as the member for Collie said, the matter is of considerable concern, particularly in the trade union area. An example which comes to mind is that the definition might include the recent transport strike which, I understand, is nearly over. It could be said the definition brought forward by the Minister could be used on that occasion, had the strike continued for a considerable period of time.

We have legislation on the Statute book already which enables the Government to take action with respect to such disputes. We have legislation relating to industrial arbitration and it is quite proper that such legislation be in existence. We have other forms of legislation, such as the Fuel, Energy, and Power Resources Act, which has been passed during the term of office of this Government and which, in my view, is less proper than the legislation relating to industrial arbitration.

It appears we have a situation now which could be interpreted by the Government in a way which would allow the Police Act to be used in yet another way in cases of industrial disputes.

One suspects the motives of the Government for a number of reasons. One reason is the suspicions we have had, and which were perhaps

only wild suspicions initially, but which have been seen to be fully justified in the past. One has only to look at the answers given in response to questions asked by Opposition members when the amendments to section 54B of the Police Act were introduced into Parliament initially, to recognise that some of the suspicions which the Government attempted to allay when the Bill was before the Parliament, were not allayed and in fact were justified fully.

In fact, we were being more than cautious in our estimation as to what might happen under the proposed legislation. Here we have a situation in which, as the member for Collie said, the Law Reform Commission made a report on the question of special constables. Nobody on this side of the Chamber would say there is no situation in which it would be proper to appoint special constables. I do not believe anyone would say, when an emergency occurred, special constables should not be appointed. It is a question of who should have the right to appoint special constables, under what circumstances they should be appointed, and the type of review and safeguards available.

Some of those questions were canvassed when we debated the Bill previously. We have a situation now in which, as the member for Collie pointed out, the Law Reform Commission's report referred to the fact that the Commissioner of Police ought to have the right to appoint special constables and that this right should not be conferred on justices of the peace or magistrates. Rather, the power should rest with the Commissioner of Police who controls law enforcement in this State. The commission recommended the commissioner should have the right subject to rather stringent safeguards. A summary of the recommendations contained in the report reads as follows—

The Commission recommends—

(a) that power to appoint special constables be retained;

(b) that such power should be exercisable only

(i) in civil emergencies;

(ii) with regard to police of other States;

(iii) with regard to employees of certain statutory bodies which should be designated in a Schedule to the Police Act;

(c) that special constables appointed in an emergency have all the powers and immunities of a regular constable, but only while on duty;

....

(g) that the Commissioner of Police—

(i) be solely—

"Solely" is the word which has been used. To continue—

—empowered (except in limited circumstances) to appoint special constables and to delineate the power which they should possess;

(ii) be responsible for the training of employees of statutory bodies appointed as special constables and be entitled to exercise disciplinary authority over special constables while acting in that capacity;

(iii) should formulate guidelines to be followed for appointing special constables in emergencies;

(h) that special constables appointed in emergencies should receive payment on the same basis as ordinary constables;

(i) that every special constable should carry with him whenever performing his duties a certificate of appointment;

(j) that the Commissioner of Police should set out details of appointments of special constables yearly in his Annual Report;

To continue further—

(l) that the whole question of private security should be thoroughly examined.

The whole question of private security was of concern to us when the Bill was before us at the second reading stage. The Law Reform Commission did not bring down a report which simply looked at the question of special constables in civil emergencies in isolation; it recommended that the Commissioner of Police, not justices, should have the power to appoint them. The Law Reform Commission recommended that the Commissioner of Police as the person responsible for law enforcement in this State, should be the person to have that power. It was not recommended that a justice should have the power of appointment, contrary to the advice the Minister gave us when we were debating this measure previously.

Mr Hassell: Can you tell us where I said that the Law Reform Commission recommended that justices should have the power?

Mr PARKER: The Minister did not say that in precisely those words, but he did say it when answering criticism that this may be interpreted in some sinister way. The Minister said it was not sinister and it was not something which he or the Commissioner of Police had created. He said it

was something which came from the Law Reform Commission. The implication was that the measure had come from the Law Reform Commission.

It is now clear the measure did not come from the Law Reform Commission. There are two aspects of this measure which are not adequate. The first is that it was not a recommendation of the Law Reform Commission that justices be able to make these appointments and the second point is that safeguards which the Law Reform Commission said should be built into the legislation are not built in.

We have here a very piecemeal approach to legislation for the appointment of special constables. Although it is a small amendment, in my opinion it is not a minor one.

If this legislation were passed none of the Law Reform Commission's recommendations in respect of the duties of the Commissioner of Police in his appointment of special constables would be included. They have been ignored. The matter of special constables being paid could have been included and if nothing else, it might have improved the morale of the police.

The appointment of special constables through statutory authorities which may require additional powers has not been dealt with in this Bill. Why is it that only one small area of those proposals has been looked at? That is the whole point of the Opposition's argument. The police and the Commissioner of Police ought to have certain rights because none of us would deny them that right or say they ought to be impeded whilst carrying out their lawful duties.

What concerns us is the lack of safeguards in this legislation. If the legislation did have safeguards the Opposition would not quarrel about it. Not only does it have no safeguards, but we have an amendment under which justices have the power to appoint special constables in a fairly broad interpretation of the meaning of "civil emergency". Because the word "includes" is contained in that interpretation, it could mean any emergency. A Channel 7 parade could be included in that interpretation. I agree that that may be a ridiculous interpretation, but unfortunately too often such things we have thought to be far fetched have in fact become the practice of this Government. We all ought to raise this issue with a view to inserting some safeguards into the legislation. The legislation should be tightened up so that the definition of "civil emergency" is clear-cut and that is the proposition of the member for Collie.

Mr HASSELL: I wish to acknowledge the member for Collie's gentlemanly approach to this matter tonight because he said he felt that I had misled the Chamber, but he thought I did not mean to do so. I not only did not mean to mislead the Chamber, I believe I did not mislead the Chamber. I would not do so at any time or under any circumstances. I do not think the member for Collie and the member for Fremantle can point to any time in the debate and say that I said the Law Reform Commission recommended that justices should have the power to appoint special constables in civil emergencies.

Mr T. H. Jones: You said the proposition came from the Law Reform Commission.

Mr HASSELL: The commission recommended that there should be a power to appoint special constables in the event of a civil emergency.

Mr T. H. Jones: It did not say justices of the peace.

Mr HASSELL: It said the Commissioner of Police should have that power in all but limited circumstances. I wish to make the point that the circumstances described in section 34 of the Police Act are limited because there are situations where a stipendiary magistrate or any two or more justices, upon the oath of a credible person, may appoint special constables, if they are of the opinion that the ordinary constables or officers appointed are not sufficient. There is a number of legal safeguards built into section 34. There must be a credible person who must appear before a stipendiary magistrate or two or more justices and he must convince the magistrate or justices that there are not enough ordinary policemen to do the job.

The components necessary—for the protection or security of property and all such things—are already included in the legislation. These are all limited circumstances and I think it can be interpreted that way fairly without drawing a long bow.

They are the circumstances to which the Law Reform Commission may have been referring. I did not say and I do not say that the Government has accepted all the detailed recommendations of the Law Reform Commission in framing this legislation. It is not the Government's view that it is sufficient to have special constables appointed only by the Commissioner of Police.

The State's geography must be taken into consideration as well as the occasions which may arise in remote areas. There may be genuine emergencies where it is necessary for the appointments to be made; for example, there may be a crisis.

A crisis would not permit a fine legal argument in front of judges and courts of law. It would not permit an argument over certain phrases with legal counsel presiding. This legislation is intended to deal with a tumult, a riot, a felony, or a civil emergency.

Mr T. H. Jones: What is the real meaning of it?

Mr HASSELL: If the Opposition is concerned about the term "civil emergency", in all fairness and with logic members should be more concerned about the word "riot" because that is a broad expression also. "Tumult" could be termed a broad expression.

The question has not been raised; it has been in the legislation for a long time and to the best of my knowledge it has never been abused, though seldom used.

On several occasions the Opposition has raised this matter and applied it to the situation of an industrial dispute. As far as I am concerned, a riot, a tumult, a felony, or a civil emergency which is created out of industrial turmoil is just as much a riot, a tumult, a felony or a civil emergency in any other circumstances.

Mr T. H. Jones: But there are already provisions to deal with that sort of situation. You are adding another provision.

Mr HASSELL: We do not necessarily have the precise powers that are needed. If this situation occurs, it is not pleasant; it is not something that generally happens in our community and I am glad of that. It is not something we want to try to deal with in a high-powered way.

I think if the member examines the powers to which he is referring he will find they are to deal with problems arising for people and the community from an industrial conflict. I presume he is referring to the provisions in the fuel and energy legislation. Those powers are directed to industrial disputes; the powers I am referring to here are directed to simple law and order.

Mr T. H. Jones: Why don't you exclude the trade union movement from them?

Mr HASSELL: It would be quite foolish to do so. It does not matter what the cause of a genuine emergency situation is, it must be dealt with. A riot is still a riot whether it is created by the activities of the Transport Workers' Union or by a group of people standing in the middle of the street to riot about something unrelated to an industrial issue.

Mr T. H. Jones: There is no doubt how it would be used.

Mr HASSELL: I have always made it clear in this debate that this law should apply in industrial situations if it is applicable to those situations. I reaffirm the view I hold, and the view I believe the Government very firmly holds, that the law applies to everyone. In circumstances where the law is applicable, it does not matter what the cause has been. There is no exemption.

Trade unions and trade unionists should not be exempt from the operation of the law. That kind of discrimination should not be permitted because it is damaging and it is in breach of natural justice. Members on the Government side and on the Opposition side believe in natural justice, and the member knows that.

The other issue raised by the member for Collie and by the member for Fremantle was the wording of the amendment. The members' complaint was in relation to the use of the word "includes". On my understanding of the law, the definition of the word "includes" in reference to a civil emergency would be interpreted by a court as if it were the word "means". I believe a court would read it down, as it has done in other cases—the member for Mt. Hawthorn may or may not know of these cases. It would be read down by the words that follow and by the context in which it appears.

However, because I am not certain that is absolutely right—such interpretations are always open to argument—I feel it would not be improper to accept the proposed amendment of the member for Collie. As I understand it, he simply wishes to substitute the word "means" for the word "includes".

On that basis I indicate I am prepared to accept the proposed amendment. I know that nothing will entirely satisfy the Opposition, and perhaps more particularly, some Opposition members in another place who appear to hold strange views on this matter. I believe I said clearly during the third reading debate that we had no evil intent with this provision and we were seeking a definition that would not make the term cover everything. I believe that if we accept the proposed amendment, the section is still sufficiently wide to fulfil the purpose which we believe it should fulfil, and that it does not do anything else.

Mr T. H. JONES: I would like to thank the Minister for indicating his acceptance of the amendment I intend to move. I do not want to traverse the ground already covered; suffice it to say that my reason for challenging the Minister on the information he gave to the Committee was

that he said the amendment was not something that the police officers had dreamed up.

At an earlier stage the Minister referred members to the report of the Law Reform Commission. Having mentioned that, one would have assumed the Government was adopting the recommendations of that report. However, if we study the report, we find that is not the case. I will not traverse that ground any further either.

My reason for intending to move the amendment is that the courts have ruled already there is no limitation to the meaning of the word "includes". Such a ruling was given by the judge in Mellows *v.* Low, 1923.

Mr Hassell: And there are other cases.

Mr T. H. JONES: There are many cases I could quote from in this report, but I will not weary the Committee with them. I thank the Minister for his co-operative spirit. We are concerned that the provisions of this clause will be used against the trade union movement. I move an amendment—

> Delete the word "includes" from proposed new subsection (2) and substitute the word "means".

Amendment put and passed.

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

Report

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

WESTERN AUSTRALIAN OVERSEAS PROJECTS AUTHORITY AMENDMENT BILL

Second Reading

Debate resumed from 5 November.

MR BRYCE (Ascot) [9.22 p.m.]: When the parent legislation was introduced in 1978, the members of the Australian Labor Party in this House congratulated the Government on its decision to introduce it. I believe I indicated at the time that had we been in office we would have been pleased to bring that piece of legislation to the Chamber. Having supported the introduction of the original measure, I indicate that we support the endeavours of the Minister for Industrial Development and Commerce to improve the functioning of this authority.

I would like to refer briefly to some of the comments made during the second reading debate on the parent measure. I well remember chiding the Press of the day that although the Bill was a fairly important one, in terms of the economic development of the State, nothing appeared in the media to indicate that the legislation was passed with the support of both sides of the House. I can recall distinctly that I said, during the third reading debate, it was a great pity so many people outside this House had the impression that parliamentary politics were concerned almost exclusively with conflict and differences of opinion.

I am sure, Mr Speaker, that you will be aware how many pieces of legislation have received the complete endorsement of both sides of the House over the past few sitting days. We are now discussing another measure with which we agree completely.

On the occasion of my comment in regard to the Press, a few days later the Editor of *The West Australian* took me to task in his editorial. I will paraphrase his comments which were to the effect that good news does not sell newspapers and that it would be of no value to his newspaper to run a headline saying, "Government and Opposition agree on worth-while initiative for the benefit of the State." I believe none of us can remember having seen such coverage of a parliamentary debate.

Mr O'Connor: It would bring some credit to Parliament though.

Mr BRYCE: It certainly would, and I imagine it would bring some credit to the reputation of the newspaper itself. However, I do not expect things to be any different on this occasion.

As the Minister indicated in his second reading speech, this piece of legislation was not designed to change significantly the 1978 Statute. Although he did not say it quite this way, he could easily have described the Bill as applying a little bit of fine tuning to the Act.

A number of amendments are proposed. Certainly we concur with the first amendment which is to solve a fairly mechanical problem which seems to have arisen in regard to a quorum of the board. It is proposed to increase the number of members on the board of the authority. The Minister indicated that there seems to be good reason for experimenting in this way.

I am not certain that the Government's prescription for selecting people who, at the time of their appointment, must be engaged in private industry, is necessarily the best way to appoint the board. There could well be people in Western Australia who have previous experience in industry or people currently engaged somewhere in academia—perhaps in the economics

field—who could well be worthy of appointment to the board. However, this particular amendment which is to increase the size of the board from four to six members stipulates that the additional members must be people who are, at the time of appointment, engaged in private industry.

That is quite a narrow view although I can see significant value in having experienced entrepreneurs on the board of this authority. So we certainly do not take exception to the need for that kind of person on the board.

The original legislation provides that an advisory committee should be established in respect of each of the projects to be undertaken overseas. This committee is to advise the board, presumably in respect of pitfalls and problems that could arise. The Minister has suggested to the House that rather than prescribing in the Statute that it is mandatory for an advisory committee to be established in each and every situation, in view of experience with this legislation the board should be given the option to decide when it is necessary to appoint advisory committees. We are happy to agree with that particular amendment based on the experience of the authority.

The Minister indicated that in regard to projects in Iraq and Libya, the experience of the authority has proved that it is necessary for the authority to be able to operate a bank account through the normal banking system, both overseas and within Australia. Once again this is a nuts-and-bolts improvement to the original Statute, the need for which presumably has come to light through experience. It seems logical, and certainly we approve of it.

We certainly concur with the last amendment referred to by the Minister. This relates partly to the question of inflation, but also, it reflects a little basic reality in terms of the magnitude of overseas projects.

The Minister is seeking Parliament's approval for the board itself to enter negotiations in respect of projects to a limit of $500 000, instead of only $100 000. We agree that reflects a degree of realism based on current practice in the business world, and we have no objection to the proposal.

I conclude by reiterating the Opposition supported the concept behind the principal Act when it was introduced in 1978, and we are happy to support these amendments. We certainly wish the Western Australian Overseas Projects Authority well in the future.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [9.31 p.m.]: On behalf of the Minister responsible for this Bill, I thank the member for Ascot for his support and summation of the Bill. The legislation is designed to bring the Act more into line with today's market.

I must confess that when I first read the Bill, I was slightly worried that we were dealing in disturbed areas like Iraq. However, the authority is satisfied with the way things are going on over there.

I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY AMENDMENT BILL

Second Reading

Debate resumed from 5 November.

MR BRYCE (Ascot) [9.33 p.m.]: I indicate at the outset that the Opposition supports this measure. The Industrial Lands Development Authority Act is a 1966 Statute. Since that time, it has been amended on a couple of occasions. When it was passed, the Statute took up a very important principle, in that it introduced the concept of a Government taking a very positive step to encourage industry in the first instance to country towns and regional centres. The Government took upon itself the responsibility of acquiring land, firstly, to attract industries to particular localities and, secondly, to encourage industries to expand operations in those localities.

Subsequent amendments to the Statute in 1976 and 1978 both dealt significantly with the role and the purpose of the Industrial Lands Development Authority. On each occasion, the actual function of the authority was defined more explicity and enlarged as the process went on.

This Bill contains two minor amendments to the legislation involving on the one hand an increase in the size of the authority from five to six people to accommodate a nominee from the Confederation of Western Australian Industry and, on the other hand, a provision to enable the breaking of decision deadlocks at meetings of the authority.

As it is intended to increase the size of the authority to six members, there is the inevitable possibility of deadlock situations occurring; for example, the authority could be faced with a two-

all or a three-all deadlock situation. The Bill spells out precisely what will occur in such situations. If a deadlock occurs at two successive meetings in respect of a particular issue, the decision is to be resolved in the negative. That provision apparently is designed to avoid difficulties which have arisen in the past. The Opposition has no objection to either of these proposed amendments.

The main thrust of this amending Bill is contained in clause 6, which seeks to repeal and re-enact section 8 of the principal Act to detail in a somewhat more elaborate and specific form the functions of the authority. To summarise this provision, in essence it is as follows: Whereas the original concept of the Industrial Lands Development Authority was to enable a Government authority to acquire land and then supply it at somewhat below market price to enable an industry to become established, the actual functions of the authority subsequently have been enlarged to allow the authority to construct, erect, modify, and adapt premises on the land itself to further attract or interest industry to be established in some particular community.

As I have already indicated, over the years the Opposition supported those amending Bills which had the purpose of specifying in more detail and broadening the scope of the authority, and we have no intention of changing our position on this occasion.

I congratulate the Minister for attempting to come to grips with a potentially difficult situation. In his second reading remarks, the Minister drew attention to the difficulties which can occur with regard to the release and disposal by the authority of land at below market value to people involved in industrial development and, more particularly, to people involved in speculation in land for industrial development.

The Minister has drawn attention to the fact there is need for the Minister of the day to have power to deal with people who would seek to speculate in land which they acquired quite cheaply through the authority by then seeking to make some fairly substantial overnight profits by disposing of the land through normal market channels. The Minister seeks Parliament's approval to change the Statute to give the Minister of the day power to insist that any change in the status or transfer of land under the control of the authority, or formerly provided under the auspices of the authority, must have the Minister's approval. The Minister is seeking power and authority under this amending Bill to declare null and void any contract which deviates from this established norm.

The Opposition agrees with this proposal. We recognise problems could arise in this area, and the Minister is making what we see as a genuine, first-up attempt to grapple with this very significant problem.

The last of my comments relates to a very interesting provision at the end of the Bill which, in effect, is a sunset clause. At the last election, the Labor Party indicated it believed it was high time the Government of Western Australia and, for that matter, Governments throughout Australia, embraced the concept of sunset clauses in legislation dealing with the establishment of Government authorities—if for no other reason than to attempt to achieve a much greater degree of accountability in their performance.

In our opinion, clause 8 of the Bill—the last clause—is a very interesting and worth-while clause, because it provides that the Western Australian Industrial Lands Development Authority will cease to exist after 31 December 1990, unless between now and then the Parliament of Western Australia takes positive action to legislate to ensure the authority continues in operation.

My leader is on record as saying—and I agree with him—that, in respect of the actual implementation of the sunset legislation concept, a 10-year limit is a little too generous. If we are being dinkum about the number of authorities, commissions, and boards which now exist in Western Australia—according to my records there are now 240 of them, employing more than 100 000 people—the initial attempt to spell out a sunset clause in respect of such authorities would not have been so unduly generous in respect of time as is this provision.

One thing which crossed my mind as I read this clause was that an inevitable question must arise when, on the one hand, we theorise about the need for sunset legislation and, on the other hand, we particularise and put such legislation into effect. The question is: Should it happen to this authority?

I congratulate the Minister and the Government for their initiative in this respect. It will be interesting to see how many other similar authorities will come in for the same sort of consideration.

The Minister may put me right or contradict me when I say that I believe this is the first piece of legislation where a sunset clause has been specifically written-in with regard to an authority. I imagine time limits have been spelt out with

respect to other pieces of legislation; however, I understand this is a first instance which actually sets a limit on the life of a statutory authority.

Mr O'Connor: My understanding is the same.

Mr BRYCE: The concept itself is not very old. It is an idea imported from the United States of America. In fact, I understand the concept itself developed in the State of Colarado as recently as 1976. It seems to have spread quite rapidly through the United States, where people have shown considerable concern about the need for accountability on the part of Government authorities.

My homework indicates to me that currently there are, if we include 43 Government departments and 200 statutory authorities, a total of 243 agencies, boards, commissions, or authorities in Western Australia employing somewhat more than 100 000 people. It is very easy for the number of authorities, boards, and commissions to be increased. Almost subconsciously it has happened, so much so that the Deputy Premier himself has overlooked or forgotten that some 46 of these authorities, boards, and commissions have been established by the Liberal and National Country Party Government since 1974. In the eyes of the lunatic right-wing fringe of Australian politics, that is 46 good reasons to vote against the Liberal-National Country Party Government of Western Australia.

It might sound strange to hear a Labor man arguing that there is a need for a fairly tight rein over the creation, the functioning, and the life of governmental authorities, boards, and commissions. The evidence I have presented to the Chamber is that Governments of all political complexions in this State are fairly keen to set up boards, commissions, and authorities when they feel there is a job to be done, but there certainly is at this time a very real need to exercise a close supervision of the expansion of the number of boards and authorities.

We have seen the situation in the past whereby a significant number of these boards and commissions have been created, and through the simple process of inertia they continue to exist. Many of us in this Chamber do not even know that many of them exist. I remember reading an interesting honour's thesis prepared by a student of history at the University of WA that presented the entire and exclusive list of all boards, commissions, and authorities in Western Australia. It made interesting reading.

Mr O'Connor: I think you might have added an additional zero with respect to the number of people employed; it would average out to 417 each.

Mr BRYCE: The 243 bodies include 40 different Government departments. I am using the term "Government agencies" in the broadest sense.

I believe the point to be fairly readily understood is that most of us in this Chamber have probably never seen an exhaustive list of the boards, commissions, agencies, and authorities which exist or which have been created. There seems to be a very significant force of inertia to keep them going, irrespective of whether they have outlived their usefulness.

It would be a gargantuan task to review the work they are doing and to marry their current-day relevance with their purpose. Prior to the last election we were of the view that such a review should be undertaken. With the approval of the House, I seek leave to incorporate about five paragraphs of a document which encapsulates the actual policy we put to the people on the occasion of the last election.

By leave of the House the following document was incorporated—

> *Accordingly, a State Labor Government will:*
>
> systematically review and evaluate the performance of all statutory authorities. The appropriate mechanism to conduct the review will be decided in Government.
>
> enact 'sunset' legislation in respect of each relevant statutory authority recommended by the review.
>
> The adoption of the principal of 'sunset' legislation will guarantee taxpayers in W.A. greater control over the growth and power of government agencies through their elected representatives in Parliament.
>
> Every authority will be required to report to the Parliament on an annual basis in a manner which adequately protects the public interest. This will include detailed financial statements.
>
> All new statutory authorities will contain 'sunset' provisions in the enabling Act.
>
> Unless special circumstances require otherwise, each statutory authority will be assigned a maximum life of five years. Six months prior to the termination date, a performance audit will be prepared for consideration by the Parliament.

Special circumstances obviously apply in the case of statutory authorities which are State business undertakings.

Any non-departmental bodies which are found to be established without legislation will also be reviewed and evaluated. In addition a State Labor Government will enact the necessary legislation, including sunset provisions, for those bodies recommended for continuation.

I conclude by saying that this last clause in the Bill spells out that if by 31 December 1990 positive action has not been taken by this Legislature to the contrary, this particular authority will cease to exist. The Bill specifies that under those circumstances all of the responsibilities, guarantees, and assets—everything associated with the functioning of this authority—will devolve upon the Minister of the day the responsibility to ensure that all the guarantees will be honoured. We believe it is a rather interesting and refreshing new approach by the Government.

I do not intend to recapitulate in any further regard. The principal Statute is an important part of the process of encouraging industry to regional centres and areas where we want industrial growth. We supported the principal Statute when it was introduced, we supported the amendments in 1976 and 1978, and we lend our support to the actual consolidation of the Act at this time, particularly with reference to the sunset clause.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [9.51 p.m.]: I thank the member for Ascot for his support of the Bill. As far as I know he is correct in saying this is the first sunset clause introduced into legislation of this nature. We had some trepidations about this concept, and the member for Ascot made the point that 10 years is a fairly long time. I assure the honourable member that we gave a lot of consideration to the matter. We considered other periods of time; but as this is the first occasion such a concept has been included in legislation, I think we ought to give it a try. No doubt we will see more of this sort of legislation, because the Government is keen to have more of it and to make sure we do not have boards and authorities which go on for eternity for no reason. I, too, am concerned with the number of boards operating and I believe they should be reviewed. I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

STAMP AMENDMENT BILL

Second Reading

Debate resumed from 6 November.

MR DAVIES (Victoria Park—Leader of the Opposition) [9.54 p.m.]: Last year major amendments to the Stamp Act were made; I think there were something like 80 of them, some of which were controversial. The Treasurer was good enough at that time to make available to me not only his second reading speech notes which are always made available but also his Committee notes and his file prepared by the department setting out the various comments explaining the reason for the amendments. It was an extensive overhaul of the Act and I think it was the first major overhaul since about 1890.

Some degree of concern was shown in the community generally, particularly amongst some of the financial circles, that some people might have to pay a little more stamp duty than had been the case previously. Most of their fears proved to be groundless, but many members would have noticed in this morning's paper that the Government has appointed a committee consisting of an officer from the Treasury, an officer from the State Taxation Department, and two lawyers, who are going to review some of the problems which could arise but which have not been clearly defined.

There has been at least one serious loophole evidenced despite the great deal of combing through of the Act by the Opposition and the Government before the previous Bill was passed by the Parliament. The loophole exists in respect of property transactions and it needs to be blocked immediately. This is the major purpose of this legislation.

Through interstate dealings and notional movements, it appears that some people could have duty on a transfer of a property assessed for a notional amount of $15 when it should be at an *ad valorem* amount of ¼ to 1½ per cent of the total amount. Some shrewd character has been able to dodge paying something like $22 000.

Mr Parker: Does he live in Nedlands?

Mr DAVIES: That is one of the largest sums of money the State Treasury has lost because of this loophole in the Act. It is a matter of serious concern.

Mr Parker: We might see him here in Parliament; he is seeking Liberal endorsement.

Mr DAVIES: Is that a fact? I suppose a man with that much awareness and with that astuteness who is able to juggle an Act of Parliament in this way and deal with it legally might be a candidate for that party; its supporters seem to be very astute in these kinds of dealings.

Members would have gathered that it is not just on simple transactions that this loophole has been used; it has been used with respect to buildings involving larger amounts of money than the price of a normal house. We need to move fairly quickly to block this loophole.

What concerns me is that since the previous Bill was introduced on 6 November, no doubt the people in the know have stampeded the State Taxation Department to effect transfers of properties under this loophole before this Bill becomes law. It is a matter of great concern that people are able to do this.

I have noticed recently that where loopholes have been discovered in Federal law the Federal Treasurer has generally announced that he is going to move to block that loophole and his amendment to the law would be retrospective as from the day he made the announcement. There is certainly nothing wrong with that.

Clearly this loophole is being used by people to dodge paying what is legitimately due to the State. We all acknowledge that if we lose money in one section we have to pick it up from another, although the Premier has yet to say from where he will get the many millions of dollars that he has lost to the State by abolishing death duties, but that is another story.

When we lose money from one section the Treasurer always gives us a lecture about picking it up from another, but he has not on this occasion explained how we will balance out the discrepancy which will be caused by the abolition in death duties.

As was explained in some detail in the Premier's second reading speech, some titles under the pre-Torrens system will still have to go the Commissioner of State Taxation for him to use his discretion in applying the duty. The Premier said the discretion would work for the client for whom the pre-Torrens system continued to apply. The Torrens system as most members will know is merely a matter of recording mortgages on titles whereas if a mortgage existed under the pre-Torrens system the title had to change hands physically. At present the mortgage is merely noted on the title and that saves the necessity to transfer the mortgage. So, no fees are involved in that aspect of the transaction. Because some titles are likely to be dealt with under the pre-Torrens system, as I understand the situation from my limited research, we need to give the Commissioner of State Taxation a discretion which the Treasurer assures us will be applied to the benefit of the public. We do not disagree with that, and we think it is quite reasonable that the proposed insertion be made.

The last point the Treasurer made when he introduced the Bill was a minor one. He drew attention to the fact that through savings bank accounts an exemption from stamp duty on cheque accounts operated by organisations such as non-profit and sporting clubs is applied. He pointed out that credit unions and some building societies have endeavoured to take advantage of this provision when in effect they were not strictly complying with the banking regulations. That was a matter of interpretation, but here again after considering the matter fairly carefully and being mindful of the attitude we took when the Stamp Act was amended last year, we see no reason for opposing that minor amendment which merely clears up a point.

I am concerned that quite a deal of money has been lost through the application of this loophole. I do not blame any individuals concerned and I do not blame the Government; I certainly do not blame the Opposition! It was some smart lawyer no doubt who saw the loophole and decided he could take advantage of it. Indeed, once he found it others would have been aware of it. As far as I can see, the Government has moved quickly to block it, but I would like to see some machinery to enable retrospectivity to take place which would apply when the spirit of the Act was not being complied with. It certainly is not being complied with in this State.

As I said, the Federal Treasurer has reported on occasions that loopholes exist in various laws, particularly in taxation laws, and has made announcements that particular laws will be amended and have retrospective effect from the date of his announcement.

In a case like this it certainly would stop a rush of people going to the Taxation Office to have their transactions concluded before we can pass our Bill through Parliament. No doubt it would certainly win to the coffers of the State some money which we so badly need and which rightly belongs to the State. It is not a matter of the public being ripped off by the Government—although that has occurred on many occasions as I have had to point out. It is a matter of a loophole existing and the spirit of the Act not being complied with. I would like to see

some restrospective effect. As I have said several times, the public will not suffer.

The other amendments proposed in this Bill are minor. The Opposition supports the Bill.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [10.06 p.m.]: I thank the Leader of the Opposition for his general support of the Bill and his accurate summation of the matters surrounding this issue. We were concerned with the apparent loophole in the Act. It appears that irrespective of the laws we have in this State, one way or another certain legal eagles and other people will find a flaw in them.

Mr Davies: That is why we have lawyers.

Mr O'CONNOR: Yes. It is unfortunate some of them are so accurate sometimes. As the Leader of the Opposition pointed out in respect of retrospectivity, a number of people have evaded taxation, under the principal Act, but only about a dozen, which is a number I ascertained after speaking with the Treasurer. The greatest amount involved was $22 000, which in all added up to quite a large amount. I make the undertaking to pass on to the Treasurer the Leader of the Opposition's comments about that matter.

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.

SKELETON WEED (ERADICATION FUND) AMENDMENT BILL

Second Reading

Debate resumed from 6 November.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [10.09 p.m.]: The purpose of the proposed amendment is to enable funds collected by the skeleton weed fund to be used in the eradication of insecticide-resistent weevils. Apparently this appears to be the easiest way available.

The Minister gave some useful information in the notes he presented when he moved the second reading, but he omitted some fairly important information about a matter which I think needs to be cleared before the House can be completely satisfied with this Bill. No-one could cavil at the point that the overall principle is to eradicate insecticide-resistant weevils. The grain industry of Western Australia is very valuable and has to be guarded. It has to be the subject of extremely rigid hygiene which must be carried out on the farm and all the way through to the final product. For that reason, the problems associated with insects are of increasing importance and become more difficult as each year passes.

The masking effect of some insecticides used for the eradication of insects has become apparent and, of course, successive generations of survivors of insects, which are not dealt with adequately in the initial burst of eradication, tend to go on to develop an immunity to a particular fungicide. That makes those insects difficult to contain. Going on to a more effective insecticide leaves us wide open to two questions from our overseas grain customers. One problem is the weevil contamination, but another is the contamination by insecticide residue which forms a large part of the overall problem.

As indicated in the summary presented by the Minister our approach has been successful. Today I put several questions on notice regarding the number of outbreaks of skeleton weed during the last two years as those figures have an application to the purpose of the fund and to the number of outbreaks reported of insecticide-resistant weevils, which is another relevant point that needs to be explained before the whole picture is in perspective.

The Agriculture Protection Board with its on-farm inspections has been able to collate a considerable amount of data and has indicated a number of problems. It could be understood that whilst most farmers make every honest endeavour to control the weevils on their properties, either in the header, in sheds, alongside sheds, or in cracks and corners—most farmers are conscientious about this—some farmers do not. In every walk of life we find people who do not accept their responsibilities, and so we find such people in the farming community. This matter has a moral base.

The way in which the programmes are applied needs to be explained in a little more detail. The skeleton weed fund was raised by a levy of $30 on all grain growers delivering more than 30 tonnes per annum. I think two payments are to be made before the Act comes up for review when a determination will be made on the future of the fund. At present a figure in the order of something over $250 000 has accumulated during the past years of the fund's operations. This leads to the question of whether the skeleton weed programme is being carried out as extensively as it should be. That is the first point I would like the Minister to touch upon. I would like to know whether it was simply a miscalculation in the rate of usage of the money that was to be forthcoming

from the charge of $30 levied on the growers. A mistake in the calculation could have led to this accumulation.

The proposed amendment will allow up to $20 000 to be used for weevil eradication on farms.

A distinction has to be made where an infestation has been the fault of the farmer concerned, as distinct from a legitimate case of weevils in remote corners actually surviving to the extent of their progeny becoming immune. A sum of $20 000 is not a tremendous amount in any one year. I understand there have been only two infestations handled by the Government, and with the Government picking up the tab.

Mr Old: There were two major infestations, and I think another very small one.

Mr H. D. EVANS: The two major infestations would have cost some thousands of dollars. Looking at a figure of up to $5 000, I imagine they were major infestations.

Mr Old: It could be a little higher actually. The full treatment has to be given.

Mr H. D. EVANS: So on the basis of $20 000 per annum, it would be possible to make only four treatments during the course of one year. That seems to me to be a little parsimonious because the funds are available and I understand the principle has been accepted by the grower organisations. It seems the $20 000 could have been extended to ensure the cleaning up of the infestations envisaged; otherwise, there could be some genuine circumstances when the Act would have to come back for amendment, or for the Government to pick up the tab again.

As it is a matter of well being I think the principle adopted in this amendment is desirable and one that should be followed. Certainly it will leave the growers with a more acute awareness of the need for hygiene and the need to exercise responsibility. This applies if they have a financial involvement.

I presume that the principle as to whether costs are to be met from the fund, or by the farmer at his own expense, will be maintained. If a farmer refuses to help himself, the work is done and he is charged for it. That is not such a bad principle when it is recalled we are talking about an industry, to use the Minister's own figures, worth $500 million to Western Australia. The decision as to whether the costs are to be met from the fund is to be taken by the grain liaison committee which probably will have a difficult job in some cases. It will be interesting to learn how the committee will determine some of the fringe cases which will come before it—hopefully, not many.

That, in brief summation, is the content of the Bill. There are several points unanswered, and hopefully when the Minister replies he will provide some further detail on those points, in particular, the funding aspect; the determination of the $20 000 per annum; the frequency of outbreaks of insect resistant weevils; and also the manner in which the skeleton weed eradication programme will be affected under the legislation. Whilst the fund will be reduced by only 10 per cent, the programme needs to be examined in terms of outbreaks, in terms of additional effort, and in terms of the amount expended. The money is available. The total eradication of skeleton weed in Western Australia is a tall order. It is on that note, and looking forward to the Minister's comments, that I resume my seat.

MR McPHARLIN (Mt. Marshall) [10.20 p.m.]: In indicating my support for the amendment, I think the aspect of the control of grain insects has become more and more important as the years have gone by. Insects do become resistant to certain insecticides and there is need for other types of insecticides to be introduced. Of course, these do become expensive.

Under the Agriculture and Related Resources Protection Act, grain insects have been declared "animals". They are a very small animal, but very destructive, and there is need for methods to be adopted to control them.

The method of raising funds to be used in that direction is as good a method as can be devised because it does not create another levy or another fund. An established fund will be used—a percentage of it—in a most worth-while way. I think that is the appropriate way to handle the problem.

In his second reading speech the Minister said it is desirable to establish a contingency fund to enable the eradication work to proceed, on farms where multi-resistant insects are found. That does happen, of course, and it does become expensive for a farmer to endeavour to eradicate insects. The proposal to have the costs met by this fund, I think, is quite a good idea. It will be to the benefit of the industry for these insects to be eradicated and for the cost to be met—or at least a proportion of it—from a common fund.

I do not agree with the Deputy Leader of the Opposition in his criticism of the amount involved. It is the first time this has been proposed, and it ought to be given a trial to see whether the requirements are met. Those of us who have been paying into the skeleton weed fund over the years are always a little cautious about the administration of funds. I go along with the

proposal for a sum of $20 000 for the time being to see how it works out.

There may be a need at some later stage for additional money. I understand that in the administration of the skeleton weed fund there is an instance of pay-roll tax attached to payments of salaries. I would also like to know from the Minister whether additional staff will be attached to the administration of the fund, or whether it will be absorbed into the normal functions of officers of the Department of Agriculture without involving additional pay-roll tax.

The last paragraph of the Bill, appearing on page 4, reads—

> (3) Moneys standing to the credit of the Resistant Grain Insects Eradication Fund at the time that this Act expires shall be dealt with as if the moneys were standing to the credit of the Skeleton Weed Eradication Fund.

There is an inference that perhaps we will get rid of the grain skeleton weed and the nuisance, and will not need the fund in future. That is a desirable aspiration and I hope it happens. However, our experience over the years indicates it will not happen for quite a long time. Some of those involved in the arrangement of this legislation seem to believe it may happen.

With those remarks I offer my support for the legislation.

MR JAMIESON (Welshpool) [10.26 p.m.]: I do not disagree with the proposal and its effect. I question the desirability of incorporating a provision from one Act into the sections of another Act, the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act. That seems to be as sensible as creating a "Concrete Pipe and Pumpkin Marketing Act". There seems to me to be just as much dissimilarity between the two.

If it was desirable to have recourse to some of the money in the skeleton weed fund, it might be justified in amending the Act to allow the money to be channelled to the Agriculture and Related Resources Protection Act.

To say the least, the present method seems to be a rather quaint way to legislate. I would like to find out from the Minister why it was necessary to do it in this manner, instead of adopting a far more orthodox procedure. The two operations which are to be combined seem to me to be quite dissimilar, and the legislation of this State will be complicated further rather than be simplified. This seems to me to be a very strange procedure.

MR OLD (Katanning—Minister for Agriculture) [10.28 p.m.]: I thank the Deputy Leader of the Opposition, the member for Mt. Marshall, and the member for Welshpool for their support of the Bill.

A few points have been brought forward which I will endeavour to answer off the cuff. The reference by the Deputy Leader of the Opposition to the efficiency of the skeleton weed eradication exercise is easily answered. From memory, only about 40 hectares have been treated during the last 12 months. That indicates the efficiency with which the skeleton weed hunt has been carried out. This in no small measure is due to the activities of the farmers who make themselves available to assist in the search for skeleton weed.

The scheme appears to be operating very successfully. It is a fact that the skeleton weed fund brings in somewhere in the order of $250 000 a year, and currently has a credit of some $250 000.

Therefore, it is not as though the account is in bad shape; and the acquiescence of producer organisations to take up to $20 000 in any one year out of the account to bring the amount standing to the credit of the weevil eradication fund to $20 000, was given quite willingly after discussion. This resulted from a request from the Farmers' Union for the Government to establish a fund for the eradication of resistant weevils. It was felt it would be better to incorporate this within the Skeleton Weed Eradication Fund rather than establish a separate fund provided general accord was reached. Happily, that was the case and we were able to appropriate that amount.

In respect of how the amount of $20 000 was chosen, the question raised is a valid one. It was a case of thinking of a number because, historically, we have not had many outbreaks and we are hopeful that is an indication of the number of outbreaks we may expect in any year in the future. That being the case, an amount of $20 000 should ensure the successful treatment of the outbreaks.

Mr H. D. Evans: Is the assumption correct that negligence will require the farmer to pay himself?

Mr OLD: That certainly would be considered. At present we are treating the eradication of resistant weevils as being most important and we are virtually acting first and asking questions later. If there was evidence of lack of farm hygiene or negligence, I assume the fund or the Government would be reluctant to fork out money for eradication.

The member for Mt. Marshall asked whether more staff will be required by the APB to do this work. The APB will administer the moneys which

will be allocated to it by the grain weevil liaison committee, and there is no chance of any further staff being required.

The member for Welshpool raised an interesting point regarding the incorporation of this amendment in the Skeleton Weed (Eradication Fund) Act. This was done on the advice of the Crown Law Department, and it seems to me to be a fairly tidy way to do it. The Skeleton Weed (Eradication Fund) Act is self destructing, and must be renewed every three years if such is the desire of the farming community. It seems to be reasonable to handle it this way rather than create a new Act or include it under the Agriculture and Related Resources Protection Act. That is what was suggested should be done, and that is what we have done.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TRANSPORT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 10.35 p.m.

QUESTIONS ON NOTICE

PUBLIC SERVANTS AND GOVERNMENT EMPLOYEES

Employment Growth Rate

1298. Mr DAVIES, to the Premier:

(1) What is the projected growth rate in—

(a) numerical terms;

(b) percentage terms;

of State Government employment in 1980-81?

(2) What will be the growth of the Public Service in the same period?

(3) Will he list the growth of—

(a) the Public Service;

(b) State Government employment as a whole,

in percentage and numerical terms since 1974?

(4) What is the number of State Government employees *per capita* of population—

(a) at the present time;

(b) for each of the past six years?

Sir CHARLES COURT replied:

(1) (a) and (b) The establishment for total State Government employment at 30 June, 1980 was 98 146. New staff budget positions approved in the CRF Estimates for 1980-81 number 1 028.

However, those Government departments and instrumentalities not funded by the CRF—such as State Energy Commission—are required, after consultation with the Public Service Board, to obtain Cabinet approval for additional positions, where their creation will increase the approved staff establishment figure.

To date staff budgets for these non-CRF organisations have not been submitted for consideration and it is therefore not possible to provide a complete answer.

(2) The Public Service establishment as at 30 June, 1980 was 14 630. New staff budget positions approved in the CRF Estimates for 1980-81 number 259. This excludes three Public Service departments—Metropolitan Water Board, State Government Insurance Office, and State Housing Commission—which are not funded through the CRF and which at this stage have not submitted staff budget proposals for Cabinet approval. Some conversions of positions from other Government employment to the Public Service will also be effected during the year. Whilst this does not affect total Government employment figures, it would increase the Public Service total with a resultant decrease of non-Public Service staff.

(3) (a)

	PUBLIC SERVICE ONLY		
	TOTAL No.	GROWTH No.	%P.A.
30.6.74.....	11 768		
30.6.75.....	12 034	266	2.26
30.6.76.....	12 507	473	3.93
30.6.77.....	12 925	418	3.34
30.6.78.....	13 537	612	4.74
30.6.79.....	14 009	472	3.49
30.6.80.....	14 394	385	2.75

(b)

	TOTAL STATE GOVERNMENT EMPLOYMENT		
	TOTAL No.	GROWTH No.	%P.A.
30.6.74.....	85 481		
30.6.75.....	90 414	4 933	5.77
30.6.76.....	92 371	1 957	2.16
30.6.77.....	94 642	2 271	2.46
30.6.78.....	94 199	-443	-0.46
30.6.79.....	95 557	1 358	1.44
30.6.80.....	96 105	548	0.57

(4) (a) The most recent Australian Bureau of Statistics' population figures are for 31 December 1979. State Government employees *per capita* of population at that date was 1:13.25.

(b) 30.6.74—1:13.07
30.6.75—1:12.68
30.6.76—1:12.66
30.6.77—1:12.65
30.6.78—1:12.98
30.6.79—1:13.00

STOCK: LAMBS

Export to Middle East

1315. Mr GREWAR, to the Minister for Agriculture:

(1) What percentage of lamb carcases are graded:—
  (a) red;
  (b) blue; and
  (c) white?
(2) Are all types sold on the Middle East market?
(3) Are there any foreseeable problems in exporting lambs live to the Middle East?
(4) At what age would lambs be sufficiently large to withstand the sea voyage to the Middle East?
(5) Would such lambs have to be acquired by the WA Lamb Marketing Board?
(6) Could it be expected that producers would obtain a better return by shipping live animals?
(7) In view of the continuing industrial trouble at abattoirs, which are causing growers considerable economic loss, are exporters of live sheep considering exporting lambs to the Middle East?

Mr OLD replied:

(1) (a) 52 per cent;
  (b) 5 per cent;
  (c) 38 per cent.

  Also 5 per cent of carcases are categorised as downgrades.
(2) No.
(3) No.
(4) At approximately four months if well grown and weaned.
(5) No.
(6) The return to producers cannot be accurately compared since live exporters tend to seek older heavier lambs whereas the board's major markets require medium to lightweight carcases.
(7) I understand that some heavyweight lambs have been exported over the past 12 months.

HEALTH

Mercury: Bunbury Power Station

1343. Mr BARNETT, to the Minister for Health:

Is the Department of Health and Medical Services aware of reported enormous increases in mercury content tested from seawater from the Bunbury power station?

Mr YOUNG replied:

No, but I believe there were reports of erroneous results suggesting increased levels. Re-examination has now shown that the levels of mercury in the seawater are at levels similar to those usually found in seawater.

HOSPITAL

Murray District

1344. Mr BARNETT, to the Minister for Health:

(1) Is it a fact that the board members of the Murray District Hospital moved and unanimously supported a motion in the following terms: "That the Committee of Management of the Murray District Hospital deplore the action of the Minister for Health in sacking Mr Jacobs with 28 years service and Mr Kuhnberg with 12 years service to the board without even the courtesy of an explanation for his action, or any expression of appreciation for their combined 40 years service to the community."?
(2) What action of his prompted such a motion?
(3) What action does he propose to take to rectify this problem?

Mr YOUNG replied:

(1) Yes.
(2) I supported the appointment of two nominations other than those put forward by the present board of management. I might add that letters of appreciation for services rendered were sent to both retiring members on 23 September 1980.
(3) There is no problem.

MINING

Tenements: Advertising

1345. Mr BARNETT, to the Premier:

Further to the answer to question 749 of 1980 relating to the advertising of applications for mining tenements, would he define certain applications for

mining tenements that must be advised in a local newspaper under the regulations of the 1904 Mining Act?

Sir CHARLES COURT replied:

Under the regulations of the Mining Act 1904 applications for leases, mineral claims, dredging claims, and licences to treat tailings, must be advertised in a local paper.

MINING

National Parks and Nature Reserves

1346. Mr BARNETT, to the Minister for Mines:

(1) Would he detail with reference to answers to questions 298, 299, and 300 of 1980 relevant to mineral claims, the procedure followed by his department to approval stage when applications are received for mineral claims in national parks and nature reserves—under the 1904 Mining Act?

(2) Would he state in what respect the procedure will differ on proclamation of the 1978 Mining Act for the following—

(a) prospecting licence;

(b) exploration permit;

(c) mining lease?

Mr P. V. JONES replied:

(1) Applications for mineral claims affecting national parks and nature reserves are referred by the Department of Mines to the vested authority prior to approval. In the case of applications within the south-west mineral field, such referral is made prior to the Warden's Court hearing. The submissions received in response to these referrals are fully considered by professional officers of the department before a recommendation is made to the Minister for Mines.

(2) (a) to (c) Administrative procedures that will apply under the Mining Act 1978 are currently being formulated. However, it is envisaged they will be closely aligned to existing procedures under the Mining Act 1904.

GRAIN

Barley

1347. Mr H. D. EVANS, to the Minister for Agriculture:

What are the total charges per tonne levied by the particular grain handling authorities on barley in each of the following States—

(a) Western Australia;

(b) South Australia;

(c) Victoria;

(d) New South Wales?

Mr OLD replied:

(a) The charge for 1980-81 has not yet been set. The charge for 1979-80 is $14.27.

(b) to (d) As advised in the answer to question 1208 for the 1979-80 year.

HOUSING

Donnelly River Mill

1348. Mr H. D. EVANS, to the Honorary Minister Assisting the Minister for Tourism:

(1) Is it a fact that Bunnings Ltd. has indicated to the State Housing Commission that it will no longer require houses at Donnelly River Mill to house employees?

(2) If "Yes"—

(a) how many houses will be relinquished by Bunnings;

(b) does the Government intend to use this settlement as a tourist centre, and if so, what are its intentions?

Mr LAURANCE replied:

(1) Yes.

(2) (a) 27;

(b) the possibility of developing the Donnelly River settlement as a tourist complex, is currently being examined by the Department of Tourism.

It is proposed that any tourist development would be associated with the restoration and preservation of the Donnelly River Timber Mill, as an historic attraction.

GRAIN

Oats

1349. Mr H. D. EVANS, to the Minister for Agriculture:

(1) By how much per tonne will Co-operative Bulk Handling Ltd. reduce its oats handling charges when warehousing of oats comes into effect?

(2) Who will receive the benefit of the reduction in oats handling charges—the grower who lodges oats with Co-operative Bulk Handling, or the buyer who purchases them?

(3) Why is it that Co-operative Bulk Handling Ltd. has been able to offer a reduction in oats handling charges this season, and not in previous years?

Mr OLD replied:

(1) By approximately $3.

(2) The grower should be the beneficiary.

(3) Lower handling charges have been offered, on the understanding that warehousing would be introduced, for a three-year trial period with the object of attracting more oats into the handling system.

RAILWAY WAGONS

Private Contract

1350. Mr McIVER, to the Minister for Transport:

(1) Has the contract for 35 WFA railway wagons yet been let?

(2) If so, what was the price and who is the successful contractor?

(3) Are these similar to 18 wagons currently under construction in the Midland Junction workshops?

(4) Did Westrail tender for the new contract of 35 wagons?

(5) If so, what was its tender price?

Mr RUSHTON replied:

(1) Yes.

(2) $716 485; Centrecon Pty. Ltd., structural engineers of Naval Base.

(3) Yes.

(4) Westrail did not submit a tender because it was unable to construct the additional wagons in Midland workshops to the delivery schedule required, without deferring essential repairs to Westrail's revenue-earning wagon fleet.

(5) Not applicable.

HOUSING: SHC

House Sales, Land Sales, and Rental Rebates

1351. Mr GREWAR, to the Honorary Minister Assisting the Minister for Housing:

(1) How many State Housing Commission houses have been built in Western Australia since the commission was established—
(a) in the metropolitan area;
(b) in the country?

(2) How many of these have been sold or are in the process of being sold?

(3) (a) Is there a policy to actively encourage tenants to purchase homes;
(b) if not, why not?

(4) What area of vacant land does the commission hold—
(a) in the metropolitan area;
(b) in the country?

(5) Does the commission have a policy of selling part of this holding to private buyers?

(6) What percentage of tenants are paying a rebated rental?

(7) Why is this figure so high?

(8) (a) Is eligibility for rebates checked after the initial approach;
(b) if so, on what occasions?

(9) What has been the Commonwealth contribution to State funds for housing over the past five years?

Mr LAURANCE replied:

(1) The numbers of State Housing Commission housing units built since 1944-45 are—

		Rental	Purchase	Aboriginal Grant	Total
(a)	Perth Metro	24 858	12 388	165	37 411
(b)	Country	11 349	1 635	1 343	14 327
	Totals	36 207	14 023	1 508	51 738

(2) Housing units which have been sold are—

	Rental	Purchase	Total
Perth Metro	5 168	12 388	17 556
Country	2 317	1 635	3 952
	7 485	14 023	21 508

(3) (a) and (b) It has been a long-standing policy of the commission to accept applications from tenants to purchase their rental homes.

(4) (a) 2 976 hectares;
(b) 2 098 hectares.

(5) Yes.

(6) Fifty-five per cent of commission tenants are currently paying rebated rentals—30 September 1980.

(7) The high proportion of tenants in receipt of rebates is because of a number of factors. There are increasing numbers of applicants seeking commission assistance who are reliant upon aged, invalid, supporting parent, or unemployment benefits.

(8) (a) and (b) Applications for rebated rents are verified at the intial application and at six-monthly intervals thereafter or directly upon a change of circumstances.

(9) Including funding through the Department of Aboriginal Affairs, the Commonwealth's allocations were as follows—

1975-76	$37 121 353
1976-77	$41 357 145
1977-78	$40 691 843
1978-79	$34 972 846
1979-80	$30 253 845.

TOTALISATOR AGENCY BOARD

Morley Agency

1352. Mr TONKIN, to the Chief Secretary:

(1) Is the Totalisator Agency Board facility being shifted from Walter Road, Morley, to new premises near the Coolabah Tavern in Russell Street, Morley?

(2) How long has the facility been at its present—Walter Road—site?

(3) Who owns that site?

(4) What was the rent?

(5) Who owns the new site?

(6) What rent will be paid for the new premises?

(7) Why is the shift being made?

Mr HASSELL replied:

(1) Yes.

(2) Established on Walter Road 18 years ago—nine years on present site.

(3) Totalisator Agency Board.

(4) Not applicable.

(5) and (6) Individual TAB contracts will not be disclosed in general as the terms are private to the TAB. As previously stated, the Government has supported the independent status of the TAB whose commercial success has greatly assisted the whole racing industry.

(7) More suitable location.

HOUSING

Lockridge

1353. Mr TONKIN, to the Honorary Minister Assisting the Minister for Housing:

(1) Is he aware of concern amongst parents and others associated with the Lockridge Primary School at the uncertainty with respect to its numbers of students as a consequence of the emptiness of many State Housing Commission flats in the area and the uncertainty as to how long they will remain empty?

(2) Have replies to inquiries been so nebulous that they are useless?

(3) Can he give some precision to the information sought so that planning by the school for 1981 can be enhanced?

Mr LAURANCE replied:

(1) Yes.

(2) No—the replies given have been as positive as can be reasonably expected bearing in mind that it requires forecasting future demands in an area where the commission has no way of knowing the age structure of families not yet on its registers.

(3) Answered by (2) above.

RECREATION

Boating Questionnaire

1354. Mr SODEMAN, to the Minister for Works:

(1) Why were areas north of Carnarvon omitted from the recreational boating questionnaire?

(2) Will any Government assistance resulting from the current inquiry be extended to local shires and clubs outside the areas indicated in the questionnaire?

(3) Is it intended to re-institute a proportional rebate of boat registration fees for local clubs and shires in areas not included in the survey?

Mr MENSAROS replied:

(1) The brief given by PA Consulting Services Pty. Ltd. restricts their investigations to the coastline between Exmouth and Esperance. This restriction was imposed partially because of a limitation on funds available for the study, but also in the realisation that north of Exmouth there are special conditions—e.g., extreme tides, cyclonic events, remoteness—which would cause specific proposals for the provision of recreational boating facilities to be examined separately on their merits.

(2) The Government has in the past and, subject to the availability of funds, will continue to contribute financially towards the construction of any well conceived marine facility initiated by a local government authority for the benefit of the recreational boating community, provided that the local government authority is able to justify its need and would be prepared to construct, manage, and maintain the proposed facility.

The Government is unable to contribute financially towards the construction of marine facilities for a private club, except in circumstances where Government action has caused club facilities to be relocated.

(3) This question encompasses the responsiblities of the Minister for Transport who advises me that a rebate is paid to boating clubs which make an application to the Harbour and Light Department at a rate of $1.50 for each member having a current registered private vessel. There are no plans to increase the rebate or pay an amount to shires.

EDUCATION: HIGH SCHOOL

Narembeen

1355. Mr COWAN, to the Minister for Education:

How many students attend the Narembeen District High School?

Mr GRAYDEN replied:

The numbers of students in pre-primary, primary, and secondary years are 31, 135, and 54 respectively.

POLICE AND RTA

Kulin

1356. Mr COWAN, to the Minister for Police and Traffic:

(1) How many police officers, including those of the Road Traffic Authority, are stationed at Kulin?

(2) Do they all carry out their duties from the Kulin Police Station?

(3) Are any other personnel employed who work in the station?

Mr HASSELL replied:

(1) One general duties officer. One traffic patrolman.

(2) Yes.

(3) No.

SEWERAGE

Kulin

1357. Mr COWAN, to the Minister for Works:

(1) What was the estimated cost of connecting the Kulin Police Station to the State Housing Commission effluent disposal scheme?

(2) Why was this scheme given a higher priority than connection of the Narembeen District High School to that town's sewerage scheme?

Mr MENSAROS replied:

(1) Estimated cost: $35 600.

(2) Kulin Police Station is a new construction project. Previous problems experienced with a septic installation at the Kulin District High School indicated the desirability of connecting this project to the State Housing Commission's effluent disposal scheme.

The existing septic tank installation at the Narembeen District High School is operating satisfactorily.

SHOPPING CENTRES

Liberal-National Country Party Committee

1358. Mr COWAN, to the Premier:

(1) Has a committee of Liberal and National Country Party members of Parliament been formed to examine the development of retail shopping centres?

(2) Who are the members of the committee?

(3) What are their terms of reference?

(4) What powers do they have to summon witnesses and take evidence?

(5) What Government resources have been made available to them?

(6) To whom and by when is the committee required to deliver a report?

Sir CHARLES COURT replied:

(1) Yes.

(2) to (6) Like many internal committees of Government members, members are brought together to examine and report on various issues.

In this instance, the chairman of the committee formed to investigate the growth of shopping centres and lease agreements is Mr A. M. Trethowan, MLA, and I believe a report by the committee of its findings is shortly to be presented to the Minister for Urban Development and Town Planning.

SHOPPING

Space per Head of Population

1359. Mr COWAN, to the Minister for Urban Development and Town Planning:

(1) What is the estimated area of shopping space per head of population in Western Australia?

(2) Is the figure comparable with those of other States?

Mrs CRAIG replied:

(1) Information is not available at present to estimate the area of shopping space per head of population for the whole of Western Australia. However, estimates for the Perth Metropolitan Area indicate an existing area of 1.41 square metres per person.

(2) Statistics for other States will not be available until the 1980 retail census has been evaluated. Unsubstantiated figures are available for Canberra and Darwin. These are 1.6 sm and 1.9 sm per person respectively.

HEALTH: PATHOLOGY

Public Hospitals, and State Health Laboratory Services

1360. Mr HODGE, to the Minister for Health:

(1) Do private pathologists have access to patients in all Government hospitals at the present time?

(2) Is it a fact that specimens are often sent from Government hospitals in the country to private pathology laboratories?

(3) Is it a fact that the Director of the State Health Laboratories, (Dr Blackmore) is due to retire in the near future?

Mr YOUNG replied:

(1) No.

(2) I understand that occasional specimens are sent to private pathology laboratories, but that it is the exception rather than the rule.

(3) Dr Blackman is the Director of the State Health Laboratory Services, not Dr Blackmore, and I have not been advised that he intends to retire.

LAND: RESUMPTION

Gosnells

1361. Mr PEARCE, to the Minister for Urban Development and Town Planning:

(1) Has land along the Canning River been resumed for public open space purposes from properties in Astley Street, Gosnells?

(2) If so, can she table a map indicating the extent of resumptions?

(3) If not, is resumption in this area proposed?

(4) Can she give an indication as to when action to resume may be taken?

Mrs CRAIG replied:

(1) No. However, land has been purchased by the Metropolitan Region Planning Authority by negotiation.

(2) Not applicable.

(3) No; it is intended to negotiate purchase. At some time in the future it may be necessary to consider resumption of land if negotiations have not been successful and the land is required for the purpose of parks and recreation.

(4) No.

ANIMALS

Dogs: Attacks on Sheep

1362. Mr PEARCE, to the Minister for Local Government:

(1) Has she received a letter dated 6 August 1980 from Mr C. Frost, of 125 Station Street, Martin, complaining about dog attacks on his sheep and suggesting amendments to the Dog Act?

(2) Does she intend to answer Mr Frost's letter in the near future?

(3) What action is she contemplating to overcome the problem Mr Frost has raised?

Mrs CRAIG replied:

(1) Yes.

(2) Yes.

(3) I am having inquiries made with the City of Gosnells.

TRAFFIC ACCIDENTS

Spencer Road

1363. Mr PEARCE, to the Minister for Police and Traffic:

(1) How many traffic accidents have occurred in Spencer Road, Thornlie, between Hume Road and Yale Road during this year?

(2) How many pedestrians have been struck by motor traffic in Spencer Road, Thornlie, between Hume Road and Yale Road during this year?

Mr HASSELL replied:

(1) 33.

(2) Three.

GRAIN AND OIL SEEDS

CBH Charges

1364. Mr H. D. EVANS, to the Minister for Agriculture:

(1) Will he move to set up or support a move for the establishment of an Honorary Royal Commission of the Legislative Assembly or some other form of inquiry, to inquire into and report upon—

(a) the charges levied by Co-operative Bulk Handling Ltd. for the handling of coarse grains and oil seeds in Western Australia;

(b) the effect of warehousing of oats on the coarse grain industry in Western Australia?

(2) If not, why not?

Mr OLD replied:

(1) (a) and (b) No.

(2) The Directors of both Co-operative Bulk Handling and the Grain Pool are farmers elected by farmers to serve the best interests of grain growers. It is clearly their responsibility to resolve differences without outside intervention.

Implications of warehousing were thoroughly considered before action was taken to restore general warehousing powers to CBH.

EDUCATION: TECHNICAL

Leederville College

1365. Mr PEARCE, to the Minister for Education:

(1) Is there a limpid asbestos wall lining in wood machine shops at Leederville Technical College?

(2) Is this lining considered dangerous?

(3) If so, what action is contemplated?

Mr GRAYDEN replied:

(1) Yes.

(2) The limpet asbestos has been oversprayed with an application of polyvinyl paint to obviate any possible danger.

(3) The technical education division has been advised that the environmental design section of the Public Works Department is investigating treatment of this type of lining.

ELECTORAL DISTRICTS

Enrolments, and Redistribution

1366. Mr PEARCE, to the Chief Secretary:

(1) What is the current enrolment in each of the Legislative Assembly electorates?
(2) Which seats are now out of quota?
(3) What is the current quota for metropolitan and rural seats?
(4) Has further consideration been given to the question of a redistribution prior to the next election?
(5) If so, what is the result of this consideration?

Mr HASSELL replied:

(1)

ELECTORATE	CURRENT ENROLMENT
Ascot	15 944
Balcatta	19 609
Canning	22 467
Clontarf	17 942
Cockburn	17 251
Cottesloe	15 765
Dianella	19 949
East Melville	17 081
Floreat	16 671
Fremantle	17 228
Gosnells	24 243
Karrinyup	19 075
Maylands	17 470
Melville	16 610
Morley	18 655
Mount Hawthorn	17 150
Mount Lawley	16 715
Murdoch	26 241
Nedlands	14 651
Perth	14 581
Scarborough	15 596
South Perth	15 245
Subiaco	16 105
Swan	18 098
Victoria Park	15 193
Welshpool	16 797
Whitford	32 130
Albany	8 951
Avon	8 151
Bunbury	10 042
Collie	9 393
Dale	9 398
Darling Range	9 497
Geraldton	9 233
Greenough	9 557
Kalamunda	10 184
Kalgoorlie	7 951
Katanning	8 114
Merredin	8 253
Moore	11 309
Mount Marshall	7 976
Mundaring	9 465
Murray	11 814
Narrogin	8 021
Rockingham	14 215
Roe	9 644
Stirling	9 868
Vasse	10 455
Warren	9 316
Wellington	9 390
Yilgarn Dundas	7 664
Gascoyne	4 065
Kimberley	6 509
Murchison Eyre	2 075
Pilbara	17 414

(2) Based on a quota if struck on today's enrolment, the following seats would be out of balance by more than 20 per cent—

OVER	UNDER
Canning	Perth
Gosnells	
Murdoch	
Whitford	
Murray	
Rockingham	

(3) If a quota was struck at today's figures, it would be—

Metropolitan.....18 313
Agricultural, Mining and Pastoral Area.....9 494

(4) and (5) The Government's assessment of the situation will be made known when it is complete.

CULTURAL AFFAIRS

Art Gallery, State Library, and Museum: Funding

1367. Mr DAVIES, to the Minister for Cultural Affairs:

(1) What percentage increase in funding has been given to:
  (a) the Museum;
  (b) the State Library;
  (c) the Western Australian Art Gallery;

  for the current financial year compared to the previous financial year?

(2) Is it fact that the Riverton Library faces a 50 per cent reduction in book intake this financial year because of the State Government's Budget cuts?

(3) Is it also fact that the proposed Queens Park Library will not receive its promised 15 000 books allocation next year?

Mr GRAYDEN replied:

(1) (a) The CRF grant for 1980-81 of $3 450 000 as shown in the Estimates is an increase of 19.26 per cent on the 1979-80 grant of $2 892 900.

(b) 9 per cent.

(c) In 1979-80 the vote was $1 874 000, expenditure was the same.

In 1980-81 the vote was $2 598 000, making an increase of $724 000 which equals 38.6 per cent.

(2) The reduction in funds for book purchases made available in the current financial year has meant the Library Board must reduce its purchasing of new books by 20 per cent compared with the previous financial year. The effect on the Riverton Library and all other public libraries will be that the number of new books included in the regular exchanges of stock will be reduced by 20 per cent during the 1981 calendar year.

(3) The board is unable to meet its earlier undertaking to provide 15 000 new and used books for the new library at Queens Park. Instead an offer of 5 200 mostly used books will be made to the City of Canning, but the final details of the allocation of those books as between Riverton, Bentley, a possible mobile library and Queens Park has not been decided.

EDUCATION: HIGH SCHOOL

Corrigin

1368. Mr COWAN, to the Minister for Education:

(1) In order to expand the Corrigin District High School grounds, have funds been made available to purchase lots 207, 208, and 209 Short Street, Corrigin?

(2) Has an application been made to close Short Street and incorporate that area into the school grounds?

Mr GRAYDEN replied:

(1) It is proposed to purchase the properties in the 1981-82 financial year.

(2) Yes, an application has been made to the shire.

TOWN PLANNING DEPARTMENT

Staff

1369. Mr T. H. JONES, to the Minister for Urban Development and Town Planning:

What number of people has been employed by the Town Planning Department in the past two years?

Mrs CRAIG replied:

At 30 June 1979 there was a total of 142 including 136 permanent items, five graduate and temporary assistants and one wages employee.

At 30 June 1980, there was a total of 148 including 135 permanent items, nine graduate and temporary assistants and four wages staff, of whom two have subsequently been transferred to the Department of Youth, Sport and Recreation.

LAND: BUILDING BLOCKS

Walpole

1370. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

Is it intended to release blocks for residential purposes in the western cell at Walpole, and if so—

(a) how many blocks is it intended to release;

(b) when is it expected that such a release will be made?

Mrs CRAIG replied:

(a) and (b) Funds are not available to permit the servicing and release of lots in the western cell at Walpole this financial year.

However it is intended to allocate funds in the 1981-82 financial year to allow servicing and release of 28 lots in stage 1 of the western cell.

PREMIER'S DEPARTMENT

Staff Party

1371. Mr BRYCE, to the Premier:

(1) What overtime or other special payments have been paid to employees of the Premier's Department for work associated with the recent visit of Her Royal Highness, Princess Alexandra?

(2) Is it a fact that a "party" was organised after the visit for the employees referred to in question (1)?

(3) If so—

(a) what was the estimated cost of the party;

(b) who met the cost of the party?

Sir CHARLES COURT replied:

(1) In preparation for all royal visits, the State director and protocol officers are called upon to work over a period of many weeks, substantial overtime during the week and at weekends.

Also, as the recent visit of Her Royal Highness Princess Alexandra incorporated a weekend, it was necessary for the State director, assistant State director, and staff officer to be full time in attendance during that weekend.

On the recommendation of the Public Service Board, for the excessive hours worked the State director received $1 300, the assistant State director $900, and the Staff Officer $650.

I might add if payment were made on an overtime basis the officers would be entitled to very much more than the amount suggested by the Public Service Board for the hours worked. The payment of an allowance in lieu of overtime payment is made for royal visits only and this has always been the practice.

(2) No, although normally, after such visits, it is customary to hold a modest type of function to say "thank you" to people—and not only Premier's Department people—who have been closely involved in the organisation and implementation of the tour programme.

(3) (a) and (b) Answered by (2).

EDUCATION: SCHOOL

Belmay

1372. Mr BRYCE, to the Minister for Education:

(1) Further to my question without notice on Tuesday, 4 November, concerning the Belmay Primary School, will he please indicate—

(a) the names of the three groups which have applied for the Bristol rooms at Belmay School;

(b) the date of each application referred to in (a);

(c) when the three groups were contacted with a request to re-affirm their requests;

(d) how long the Education Department proposes to wait to receive a reply from the interested groups?

(2) If a community group is given permission to remove a "Bristol classroom" what time limit will the Education Department insist upon?

(3) What "other organisations" showed an interest in the Bristol classrooms?

Mr GRAYDEN replied:

(1) to (3) Agreements about removal of the buildings and involvement of other groups have not been decided as yet.

I am unwilling to release details of negotiations which the groups interested in the Belmay Bristol classrooms may consider confidential at this stage.

Correspondence dates back to earlier in the year and includes advice that a decision will be made following announcement of the 1980-81 capital works budget.

DIVIDING FENCES ACT

Amendment

1373. Mr CARR, to the Minister for Local Government:

(1) Has she or her department received complaints or representations concerning section 8 of the Dividing Fences Act which specifies that an owner of land "may" give notice to the owner of adjoining land of his desire to have the adjoining owner pay half the cost of the fence?

(2) Has consideration been given to amending the word "may" to "must" or otherwise to make notification a requirement?

(3) What action, if any, does the Government propose to take with regard to this matter?

Mrs CRAIG replied:

(1) Neither I nor my department can recollect any such complaint or representation.

(2) The Law Reform Commission's report on its review of the Dividing Fences Act recommended that notification should be obligatory.

(3) No firm decision has yet been made. However, a compulsion for notice to be given could well create more problems than it resolved.

PREMIER'S DEPARTMENT

Staff: Government Vehicles

1374. Mr CARR, to the Premier:

(1) Will he please list the titles of employees in the Premier's Department who have been allocated Government vehicles?

(2) Which of these officers have been given the use of these vehicles for their own personal use?

(3) Do these officers have to pay the cost of petrol used in these vehicles, even while they are being used for private purposes?

(4) Is it intended that any other officers of the Premier's Department are to be allocated Government vehicles?

Sir CHARLES COURT replied:

(1) The Under Secretary, Premier's Department, like all other permanent heads, is allocated a Government vehicle.

(2) Officers occupying the under-mentioned positions have the use of pool vehicles and are on call 24 hours a day—

Assistant Under Secretary
Chief Administrative Officer
Director, Public Relations.

(3) The vehicles are intended to be used for Government purposes.

(4) The Premier's personal Press Secretary when one is appointed.

QUESTIONS WITHOUT NOTICE

HEALTH: DENTAL

Country Patients Subsidy Scheme

404. Mr SHALDERS, to the Minister for Health:

In view of the fact that any suspension of the country patients dental subsidy scheme will cause hardship to many persons on a low income including pensioners and children of single parent families in rural areas, will the Minister give an undertaking to review the decision announced previously to suspend the scheme during January and February of next year?

Mr YOUNG replied:

I am prepared to look at the situation in respect of the country dental subsidy scheme again. However, it must be obvious to the member and to all members that any alleviation of that problem will simply mean there will have to be cuts in other services or savings in other directions.

Mr Davies: What a Government!

POLICE

Irish Club: Complaint about Statement

405. Mr DAVIES, to the Minister for Police and Traffic:

(1) Did he receive a letter dated 26 October from the President of the Irish Club complaining about a Press statement in *The West Australian* of 25 October 1980, in which a police officer was quoted as saying in part about a witness, "As always with the Irish his evidence is too incredible"?

(2) If so, has a reply been sent to the President of the Irish Club?

(3) If not, what is the cause of the delay?

Mr HASSELL replied:

(1) to (3) I can only say to the Leader of the Opposition that I do not recall ever having seen such a letter.

Mr Davies: Will you have a look for it?

Mr HASSELL: Yes.

ELECTORAL DISTRICTS

Enrolments and Redistribution

406. Mr PEARCE, to the Chief Secretary:

I would like to ask a further question to my question 1366 today. The Chief Secretary replied to my question that seven seats are now more than 20 per cent out of balance, and my seat of Gosnells was one in which the figure is 6 000 over the quota. Can the Chief Secretary advise me when the Government intends to make an announcement whether there is to be a redistribution?

Mr HASSELL replied:

The legal position, under the Act, as would be known to the member for Gosnells, is that consideration as to a redistribution between elections is left to the determination of the Government. It is not a requirement of the Act that there be a redistribution except on the assessment of the position immediately after an election. The Premier has indicated to the Leader of the Opposition that we will look at the matter, and I told the member for Gosnells, in answer to his question today, that when we have completed looking at it we will advise the position. However, I cannot tell him when that will be, or how long our consideration of the matter will take. I can only repeat: When a decision is made we will advise the Parliament.

EDUCATION: PRE-SCHOOL

Four-year-olds

407. Mr BRYCE, to the Minister for Education:

My question without notice to the Minister concerns pre-school education.

(1) Is he aware of the degree of confusion throughout the community with regard to the future pre-school education of four-year-olds in Western Australia caused by the equivocation of his department and the Government?

(2) Will he provide us with an unequivocal statement with regard to the Government's attitude to the pre-school education of four-year-olds for 1981?

Mr GRAYDEN replied:

(1) and (2) I will be pleased to give the member for Ascot the sort of statement he wishes, or alternatively, I suggest that he puts the question on notice. I will however, supply the following information—

> Pre-school groups of 36 were formed by the Kindergarten Union many years ago when there was a shortage of teachers. Retention of groups of this magnitude is educationally unwarranted, especially as there has been a significant decline in the size of junior primary and other primary classes in recent years. Reduction of pre-school groups to a maximum of 25 children is in accordance with Australian Pre-School Association standards.

Certainly there has been no Education Department. To continue—

> The 100 per cent salary assistance given to the non-departmental community-based pre-schools is for children one year below school age. No pre-school has authority to reallocate this staff to groups of younger children without permission.
>
> In established residential areas the number of five-year-olds is declining but this is counter balanced in the newer, growing suburbs by increases in children of this age group. New centres, and staff for them, are required each year.
>
> There are Government restrictions on the employment of additional staff beyond a set ceiling. It follows that positions created in the new areas must result in a decrease in staff in

centres where enrolments of five-year-olds have declined.

I emphasise that the whole scheme is intended to cater for children who are one year below school age. Over a period of years the Education Department has said that where there are insufficient five-year-olds or children one year below school age, they are prepared to allow four-year-olds to attend.

The stage has now been reached where we require teachers to open new centres if we continue this policy. Instead of catering for children one year below school age the Government may have to make a decision to cater for children who are two years below school age. So that is the problem that confronts the Government at the moment.

EDUCATION: PRE-SCHOOL

Four-year-olds

408. Mr BRYCE, to the Minister for Education:

I would like to ask a supplementary question. A considerable number of community-based pre-school centres cater currently for children two years below school age—commonly referred to as four-year-olds. Will the Minister give us an undertaking that during 1981 the Government does not intend to withdraw the teachers' subsidy to keep open those centres where a very high proportion of the youngsters enrolled are four-year-olds?

For the Minister's benefit, might I say that that is the issue that is causing a great deal of anxiety to parent groups. The whole question for 1981 is: Will they have a teacher or not?

Mr GRAYDEN replied:

The Commonwealth gives a subsidy for this purpose, but it is only for the children who are one year below school age. We do not receive any subsidy in respect of children two years below school age. The problem is that in a group of 36, a large proportion might be four-year-olds who are there simply because the Education Department permits them to attend to make up the numbers. If there are no alternative facilities in the areas, the Government is going out of its way to ensure that those centres are kept open. Quite a number are now in this category.

I am not in a position to give any undertaking along the lines the member is seeking save to say that we are already implementing a policy of that kind.

HEALTH: NURSES

Wage Increase

409. Mr HODGE, to the Minister for Health:

Will the Minister inform the House what progress he has made to date in trimming his department's budget in order to save the approximate $5 million that the nurses' pay rise will cost?

Mr YOUNG replied:

The Department of Health and Medical Services has been in consultation—as I have—with the major teaching hospitals. I have spoken to the chairmen of the boards and their deputies within the last week. Meetings have been held in regard to cash-flow budgets between senior officers of my department and of the teaching hospitals. There will be a further such meeting today. I understand that non-teaching hospitals have been briefed also by officers of my department after they, in turn, were briefed by me. During the course of those briefings and discussions the Government has made it clear that it will not be able to provide the money out of its resources to meet the additional costs imposed by the increases in nurses' wages, and that somehow the hospital system must be able to provide those funds. It has not been an easy week in respect of these matters, but I must make it clear that it is incumbent upon us to do whatever we can to make up for these increased costs.

I point out to the member for Melville and to other members that it is hoped a decision will be made early next week following the Cabinet meeting on Monday. In view of the complex nature of the total hospital system throughout the State, it would be unfair to the taxpayers of the State and the people upon whom the result of the review

would rebound to make an earlier decision. I apologise for not having been able to annouce a decision earlier, but I hope to do so next week.

EDUCATION: TEACHERS

Wage Claim

410. Mr PEARCE, to the Minister for Education:

(1) Is he aware of the claims of the Teachers' Union that the jobs of up to 2 000 teachers might be in jeopardy if the Government carries out the Premier's threat to sack teachers to make up the difference in regard to any wage increases outside indexation guidelines?

(2) Is it the Government's intention to go ahead and sack the 2 000 or so teachers if the teachers gain the pay rise they are seeking currently?

Mr GRAYDEN replied:

(1) and (2) To even mention a figure such as 2 000 teachers in that context is irresponsible scaremongering. The figure is arrived at by assuming there will be a 17.5 per cent increase in teachers' wages in New South Wales, and on the basis that in the past a nexus has obtained between Western Australia and New South Wales in regard to teachers' salaries.

Mr Pearce: The figure is 15.7 per cent.

Mr GRAYDEN: It has been assumed there will be an increase in New South Wales, and a similar increase in Western Australia. There is no nexus now between teachers' wages in New South Wales and here. At the time of the last increase in teachers' salaries, the Government made it absolutely clear that that increase was granted on the basis that the nexus would be discontinued. No-one assumes that if there is an increase in New South Wales, automatically there will be an increase here. Teachers must apply to the tribunal for an increase, and it would be up to the tribunal to decide the matter.

If any wage increase is granted, and if that wage increase is outside the CPI indexation guidelines, then the money must be found from the Education vote. As perhaps 90 per cent of the expenditure on education is for wages, it follows obviously that there must be teacher retrenchment. The remedy is in the hands of the Teachers' Union and the teachers themselves. They should desist from exerting pressure for wage increases which are outside the CPI indexation guidelines. If they do that there will be nothing to worry about; there will be no retrenchments.

EDUCATION

School Year

411. Mr PEARCE, to the Minister for Education:

(1) Can he advise the House whether the arrangements for the school year dates were promulgated on the recommendations of the committee appointed two years ago to inquire into this matter?

(2) If the dates which the Minister recently announced were not based on that committee's advice, can he tell us what the committee's advice was, or whether it has made a report?

Mr GRAYDEN replied:

(1) and (2) The holiday proposals which have been publicised by the Government coincided up to a point with the recommendations of the committee to which the member for Gosnells referred. The committee recommended that the teachers should return to work on a Friday, and not on a Thursday. It also recommended that the final school term should end mid-week. Further, it recommended there be no mid-week Royal Show holiday.

The Government already had in mind proceeding along those lines. However, the Government went a little further and has moved to ensure that the Queen's Birthday will be celebrated one week earlier, with the result that it will fall on the Monday of the main Royal Show week.