Legislative Assembly

Tuesday, 18 November 1980.

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

STANDING ORDERS COMMITTEE: REPORT

Tabling

THE SPEAKER (Mr Thompson): I present the report of the Standing Orders Committee of the Legislative Assembly on proposed amendments to the Standing Orders.

Printing

MR CLARKO (Karrinyup) [4.31 p.m.]: I move—

That the report be printed.

Question put and passed.

RAILWAYS

Burning Off: Petition

MR CRANE (Moore) [4.32 p.m.]: I present a petition from 264 residents of the Katanning and Narrogin electorates praying that Westrail will review its decision to cease the annual grading of firebreaks and burning off along railway reserves.

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

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

(See petition No. 39.)

COMMUNITY WELFARE

Child Welfare Act: Petition

MR COWAN (Merredin) [4.33 p.m.]: I have a petition from the residents of Merredin protesting that section 106 of the Child Welfare Act prevents a young school girl (Miss Debbie Margaret McCallum) from continuing her newspaper round.

The petition bears 635 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. 38.)

HEALTH: DENTAL

School Therapists: Petition

MR WILSON (Dianella) [4.34 p.m.]: I have a petition signed by 1 019 citizens of Western Australia calling on the Government to stop the registration of school dental therapists for private practice.

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

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

(See petition No. 40.)

CLEAN AIR AMENDMENT BILL

Introduction and First Reading

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

Second Reading

Leave granted to proceed forthwith to the second reading.

MR YOUNG (Scarborough—Minister for Health) [4.35 p.m.]: I move—

That the Bill be now read a second time.

Modelled on British legislation which was concerned mainly with smoke abatement, this Act was drafted in the early 1960s. It was one of the first Acts in Western Australia to be concerned with environmental protection.

Despite the varying changes in technology in the past 16 years, the Act has remained virtually unaltered—except to bring sandblasting, away from licensed premises, under its provisions.

The Air Pollution Control Council has reported that the Act's many administrative shortcomings are presenting difficulties to the council in carrying out its functions, and in achieving the Act's intentions.

Many of the new amendments, although perhaps of a minor nature, are being proposed on the recommendation of the Crown Law Department, to clarify the intention of various provisions or to provide for technological changes which were not envisaged when the Act was first drafted.

The first three amendments relate to definitions, No. 1 being to amend the definition of the word "occupier".

The proposal is to include, not only the person in legal occupation or control, but also any person on the property with or without the consent of the legal owner or occupier.

At present the council is powerless to restrict a person from creating air pollution on property which he has no legal right to occupy. This amendment will make a person causing air pollution liable for his actions, regardless of ownership.

The definition of "industrial plant" also requires amendment so it can include electrically-driven plant such as sandblasting, rock crushing, and screening equipment.

This equipment is presently excluded, because the definition includes only plant using any combustible material for its operation. However, as this type of plant generates large quantities of dust, it should be covered by the definition so the council can control such emissions.

A definition is also required to cover open fires, as provision is proposed in another amendment for the prohibition of the emission of dark smoke from open fires. This operation must be defined.

There are frequent complaints of dense, sooty smoke from the burning of tyres, plastic, and the like in open fires in landfill areas, etc., which do not come within the ambit of the Act, because they are not burnt in fuel burning equipment.

The next amendment proposes minor alterations to the composition and description of Air Pollution Control Council representatives.

One proposal is to substitute the present representative of the Department of Local Government for a second representative of the Local Government Association, thus giving increased ratepayer "voice".

A second proposal is for increased membership of the council allowing for representation from the Department of Conservation and Environment and an additional representative nominated by the Confederation of Western Australian Industry (Inc.).

The remaining proposal is to cover the division of the Department of Industrial Development by the Department of Resources Development and the Department of Industrial Development and Commerce which latter department nominates a member of the Air Pollution Control Council.

The next amendment is to allow the Governor power to appoint a deputy for each member of the council so full representation can be obtained at each sitting. No such power exists at present.

Another similar amendment is to allow the council power to appoint a deputy for each member of its advisory body—the scientific advisory committee. One of the members of this committee is described as a "fuel technologist". This was a term in use when the Act was drafted.

However the Australian Institute of Energy has replaced the British Institute of Fuel, and consequently "fuel technologist" is now not a recognised term in Australia.

The proposed amendment is to describe the person as a qualified engineer or chemist, with expertise in fuel technology. Yet another amendment proposes an additional member to the scientific advisory committee being a biological or agricultural scientist, nominated by the Minister for Agriculture.

Mr Harman: I hope this covers the situation at Maylands—with the sandblasting.

Mr YOUNG: I would hope so.

Mr Harman: Are you aware of it?

Mr YOUNG: The member has mentioned it to me in the past.

Over the years the committee has often been given such assistance when investigating plant damage caused through air pollution. This type of investigation is increasing and such an appointment would formalise this assistance so that such advice is recognised by the council.

A further amendment will allow local authority health surveyors, appointed under the Health Act, to be appointed as inspectors under the Clean Air Act for their own areas.

The council has often sought the help of such officers in administering the Act, but has been unable to appoint them. The appointments under this Act are at the moment limited to appointments under the Public Service Act. One area of the Act deals with conditions attaching to licensing of scheduled premises. At present, if premises are unconditionally licensed, there is no power for a condition to be placed on the licence.

From time to time a need does arise for the imposition of a condition under these circumstances and an amendment has been introduced to cover this situation; that is, it will now not be necessary for a licence to be already conditional for a further condition to be imposed upon it.

An important amendment will allow the council to cancel a licence or permit, or suspend it for no more than six months, in cases where an offence is being committed and, despite council intervention, the offence is continued. There is no provision at present to cancel or suspend a licence, and the offence could continue unchecked until the next renewal date. In the interest of natural justice, however, the right of appeal against the council's decision should be allowed to any aggrieved operator.

Because of the uncertainty in the Act's wording, it is not clear whether notices, served on an occupier to remedy faults, take precedence over conditions of operation on a licence. Notices served are intended to cause immediate corrective action, as distinct from long-term control conditions. An amendment has been included to ensure that notices served on occupiers take precedence over conditions imposed on licences.

Another amendment will allow the council to set a time limit within which any approval to alter, install or replace equipment on premises is valid. Without this, the council could not withdraw approval of environmental conditions under which the application was made. Operations such as demolition and construction works are of a relatively short duration compared with established industries.

The licences and conditions system has been found to be inappropriate, and would be much more effectively administered by having these works subjected to the permit system as is used to control sandblasting away from licensed premises. An amendment proposes this change of system, and defines these operations.

Much council meeting time is taken up by routine consideration and approval of renewal licences and permits, applications to construct incinerators, etc. An amendment will delegate this routine administration to the chairman to handle and process, but leave the council with power to revoke this delegation. This will give the council more time to deal with more important issues.

There is no provision for appeal against conditions on a licence, but it is proposed to rectify this. There is no time limit stated in the Act within which prosecutions must be commenced so the provisions of the Justices Act apply; that is, a complaint must be made within six months of the committing of an offence. Sometimes a continuing offence may remain undetected for years. Because the general time limit is exceeded when the offence is detected, legal proceedings cannot be taken. Air pollution could continue unchecked.

An amendment proposes to allow for the institution of legal proceedings against an offender at any time within three years after the committing of an offence or within six months after the offence has been detected by the council, whichever is the later terminating date.

It is proposed that the council be given the power to exempt any person, premises, or firm from compliance with a regulation where it is considered appropriate. This is to cover the situation, for example, where an industry emitting air pollution, is established in a remote area and the council is satisfied that the environment and community will be unaffected by its operations.

Further amendments cover increases in the maximum level of licence fees and penalties for various offences. The present penalties and fees were established 16 years ago and are sadly deficient when compared with legislation in other Australian States. Fees are in no way covering administrative costs.

Local authorities have often criticised the $200 maximum penalty as offering absolutely no discouragement to an industry committing an offence. It is claimed it is cheaper to pay an occasional fine than remedy the defect.

Another amendment makes provision for the expansion of existing appeal rights enabling an optional right of appeal to the Minister for Health or the Local Court regarding decisions by the Air Pollution Control Council.

Consequent to this amendment, provision is made for the Minister to prescribe fees relating to instituting an appeal to the Minister.

The final amendment proposes alterations to the list of premises classed as having potential for emitting air pollutants.

I commend the Bill to the House.

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

STATE FORESTS

Revocation of Dedication: Council's Resolution

The Council's resolution was as follows—

> That the proposal for the partial revocation of State Forests Nos. 12, 15, 28 and 37, laid on the Table of the Legislative Council by command of His Excellency the Administrator on the fifth day of November, 1980, be carried out.

Motion to Concur

MRS CRAIG (Wellington—Minister for Local Government) [4.46 p.m.]: I move—

> That the proposal for the partial revocation of State Forests Nos. 12, 15, 28 and 37, referred to in message No. 66 from the Legislative Council, and laid on the Table of the Legislative Assembly by command of His Excellency the Administrator on the sixth day of November, 1980, be carried out.

Under section 21 of the Forests Act, a dedication of Crown land as a State forest may be revoked in

whole or in part, only in the following manner: the Governor shall cause to be laid on the Table of each House of Parliament a proposal for revocation. After such proposal has been laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposal be carried out shall, by Order-in-Council, revoke such dedication. On any such revocation, the land shall become Crown land within the meaning of the Land Act.

The necessary procedures have been completed by the Legislative Council and this House is now requested to concur with the motion.

The proposal, the subject of this motion, was laid on the Table of the Chamber on 6 November last, and the revocation of dedication of the areas of State forest as listed therein is presented for the consideration of members.

State forest No. 12: This is an area of about 5.5 hectares located about seven kilometres from Capel townsite, comprising a 30 metre strip over a distance of about 2 012 metres, which has been cleared and has been mined or is scheduled for mining over the next two years. The area will be included in the adjoining railway reserve.

In exchange, the applicant will surrender to the Crown for inclusion in State forests an area of about 5.5 hectares of Wellington location 3209 which adjoins a State forest planted with pines and will allow a more compact western boundary to be established.

This exchange was requested by Western Titanium Limited to allow mining for mineral sands lying under the railway track, which required the existing railway track to be moved 30 metres south, bringing it to the edge of the present railway reserve.

Westrail moved the track at company expense, but insisted that the track remain centred in a reserve of 61 metres. To move the line back to its original position would put the company to heavy expense, which will be obviated by the addition of the State forest strip to the railway reserve.

All costs in relation to the exchange will be borne by the applicant.

State forest No. 15: An area of about 58.9 hectares located about five kilometres north of Harvey townsite is to be exchanged for Nelson location 2241 which has an area of about 56.5 hectares.

The State forest area is a small isolated forest block which was acquired from the Shire of Harvey some years ago under an exchange agreement to enable the shire to relocate its golf course on an area of State forest west of Harvey. It has no value as production forest and is not an attractive proposition for planting *Pinus radiata*.

Nelson location 2241 adjoins a pine plantation from which it is separated by a railway line. It is 85 per cent plantable to *Pinus radiata* and has good access.

The proposed exchange will be of mutual benefit to the applicant and the Forests Department.

State forest No. 28: An area of about 140 hectares located about eight kilometres from Donnybrook is to be exchanged for Preston agricultural area lot 175 which is approximately equal in area.

The area of State forest has been partly clear cut for dieback with the remainder having been cut over for mill logs about 10 years ago.

Although the area does contain a small area of good quality protectable forest the remainder is average quality forest—47 per cent of the total exchange area—to poor quality—30 per cent of the total exchange area.

The poor quality forest is dieback infested, while the average quality area is mainly non-protectable due to slope and proximity to private property.

In summary, 35 per cent of the total area is dieback infected with a further 42 per cent non-protectable and very likely to become infected in the future due to dieback already present in the area.

The exchange will improve the present boundary of State forest.

Preston A. A. lot 175 is suitable for *Pinus radiata* in regard to both soils and topography and has a high strategic value being adjacent to Thomson Brook plantation and State forest.

State forest No. 37: An area of about 172.6 hectares located about 22 kilometres from Boyup Brook which, together with Reserve No. 174/25—an area reserved under the Forests Act—containing about 184.1 hectares, is to be exchanged for Nelson locations 322, 3109, 5099, and 8824 which have an area of about 227 hectares.

The area of State forest and timber reserve concerned adjoins the northern boundary of land owned by the applicant.

The area has been grazed under a forest lease for over 20 years and there is very little regeneration or undergrowth present. The area consists mainly of sandy soils, which is reflected in the poorer quality forest.

The area is bounded on three sides by private property and its exchange would alleviate fire control difficulties and provide a more manageable boundary.

Nelson locations 322, 3109, 5099, and 8824 are all completely surrounded by State forest.

Locations 3109 and 8824 lie within zone A of the Warren catchment and locations 322 and 5099 lie just outside zone A and in zone B of the Warren catchment.

Acquisition of these properties would permit consolidation of State forest boundaries and reduce fire control problems.

Locations 322 and 5099 are suited for intensive forestry practice and locations 8824 and 3109 are suitable for addition to the Perup fauna priority area.

The proposed exhange will be of mutual benefit to the applicant and the Forests Department.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [4.52 p.m.]: As has been indicated, and as members know, any revocation of a dedication of any part of State forest requires the concurrence of both Houses of this Parliament. On this occasion, four separate actions are involved. The first one, as the Minister pointed out, is virtually accomplished; that is, the mining of mineral sands by Western Titanium Limited on the area alongside the Boyanup-Busselton railway reserve in exchange for an area adjacent to location 3209. No concern has been expressed about that exchange; it is fairly straightforward, and it has served a useful purpose.

In regard to the second proposal, I believe we are entitled to a little more elaboration about the purpose to which locations 2770 and 2521 will be put. One of these blocks appears to have been a gravel reserve on the South West Highway, not far from Harvey. It could well be that the reasons for applying for that particular area may have some other implications, and we would appreciate the Minister spelling out the purpose for which that land will be used. Although it is fairly close to an equal area exchange, it may not be anything like an equal value exchange in the long term. I do not suppose it is necessary for us to know the applicant concerned; it does not really matter in any event. However, if we knew the purpose for which the land is to be used, the name of the applicant could well be of some interest.

In regard to the third area, there seems to be some disparity in the area involved, and this is unusual in regard to exchanges. Perhaps it is apposite also in this case for the Minister to indicate the reason for the different areas involved, as well as the value of each block. I notice in her concluding remarks she said that the area is of value strategically, as it is adjacent to the Thomson Brook location in the State forest. It is of immense importance for forest management purposes, particularly as security and management against fire in a pine plantation is so vital. Pine trees just do not regenerate, so we cannot afford a fire in a pine plantation.

So the Minister's remarks about the strategic value and the increased efficiency of management of this block are appreciated. However, we are left with the unusual disparity in area and while the Minister referred to the nature of the land to be exchanged—a small amount of which contains high-quality forest—the rest of it is subject to *Phytophthora cinnamomi* because of the topography.

The final area is one of which I have some knowledge, and indeed, there were quite a number of applicants for this exchange area. Obviously there is a demand for land in areas affected by the clearing bans, and it is these bans that have resulted in this particular exchange being brought before the Parliament.

I know two of the unsuccessful applicants, and, of course, as land is limited, only one applicant was able to obtain the block concerned. The two areas which are to be transferred to the Crown by way of exchange and for dedication as State forest are highly prized areas. One of them is situated virtually in isolation in the forest, and no doubt it was for this reason that the Forests Department was anxious to obtain it. An isolated farm in pine State forest is always a source of some apprehension in regard to forest management.

The second area is in a similar situation; it is a virtual oasis in State forest No. 37, off the Boyup Brook-Cranbrook road. It is difficult to understand why such small subdivisions were permitted in such areas, but in the days when the surveys were undertaken, the object of the exercise would have been to attract settlement. Now it becomes difficult to regularise such decisions. Certainly this exchange will improve the forest management situation, and at the same time, the settler who went to some pains to obtain these areas will have land of a more viable nature. So for those reasons the fourth exchange is quite acceptable. Overall the Minister's explanation is acceptable, but we would like answers to the queries I have raised in regard to exchanges Nos. 2 and 3. The area involved in the second exchange could be something of a fair real estate proposition, and we would like an indication of the reason for the exchange. In regard to the third

area, we would like the Minister to explain the disparity in the areas involved.

With those reservations, I indicate that the Opposition supports the motion to concur.

MRS CRAIG (Wellington—Minister for Local Government) [5.00 p.m.]: I thank the Opposition for its general support of the motion. The member for Warren referred to item No. 2, which related to State forest No. 15. I do not have any specific notes from my colleague to indicate to me with whom the area is to be exchanged. However, it is my understanding the land is to be utilised for farming purposes. I will undertake to provide the honourable member with precise information in relation to that matter.

Mr H. D. Evans: Any information with regard to the impending subdivision could be relevant.

Mrs CRAIG: I believe this area of land was the subject of a telephone query to me, and I understand it is to be utilised for farming purposes, and that an additional amount of money will be paid to the Forests Department so that the value will be equal. However, I will clarify that matter for the honourable member tomorrow.

The member for Warren also commented on the difference in fertility between two other areas included in this motion, and pointed out that a greater amount of land was going to the exchangee. I understand that the Land Purchase Board has deemed the areas of land in question to be of equal value, and the exchange is to proceed on that basis.

Mr H. D. Evans: So it was an equal-value exchange?

Mrs CRAIG: Yes; the Land Purchase Board deemed it to be so.

For the interest of members, I should indicate that in 1979-80 additions to the State forests amounted to 13 537 hectares, while excisions amounted to only 840 hectares, resulting in a net gain of 12 697 hectares. This has been due mainly to the dedication to the State forest area of large areas of the Wellington catchment area.

Mr H. D. Evans: You had better keep this quiet around Bridgetown and Balingup.

Mrs CRAIG: We are talking about the Wellington catchment area; I do not think it will have very much effect on residents of Bridgetown and Balingup.

I again thank the Opposition for its support of this motion, and undertake to provide the member for Warren with the information he requested.

Question put and passed, and a message accordingly returned to the Council.

WORKERS' COMPENSATION SUPPLEMENTATION FUND BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [5.03 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to create a supplementation fund from which employers who are liable to pay compensation to employees may be assisted in instances where the employers' insurer is unable to reimburse the employer.

The necessity for a fund of this nature was brought to attention by the placing in liquidation earlier this year of Palmdale Insurance Limited and its subsidiary, Associated General Contractors. This brought about a situation where employers insured with Palmdale or its subsidiary are required under the provisions of the Workers' Compensation Act to continue compensation payments to injured employees. Such a requirement is causing hardship to many employers and some could be forced into bankruptcy if they do not receive assistance; this in turn will mean that their injured employees may no longer be paid the compensation to which they are entitled.

The fund will be created by the levy of a surcharge of 1 per cent on employers' indemnity policy premiums for an initial period of three years.

The fund will be managed by the Workers' Compensation Board and outstanding claims will be handled by the State Government Insurance Office which will be reimbursed by the fund.

Provision is also made for the establishment of an insurers advisory committee to advise the Workers' Compensation Board and the State Government Insurance Office in the performance of their functions under this Bill. The committee will comprise three members appointed by the Minister from a panel of names submitted by the insurers.

Several other States in Australia have already enacted legislation to provide financial help to employers who find themselves in a similar position.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Parker.

STAMP AMENDMENT BILL

Council's Requested Amendment

Amendment requested by the Council now considered.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

The CHAIRMAN: The amendment requested by the Council is as follows—

> Clause 1, page 1—Insert, after subclause (3) of clause 1, the following subclause—
>
> "(4) This Act shall be deemed to have come into operation on 4 November 1980.".

Sir CHARLES COURT: I move—

> That the amendment requested by the Council be made.

Members will appreciate that this is a request from the Legislative Council, not an amendment it has made. This being a money Bill, the Legislative Council has no constitutional right to make an amendment, so it sends a request which we can either accept or reject as the case may be.

The Committee will remember that when this Bill to amend the Stamp Act was before this Chamber, the Leader of the Opposition asked why we did not make it retrospective. In my absence, I think the Deputy Premier gave an explanation.

The matter was further debated in another place, where the Hon. J. M. Berinson discussed the need for retrospectivity. Subsequently, an undertaking was given by the Attorney General to confer with me on the matter.

Originally, we were tempted to make the Bill retrospective; however, to be fully effective, we would need to go back at least four months, according to information conveyed to me by the Commissioner of State Taxation when I originally conferred with him. This period related to the number of cases which he had been keeping before him, pending some legal interpretations, and also the result of a court case.

The recommendation to the Government was that we should make the Bill effective from the date of assent, although I must admit it did grieve me to feel that once we introduced the Bill into this place, it might trigger off a wave of submissions intended to defeat the Bill. However, knowing the attitude of this Chamber towards retrospective legislation, the Government decided to let it rest on the basis that it would come into effect on the day of assent.

It was suggested in another place that we adopt the procedure followed in the Federal Parliament where the Government makes a statement of intent to amend the taxing laws, and the legislation, when it is introduced, is made retrospective to the date of the announcement. In other words, the legislation becomes retrospective to the date the Government first made a public statement on the matter, and the public were warned about the retrospectivity provisions of the legislation.

We had reason for not wanting to do that in this case because, here again, pending the preparation of the Bill and its introduction and passage through the Parliament, we could have been literally inviting even more people who might feel tempted to use the device of avoidance than would be the case by simply introducing the Bill and making it effective from the date of assent.

However, it is fair enough we make the Bill retrospective to 4 November, which was the day I gave notice of the Bill in this place. I believe the compromise suggested by the Council is quite reasonable; the only alternative would be to go back over four months in order to catch all the submissions which were lodged.

I appreciate the co-operation of the Opposition both here and in another place, and I commend the Council's requested amendment to members.

Mr DAVIES: The Opposition agrees to this request. When the Bill was before this place, I queried its lack of retrospectivity. I pointed out that when a tax loophole was discovered, the Federal Treasurer would announce the Government's intention to amend the taxing laws to cater for the situation, and would inform the public that the legislation would be made retrospective to the date on which he made his announcement. This would prevent a rush of people seeking to avoid paying what we believe they should pay in the way of duty.

I understand the Treasurer's attitude on this matter, and I also understand his desire to get this Bill passed as quickly as possible—although it does not have the same degree of urgency if we agree to the Council's requested amendment.

I am not usually in favour of retrospective legislation, and I am sure most other members would share my views on the matter. Nevertheless, there are times and situations when Parliament is entitled to legislate retrospectively, and this is one of those occasions. Clearly, there is a loophole in the Act which neither the Legislative Assembly, nor the Legislative Council, nor the State Taxation Department saw or appreciated.

Apparently an astute lawyer discovered this loophole and, by a series of processes which were briefly outlined in the Treasurer's second reading speech on 6 November, enabled his clients to

avoid payment of duty; in fact, they were required to pay only a notional amount instead of the full *ad valorum* duty.

This procedure was outside the spirit of the intention of the legislation; it was never intended that the law should operate in such a manner. Therefore, due to a matter which was no mistake of ours, but which was fully appreciated by some people, who were able to exploit this loophole to their own benefit, we are entitled to make this legislation retrospective.

On this occasion, I might even have agreed to an earlier retrospective date. However, I listened very carefully to what the Treasurer had to say, and I am quite happy to agree to the requested amendment which will have the effect of making the legislation retrospective to 4 November, the day before the Bill received a first reading in this Chamber.

I hope that if there has been a rush of submissions since that date, the people will not feel too distressed when they find they will not enjoy the benefits of this loophole which have been enjoyed by other people.

I understand it was reported in the newspaper that one person was able to escape paying duty of the order of $22 000 on one transaction alone. The Deputy Premier indicated a number of other persons also were able to avoid paying substantial amounts.

I repeat that we do not oppose the proposed amendment; we agree with the request. We do not normally like retrospective legislation but we realise there are occasions when we are quite justified in legislating retrospectively and, indeed, this is one of those occasions.

Question put and passed; the Council's requested amendment made.

Report

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

HOSPITALS AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

MR HODGE (Melville) [5.16 p.m.]: The Opposition supports the broad principle contained in this Bill but it does have some reservations about certain specific parts of it. In recent times I have found the second reading speeches given by the Minister for Health when introducing Bills into this House to be rather deficient in the information they contain about the legislation. I have read this second reading speech through a number of times and, in common with several others, there is very little in it that actually explains the reason for the Government's believing it is necessary to introduce the legislation. I would have thought a second reading speech should be a fairly major statement explaining why the legislation was necessary, exactly how it would work, and what the results of it would be.

Mr Bertram: That would be the procedure in any reputable Parliament.

Mr HODGE: It has not been the case with the last few Bills introduced into this Chamber by the Minister for Health. I instance the second reading speeches relating to the Pharmacy Amendment Bill, the Nurses Amendment Bill, the Dental Amendment Bill, and now this one. The Minister made certain very bland statements to the effect that the hospital boards had operated particularly well, had co-operated particularly well, and that he had no criticism to make of them. After making those comments he then proceeded to explain how he would completely change the method of appointing those boards. I would have thought the Minister would come clean and give an honest appraisal of what is wrong with the boards. The Parliament deserves to have the facts before it. If the Minister is less than satisfied with the operation of the major teaching hospital boards he should come out and tell us precisely what is wrong with them. Instead of doing that, he read out a couple of short sentences to the effect that the boards were doing a good job but that, nevertheless, he would drastically change their method of appointment.

Obviously the Government is not satisfied with the job the hospital boards are doing. I am not critical of that. If the Minister is not satisfied with the work they are doing or with their method of appointment, it is his prerogative to do something about it; in fact, it is his responsibility to do something about it. I am not opposed to making the changes outlined by the Minister, but it seems to me we should have the full facts before us. We should be told why the Minister is anxious to change their method of appointment before we are asked to vote on this legislation. We should be given full details of the Government's view, but we have not been given this at all.

My main criticism of this legislation is that the section which sets down the powers that the Governor shall have in making regulations is extremely vague. We are told that in the past the boards have tended to be self perpetuating and that this amendment giving the Governor power to order elections and to call for nominations, among other things, will resolve that problem. It

may well do that, but we are not told in the second reading speech what certain groups could dominate the boards.

We are told also that there is a necessity to ensure that medical practitioners do not have a majority on any of these boards. I asked the Minister certain questions in the hope of getting additional clarification and detail about what dangers the Government saw with the composition of the present boards. I did not receive a great deal of information. I was told that none of the boards is dominated by any particular interest group and that none is dominated by medical staff. So two of the things mentioned by the Minister as reasons to make changes to the boards are, apparently, not problems at all at the present time.

I really suspect there is a lot more behind this Bill than the Minister is prepared to admit. It seems to me the Minister has received advice, perhaps from Mr Campbell, the Government's adviser on these matters, that these hospital boards are just not up to the complex task facing them today. Again, I would have appreciated being told whether the Minister was acting on advice of his expert adviser or whether he was acting on his own initiative.

I understand the amendments have not been greeted with universal acclaim by the hospital boards themselves; I gather they are not particularly keen about these changes. I would appreciate the Minister's explaining the source of his advice which indicated that he should make these changes. I would be interested to learn whether the advice was from Mr Campbell, who I believe is an expert in this field. If this is the case, members would have been interested to know of it; members would have been interested to learn whether the advice came from someone of Mr Campbell's status.

The changes obviously will give the Minister a lot more power over the boards. He will be able to reduce their size as he sees fit. He will have the new power to appoint a chairman. At the moment, board members elect their own chairman and the Minister does not have any direct control over who shall be appointed. I am not opposed to this move; I believe the Government should have a large degree of control over the operation of public hospitals. I do not think it is necessarily a bad move to have a chairman appointed by the Minister.

My inquiries have revealed there is a less than satisfactory arrangement existing now for new members to be appointed to boards. I am told that when a vacancy occurs on some boards, a short time after a new person appears, often when other board members have not even met the new appointee and have not been consulted about whom it would be. It seems the chairman of the board, perhaps in consultation with his deputy, recruits the new member.

The regulations to be drawn up under this legislation under the authority exercised by the Governor will provide for nominations to be sought from various groups, individuals, and organisations. The Act is very vague; it gives no clue as to whom the boards will approach. It is very vague about the procedures to be adopted; whether or not there will be elections; who will be entitled to vote; what the Minister's powers will be with respect to persons who are elected; whether or not the Minister will be compelled to appoint people who are elected; whether or not the Minister will still have some veto power over persons elected. Those things are not clearly spelt out in the Bill.

I believe that while we are re-writing this legislation the Government should give consideration, if it has not already done so, to looking further afield for appointments to boards. For instance, I am not aware of any woman member of a major teaching hospital board. I would not like to say for certain there are no women board members, but as far as I am aware there is not a single female board member on any of the boards of teaching hospitals.

Mr Young: There is on the board of the Princess Margaret Hospital, Mrs Oldham. She is the only one that comes to mind.

Mr HODGE: I appreciate the Minister's interjection. They are certainly few and far between. I do not believe there are any on the boards of the Fremantle, Sir Charles Gairdner, or Royal Perth Hospitals. If the Government is worried about groups dominating these boards perhaps it should worry about males dominating them; perhaps it should see to it there are a certain number of female board members appointed in future.

Another point I would like to draw to the Minister's attention is the thought that he should see that staff are represented on the boards. I think it is ludicrous at the moment that most hospital boards do not have positions available for senior staff. People like the director of nursing, the matron, the medical superintendent, and the chief engineer should be the sorts of people appointed. They are the sorts of people who have the expertise, the experience, and the qualifications which would make them good board members.

As I said before, the Bill does not spell out what sorts of organisations, individuals, or groups will be approached to nominate for positions on the boards. I am supporting this legislation on the assumption that the sorts of people who will be approached will be professional people such as engineers, legal practitioners, and accountants; people with professional expertise and qualifications. I am not saying they need be professionally qualified people exclusively, but these are the sorts of people who could represent those professions and the sorts of people who should be approached. I am hoping this is what the Government is proposing to do.

I also believe that local government authorities should be entitled to be represented on the boards. I have always thought it very odd that the Fremantle City Council is not represented on the Fremantle Hospital Board; that seems to me to be a grave oversight. I understand the Fremantle City Council is very keen to be represented on that board. I should imagine that most local government authorities with a major teaching hospital in their area would be very keen to be represented on that board. I hope the Minister will give consideration to including local government authorities in the list of organisations to be canvassed to nominate people for election onto boards.

The Bill also has not stated for how long people will be elected. I notice in the schedule attached to the parent Act that the normal period for which people are appointed is three years. I am wondering whether that will be the situation now and whether they will face election again at the end of that three-year period. Will they be eligible to re-nominate at the end of that three-year period? The Bill does not provide this information, information necessary when considering the legislation.

I am not opposed in principle to this legislation. In this day and age with complex problems facing large teaching hospitals, with huge budgets to administer, boards should be composed of people of the highest calibre and with the experience and qualifications to cope with the problems facing hospital boards.

It seems to me that the present method of selecting people—apparently it is on the basis of the "old boy" or "school tie" system, or someone who is known to the chairman—is certainly not the sort of system for our public hospitals with which we should continue in 1980. I am pleased the Government will change that system.

As I said, the Opposition is concerned about precisely how the new system will work. It cannot be any worse than the present system so we have that small consolation; however, I am hoping it will offer a significant improvement and we will see people with professional expertise appointed to the boards and positions of administration in teaching hospitals.

Apart from approaches being made to professional and local government bodies, serious consideration should be given to allowing the hospital staff to be represented—at least in some positions—on a board. I have been told the medical staff of one teaching hospital put forward recently the name of someone they wanted to represent them. The board would not accept the name put forward and, in fact, named a person who it thought should represent the staff. In the Opposition's opinion, that is just not the way such appointments should be made. We believe staff should be represented properly. People in such positions as the director of nursing, the medical superintendent and, perhaps, the chief engineer, are people who are vitally interested in the running of a hospital; they are concerned with the day-to-day running of it.

I cannot imagine who would be in a better position to contribute effectively to the efficient running of a hospital than those sorts of people. I understand under the present system those people can be brought before a board and have their views sought—they can give advice—but I do not think that is the same as having those people as members of a board with the right to be at board meetings, the right to be heard and the right to vote at such meetings.

With the qualifications I have outlined, the Opposition is pleased to support the general principles contained in this Bill.

MR YOUNG (Scarborough—Minister for Health) [5.33 p.m.]: I thank the member for Melville for his general comments in support of the Bill, and I hope I will be able to relieve his anxiety about some of the matters contained in it.

Firstly, I want to say that the mild criticism he made of second reading speeches generally, and, in particular the second reading speech relating to this Bill, are noted. Sometimes it is extremely difficult when one is describing a Bill as general as this to be any more specific. The problem with this Bill is that it is an enabling piece of legislation more than filling any other role. It will enable the Minister to do certain things, and will amend the Act to give the Minister and through the Minister, the Governor the power to prescribe matters in respect of individual boards.

At times the Minister may decide to prescribe in respect of two or three boards as a group,

certain regulations for the filling of vacancies on those boards, and certain other matters. The Bill does not purport to set out to do anything but enable the Minister and, through him, the Governor, to do certain things in relation to the appointment of board members.

It could be said that I should have been more specific and gone on a little further in the second reading speech. It may have been said, "Why do not you tell the Parliament what you will do when you start writing those regulations?" The answer to that is that I cannot oblige the member for Melville or other members of the House by being much more specific as far as individual hospitals are concerned than I was during the second reading speech. Certain parts of the description of the type of persons who will fill vacancies on boards, and other matters, will be determined from time to time in accordance with the requirements of certain boards.

I inform the House that I undertake that appointments to a board and any other matters of significance will be discussed with the board concerned either by me or persons acting on my behalf. I imagine that would be the situation in most cases of a Minister for Health making regulations in respect of these matters, because after all, he has to deal with such boards and work with them.

The boards, because they spend huge amounts of public funds, are the agents of the Minister and the Government of the day. Therefore, where possible the utmost co-operation must be attained.

The answer to the basic question of why the changes have to be made is twofold. Firstly, at the moment—as the member for Melville said—the present system is not a particularly marvellous one. I think he said that anything to replace it would probably be better. Although that may not be flattering to the Bill or the things that I will be empowered to do under it, I am inclined to agree with him. The system laid down by the by-laws for the appointments of board members and the regulation of boards and their actions, is very vague and, one might say, very amateurish when one considers the amount of money being spent by teaching hospitals.

I believe the Government has the obligation to take upon itself the responsibility of the appointment of, at least, the chairmen of these boards through the Minister and to take upon itself the power to make regulations whereby the composition of those boards will be determined. I believe the Government has the obligation to recognise the fact that these boards act as agents for the Government in relation to the expenditure of hundreds of millions of dollars of taxpayers' money.

As the system for appointments currently stands, I would prefer it did not continue because of what boards are presently allowed to do. To date they have not misused their powers, and with the composition of the boards at present I do not expect that will happen because they have been co-operative. However, it is possible for misuse to occur, and I do not like that situation. A board may say to the Minister, "We do not agree with what you say. We do not agree that the person you suggest should be on the board. We intend to appoint Mr X", and as the case was made by the member for Melville, "Mrs X". A board may say, "We believe the person you would like to have as chairman is not suitable, and we want somebody else." I do not believe any form of body ought to be in that position or say such things to a Government, where the Government provides the wherewithal for the carrying out of functions by those bodies, and this provision runs into millions of dollars.

I make the point to the member for Melville, as I have on many occasions, that the source of my advice—the source of any Minister's advice—ought to remain with me as Minister. It is highly unlikely any Minister will say who gave advice to him and what that advice was. It is also highly unlikely any Minister—I would not—would start the practice of saying who did not give him certain advice in certain circumstances. However, I can say advice was obtained from people who, at least, I considered to have expertise in regard to large public teaching hospitals generally—quite a number of points had to be considered. The persons to whom I did speak were the chairmen and the deputy chairmen of the boards of the teaching hospitals, and they made recommendations to me and pointed out certain pitfalls that I would encounter when it came to the time for me to lay down regulations and I received a letter and a telephone call since my meetings, which gave me further advice as to what might be done in regard to the laying down of regulations.

The point the member for Melville made in regard to women, I think, was particularly significant. As a male chauvinist, which I have been accused of being, it had not crossed my mind that sufficient representation by women does not exist on the boards of teaching hospitals. I take the member's point. I will have regard for the recommendations he made; however, I will do that bearing in mind my belief that the best person for a job should get that job, regardless of sex.

As I understand the position, local authorities *per se* are not represented on any of the teaching hospital boards. I understand local authorities have made approaches from time to time to the boards; however, the matter of their representation shall be examined personally by me as I intend to do in respect of the representation by women. As I say, I am not aware of any reason that local authorities are not represented on the boards of teaching hospitals other than the perhaps logical and obvious reason that the teaching hospitals tend not to represent any particular area but tend to represent primarily the whole, let me say, catchment area of the metropolitan area and the whole State generally.

However, local authorities are well represented on the boards of hospitals outside the metropolitan area.

The member for Melville raised a point in relation to the terms of appointment for board members. I have no intention to prescribe any term of appointment other than the existing standard three-year term. Perhaps a lesser than three-year term will be used to provide for the staggering of appointments to a board; some people might like to go on to a board to obtain experience but do not require the maximum term.

Mr Davies: What is your age limit now for appointees? Is it still 70 years of age?

Mr YOUNG: No age limit exists—

Mr Davies: Has the Government changed its policy?

Mr YOUNG: As I was about to say, no age limit at present exists in this Act and the policy adopted generally by the Government will be applied to all teaching hospital boards; however, we will always have an exception. Perhaps to replace a particular person because he or she has reached a certain age is unwise.

Mr Davies: Do you receive recommendations about such people when they are reaching the normal retirement age?

Mr YOUNG: One becomes aware of the ability of a person reaching the stage of not being able to make a contribution to the running of a board to the extent that he could. I assure the member for Melville and the Leader of the Opposition that the general idea behind any changes to be made to the composition of teaching hospital boards is that where necessary we will bring in people with the expertise essential for the good running of a board or for the overcoming of a specific problem that a particular hospital may have.

Generally speaking, the appointments will reflect the attitude of the Government—that those boards are in control of hundreds of millions of dollars per annum of taxpayers' money. In other words, rather than looking for people to fit neatly into categories of representation, the Government will be looking to ensure that wherever possible, having regard to the reasonable representation entitled to certain groups, the board will be composed, wherever possible, of people who can make the greatest contribution to hospital management. That generally would mean a diminishing of age levels, and a trend towards people with expertise who would be able to contribute.

Mr Davies: It is often difficult to get the right person.

Mr YOUNG: It is very difficult at times. I thank the member for Melville for his contribution, and I commend the second reading.

Question put and passed.

Bill read a second time.

QUESTIONS

Questions were taken at this stage.

BILLS (2): RETURNED

1. Metropolitan Region Town Planning Scheme Amendment Bill (No. 2).
2. Coal Mine Workers (Pensions) Amendment Bill.

Bills returned from the Council without amendment.

Sitting suspended from 6.15 to 7.30 p.m.

HOSPITALS AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 37 amended—

Mr HODGE: This is the clause which gives the State Governor power to draw up regulations concerning the calling of nominations and the conduct of elections for positions on hospital boards. I listened closely to the explanation offered by the Minister in response to my second reading speech. He answered some of the points, but he has not answered all questions to my satisfaction. The clause is very vague indeed, and we are entitled to more detailed information before we vote on it.

It may be difficult for the Minister to name organisations and individuals. Perhaps he wants to reserve to himself the maximum flexibility; nevertheless we have a right to know what organisations and individuals the Minister would want represented on the board. The Minister said he obviously would be choosing the most efficient and most effective persons; and that is accepted.

I asked earlier whether the Minister would be approaching organisations representing accountants, engineers, or legal practitioners. Are they the sorts of organisations he will be approaching?

I do not accept the point the Minister made earlier about local authorities. The local authority is responsible for the area in which the hospital is established, and it has a vested interest in the hospital. It has a right to be represented on the board. The hospital with which I am most familiar is Fremantle Hospital; and it is a gross oversight not to have the Fremantle City Council represented on the Fremantle Hospital Board.

That hospital is a major institution in the City of Fremantle, and it must have numerous business dealings with the Fremantle City Council on a day-to-day basis. It would be appropriate for the council to nominate a representative to the Fremantle Hospital Board. I know the hospital has patients from all over the district—from Melville, Rockingham, Kwinana, and other places—but I believe the Fremantle City Council has some sort of claim because the hospital is located in the heart of its area. I understand the council is keen to have a representative on the board, and it has made approaches to that end. I ask the Minister for some sort of undertaking on that point.

I hark back to the point I made about female board members. The Minister made passing reference to it; but I raised the point in all seriousness. Many capable women would be qualified to serve on hospital boards; and they would be pleased to do so. The hospital boards have tended to be male-dominated, but there is no reason for that. There is no shortage of women who would be qualified—

Mr O'Connor: Have you mentioned that before?

Mr HODGE: I did mention that in my second reading speech.

Mr O'Connor: About six times, I believe!

Mr HODGE: I mentioned it once; I did not mention it six times.

Mr O'Connor: Tedious repetition!

Mr HODGE: The Deputy Premier is displaying a streak of chauvinism there.

I re-emphasise that point. To the knowledge of the Minister for Health, there is only one woman on a hospital board. That illustrates my point.

Mr O'Connor: What I am trying to say is that the Press heard your comment several times earlier.

Mr HODGE: Can the Minister for Health give some detail about how the elections will be conducted? Will they be conducted by the Electoral Department? Who will be eligible to vote in the elections? If a person is elected, will the Minister be compelled to appoint that person to the board or will he still have a choice? I can see a difficulty if an unsuitable person is elected and the Minister's right to choose is removed. Perhaps he could end up with an unsuitable person on the board. On the other hand, if the Minister will not be obliged to appoint a person who is duly elected, that makes a farce of the election. I would appreciate clarification from the Minister on those points.

Mr YOUNG: During the second reading debate, I pointed out that the Bill was an enabling Bill which virtually provided power to make regulations to do the things to which the member is now referring. To give him some general idea of what I have in mind, I advise the Committee that I would be looking for between eight and 12 people for the teaching hospital boards. No more than half those people would be medical practitioners under any circumstances, because of the dominance medical practitioners can exert on boards of hospitals. The chairman would be appointed from the board by the Minister. No fewer than half the members would be appointed by the Minister. The University of Western Australia would be entitled to appoint at least one member of the board; but in the case of Sir Charles Gairdner Hospital there is an obligation under the terms of the Queen Elizabeth II Trust for the university to have two representatives. That is an example of why I cannot spell out specifically the types of appointments that would be made. Where possible, the obligation in respect of Sir Charles Gairdner Hospital will be honoured, so there would be two appointments made from the university staff. The clinical staff of the hospital, or the clinical staff as determined by the board, would also be entitled to appoint a representative to the board, as I envisage the regulations. Within that framework, that is as far as I can go.

Naturally, the regulations will be tabled in the House in the normal course of events. As I gave

the undertaking to the member during the course of the second reading speech, the regulations will be framed as a result of negotiations with the board of the day.

As far as local authorities are concerned, I gave the member an undertaking I would look into that matter. I accept that the question is not quite as simple as the suggestion that the teaching hospitals are responsible for the broad area of the State rather than having a local interest, as the country hospitals do. Quite clearly, the teaching hospitals in an urban setting tend to dominate the local scene to a great extent; and I can understand that the local authorities would want to have representation on the boards. I will certainly consider that suggestion, in the same way as I have undertaken to do in respect of the representation of women on the teaching hospital boards.

As far as the elections are concerned, I can assure the member that if any election in respect of the appointment of a person from a class of persons is entered into, the person duly elected would be appointed to the board. If the Minister undertook an election like that, he would be compelled to make that appointment. I could not envisage any Minister not making that appointment if he gave instructions for such an election.

Mr HODGE: The Minister has answered a lot of the points I raised. I have one further point which occurred to me as the Minister was speaking. Does the Minister envisage different sets of regulations for different hospitals, or will there be one standard set of regulations to cover all the teaching hospitals?

Mr YOUNG: The answer to that question is quite simple. The reason for the generality of the second reading speech and the fact that this clause gives the Minister rather broad powers is to enable the Minister of the day to enter into arrangements with the board, whereby regard will be had for the peculiarities of that particular teaching hospital. Therefore, it is unlikely the regulations in their entirety would cover two boards at the one time.

There may be some regulations which would be common to all boards or which may be chosen when making representations in respect of each individual board to ensure that particular board was catered for in respect of its particular discipline and having regard to the problems of that board in that discipline.

For example, Princess Margaret Hospital might want a larger board with a broader field of expertise from which to draw, because of the peculiar nature of pediatrics. King Edward Memorial Hospital may have the same requirements. Sir Charles Gairdner Hospital and Royal Perth Hospital may ultimately have exactly the same requirements, because they are similar types of teaching hospitals.

Generally speaking, the regulations will not be the same in respect of the teaching hospitals, but they will have regard for the peculiarities of the teaching hospital involved.

Mr PARKER: May I make a few brief comments in respect of the remarks made by the member for Melville in relation to Fremantle Hospital? The Minister just said the peculiarities of each hospital will be catered for. Whilst Fremantle Hospital has the characteristics of a teaching hospital, it should be pointed out it has also the characteristics of a regional hospital which is perhaps contrary to the position which applies at Royal Perth Hospital and Sir Charles Gairdner Hospital.

Fremantle Hospital virtually operates as the regional hospital for the district and is regarded as such by the people in the area to a greater degree than I imagine the people who live in the vicinity of Royal Perth Hospital and Sir Charles Gairdner Hospital regard those hospitals as serving their region.

I should like to support the comments made by the member for Melville concerning the need to have representation on the board of Fremantle Hospital by the City of Fremantle. Only one example is needed to illustrate that need. When the extensions currently under construction at Fremantle Hospital were first proposed, the council did not become aware of them until by chance a member of the council went to the hospital for treatment on the day a model of the proposed extensions was first displayed in the hospital foyer. That is not necessarily a problem peculiar to the portfolio of the Minster for Health. It could relate to town planning, local government, and various other portfolios.

Nevertheless, it seems to me liaison is lacking. Anybody who now drives past Fremantle Hospital can see the impact the extensions will have on the built environment of Fremantle. The impact of the extensions proposed earlier would have been far greater. I believe the original proposal was for approximately 17 storeys to be built.

There is a place for a representative of the City of Fremantle on the board of Fremantle Hospital. At the moment the hospital is expanding considerable by virtue of the purchase of property in and around its current borders. It is bordered by Alma Street, South Terrace, and Hampton

Road. On the south side of Alma Street the hospital is currently buying up a considerable amount of property, thereby having an effect on the ultimate built environment of Fremantle and on Fremantle's rate collection service and a whole range of other services, including the lifestyles of the people in the area, which is basically a somewhat depressed area where the people live in rather cheap accommodation, because the ultimate reason for the hospital buying these properties is to build on them.

These matters are very important to the people of Fremantle. The position is different from that of Sir Charles Gairdner Hospital which has a huge reserve area. Everything which Fremantle Hospital does outside its existing area has a direct effect on the ratepayers of the City of Fremantle and even the operations of the hospital within its own area also have an impact.

I believe in the past there has been some degree of animosity between Fremantle Hospital and the council. That is not good. It would be far better if all involved felt they were co-operating in the one community in an endeavour to develop a good health facility. It would not only benefit the hospital, but it would also benefit the City of Fremantle and the people who use the facilities at the hospital if there was a representative of the City of Fremantle on the Fremantle Hospital Board.

Mr YOUNG: I agree with the comments made by the member for Fremantle. I should like to point out there is perhaps even a greater problem in respect of teaching hospitals within the boundaries of the Subiaco City Council, which include King Edward Memorial Hospital, Princess Margaret Hospital and St. John of God Hospital which, in effect, is a teaching hospital. Within 100 yards of the boundary of the Subiaco City Council is Sir Charles Gairdner Hospital, only just within the Nedlands City Council boundary.

Parking problems and all the other difficulties to which the members for Fremantle and Melville alluded certainly apply also to the City of Subiaco.

I shall look into the matter of local authority representation on the boards of teaching hospitals. I cannot acquiesce automatically in regard to this matter during the Committee stage, because there may well be an overriding reason, of which I am not aware, that this should not be done. However, as I said during the second reading stage, I cannot think of such a reason immediately and I will certainly give consideration to this matter and to the comments made by the members for Melville and Fremantle.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

LAND AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [7.53 p.m.]: There are six provisions in the Bill most of which are of a machinery nature. They are designed to regularise or improve the efficiency of the operation of the Land Act and, to that end, they are desirable.

The first provision allows fees charged under sections 14, 142, 144, and 145 of the Land Act to be set by regulation. Members will be aware this obviates the necessity to bring the Act back to Parliament to make a simple change. There is always the safeguard that fees set by regulation come under scrutiny when the regulations are tabled in the House in accordance with the requirements of the legislation.

The four statutory fees under the legislation are the Crown grant fee of $4; the transfer of sub-lessee fee of $2; the mortgage registration fee of 50c; and the transfer of mortgage fee of 50c. These fees have not been altered for 30 years and it is London to a brick on they will be increased as soon as regulations are drafted. I do not say that with any malice, but I believe it is a safe observation there will be a substantial increase in the fees as they have not been altered over the last 30 years.

The second provision contained in the Bill is very desirable. It relates to a situation in which a person has purchased townsite land on a conditional basis, and, as a result of failure to comply with the conditions, the land is forfeited. Under the existing provisions of the Land Act an individual who does not meet the conditions set down when he purchased the land, is liable to forfeiture. It is possible under the Act for the Minister to allow a payment to the previous owner of the land after it has been sold; but the word "may" is used, therefore, there is no assurance

that, having forfeited the land, the individual will receive any recompense.

To say the least, the circumstances under which people usually forfeit land are unhappy. Normally they have not been able to meet the conditions of purchase through no fault of their own. On occasions, something goes wrong with the individual's planning and, at the end of a period of four years—the period for complying with the conditions can be extended from two years to four years—he has frequently spent money on the property and it is unfortunate that, not only will he lose the land, but he will also lose the money he has spent on it.

The amendment will allow a refund to be made before the sale of the forfeited land, provided certain conditions are met. This is very desirable. It will help more people than it will hinder and, for that reason, the Opposition supports it.

The major provision in the Bill deals with the illegal use or occupation of Crown land or reserves coming under section 164 of the Land Act. This has been a very complex problem for some time. A tendency has developed in coastal areas to erect squatters' huts which serve as holiday chalets. At times fishermen erect huts on Crown land which they use in the course of their work.

A committee was set up to examine the problem of squatters, especially along the west coast of the State, and this committee has studied the matter in depth.

Some years ago a school bus operated to one of the squatter settlements to pick up the children who lived there. To contemplate an area which has developed without any planning, facilities, or any regard to future problems which could emanate is something no responsible Parliament should do.

All development must be on a planned basis, otherwise the MRPA would be disbanded—and there is chaos enough now. It would be far more dreadful and horrific without planning bodies as we know them. The squatter settlements have been subjected to some pressure and indeed some have been removed from the area north of Moore River. However, the manner in which this has been done always has been rather cumbersome and it has fallen upon the local authority to provide the actual machinery and procedure whereby the Lands and Surveys Department can operate effectively. Of course, without that co-operation the Lands and Surveys Department would have been helpless.

One must feel some sympathy towards the squatters who have gone into remote areas and constructed tracks to and in them. Often these areas become fishing havens and holiday home areas and of course a propriety right would develop with the usage of that place. It is of course regrettable, but if we had everyone in the community doing this, the position would become unbearable.

The questions of facilities, roads, rubbish collection, and everything else which comes with settlements must be considered. It would be regrettable if pressure groups of squatters gained such strength that it would be difficult for Governments to deal with the problems.

At the moment there is a situation at the gun range at Lancelin where several squatters have constructed huts on Defence Department land. Those squatters have made an approach to the Commonwealth Minister for Defence (Mr Killen), but I understand they have little chance of remaining in that area. I believe legal action has been taken on this matter through the Midland Court of Petty Sessions.

One provision of this legislation enables the Minister to take action in his own right after three months' notice of such action. A court order can be made to force demolition of the buildings which have been constructed illegally. However, this can be done only on a court order, so there is a safeguard in that regard. Another safeguard is that there is a mandatory period of three months' notice which must be given. It seems also that reasonable penalties have been included in the legislation and they range to $1 000, with a further penalty of $20 per day.

Consideration must be given when reasonable and justifiable reasons are given to indicate that leasehold for certain squatters should be extended. This has occurred in other parts of the State and it has worked very effectively. The most recent occasion would be in the Donnelly River area where an annual lease is granted by the National Parks Authority. The standard of the dwellings has improved dramatically and a greater interest has been taken in rubbish collection and disposal. An improved attitude has been shown by the squatters since the lease has been extended.

Another aspect which should be considered is that of land which may be put aside because no use for it is contemplated for, say, another 20, 50, or 100 years. Under those circumstances, I can see no reason for a lease not being extended on an annual basis. This has been done in several areas and it also obviates the necessity to create a townsite. In this way an area of the coast may be utilised in a manner which is desirable for a

certain time without its being alienated in perpetuity.

Such a lease could be rescinded on 20 years' notice and this has been done in several areas. Notice could be given over a longer period; for example, the natural life of an individual. The lease would then return to the Crown. This has been done with cattle leases on the south coast. The expiry date is set for the 1900s but an adjustment period is allowed. If an area could be made available for a period of up to 50 years, there would be nothing wrong with that because the Crown would still have an opportunity to develop that area when circumstances demand it in the twenty-first century. That is another aspect which should be looked at more closely.

The special needs of fishermen who are somewhat itinerant in their habits should be looked at, especially those who operate within the Albany and Esperance areas. They often go to remote areas and sometimes stay there for a period of weeks. It is reasonable to expect that they should be given some sort of tenure so that they may build a hut of modest dimensions and proportions for their period of stay. The buildings would not be elaborate, so if they were destroyed in their absence, there would be no great financial loss to those involved. However, the huts would be of some benefit.

I am not sure whether consideration has been given to the setting aside of reserves for fishermen's leases as and when they may be required.

There was no indication in the Minister's second reading speech that a great deal of attention has been given to these matters and perhaps it would be interesting and most desirable if the Minister could make reference to the Government's policy in this regard and its intentions in the future.

The final provision of the legislation deals with the powers of delegation. They will enable responsible authorities such as local government authorities, national parks authorities, and the Western Australian Wildlife Authority to have powers delegated to them by the Minister. Presumably, they will act of their own volition but they will first have to obtain the sanction of the Minister. This matter is not quite clear and needs clarification. With those observations and reservations, the Bill is supported.

MR CRANE (Moore) [8.10 p.m.]: I would like to add a few words to the suggestions and observations made by the Deputy Leader of the Opposition. As members are aware, this legislation, particularly that part which deals with squatters, affects quite a number of people in my electorate.

The Minister is aware of my attitude to this problem because I have had many discussions with her over the last few years about this matter and I have made representation on behalf of many people and organisations also.

One of the problems which I have brought to the notice of the Government is the fact that there appears to be a tendency to release land too slowly. There have been many inquiries about building blocks on the coastal fringe north of Moore River. However, when these blocks are released such an interest is shown by so many prospective buyers that the prices become artificially inflated. The result is that many blocks are outside the financial reach of many people who desire to acquire a coastal block of land. There are not enough blocks to satisfy demand.

I agree with the remarks made by the Deputy Leader of the Opposition with regard to squatters. Many areas of land are destined not to be used for many years to come, for any purpose at all. Sometimes there is no possibility of a townsite being established in these areas for a long time in the future. While these squatters are not doing any damage to an area, they ought to be allowed to take out a lease for a given time, whether it be 20 years or 50 years, on the clear understanding that the Government will not be responsible for supplying any services at all.

There are three areas in my electorate which contain land ideally suited to this type of lease. I refer, of course, to Wedge Island, Gray or Green Islets, and Sandy Cape. Representations have been made by the Shire of Gingin for the removal of some huts at Didi Bay and Narrow Neck, two areas north of Lancelin. These areas are near the naval gunnery range and because they are so close to the impact area of this range, a request has been made for their removal.

Of course, in such instances we ought to consider the responsibility of those who are conducting naval exercises. These people should be removed because there is a possibility of a danger to life and limb. However, for other areas, I feel strongly that there is an opportunity for us to display consideration to people who may otherwise not have a holiday along the coast.

We must consider the difficulties of farmers in this area many years ago and the fact that the only holiday they had was if they went out to the coast in their horse and cart. Of course I am talking about 50 years ago or longer. Many cottages were built at Sandy Cape and in fact one

of the sandhills covers two cottages which were used many years ago.

A fortnight ago I went out to the coastal area near Lancelin in a four-wheel drive vehicle to inspect the places for myself. I went along the coastal road by Narrow Neck and Didi Bay, and on to Wedge Island and Cervantes and had a good look at the areas. I have made representations on behalf of the communities in those areas over the last few years, particularly for the people at Wedge Island. The community there have their own progress association, as does the community at Sandy Cape. The areas are kept clean and there are no health problems. Of course the health surveyor from the Dandaragan Shire goes out to Green Islets to inspect this area where the fishermen have their leases. These leases are tied to their fishing boat licence, so the inspector has to visit these areas. The inspector could do the same for the other people in the communities and leases could be made available, subject to certain conditions, under the control of the local authority and the lease money could offset its local authority expenses for inspection.

I prefer not to call these buildings shacks because many of them are well above shack standard. Many have septic systems, and their standards are quite high from a health point of view. There is no rubbish problem, and the residents are very strict with visitors—although some members may frown on the principle, the residents act as their own policemen to see that the environment is not destoyed by visitors with four-wheel drive vehicles, beach buggies, and other recreation vehicles. Over the last few years, motorbikes are becoming a hazard in some areas. In fact, the squatters demonstrate a real sense of responsibility to safeguard the environment.

A few years ago I brought to the attention of the Government the South Australian scheme. The then Premier (Mr Dunstan) introduced legislation to provide for such people in areas which were not townsites. People could apply for a camping lease which would then come under the control of the local authority. I understand that the arrangement was working reasonably well, and I believe it could be utilised here.

If we implement the provisions in the Bill, certainly we will remove all these buildings. Just as certainly we will not remove the people. Camping will still occur; campers will set up their tents haphazardly and they will not observe the same standard of hygiene as those presently observed in these areas. The environment will be damaged to a much greater extent.

I hope that this Government, which is an enterprising Government and one which can show compassion and understanding, will look very seriously at the matter I have raised, and my comments in support of the Deputy Leader of the Opposition, to see whether we can accommodate these people in some way on the coastal fringes. If this does not happen, these areas will be ruined by irresponsible people who are not controlled in any way. The sand dune areas and the beaches will deteriorate rapidly, the environment will be destroyed and the local authorities will have much worse problems with irresponsible campers.

MR BARNETT (Rockingham) [8.17 p.m.]: I rise to support the remarks made by the member for Warren, and I support to a certain extent the remarks made by the member for Moore. However, I oppose quite vehemently some of the remarks he made towards the end of his speech, and particularly his last suggestion.

I believe most members who represent coastal areas have experienced a problem with squatters. The member for Moore gave examples of certain areas in his electorate and he said that mostly the people in these communities are responsible, that they adopt their own rules and regulations and police them to a certain extent. I can see a number of problems arising from such a concept.

I do not disagree with his proposal that leases should be available, but I do disagree with the arguments he put forward in support of his proposal. For some time squatters have caused considerable problems in my electorate. There are quite a few hundred, perhaps, squatters in the Long Point or the Becher Point areas, and I would say that none of these people is handling his beach shack in a responsible way. It is because of this that legislation such as the Bill before us is necessary.

For many years the local government authority in my area has endeavoured to restrict these communities, and in particular, to control health hazards. For example, many septic tanks are installed right next to a shack or cottage, and then an underground bore is right alongside the septic tank. Such a situation is not permissible under the by-laws of the Shire of Rockingham. I do not know why anyone would want to put a bore down next to a septic tank because it could be detrimental to the health of the residents.

A number of these communities were established originally by fishermen. There may be a group of some 20 cottages, and then another mile or so along the beach, there will be another group of cottages. This is repeated all the way along Long Point.

The stage has now been reached where the squatters believe that the land belongs to them. If a visitor wishes to use this Crown land, as it is at the moment, he is actually stopped from using it. The tracks and roads which the squatters use have despoiled, to a large extent, one of the most beautiful areas of Rockingham. There is a maze of tracks across the sand dunes, and members are aware of the problems that these cause. Many thousands of dollars are being spent on research to enable the restoration of such areas which have deteriorated by the actions of irresponsible people.

Under the old legislation, the Rockingham Shire Council has attempted to move the squatters, but all sorts of difficulties have arisen. Last week I forwarded a copy of this legislation to the shire clerk. He looked at it, and he asked me to put a number of questions to the Minister.

The first problem encountered by the local authority trying to remove these irresponsible people from an area was to find the person who owns a particular shack. The shire clerk could see nothing in the measure before us to overcome that problem. If the Minister transfers his right to give notice and then to issue a court order to a local authority, how will these circumstances improve the situation? The second problem concerns the contents of the shacks. It will now be possible to serve an order on the owner of a shack, but if the owner then takes no action to comply with that order, will the local authority be able to proceed to bulldoze the shack? What for example will happen to the contents. Will they have to be stored?

Mrs Craig: That is covered in the legislation.

Mr BARNETT: Perhaps the shire clerk did not look at it very closely! The other point he raised was also in regard to the transfer of the Minister's power. Will this principle apply only to land vested in the shire, or will it apply also to Crown land? I hope the Minister will reply to these queries.

MR STEPHENS (Stirling) [8.23 p.m.]: The National Party supports the measure before us, but we would like the Government to pay close attention to the need to provide areas for recreation along our coastline. I happen to represent an area which is possibly one of the most advantaged areas in the State for summer recreation.

Mr Shalders: You want a Swanbourne Beach down there, do you?

Mr STEPHENS: Some people become squatters because of the lack of land available for purchase or lease in the legal way. We hope the Government will consider making more land available so that the people may apply for it and reserve it legitimately. As the population of the State grows, and as the people become more affluent, there is a greater tendency for people to want to own holiday cottages for weekend recreation, and this is particularly so in attractive areas such as those along our south coast. I can understand why many people become squatters. I ask the Government to pay attention to this matter.

MR BLAIKIE (Vasse) [8.24 p.m.]: I desire also to make a few remarks on this Bill, which I believe to be an important one. It illustrates that the Government has recognised a social demand. More importantly perhaps, I would like to relate my comments to the subject that other members have spoken of—people who erect buildings illegally.

In the early days of settlement, much of that settlement was effected by grants of land for services rendered to the Crown. The other main method of settlement was that of squatting—by taking up whatever parcel of land the people wanted and then to show that they had some claim to it because they were actually on it. Time has passed, and certainly an increasing number of people want to use our coastal resort areas. This has created problems, and the pressure produced has prompted the Government to amend the Land Act to bring about these necessary changes.

Let me state right at the outset that in localised coastal resort areas the squatters have never created a problem.

Mr Skidmore: They have at Kilcarnup.

Mr BLAIKIE: It is people such as the member for Swan who move into these areas with their four-wheel drive vehicles and other recreation vehicles. It is the visitors from the city areas who have been responsible for the desecration of coastal resort areas.

I was very sensitive to the argument advanced a while ago by the member for Moore. We have a problem in a place called Kilcarnup in my area. The community has learnt to grow with the fact that people have squatted in the area.

Mr Barnett: And they do not pay rates and they use the facilities for nothing.

Mr BLAIKIE: There have been approximately 15 or 18 people there for 25 to 30 years. In the last 18 months, however, the number has doubled. As I said earlier, the real problem has been the proliferation of recreation vehicles and four-wheel drive vehicles. People use these vehicles to get to the resorts, and that is the cause of the major problem confronting local authorities and the State Government.

Within the area I represent, the local authority has served notices on the owners of such shacks. As the member for Moore said, and I think the member for Rockingham said also, these squatters come to believe that they own the areas. However, when the local authority wants to determine who owns a certain building, no-one is prepared to accept the ownership. This has created a major problem where a local authority has endeavoured to clean up an area.

The area between Cape Naturaliste and Cape Leeuwin has attracted the attention of the Environmental Protection Authority. This area was referred to specifically in the Conservation Through Reserves Committee report of system 1 and system 2.

It was as a result of some of the comments contained in that report, and some of the policies which were adopted, or which are in the process of being adopted that prompted the local authority to ensure that the Government took an active role in the matter.

The former Minister—now the Deputy Premier—gave an assurance that it was the responsibility of Government to ensure that, from time to time and when appropriate, adequate land was made available to enable townsites to be created. Again, I instance the example of Gracetown, situated at Cowaramup Bay.

Mr Nanovich: You were responsible for that, were you not?

Mr BLAIKIE: I have had a very personal involvement with this proposal, firstly when I was associated with the Shire of Augusta-Margaret River and secondly as a member of Parliament. Once again, many shacks were in the area. With the co-operation of the Lands Department, the area was cleared of illegal shacks. Application was made to the Lands Department to have a townsite created, which subsequently took place. The actual townsite has been a most successful and positive venture.

Certainly, it is the desire of the local authority that Kilcarnup be cleaned up; it has already served orders on people and, with great foresight, it is ensuring those orders are being carried out. I emphasise to the Minister that it is a responsibility of Government to ensure that land is made available in an orderly and planned manner to cater for people who wish to use the area.

From time to time, when the need arises, land should be made available along our coastline to cater for the many thousands of people who visit the area.

When one considers the provisions of section 164 of the existing Land Act, and the amendments proposed by this Bill, one sees a vast difference. For example, penalties are to increase from $50 to $1 000. I am not opposed to such an increase; it is indicative of the times in which we live and of the need to ensure our environment is protected so that all people—not simply those who continue squatting—have a chance to enjoy our country.

With those remarks, I support the Bill.

MRS CRAIG (Wellington—Minister for Local Government) [8.34 p.m.]: I thank those members who have made a contribution to this debate for their general support of the legislation.

The Deputy Leader of the Opposition raised some matters which were perhaps different from the general context of the debate. He referred to fees which were now to be made by regulation, instead of being incorporated into the legislation, and also to the fact that since there has been no increase in the charge made for a Crown grant since 1949, he suspected the new charge would be considerably more than the existing fee. Indeed, he is right; the charge will increase from $4 to about $20. However, I am sure all members would agree that is quite reasonable after a period of 30 years.

The member for Warren also referred with pleasure to the fact it would now be possible to compensate a person who was unable to meet the conditions of a conditional-purchase residential block. I am sure the House generally would share his sentiments, and the view of the Government—particularly in the light of the increasing cost of land in areas of Crown land which are being developed, which is largely attributable to the cost of services. Whereas a few years ago we asked people to comply with conditions within a two-year period, we were then looking at a cost of about $2 000; we extended the period to four years at a time when we were looking at a cost per block of about $10 000 or $12 000. We now propose to give people further encouragement to settle in particular areas by indicating that if there are valid reasons that they must give up the block, they can do so and be compensated at up to 90 per cent of their investment, according to the reasons they give for their non-compliance with the conditions.

All members who have spoken in the debate have conceded that squatters are a complex problem; it is a problem which various Governments have considered from time to time. Between 1973 and 1975 a comprehensive report was compiled on the squatters who were squatting

on the coast to the north of Perth; in fact, the report covered an area as far north as Dongara.

The local shires were all represented on the committee, the recommendation of which was that action be taken to remove illegal squatters from coastal areas.

Subsequent to that recommendation, many representations were made to the Ministers of the day, with people pleading their cause and giving their reasons for being treated in a different manner from other people. I was one of those Ministers who was the recipient of many such pleas and I must admit there were many times when I felt a great sympathy for the people involved.

As both the member for Moore and the member for Warren pointed out, the problem is that many of these people established themselves in these coastal areas years ago at a time when, probably, they were early settlers in a district, and the only way they could have a holiday was to build a shack illegally, and squat on the coast. It is also true to say that many of those communities have formed progress associations. They adopt very stringent rules in relation to litter and septic disposal; some even restrict the people who are allowed to enter the "special" area they occupy.

Whilst I believe these people adopt such measures in the best interests of their communities, I do not think it is possible for people to be able to continue to establish themselves on the coast and then expect to have that action condoned simply because the rules they observe are rules which are good and therefore not damaging to the environment and that therefore they should be a closed society in so far as that holiday area is concerned.

I have a great compassion for those people, but I do not think that in the long term they should be treated differently from people who establish themselves illegally in other areas, but who perhaps may not have the same standards and who may even be a drain on the local authorities.

If the number of squatters in a particular area is allowed to become too large, immediately there is a plea for services for the area. The first plea will be for a good road, in order that people may have access; there will then be a plea for water, which will rapidly be followed by a request for electricity.

One member said that many such people do not require services. That may well be so whilst there is only a limited number of persons in occupation. However, it must be accepted that if it is possible to have only a few people in a particular area, it is equally possible that many people will be attracted to the area if those few are allowed to remain. We cannot be selective about it and it is for that reason this legislation is before the House tonight.

The Deputy Leader of the Opposition referred to the penalties contained in the legislation. Of course, no penalty will be imposed in relation to illegal huts. For the benefit of the member for Rockingham, I will be a little more precise as to what the legislation contains in regard to the three-month period of notice. The legislation states that a notice must be given to the owner of a hut, if the owner's name is known, or to the person in occupation at the time. If the owner's name cannot be established, and the occupier cannot be found, it will be deemed sufficient to place a notice on the hut.

At the end of the three-month period, it will be possible for the Minister or his delegated authority as provided for in the legislation to order the demolition of the hut. The legislation also provides for the disposal of its contents. So, I believe a thorough attempt will be made to ensure people are not unduly disadvantaged by these proposals.

I believe all members referred to the need to develop areas of our coastline as required, so that more blocks became available to enable people to establish holiday homes, and enjoy their holidays. I do not deny there is a need for such areas; however, it would be difficult indeed to provide sufficient land which people could hold in fee simple entirely for their own use.

Rather, I believe that local authorities will be considering the possibility of establishing camping reserves, or areas where chalets can be constructed which may be leased to a variety of people over a period of time, thus enabling the greatest number of people to have the benefit of the land available. Of course, those areas will need to be serviced, as a result of which they would have to be located at certain strategic points along our coast. It would be impossible to establish such facilities in every little bay along the coast, as some people would have us do.

Reference also has been made to the fact that fishermen are treated differently; in fact, that is the case. A bona fide fisherman who obtains the majority of his income from fishing is able to obtain a lease—not in every area along the coast, but certainly in areas where he can establish that he can launch his boat and carry out his occupation. This enables him to build a shed in which to camp and, probably, install some sort of refrigeration unit in which he can keep his fish overnight before setting out on the track to take

his catch to market. This has been the policy of the Government for a considerable time, and has long been a bone of contention among illegal squatters. People have felt for years that fishermen were given favoured treatment which, indeed, was and remains the case.

The member for Rockingham referred to a specific problem in his area. At one stage, I examined many of those huts; even at that time, there were some 69 illegal squatters at Long Point.

It was a very difficult problem for the local authority to deal with; in fact, that local authority had endeavoured to overcome the problem by placing eviction orders on each of the shacks. It had been unsuccessful in its legal attempt to remove these squatters. It made strong representations to the Government at that time for an amendment to the Land Act which would enable it to clear the area.

The member for Vasse raised the question of Kilcarnup and the people there having to knock down their holiday shacks. I was the recipient of some 20-odd building appeals from the residents of those shacks and I am afraid I was not able to treat their appeals as such because there was not one building which complied with the building by-laws.

The Augusta-Margaret River Shire was so concerned about the problem that it had taken the only action it was able to take. I believe legislation of this sort will support these local authorities in being able to remove from certain areas those people who have established themselves illegally.

The last point is that the Deputy Leader of the Opposition referred to the fact that he knows of some areas where it has been possible for leasehold land to be made available to squatters. Indeed, many of us know areas in our electorates where that has been so. It is true to say that the people who are able to enjoy the facilities available there are a very limited number because there is only a limited amount of land available and it is only those who squatted there first who have had their tenancy perpetuated.

Mr H. D. Evans: It is the same with freehold.

Mrs CRAIG: The Deputy Leader of the Opposition then said it might be a good idea to consider giving these people some form of tenure of the land. The member may recall the experience at Forrest Beach when some 18 years ago the then Minister for Lands was faced with the situation where he had people in illegal occupation. After conferring with these people and the local authority, the squatters agreed that they would be entirely happy to have their leases expire 15 years hence. It was their belief that the people who were the owners at that time would have met their demise or would be too old to enjoy further occupancy and that their children would have been able to enjoy occupancy for a short time. The great majority of the people who were the occupants of the land and who had agreed to occupy the area only for a limited time then objected very strongly when the tenure of their lease expired. That really is the problem we have. People will agree to do something and accept an extension of time, but as soon as one says that because of the agreement they entered into they must honour their obligations, there are all sorts of arguments and the agreement is not honoured. That is when we are confronted with great difficulties.

If one is to allow people leasehold rights to an area which is vested in the local authority, the local authority assumes an obligation to provide services to the area. The provision of services requires a fairly expensive lease, because it is not fair that other ratepayers who are not able to enjoy that facility should be paying for those who have been fortunate enough to be able to secure a lease. There are all sorts of problems inherent in endeavouring to ensure people can stay in such an area. I believe the provisions of this Bill will largely overcome a lot of the problems with which we have been faced.

I make it clear to the Deputy Leader of the Opposition that the fines obtain to the illegal use of Crown land and not illegal use as it relates to structures but rather the excavation, the dumping of rubbish, and the use of Crown land for purposes other than that for which it was designated.

Mr H. D. Evans: Such as the business in the Denmark Shire.

Mrs CRAIG: The Minister can delegate powers to the local authority which has the opportunity to take action if the person concerned does not comply with the requirement to remove the offending debris or if he fails to rehabilitate the area. There is a maximum fine of $1 000 and a daily fine of $20.

I believe I have canvassed all the matters raised by members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

CONSUMER AFFAIRS AMENDMENT BILL

Second Reading

Debate resumed from 12 November.

MR B. T. BURKE (Balcatta) [8.53 p.m.]: The Opposition does not intend to oppose this Bill which is a fairly simple extension of the present ambit of the Consumer Affairs Act. As was stated by the Minister in his second reading speech, this Bill will simply bring within the ambit of the Act categories of insurance as appropriate areas of investigation by the Bureau of Consumer Affairs.

The two exceptions to those sorts of insurance which may be investigated under these additional powers to be given are insurances for workers' compensation and those within the meaning of the Motor Vehicle (Third Party Insurance) Act of 1943. As was stated by the Minister during his second reading speech, both of these areas are appropriately handled by other provisions within the laws governing this State.

I offer now some general comments on the role of the Bureau of Consumer Affairs which members will realise was the result of an initiative of the Tonkin Labor Government during its period in office from 1971 to 1974. It seems to some members on this side of the House that while this Bill certainly does extend the ambit of the powers of the bureau, there has been an increasing number of complaints about what appears to be an increasing unwillingness on the part of some officers of the bureau to pursue with the vigour that was previously the case complaints that are now referred to them.

Mr O'Connor: Are you referring to insurance complaints?

Mr B. T. BURKE: No, I am not. As I prefaced this part of my contribution, I am making some general comments from the experience I have had in the past year or so which indicates there is some feeling abroad that the Bureau of Consumer Affairs is not as energetic in its investigations as it was in the past. While not being able to be specific about the various people who have come to me and the various matters they have brought to my attention, it is sufficient to say that in times when economic circumstances are depressed it is probably more likely that the need for an efficient watchdog is to be felt by people who come across a problem in their dealings with companies who supply goods and services which they use.

Having made those comments, I indicate the Opposition intends to support this measure which, as I said previously, extends the powers of the bureau which was established initially as a result of an initiative by the Tonkin Labor Government which was elected to Government in 1971.

MR O'CONNOR (Mt. Lawley—Minister for Consumer Affairs) [8.56 p.m.]: I thank the member for Balcatta for his indication of the Opposition's support of the Bill. I would like to make a number of comments in relation to the points he made. Obviously, there will be more complaints made now to the bureau regarding consumer affairs matters because the number of complaints and the number of items handled each year has increased considerably as people come to understand the bureau is there to handle these matters. In all these instances there must be one loser and I receive complaints from both consumers and the suppliers of goods. As more people become aware of the bureau's existence the number of complaints will increase and members of Parliament will receive more complaints in connection with them. I can assure the member that people are persistent in their actions and they pursue these matters to a satisfactory conclusion as best they can. With the increasing number of investigations we will obviously have a lot more people who are not totally satisfied with the results.

I am in constant contact with the head of the bureau (Mr Fletcher) and his staff and I can assure the member that they are doing the best they can in this regard, bearing in mind we will have complaints from some people when we consider the number of items with which the bureau deals. 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.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

LOCAL GOVERNMENT SUPERANNUATION BILL

Second Reading

Debate resumed from 12 November.

MR CARR (Geraldton) [9.00 p.m.]: The Bill before the House is to establish a superannuation scheme for local government employees. It provides for a situation which will be a considerable improvement on that which presently exists for local government employees, and the Opposition supports the principles involved in it.

It is not ideal by any means. Three main grounds exist on which it could be criticised. Firstly, I refer to the low levels of contributions to the scheme which provide for a maximum contribution of 6 per cent from an employee and 9 per cent from an employing authority. It provides on my calculations for a minimum contribution of 3.66 per cent from an employee compared with 5 per cent from an employer. The Municipal Officers' Association and the Municipal Employees' Union wanted a higher level of contributions.

Secondly, I believe we could level criticism at the proposal for the low ratio of contributions by employers compared with the contributions by employees. The ratio is to be 1.5 per cent from an employer for each 1 per cent from an employee. This 1.5 to 1 ratio can be compared with the State Government level of 2.5 to 1 or the Commonwealth Government ratio of 4 to 1. Clearly we find we are not encouraging career opportunities for local government employees to the extent that is the case within employment in the State Government and the Commonwealth Government. I think it could well be argued there is advantage in civil servants changing from one level of government to another. Of course, people can change from private enterprise into the public sector at various levels. The ratio of contributions for local government employees will not encourage that interchange.

Thirdly, the proposal can be criticised on the ground that a common level of contributions will not apply throughout the State. Strong argument can be made that a common level should apply. If there were difficulties in reaching agreement during the early stages of discussion about the common levels of contributions, the Government should have been willing to look closely at the proposal by the MEU to move towards a common level on the basis of, say, 1 per cent a year until the 6 per cent to 9 per cent ratio was reached. That seems to me to be a reasonable compromise put forward by the MEU and could well have been agreed to by the other parties to the agreement and the Government.

To take the argument for uniformity a little further, I would like to relate it to the Minister's argument in favour of career opportunities for local government employees. When introducing the Bill the Minister quite rightly made the point that the improvement of superannuation provisions for local government employees will advance their career opportunities, and flowing from that there would be professional advancement.

I think it is particularly relevant in this context to refer to the Government's submission to the Advisory Council for Inter-Government Relations when it said in its opinion a need existed for improvements to the professional qualifications of local government staff throughout the State. I make the point that if professional advancement is needed, it is needed in all councils. I suggest a proposal such as that before us which provides for better superannuation levels in some councils than in others clearly will not lead to a uniform improvement in the qualifications of local government employees throughout all of the 138 local government areas of the State. Clearly local authorities which pay the maximum contribution to this scheme will attract more highly qualified employees than will those councils which refuse to pay the 9 per cent to 6 per cent ratio and pay only the minimum.

Perhaps we should look at which councils will pay the maximum of 9 per cent and which will pay the minimum of 5 per cent. It would then be possible to suggest that rural shires, especially in areas which are drought-affected and face some financial difficulties, are likely to be the councils which pay the minimum contribution, and the more affluent shires in the cities will be prepared to pay the maximum contribution. I think that is a reasonable guess. We will find it is the country shires and the country people who will suffer by not gaining as highly qualified council officers as they may well have gained if there were a common contribution applying to all local authorities. After all, the award conditions under which the employees work are common throughout the State, so why should not the superannuation conditions of the employees also be on a common level?

As well as the three criticisms I have made, I will say I am aware the MEU raised a number of other points with the Minister. These were notably in response to the initial draft issued in

1979 to which the MEU replied, I think, in 1979. It is pleasing to note that a number of the points raised by the union are reflected in the Bill and have been improved upon. I notice the union is now able to nominate directly a person to be appointed to a board. It will not have to go through the peculiar procedure of nominating a panel of three people. The Bill is substantially an enabling one to provide for regulations to be drawn up in which will be contained the real bones of the scheme. I assure the House that we will watch closely to see what is in those regulations when they are introduced. Over a period we will look to see improvements to the scheme.

The Opposition very much takes the point raised by the MOA that while this scheme is not ideal, it is an improvement on the existing conditions and should be seen as a starting point from which further advances and improvements can be made.

Apart from indicating I would like to make a couple of comments during the Committee stage, I indicate that the Opposition supports the Bill.

MRS CRAIG (Wellington—Minister for Local Government) [9.10 p.m.]: I thank the Opposition for its support of the Bill. I will make a few comments in relation to the points raised by the member for Geraldton. I am glad he conceded that once the proposed superannuation scheme comes into effect the conditions for local government employees will be far superior to what they have been for some time. I share his view that we will not have unanimity in regard to all the people affected.

My predecessor when approached in relation to the establishment of a new superannuation scheme for local government employees indeed made one stipulation, and that was that all parties should agree to the provisions contained within it. Some 12 months ago it became evident that whilst all the other parties were able to agree—albeit some would have liked to see changes—and agreed completely that the scheme would be an improvement and of much greater advantage to the contributors, the MEU indicated to me that it was not in favour of the scheme and, indeed, would not support it.

That occurred at a private meeting which Mr Bennett attended at my request. I think two other people were with me, although I could not be entirely sure on that point. I asked Mr Bennett at that time what his objection to the scheme was and whether we could meet him somewhere in the middle in order to have a scheme acceptable to the MEU. His reply on that occasion was that he could not indicate what the union would do because he was to have a meeting with its members the next night. After that he would be able to indicate whether there would be a change in the attitude of the MEU. He wrote to us and said there was no change. I asked him again, but received the same response.

All other parties to the scheme met with the MEU and all the points in the scheme were canvassed. However, Mr Bennett said, regardless of the fact that members of the MEU would be far better treated under the scheme, he would not in any way accept its provisions. We then asked him whether he would put in writing the objections that he had. I must tell the member for Geraldton that his case was not at all convincing.

Mr Carr: How long ago were those discussions?

Mrs CRAIG: I would guess that the first meeting I had with him was as long ago as a year. I think the next meeting was three months after that and probably the next meeting was two or three months after that. It was absolutely evident that no progress could be made yet at the same time I was confronted with the situation that each other party was in agreement and every employee of local government authorities would be better off under the new scheme than he was under the old. On that basis I advised the parties, because of the benefits to accrue to people, that it would be fair and reasonable for us to proceed to try to formulate a scheme that would indeed be acceptable to the majority, even though it was not acceptable to all, and the legislation at present before the House is the result of that decision.

It is fair to say the matters the member for Geraldton pointed his finger at are essential matters. The MEU felt the contributions should be uniform and that no variation in the contributions should exist. The view had been taken and accepted by all parties other than the MEU that valid reasons existed for some councils not being involved in higher contributions and that they would gradually phase in any increase. I must say nothing is contained in this legislation that will compel authorities to go to the upper limit of the contributions.

I am disappointed the member said it is only the financial reward that will attract people of suitable calibre to local government positions, because I believe many magnificent people work in the local government area today under probably the most efficient scheme there could be.

The member said once and then repeated it that there would be no hope for certain authorites to entice people of a suitable calibre unless the scheme was improved and contributions were

higher. I never like to hear denigration of people doing a good job in a certain area. Possibly the situation has been that they have not been reimbursed through superannuation as they could have been, but that situation has applied because agreement was not reached. However, the Government decided to proceed irrespective of that disagreement.

Mr Jamieson: Which is the main body in disagreement with the scheme?

Mrs CRAIG: Only the MEU.

Mr Jamieson: What about the Country Shire Councils' Association?

Mrs CRAIG: It has not agreed to the higher level of contributions, that is all.

Mr Jamieson: But that is the point.

Mrs CRAIG: The MOA and other bodies involved have agreed the case put forward by the country shires was valid, but it was only the MEU that would not agree with it, and that is honestly the present situation. The Opposition may have heard some criticism of the fact that the Chairman of the State Superannuation Board will be the chairman of the local government superannuation board and, indeed, at the first suggestion of that some indication was given by the local government associations that they thought he was perhaps not entirely suitable. However, they subsequently agreed with that proposition, and because he had a wealth of experience would be the best person to be the chairman, certainly, at the time the scheme was proposed and hopefully in the future. The proposed scheme is very much a scheme accepted by the people involved.

It is not a Government scheme. It belongs to local government, and I commend it to the House because I believe it is a considerable advance on the schemes which people employed in local government enjoyed up to now.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Composition of Board—

Mr CARR: Before speaking to the clause I wish to comment on the Minister's response to the second reading. She wrongly accused me of saying local government staff only respond to money, although perhaps I had overstated my own position. In no way did I intend to imply that the only attraction of local government positions was the financial remuneration. I pointed out that the level of financial remuneration is of considerable relevance.

I want to query the provisions of subclause (4). They seem to me to be peculiar. I know we often have that sort of clause which states that no decision made by the board as a whole shall be invalidated by one particular person having been elected in a manner which appears to be irregular. This clause sets out, however, that a member's membership is not called into question on the grounds of an irregularity in his election.

It seems to me that if there is an irregularity, concerning a member's membership, something should be done about it. Can the Minister explain the position?

Mrs CRAIG: It is one of those overriding sorts of clauses and refers only to a defect or irregularity in connection with a nomination. The nomination is a direct nomination. Nobody is asked to put forward a panel of names. Each group is allowed to indicate a person it wishes to have appointed. I guess it is a safeguard in case the mechanism applied by the group which put forward the name is found to be invalid. If the group is prepared to overlook the manner in which that person was appointed, it certainly would not have an effect on the appointment of a person to the board.

Clause put and passed.

Clauses 8 to 18 put and passed.

Clause 19: Membership of scheme—

Mr CARR: Subclause (2) (b) refers to the case of an employee of a corporation, other than a municipality or a county or regional council, etc. What other employees are we talking about?

My second query relates to subclause (5) which does not make sense to me. Perhaps there has been a typographical error. Could the Minister explain?

Mrs CRAIG: I refer the member for Geraldton to the definition of "employee" which appears at the commencement of the Bill. The definition reads—

> "employee" means a person employed in a permanent capacity by a corporation in circumstances which justify an expectation that, subject to good conduct and efficiency, his employment will be continuous and permanent and does not include a person who is employed casually or in connection with a particular work or undertaking, the

completion of which will put an end to his employment;

Mr Carr: That still means, employed by a council—a corporation set up under a municipality.

Mrs CRAIG: Yes, it means a person appointed by a council.

Mr Carr: Whereas clause (2) (b) refers to an employee of a corporation other than a municipality. I am wondering what example there could be.

Mrs CRAIG: The paragraph does refer to an employee of a corporation other than a municipality or a county or regional council constituted under the Local Government Act. I believe the paragraph is endeavouring, perhaps, to make provision for a person not in the full-time employment of a local council.

I will get the explanation for the honourable member and I will give it to him tomorrow. If he is not satisfied with that explanation we can then see whether some alteration should be made. I am quite sure there is an adequate explanation and I do apologise to the member that I was not able to provide a satisfactory reply to his query.

The other query raised by the honourable member relates to line 34 on page 14. He has quite rightly picked up a printing error. It appears to be a repetition of the line immediately preceding it. Is it necessary, Mr Deputy Chairman (Mr Blaikie), for me to move an amendment?

Sir Charles Court: The Clerks can make that correction.

The DEPUTY CHAIRMAN (Mr Blaikie): It will not be necessary for an amendment to be moved. It is a typographical error, and it will be corrected accordingly.

Mr CARR: I am still confused because it is not a repetition of the line immediately preceding it. I would like the Minister to state how the clause should read.

Mrs CRAIG: I am sorry. I had been advised that the subclause should read—

> . . . to be employed by a corporation shall, so long as he has not been an employee of another corporation shall, . . .

That was advised to the Clerks.

Mr JAMIESON: That advice may have been given to the Clerks, but I think the Premier had better look at it. A proper amendment is required. Two lines have been included which affect several lines. We have to know what we are passing in this Chamber. I suggest that if the error was known to the Minister a suitable amendment should have appeared on the notice paper. We should deal with that amendment before we send the Bill to another place so that it does not make nonsense. It is not a duplication of the previous line, and it should not be corrected by the Clerks as was stated by the Premier. The additional words will change the paragraph from what it now reads.

Progress

Progress reported and leave given to sit again, on motion by Mrs Craig (Minister for Local Government).

TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

Second Reading

Debate resumed from 12 November.

MR TAYLOR (Cockburn) [9.27 p.m.]: The amending Bill seeks to make a number of relatively small changes to the Act. One change causes a little concern to the Opposition. This Bill is similar to those we tend to receive with respect to the Local Government Act—matters currently drawn to the attention of the Government or the Town Planning Board which seem to require some amendment.

Of the eight or nine amendments contained in the Bill, most are in that category. The clause which causes the Opposition some concern refers to the automatic creation of easements. The Town Planning Board has found that where a local governing authority or a Government instrumentality requires an easement through land which it is proposed to subdivide, the matter of title frequently is held up. On occasions, land actually is sold without the purchaser being able to ascertain whether there is adequate easement across the land. This has caused conflicting interests between various groups who handle applications.

It is considered it will be advantageous to incorporate in the Town Planning and Development Act a facility to provide for the automatic creation of easements when the Town Planning Board is considering a subdivision. We have no objection to that provison which certainly appears to be of little concern.

At present it is possible for the Town Planning Commissioner to be appointed in two ways. Firstly he may be appointed by the Governor to the Town Planning Board; and, secondly, he may be appointed under the Public Service Act. Whilst it was facetiously put, the Minister suggested it

might be possible to appoint two Ministers. Therefore, the amendment ensures this can never happen and that the question will never arise. It is proposed that henceforth the commissioner shall be appointed under the Public Service Act.

A further provision refers to multiple town planning schemes and some doubt regarding the meaning of the word "a" in the phrase "a town planning scheme". It is suggested this could militate against a local authority using more than one planning scheme. Again, it seems rather a trivial matter, but perhaps in the long run it is an important amendment in that it will clarify the position in respect of local authorities which have multiple schemes. We support that amendment.

Similarly, we support the clause which provides for the revocation of town planning schemes, as this seems a sensible amendment. At the moment there is no facility for the revocation of a scheme, and many schemes lie on the records for years. Provision is made for such schemes to be revoked.

A further clause refers to periodic examinations of town planning schemes and provides that plans shall be adequately reviewed each five years. Again, this seems to be in the interests of the users of land, and we have no objection to it.

The Bill contains a further requirement which allows general provisions of a town planning scheme to be incorporated in the scheme itself subject to a residential code which contains provisions relating to residential standards. This would appear .not only to streamline town planning procedures, but also to make it much clearer to those examining a plan just what are the provisions in respect of it. It seems a progressive amendment, and we support it.

The reservation of land with respect to water supply and sewerage purposes in order to allow works to be carried out by either instrumentality also will assist in this area and is supported; as is a further amendment to the Town Planning Appeal Tribunal which allows for copies of determinations to be made available to litigants.

However, we do have some misgivings in respect of one clause, and that is the one alluded to by the Minister in the second reading speech and also by the Premier when speaking earlier tonight in response to a question without notice. I refer to the Town Planning Commissioner, who at present is also Chairman of the Town Planning Board. If this clause is accepted he need not be a member of the Town Planning Board; and I take the point made by the Minister in the second reading speech that nothing in the amendment precludes the commissioner from being the Chairman of the Town Planning Board. However, it became very clear tonight in the Premier's answer to a question without notice concerning the EPA, that the Government does not favour the proposition that a senior civil servant and head of a department or an instrumentality also should be the chairman of a board associated with that department or instrumentality.

So it appears more than probable the present commissioner (Dr David Carr) not only will no longer be Chairman of the Town Planning Board, but also will not be a member of the board. Certainly we would like to hear something from the Minister with respect to this matter.

The Minister has given some general comments regarding why the present commissioner should not also be chairman of the board, and one can accept them at face value. One can understand that the chairman's job must be to examine the agenda and to keep himself abreast of what is happening. This would take some time and would preclude him from doing other work within the department. However, that does not seem to be sufficient reason to remove him from the chairmanship.

The Minister referred also to a conflict of interest and suggested a conflict occurs in that the commissioner is responsible to the Minister and the department at the same time. She said this may appear to conflict with the deliberations of the Town Planning Board. One can accept that at face value; but the Town Planning Board has been in existence for many years and in fact the most difficult parts of its function probably are now over. I refer to the earlier plans for Perth and the metropolitan area, and the coming to grips with the whole problem and the establishing of guidelines and procedures. Those areas have now been finished. That was the time when the greatest conflict of interest between the Government of the day through the Minister, and the Town Planning Board would have arisen.

Throughout all that period respective chairmen, who were also Town Planning Commissioners, have been able to carry out their functions. Now at a time when there seems to be no major pressure on the board or the department the Government seeks to make an issue of this, and in so doing it has put forward two reasons to justify its action, which do not seem to cover the point. There must be some other pertinent reasons, and we would like to hear them.

It has not been explained why the Town Planning Commissioner probably will not be a member of the Town Planning Board. A clear-cut question arises here. As things stand at the moment, there could be a position vacant on the

board; that is, if the Town Planning Commissioner is no longer to be chairman, then someone must be appointed to that position. If the appointee is a member of the board, there will be a vacancy on the board.

We would like to hear from the Minister whether it is intended that the present commissioner will take one of the places on the board, or alternatively, whether the Government intends to leave him there, in which case our fears would be groundless. The very fact that this matter has come before us now when a similar amendment is to be made to the Environmental Protection Act gives us real cause for worry. While aguments may be advanced in support of this move, the ones advanced by the Minister so far are not pertinent. When she replies to the debate we ask that she clarifies the points raised.

As mentioned, we have no objection to any of the other amendments contained in the Bill. It is only the one on which I have expanded that gives us cause for concern.

MRS CRAIG (Wellington—Minister for Urban Development and Town Planning) [9.38 p.m.]: I thank the Opposition for its general support of the legislation, and I will happily indicate the Government's position in relation to the Town Planning Commissioner.

As the member for Cockburn has so rightly said, the Bill still allows the Town Planning Commissioner to be Chairman of the Town Planning Board. He may or may not be the chairman. If it is decided that the Town Planning Commissioner shall not be the chairman of the board, then as the member for Cockburn said, if there is a suitable vacancy on the board he may be able to fill that vacancy.

This is not a situation which has been arrived at without a great amount of thought and without a great amount of consultation with the Town Planning Commissioner himself. He is in complete agreement that the duties he must perform as chairman of the board require an increasing amount of his time, and he believes a conflict of interest is occurring.

The member for Cockburn said he believes the bulk of the work of the Town Planning Board is over. I am afraid that is absolutely wrong.

Mr Taylor: I said the hardest part is over.

Mrs CRAIG: Of course, that is not so because the board has accepted all sorts of new responsibilities in recent times, not the least of which has been the compilation of planning policy documents. It is for that reason the board now meets on two days a week instead of one day, so that it can devote a portion of its time to the preparation of policy documents. In addition, the greater amount of subdivision occurring in regional areas is increasing the pressure on the board. It is certainly not coping with a lesser amount of business; in fact, it is coping with an increasing amount of business.

Many local authorities in Western Australia now have most complex town planning schemes and it is necessary for the Town Planning Board to vet those schemes to ensure they contain no clauses which are in opposition to the policy the board has enunciated. This requires many, many hours of work.

Mr B. T. Burke: The whole system is in chaos. There needs to be a top range inquiry.

Mrs CRAIG: It is necessary for all these schemes to be checked thoroughly. In so far as the servicing of the board by the department is concerned, this is a continuing part of the duties of the Town Planning Department.

Mr B. T. Burke interjected.

Mrs CRAIG: I very much regret the fact that the member for Balcatta has some hideous hearing defect and seems to think we are talking about the metropolitan region scheme when in fact we are discussing the Town Planning Board. The comments he makes are so way out that one would not believe a person could be so absolutely silly.

Mr B. T. Burke: You would make a good captain for the *Titanic*.

Mrs CRAIG: Turning back to the operations of the Town Planning Department in respect of servicing the board, the statutory section of the department has a senior officer in charge, and that gentleman is responsible for presenting to the board the reports and recommendations in respect of amendments to schemes. In addition, other officers are responsible for taking recommendations to the board, as the member for Cockburn would know very well. At no time at a board meeting are there fewer than two persons representing the department who are there to put cases to the board for consideration by it.

Does the member for Cockburn honestly think that when there is a senior officer of the department responsible for preparing reports for the board, who is engaged also in preparing reports for the commissioner, and who is responsible to the commissioner for the presentation of departmental views to the board, then that board requires as its chairman the commissioner who, as permanent head, also has the responsibility to advise the Minister?

I am aware he is trying to draw an inference from another Bill with which perhaps he is not entirely in agreement. However, I assure the Opposition that this matter has been discussed thoroughly and it has the full acceptance of the commissioner. If there is any doubt in so far as the Opposition is concerned, I suggest members ask the commissioner.

Mr Taylor: Did the Town Planning Commissioner suggest he should be taken from that position?

Mrs CRAIG: The commissioner, as long ago as during the term of my predecessor, requested that he no longer be chairman of the board and that he be able to allow his deputy to stand in for him from time to time. He later came to me and suggested that we obtain a permanent deputy for him. I said that was not necessary under the provisions of the Act which already allowed for another member to be elected chairman if a quorum were present. Therefore, this is not something which has happened recently.

Mr Taylor: Was it mainly at his initiative?

Mrs CRAIG: No, it was not. The final initiative was that of the Government. However, the decision was made as a result of representations the commissioner made previously, and the result of a great deal of consideration we have given to the revamping of the administration of the department.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mrs Craig (Minister for Urban Development and Town Planning) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 4 amended—

Mr TAYLOR: I follow up with the Minister a matter which is not clear from her comments. I ask whether the commissioner will become the fourth member of the board. The Minister suggested that the commissioner had approached her and suggested he would like some relief in respect of his duties as the chairman. He asked whether the deputy chairman could act on his behalf. Presumably that was agreed to, because that matter is already covered. Then it was suggested that the commissioner would have a permanent deputy, and apparently arrangements were made.

Now the Government has decided it will appoint somebody else as the chairman. I would like to know whether the commissioner is to fill the fourth position on the board, and if not why not?

Mrs CRAIG: The member for Cockburn misunderstood what I said. I did not say that the Commissioner for Town Planning will remain the chairman of the board. I said this legislation makes provision for him not to be the *ex officio* chairman of the board. It allows him to be the chairman of the board if the Minister so wishes, and it allows him not to be chairman of the board if the Minister so wishes. To be honest, no firm decision has yet been made, so flexibility will be built into the board.

The term of office of the present commissioner does not terminate until December; and he and I will be having discussions about the position of chairman. The member knows as well as I do that if there is to be another chairman we must ensure that that person is competent to do the job. It may be that the decision will be made for the commissioner to step down as chairman of the board but we may not be able to find a suitable person before December. Therefore the option is available for the commissioner to continue or not to continue, to be the chairman of the board, or not to be the chairman of the board.

I assure the Opposition there will always be representation from the Town Planning Department in that board room. I say "in that board room" very carefully—not necessarily on the board.

Mr TAYLOR: It is my recollection that the Premier, in answer to a question without notice this evening, said there were two instrumentalities of which the commissioner was also the chairman of a board, and that this was counter to Government policy. I felt sure that he said the Government was opposed to such a situation and it was making sure that the last two positions were changed. That referred to the EPA and the Town Planning Board.

Now the Minister has said that she is not sure whether the present incumbent will remain as the chairman. There seems to be conflict between the Premier's comments this evening and the Minister's statement now. I wonder whether the Minister would like to clarify the answer she just gave.

Mrs CRAIG: There is no conflict between the Premier and myself. The Premier knows the date on which the appointment of the Commissioner of Town Planning and thus his appointment as chairman of the board terminates; and he is pre-empting that. The Premier knows also there may be difficulty in finding a suitable person to

appoint as the chairman. It would be sensible, if we do not find a suitable person, to continue with the present arrangement.

I repeat that the commissioner is looking forward to being relieved of his duties as the chairman of the board. Indeed, he will be doing everything in his power to assist me to find someone suitable so he can be removed from that position.

It is very difficult for a departmental head to administer a department, to be the chairman of a board, to be a member of an authority, and to be the chief adviser to the Minister. Departmental heads are required to wear lots of hats; and it is a difficult situation for them to be in.

Clause put and passed.

Clause 5: Section 6 amended—

Mr BRYCE: Clause 5 deals with section 6 of the Act, which spells out fairly clearly that the basic and fundamental purpose of a town planning scheme is to provide the best possible and most suitable use of land to the best possible advantage, in respect of traffic, transportation, shops, residences, factories, and so on. It is a fairly fundamental part of the Act, and yet this proposed new provision is somewhat confusing. I ask the Minister to indicate the position. Having said that the purpose of a town planning scheme is to enable the community to plan for the best possible use of land in those ways, this provision says—

> (3) Nothing in this Act prevents, or has ever prevented,—
>
> . . . .
>
> (b) two or more town planning schemes from having force and effect concurrently with respect to any land.

There may be a simple explanation for that, but I could not imagine anything more confusing to any community which evolves a town plan and then finds that provision. Perhaps the Minister can explain it.

Mrs CRAIG: The situation is that there can be a district town planning scheme, which is for the entire district, and a development scheme, which is still a town planning scheme and recognised as such, but which pertains to a specific area only. It may be a guided development scheme, or it may be a scheme specifically within a certain area.

This is happening in the Shire of Greenough. It has caused some controversy. Two schemes have been running concurrently. There is a district scheme and, at the same time, a development scheme.

The Act referred to "a scheme"; and following the strict interpretation of that, the local authority could have one scheme only. In fact, in the area of the member for Ascot, there are probably three or four schemes operating at the same time. They relate especially to guided development schemes.

Mr B. T. BURKE: The member for Ascot has highlighted a cogent argument in respect of the Bill. He outlined the purpose incorporated in the present Act for which a town planning scheme may be made. It has become abundantly clear that the sort of planning irrationality and confusion about which the member for Ascot spoke is evidenced in our dealings with constituents every day of the week.

If we look at the purposes for which a town planning scheme might be made, in respect of each of those under this Minister we have had nothing but confusion; and as that confusion bears upon the individual, we have had anguish and despair.

The provision of shopping facilities is one of the purposes outlined by the member for Ascot. All of us know that at the present time there is such duplication, confusion, and irrationality that the small businessman, who is supposed to be the first to be protected by the free enterprise policy of this Government, is going to the wall. In my own electorate, within part of the suburb of Girrawheen there are seven or eight empty shops in a shopping centre built less than two years ago. Those shops operated without profit for the period it took for them to close down.

If that is one of the purposes for which a town planning scheme might be made, it seems to me—

Point of Order

Mrs CRAIG: On a point of order, I ask that the member relate the remarks he is making to the matter contained within this clause.

The DEPUTY CHAIRMAN (Mr Blaikie): There is no point of order.

Committee Resumed

Mr B. T. BURKE: Thank you for your support, Mr Deputy Chairman. Let me repeat for the Minister's benefit that the word is abroad that the Minister is not long for her present position.

The DEPUTY CHAIRMAN: Order!

Mr B. T. BURKE: As the member for Ascot said, the confusion arises from the duplication of schemes which can pertain to a particular area. Notwithstanding the Minister's lame explanation about district schemes and development schemes,

each of the purposes for which those schemes may be made is ill served by the policies of this Government.

They are ill served, as I have illustrated, by the duplication and over-development of shopping facilities within the metropolitan area. In my own electorate I have indicated the shops in the suburb of Girrawheen—and the member for Whitford can verify this—which are now empty as the result of the bad planning policies of this Government, and its lack of control over the purposes for which town planning schemes might be made.

That is just one area. Let us consider what is happening at the Northlands Shopping Centre built and owned by Gillon and Osboine, who are widely held to be supporters of the Liberal Party. That centre sports empty shops. Let us look around the corner to Wanneroo Road, where the City of Stirling refused permission for a development on town planning bases, only to have that refusal overriden by the Minister. What is the result? Two of those shops are empty; and the Minister who is making the town planning schemes, or assisting in their making, is ignoring the purposes for which the schemes might be made.

Mrs Craig: He is showing his abysmal ignorance.

Mr B. T. BURKE: Is the Minister prepared to tell us that she is happy with the present shopping facilities, and the duplication and over-abundance of retail floor space within the metropolitan area? Is that what the Minister is saying?

Mrs Craig: You finish saying what you want to, and then I will reply.

Mr Nanovich: How many centres of 10 000 square metres has the Minister approved?

Mr Bryce: Countless—and that is why we are in grave trouble.

The DEPUTY CHAIRMAN: Order!

Mr B. T. BURKE: The parent Act lays down the purposes for which a town planning scheme may be made; and the member for Ascot highlighted the fact of the duplication or triplication of schemes in a particular area as the result of bad planning. That has been well illustrated by the purposes for which the schemes might be made. The first purpose is the one with which I have dealt.

At the same time, it is important to note we will not obtain any rationality in the question of town planning scheme purposes until we have a clear definition of "authority".

While we have the splitting up between authorities of the power to approve and reject particular purposes for which town planning schemes might be made, we will always face the prospect of favours being played. When that occurs, bad planning goes out the window. As far as I am concerned, my particular reference to the retail floor space provided in the metropolitan area during the past three years—not necessarily under the present Minister, but during the term of office of this Government—indicates bad planning went out the window a long time ago.

I want to refer to another matter in relation to another clause. However, whilst we have the duplication and over-abundance of authority to which must be referred the purposes for making a town planning scheme, bad planning must always be the result.

Mrs CRAIG: It became quite obvious some time ago the member for Balcatta, in cohorts with the member for Ascot, was determined to say something about town planning schemes, even though it had no relevance to this particular clause. He has displayed clearly to the Committee he has no idea whatsoever about who prepares town planning schemes. I should like to point out the local authority initiates them.

Mr B. T. Burke: The amendments are all approved by your board.

Mrs CRAIG: Knowing that, the member then launched into a long tirade about the number of shopping centres we have and went on to say he is aware of a local authority which did not wish to have a certain commercial development approved, but the Minister in fact approved it. I can tell the member for Balcatta that, within the last week, the local authority has put before me another amendment requesting yet another shopping centre which I have refused.

The situation is that the complicating issues the member for Balcatta is trying to introduce into the debate have no relevance. The district planning scheme defines broad land use. A guided development scheme is one which is over an area of land, usually held in multiple holdings. The individuals who own it do not have the capacity to develop it themselves. It is planned as an entire unit and it would certainly have a school site, recreation areas, a site for commercial and business purposes, and that sort of thing. This would be agreed to by the local authority and not by anybody else.

Mr BRYCE: I take exception to the Minister's argument that the very important and fundamental question of shopping centres has nothing to do with this clause of the Bill. The

clause seeks to amend section 6 of the Town Planning and Development Act which spells out quite unequivocally that the basic purposes of a town planning scheme are to make the best possible uses of available land in respect of the enormous list of things at the bottom of page 9 of the principal Act which includes shopping facilities, residences, factories, proper sanitary conditions, parks, gardens, reserves, etc., and so the list goes on.

That is the section of the parent Act which attracts the attention of people who are concerned about the over-supply of shopping centres. My constituency is no different from that of the member for Balcatta and a number of other metropolitan electorates. There are countless vacant shops. It seems the developers have had a birthday. They have sat back and decided—I am referring essentially to insurance companies—there is a readily available source of funds and these funds will be employed now, when it suits them, at the point of an economic downturn, to develop these shopping centres willy nilly all over the metropolitan area in anticipation that, with the passage of years, the capital appreciation on the shopping centres will make the vacant shops at this moment virtually inconsequential.

In reply to the member for Balcatta, the Minister argued that the local authorities had responsibility for preparing town planning schemes and they make representations in respect of the supply of shopping centres. She was seeking to lay the blame on the local authorities, and yet we in this place know that the very existence of the parent Act gives the Minister of the day who occupies the position of Minister for Urban Development and Town Planning the basic responsibility to give approval.

Mrs Craig: Who initiates it?

Mr BRYCE: The question of who initiates it is not the question at issue. It is a matter of approval and with the approval goes the question of responsibility. During the course of this session of Parliament the member for Clontarf has called for a moratorium on shopping centres.

The point is even the Government's own back-benchers reflect the same degree of unease which is found on this side of the Chamber in respect of the surplus of shopping centres. When the Minister is under cross-examination on this particular clause of the Bill, she says it is not her fault and she throws the blame back on the local authorities.

With this particular clause of the Bill I suggest the Minister is seeking to confuse even further the question of who has the ultimate authority to determine how many shopping centres should be constructed and at what rate they will be spread throughout the metropolitan area.

Mr B. T. BURKE: It needs to be made perfectly clear the Minister's arguments do not stand up when she tries to shelve the blame for the over-supply of retail floor space in the metropolitan area onto the shoulders—

The DEPUTY CHAIRMAN (Mr Blaikie): Order! I draw to the attention of the member for Balcatta that the question of retail shopping space, as related to the clause we are now discussing, has been canvassed quite adequately by himself and the previous speaker. I suggest if the member wishes to proceed he should discuss the general principles within the clause.

Mr B. T. BURKE: I seek your indulgence, Sir, to allow me to reply to the comments made by the Minister when she accused me of displaying little knowledge about local government and its responsibilities. I will have the Minister know I have been involved closely with local government over a period of years.

Mr Hassell interjected.

Mr B. T. BURKE: Does the Minister for Police and Traffic have a question, or is he concentrating on the papers from his small debts practice?

Let me go back to what the Minister had to say when she said I was not aware town planning schemes were initiated by local authorities. Of course I am aware of that. However, I would like her to tell us who approves amendments to town planning schemes.

Mrs Craig: Who initiates them?

Mr B. T. BURKE: Local authorities initiate them; but who approves the amendments?

Mrs Craig: The Town Planning Board makes a recommendation to me.

Mr B. T. BURKE: The Town Planning Board makes the recommendation to the Minister and, therefore, we have a situation in which who decides?

Mrs Craig: I do.

Mr B. T. BURKE: Of course the Minister decides. It is like drawing teeth when one tries to lay squarely and precisely the responsibility for the fiasco that has developed. What we are trying to say is that the amendments here, firstly, cause nothing but confusion and, secondly, they do nothing for the matters which require attention urgently. That is the reason the Minister has declared an unofficial moratorium on certain aspects of the town planning scheme, while the

member for East Melville's committee does its job. I ask the Minister, is that not true?

Mr Bertram: Of course it is.

Mr Bryce: The silence is deafening.

Mr B. T. BURKE: All I am trying to suggest to the Minister is that it is patently clear that the time is well overdue for some precision to be accorded to the allocation of responsibilty. It is no good for the Minister to say in respect of town planning schemes that they are initiated by the local authority and it is no good for the local authority to say that the final approval is up to the Minister if what results does no-one any good. What the member for Ascot has said is perfectly clear—confusion and irrationality have resulted from that sort of practice in the past and it has been best illustrated by reference to the over-supply of retail floor space in the metropolitan area.

Clause put and passed.

Clauses 6 to 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MRS CRAIG (Wellington—Minister for Urban Development and Town Planning) [10.10 p.m.]: I move—

That the Bill be now read a third time.

MR B. T. BURKE (Balcatta) [10.11 p.m.]: During the Committee stage I indicated there was one more matter to which I wanted to refer and to which I would refer at a later stage of debate on the Bill. The matter involves one of my constituents who has been disadvantaged severely as a result of the extensions to the Mitchell Freeway and the procedures implemented when extensions of this nature come to pass.

I am sure the man to whom I refer will not mind if I mention his name. He is well known to the member for Whitford as an upright and law abiding citizen and a man of some repute in the Yugoslav community. I refer to Maran Ruich who, for the past 17 years, has had hanging over his head the prospect of freeway development severely curtailing the use of his land. As far as I am aware, up till yesterday at least it was still not possible for Mr Ruich to find out exactly what portion of his land was required for the extension of the freeway. As a result of the uncertainty of the position in which he was placed, Mr Ruich has for 17 years been paying rates in respect of land he could not hope to sell and in respect of which he did not know whether he would be able to retain part or all of it.

During the latter part of the 17 years his widowed mother has been forced to live in conditions that are appalling, as a result of this uncertainty. He has no liquid funds or assets to which he can refer to relieve his situation and it has not been possible for him, with any certainty or intelligence, to build on part of the land that may not be affected when he is not able to determine what part that will be. That sort of situation is being repeated throughout the metropolitan area today.

We see the same situation happening in regard to Orrong Road, Servetus Street, the extensions to the Mitchell Freeway, and the extensions to the freeway on the eastern side of the river. That sort of uncertainty is being repeated time and time again and the answer of this Government appears to be that the people affected should sit back and wait in the dark to be told what they will be able to do in due course.

As far as Mr Ruich is concerned, it has been 17 years and as far as his mother is concerned it may well be too long, because there is no doubt she will not live much longer. She will have to spend the last part of her life in circumstances that I am sure the Minister would not wish upon anyone.

There is a great deal to be rectified in the planning policies of this Government at this time. I know similar policies have been pursued by other Governments before this one, but residents are being placed in a very unfair situation. It is a one-sided and lopsided situation which requires immediate attention. These sorts of "bandaids on broken legs" amendments will not solve the essential problem which is the inherent inequity in the planning policies pursued by this Government.

Mr Bryce: Mr Acting Speaker—

The ACTING SPEAKER (Mr Watt): Could I just draw the attention of the member to the fact that the third reading debate is restricted to the content of the Bill only and is not intended to be as wide a debate as that which takes place on the second reading. No new information should be introduced. I ask the member to confine his remarks to that framework.

MR BRYCE (Ascot) [10.15 p.m.]: Members will appreciate that the 11 clauses of this Bill seek to amend a significant number of sections in the parent Act and in doing so, will affect materially quite a number of the different sections of that Act which deal with town planning.

I wish to take this opportunity—

The ACTING SPEAKER (Mr Watt): I simply made my previous remark so members could have some guidance when making their speeches.

Mr BRYCE: I wish to join my colleague, the member for Balcatta, in making the point that there is some reason for the anxiety which is affecting many of the people I represent.

I believe the people who constitute the Town Planning Department, the people who make many of the town planning decisions in respect of development of our city, callously overlook the question of anxiety which evidently affects a family which is in a state of indecision and confusion as a result of the announcement that their property is involved in a major town planning scheme. It may be an initial scheme or it may be a substantial amendment, but I think it is time that we, as a community, looked at the question of compensating people for the anxiety they have suffered over many years.

In my constituency there are three main schemes which have been approved by the Town Planning Department and involve a large number of people.

Mrs Craig: Not one has been approved by the Town Planning Department. That relates to the town planning of the Metropolitan Region Town Planning Scheme Act. It has nothing to do with this legislation.

Mr BRYCE: I suggest to the Minister that the town planning schemes conceived by the Bayswater Shire Council and Belmont City Council have been significantly affected by the decisions to which I have referred.

Mrs Craig: The board does not make the decisions for such schemes.

Mr BRYCE: This is an appropriate opportunity to raise the matter with the Minister who is responsible for town planning schemes which are devised for the purpose of allocating the best possible use of land—as I have already indicated in many different ways.

It seems to me that there are in our community at the present time a significant number of people who are suffering real anxiety because of the indecision associated with town planning schemes.

People have come into my office and said that they purchased their properties years ago and at that time consulted the local town planning authority and were told that the property was not implicated in any way in respect of a reservation in a town planning scheme. Then, they received a whisper across a back fence that their homes may be implicated in a change to a town planning scheme.

Mrs Craig: What sort of scheme?

Several members interjected.

Mr BRYCE: As the member for Balcatta has said, the constituent to whom I will refer did the right thing and sought advice from the Town Planning Department and from the local authority. He did that in order to find out exactly where he and his family stood in respect of the years ahead because he wished to brickclad his home. He wished to proceed with this work immediately and came to me to seek my advice whether or not he ought to proceed.

I discovered that his home was involved in a reservation for a road widening programme. This discovery now places this man in limbo, after achieving a class 42 certificate, which is the only means available to an individual.

Mrs Craig: You are talking about the Metropolitan Region Planning Authority; it has nothing to do with this legislation.

Mr BRYCE: I intend to demonstrate to the Minister how the procedures of her departments are involved in this situation. I wish to demonstrate the anxiety which has been caused to my constituent. He purchased a property four years ago and was led right up the creek. He purchased a property which nobody wants and which no-one is prepared to buy, not even the town planning authority, the MRPA or the Main Roads Department.

Some guru of planning or a member of the Town Planning Department or MRPA has decided that the alignment of this road widening scheme is now under review.

Point of Order

Mr NANOVICH: On a point of order, Mr Speaker, the member has been speaking for some time and by interjection he has been told by the Minister for Urban Development and Town Planning that what he is talking about is not related to the Bill. The member is talking about something totally unrelated to the contents of the Bill; he is talking about matters related to the MRPA and therefore he is ignoring the content of the Bill.

Several members interjected.

The SPEAKER: Order! I would remind the member for Ascot of his responsibility to address his remarks to the question before the Chair.

Debate Resumed

Mr BRYCE: I was seeking to establish the point that there is no doubt in anyone's mind that families suffer unnecessary and real degrees of anxiety when they are told by a planning authority that their future is uncertain. On the one hand this family has been told that the property will be required and then only a matter of weeks ago the family received correspondence to say that the alignment of the road reserve and the associated town planning scheme is now under review and it is possible the property may not be required. On the other hand he is told that he can make no provision for the future and at some stage in the next one to three years he will receive unequivocal advice from the Town Planning Department that his property may, or may not be involved.

The member for Balcatta referred to an instance where a family had lived in limbo for 17 years. I wish to take the opportunity to point out that this problem is not confined to his constituency, it is a problem which occurs with planning in many parts of the metropolitan area.

I wish to say to the Minister concerned that it is time we looked at our entire system of planning; not only through the eyes of planners but also the people who are the meat in the sandwich. We should look at the people who are living in a state of anxiety and indecision which in many instances can extend over a number of years, simply because the planners of our great city are not prepared to make a decision as quickly and as definitely as they should.

It seems to me that they are ignoring the impact of their indecisiveness and I repeat my invitation to the Minister to give some serious thought to what it means to a family to live in a situation of not being able to sell their property and then, after a period of four years—or even 17 years as quoted by the member for Balcatta—the planning authority says "Yes, we want your property." Often, that property has declined in value to such an extent that the family is behind the eight-ball financially.

The Minister contradicted me when I said that everyone who is involved in town planning schemes suffers. Effectively, most people suffer. This is an unfair feature of our town planning system, whether it is initiated by the local authority and approved by Ministers or whether it is decided by some other authority. It must be looked at.

Question put and passed.

Bill read a third time and transmitted to the Council.

JUSTICES AMENDMENT BILL

Second Reading

Debate resumed from 13 November.

MR BERTRAM (Mt. Hawthorn) [10.25 p.m.]: This is yet another Bill which was initiated in the other place; that is to say, the House of Review. This causes me some embarrassment because as the Bill was introduced elsewhere, we now have some obligation in this place to act as a House of Review. Our positions have been reversed. In that case, I will deal with the matter impartially and objectively without any party bias or any other bias for that matter.

This is an amendment to the Justices Act and aims to bring the law up to date to cope with the extraordinary inflation which the State has to put up with because the Federal Government and the State Government seem to have no answer to it. They do not seem to be able to cope, and that fact has been amply demonstrated by the daily rate for default under the provisions of the Justices Act.

As at 1959 the amount for default was $2 and the intention of this Bill is to alter the law so that the default rate will be $20 for each day of default instead of being at the rate of $2 per day. The inflation rate has multiplied 10 times since 1959.

Since 1959 on several occasions we have had Bills of this type adjusting the default provisions and of course it is only fair and proper that it should be the case now otherwise people who have defaulted will be serving terms of imprisonment far greater than they should.

In those circumstances, $20 for each day of default seems to be reasonable, and on that basis the Opposition supports the Bill.

MR O'CONNOR (Mt. Lawley—Deputy Premier) [10.27 p.m.]: I thank the honourable member for his clear and concise explanation of the Bill. It is not a very lengthy Bill and it is one which will probably help to keep fewer people in prison.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Connor (Deputy Premier), and passed.

STAMP AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the Bill as amended by the Assembly.

BILLS (2): RETURNED

1. Hospitals Amendment Bill.
2. Land Amendment Bill.

Bill returned from the Council without amendment.

PERPETUAL TRUSTEES W.A. LTD., AMENDMENT BILL

Second Reading

Debate resumed from 13 November.

MR BERTRAM (Mt. Hawthorn) [10.32 p.m.]: This Bill is an unsatisfactory one. Over the years I have been in this place we seem continually to debate Bills to amend either the Perpetual Trustees W.A. Ltd. Act or the West Australian Trustees Limited Act. As I have said on numerous occasons, it is high time for steps to be taken to put these companies in a position similar to other companies and to allow them to run themselves and to make amendments that may be necessary to their memoranda and articles of association without having to waste the time of this Parliament.

Opposition members: Hear, hear!

Mr BERTRAM: All sorts of Statutes govern trustee companies and actions dealing with their share transactions, etc. It should not be very difficult to legislate to effect a transition so that these two trustee companies which were given their existence by Acts of Parliament years ago could, as it were, cut themselves off from the umbilical cord of this Parliament and operate as ordinary companies.

Such a move would save a great deal of time and money. If my memory is correct, the last time we debated a Bill to amend this Act, I asked a number of questions on notice in order that I, and other members of this place, may be better informed about the measure. The replies I received to those questions were thoroughly unsatisfactory. No real attempt was made to supply information to members. I was told that if I wanted information about the companies I could do as a member of the public does; that is, I should pay a fee and make my inquiries through the Corporate Affairs Office. In other words, the attempt the Opposition was making to debate the Bill responsibly was frustrated by the Government.

The fate of these Bills is a foregone conclusion, and to debate them makes even less sense than it does to debate so many other Bills that come before us.

The whole purpose of the Bill before us is to repeal the whole of section 29 and to substitute a new section. It appears that this action is necessary because the company has broken the law. The present section 29 goes to some length to state that certain lands—presumably the land situated on the corner of St. George's Terrace and Howard Street—shall maintain its asset value and so provide proper security for certain people, and particularly beneficiaries of estates. Presently section 29(2) refers to permission being given to the company to erect any building on that land for the purpose of effecting any additions or structural alterations to any building or carrying out any other improvements of a permanent nature.

I think what has happened is that the company has knocked the improvements down, although I am not too sure about that. Had this debate not been brought on so hurriedly, I had proposed to ask questions about the building. However, presumably I would have been told to search the records at the Corporate Affairs Office or the Titles Office or elswhere.

I believe the building that was on this site, and which under section 29 should remain on this site, has been knocked down with a view to erecting another building. It may very well be that not only has the law been broken in regard to section 29, but also the beneficiaries under any estates who might have imagined they had the security of a building were mistaken because the building has ceased to exist.

The idea of the Bill before us is to cope with that particular situation. It is proper, of course, that steps should be taken quickly to restore security to the people I have mentioned.

Mr Skidmore: What about the misdemeanour—doesn't that require some action?

Mr BERTRAM: I am not so sure that the full force of the law which might be levelled against some of our supporters who may have breached the Electoral Act in Kununurra would be levelled against this company. I rather think that the company would receive favoured treatment.

While it is disappointing that the amendment should have to be brought before the House at all, as the Opposition sees the matter, it will do what the Government says it will do; that is, it will protect the beneficiaries of estates handled by this company. It is essential that should be the case.

For that reason, but without a great deal of enthusiasm, the Opposition supports the Bill.

SIR CHARLES COURT (Nedlands—Premier) [10.39 p.m.]: I thank the member for Mt. Hawthorn for his support of the Bill. As I understand his comments, he raised two main points. Firstly, he asked why this company and the West Australian Trustees Limited have special legislation. There is an historic reason for this; it was to ensure that these two companies, undertaking work of a highly specialised nature and in a true trustee tradition, should, by Statute, observe certain practices, and particularly, to ensure that they had some assets to meet deficiencies if there were any in connection with the estates they adminster.

The fact that the companies have been so conservative over the years and that they have been subjected to certain constraints, has been a good thing for their clients. The companies have an unblemished record in regard to the administration of estates and the meeting of any claims that might have been made on them.

It so happens that as part of this legislation we are being asked to change the very restrictive conditions that prevail in respect of the freehold property in St. George's Terrace.

I would like to conclude my remarks regarding the first point raised by the member for Mt. Hawthorn. It is possible that when the new legislation dealing with companies and securities and the like is introduced, it will be necessary to rewrite the legislation relating to both companies. It may be that the time has come for us to take these companies out of the straitjackets they have worn in the past and to give them more general company status. I have a feeling, however, that if we tried to do that and removed all the constraints they operate under, we might receive some objections from the Parliament itself. It might feel there would be insufficient protection for the dependants and others for whom the companies administer estates.

We must bear in mind that these days trustee companies go far beyond the old idea of dealing with the estates of deceased persons only. They now engage in a number of other activities, and also, they fulfil trustee and agency roles of a very wide and far-reaching nature, such as acting as trustees for debenture holders under various debenture deeds and that type of thing. So the activities of these companies now extend into a much more sophisticated field than they did before.

Whilst I cannot be certain about it, I understand from the Attorney General that when the new national companies and securities legislation comes into effect—and it is being drafted currently—it may be necessary to rewrite completely the legislation of the two trustee companies, or, alternatively, we may have to try to bring them under the provisions of the general Statute.

The member for Mt. Hawthorn was concerned about the fact that the old building is no longer standing on the corner of St. George's Terrace and Howard Street. I invite the attention of the honourable member to section 29 of the parent Act which provides for this very situation. If it did not do this and did not give the Treasurer some capacity to approve certain transactions, it would be impossible for the company, for instance, to replace a derelict building with something better, or to do the normal reconstruction necessary to such a property over a period of time.

The main point has been to retain and protect the security for those people who are the recipients of bequests under the trusts placed in the hands of the company. We are seeking to get away from the old restrictive provisions in respect of freehold. I would like to interpolate here that the main value of the property we are discussing was not in the bricks and mortar as it was a very modest building. The real value was in the land itself.

We are now replacing that type of security with something much more flexible, and I draw the attention of members to the fact that the Treasurer of the day can insist the value of the security that will now be made available by way of security and of a type approved for trustee purposes will be increased and varied from time according to the degree to which he feels the security should be adjusted to look after the interests of the beneficiaries and others concerned.

I thank the honourable member for his support, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Sir Charles Court (Premier), and transmitted to the Council.

CONSUMER AFFAIRS AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

LOCAL GOVERNMENT AMENDMENT BILL

Second Reading

Debate resumed from 13 November.

MR CARR (Geraldton) [10.47 p.m.]: This is the Local Government Bill that we always get at this stage of the session. It is the Bill which is made up of solutions to problems which have accumulated during the year in the Local Government Department, and is the Bill that gets rushed through at a late stage of the year to correct those problems. When I say "rushed" I mean "rushed" because the second reading of the Bill took place only last Thursday. It is fortunate therefore that the four items contained in the Bill are not controversial, and have the support of the Opposition.

The first of these items refers to the transfer of the audit section from the Local Government Department to the Auditor General's Department. This transfer of the audit section gives me the opportunity to make a couple of comments about the function of the Local Government Department as such. I say that because there is a widespread body of opinion in local government circles that the only function the Local Government Department plays is in its audit role. There is a strong body of opinion which believes the Local Government Department should play a much more positive role with regard to policy development in local government. This is particularly said at a time when there is a great activity in many aspects of local government. We have the Advisory Council on Inter-Government Relations playing an important role in policy formulation and we have many councils seeking to move into new avenues of operations. Whilst this is happening, we have the Local Government Department acting as an audit section, and that is about all.

Most members have had the experience of trying to obtain answers to questions from the Local Government Department, and most members have had some disappointments at different times. It would be very interesting to make a count of the number of questions—quite legitimate questions—which have been asked in this House of the Minister for Local Government which have received almost the stock answer, "This information is not held by my department." As I say, it is largely attributed by many people, including myself, to the point of view that the department is largely an audit and not a policy department.

When one examines the Consolidated Revenue Fund Estimates one sees there are 63 people on the staff of the Local Government Department, including 20 audit inspectors and clerks and 26 clerks, typists etc., most of whom I imagine would service the audit inspectors. So, the point of view I have just put is well borne out.

I should like to know exactly how many people are to be transferred from this department to the Auditor General's Department. We have been told the audit function is to be transferred, but that the inspectorate function will remain with the department. Of those 20 people listed as audit inspectors and clerks, are we to understand all 20 will be transferred to the Auditor General's Department? If so, who will perform the inspectorate function? Will new staff be recruited from some other source to perform this function, or will only some of the 20 be transferred to the Auditor General's Department, the remainder staying with the Local Government Department?

Presuming that the 26 clerks and typists are largely involved in servicing those 20 audit inspectors and clerks, will we also see the transfer of all or a number of those people to the Auditor General's Department? Perhaps the Minister in her reply will be able to indicate just what sort of restructuring of the department will take place, how many staff will remain after the changes have been effected, and what function they will play.

As I have pointed out, I am not at all happy with the performance of the Local Government Department as such, and with the transfer of a number of people from the department, I do not see the likelihood there will be the opportunity to recruit people to play a proper policy development role in the department. I would be interested to hear some comments from the Minister in that regard.

The second amendment proposed by the Bill deals with the number of members who may sit on councils. This amendment arises from problems experienced where the number of councillors able to sit on a shire council is defined differently from the number of councillors allowed to be on a council which qualifies as a town or city; problems have been experienced where shire councils have been upgraded to city councils.

This problem occurred when the Belmont Shire Council became the City of Belmont. The amendment appears to be a perfectly reasonable

one, except that, in being brought to this House last week, it is much later than it should be. My understanding of the situation is that the problem at Belmont arose at least two years ago. At that stage, the Belmont City Council wrote to the Minister and, in effect, said, "We are improperly constituted because the Local Government Act says we can have only three councillors per ward, and we have four councillors in one ward." That was the essence of the problem experienced by the City of Belmont. Obviously, the council was seeking action by the Minister to correct the problem.

I am also aware other councils encountered similar problems. I understand that the Minister's response was to write back to the council and say, "What are you going to do about it?" Clearly, it was the Minister's responsibility to take the initiative to correct the problem.

Mr Tonkin: That is extraordinary!

Mr CARR: It is extraordinary that the Minister should try to pass the buck to the council to work out its own problem when, clearly, the problem lay in the Local Government Act which was her direct responsibility.

Fortunately, with the passage of time the event which should have occurred a couple of years ago has occurred with the inclusion of this amendment, and I welcome the fact it has at last come before us.

Whilst on that question, I ask the Minister whether there is any intention on the part of the Government to effect a general increase in the number of councillors permitted to sit on councils. The way the amending legislation has been framed, no reference has been made to an upper limit in the number of councillors. It would appear to be open to the Government or the Minister of the day to effect a wholesale increase in the number of councillors, should the Government so choose.

The third amendment refers to the method of election of shire presidents, or mayors. This problem, once again, has arisen from the situation where a shire council has changed status to a town or city council. The Government has taken the opportunity not only to correct the anomaly in that regard but also more generally to formalise the procedures in changing the method of election, either from election by the council to election by the electors, or the reverse. Once again, the procedure adopted seems to be quite reasonable.

I have one query of the Minister in this regard: Previously, the situation was that where a referendum or a poll was carried, the new procedure would be used at the next vacant seat normally occurring, which could be something like two or three years after the poll took place. This legislation proposes a slightly different procedure, in that the Government will declare that on a certain date, the new procedure will take effect and that a vacant seat will immediately exist. Why has the Government made this change? Under this new situation, the moment a poll is carried, it is put into effect by declaring the office vacant; presumably, a by-election would then occur. Under the old system, the present incumbent held office until the next naturally occurring vacant seat.

The fourth and final amendment refers to the 70 or so councils throughout the State which use both the unimproved capital value rating system and the gross rental value rating system within the one council at the same time. Following the issue within the Perth City Council, apparently it has come to the department's attention there could be some legal doubt as to the entitlement of those 70 councils to use quite separate, unrelated rating levels within the two parts of their shire.

I am sure members will recall that when the City of Perth situation was resolved, although the council used gross rental values to determine rates in all but one council ward, and unimproved capital value in that one ward, the relationship of the rates charged in the one ward had to be in proportion to the rest of the shire as though it were being rated on gross rental values.

This is quite a different situation from that existing within the 70 shires throughout the State; most of them are country shire councils which have their townsites rated on gross rental value and their rural parts on unimproved capital value. This causes us a little concern and raises the possibility of what political scientists generally refer to as the "tyranny of the majority" in the sense that a group of councillors constituting a majority on a council could, by using this amendment, arrive at a quite unfair balance of rating systems in the two parts of the shire.

We could either have a situation where the majority of the members of the council were people representing the urban part of the shire, and could impose an extremely harsh rating penalty on the rural part of the shire or the reverse situation, where the majority of the council were rural-based councillors, who imposed a very harsh rate on the urban part of the shire.

That comes about because of the fact there is no need for the rate charged in one area to relate to the rate charged in the other area. We are not going to oppose the measure because of that; it is

just one of those things of which we are wary. I know this is the system which has been in operation for many years now throughout many shires in this State and there is, therefore, overwhelming experience to suggest that those powers have not been misused in the past.

This legislation provides an opportunity for those powers to be misused should a certain council come to power in a certain area and use this provision in such a way. Having made those points I indicate the Opposition has no objection to any of the four proposals. We support the Bill.

MR JAMIESON (Welshpool) [11.01 p.m.]: I support the Bill because it does something I thought needed doing by the Minister a long time ago. I have told her before that it was a travesty of justice on her part to have written to the Belmont City Council in the way she did after it had become a city and found that it was improperly constituted. She said words to the effect that it was unlawfully constituted and what was it going to do about it. That was a preposterous thing to do. The right and proper thing for the Minister to do was to validate the situation. This legislation is doing that very thing.

The provision under the present Act allows variations in the number of councillors in wards with respect to local authorities which are not cities. When they become cities they have to have a certain number of wards containing three councillors. When Stirling, Belmont, and Gosnells became cities there were wards with more than three councillors, which meant the councils were not constituted properly as cities. This legislation will overcome that problem and it will provide retrospectivity, which is just as well.

At the time the Belmont Shire became a city it was abundantly clear to me it would not be too long before a smart operator who had fallen down on some contract would get himself a good lawyer who could show that the contract was not properly drawn up because the council was not properly constituted.

Mr Bryce: That is right.

Mr JAMIESON: The council and the ratepayers would lose. However, the Minister refused to move when she was made aware of the situation. Her advisers advised her badly. I spoke to the head of her department because I thought she had received very bad advice and indicated that the department should be reprimanded.

The real need at the time was a bit of haste to overcome the problem that existed. The problem will now be covered and by the time any smart operator gets to a lawyer the matter will have been attended to by the retrospectivity of this legislation which now allows for a variation in the number of members of each ward, be they in cities or ordinary councils, with the approval of the Minister. It is not mandatory to have multiples of three as in the case of the Perth City Council with its nine wards and three councillors in each ward.

This matter should have been dealt with much earlier. It would not have required a very big amendment at the time. When things like this occur and come to the notice of the administration it is vital that action be taken quickly. The Government should not wait around until there are a number of amendments to be made before a Bill is presented and action taken. Everyone is equally guilty. The proclamation by the Governor which allowed the shire to become a city was made in good faith but without the necessary legal cover to back up that move.

It appeared to me that under the circumstances the matter needed urgent attention, not in this session of Parliament but in a previous session of Parliament. However belated this legislation is, it does rectify the anomaly and I am sure the ratepayers are being covered against action that might have been taken had a smart operator been able to get in quickly enough. Fortunately, that has not happened to my knowledge and will not now be able to happen. In future, I hope matters like this which come to the attention of the Minister are dealt with as quickly as possible to rectify the position.

MRS CRAIG (Wellington—Minister for Local Government) [11.05 p.m.]: I thank the Opposition for its general support of the legislation. I would like to make some comments on the remarks made by the member for Geraldton. I am somewhat horrified to think he would assert that the Local Government Department has only the function of audit and that it does not serve any other useful purpose. I wonder from where he gets his information. I do not know that he visits as many councils as I do, but certainly in visiting the councils I find almost without exception they say they are grateful for and appreciative of the help they get from the department. In fact, they admire very much the amount of work its officers are able to get through every year. It is probably one of the hardest working departments we have. For the member to denigrate the people in the department by asserting they have no function other than the function of audit shows an abysmal ignorance on the member's part in relation to the department.

Mr Carr: I am denigrating the number of people you have in that department to do the work.

Mrs CRAIG: The member asked what the intention was with respect to the audit section. Every local authority has been circulated with a letter—I thought the member would have seen a copy of it—indicating the proposal is for those persons who are auditors in the department to go as a local government section into the Auditor General's Department. This is to be done so that the service which has been offered to them over a very long period can be offered to local authorities. At the specific request of the local authorities the department will still retain the inspectorial function. That is not a function which the Auditor General's Department wishes to have as it does not see it as being in its area of responsibility.

Because of the difficulty confronting the State in relation to funding at the moment, it is hoped we may be able to retain two of those senior people from the audit section as inspectors, but it may well be that we can at first have only one to fulfil an inspectorial function.

The member for Geraldton may not know that inspectors of municipalities are usually people who started as accountants within the audit branch of the department and have proceeded from that position to a more senior role, which is an inspectorial role. Indeed, the previous Secretary for Local Government went up through the department after entering as someone involved in audit as certainly did the Assistant Secretary for Local Government and, I suspect—I could not be entirely sure—the present Secretary for Local Government in fact rose through the ranks of the Public Service in the same way.

The member asserted also that the department ought to busy itself in looking at some policy development areas. I regret very much he has not listened to things I have said, that he has not read the local government bulletin, and that he does not confer with local government—as he is the Opposition spokesman for local government matters—so that he may know just how much research does go on in that department. Most of the research occurs when we become aware of deficiencies within certain legislation or areas which need to be covered. We research many items. At the present time there are probably something like 10 matters being researched. He should know the department has engaged a research officer specifically to look at all the methods of rating which are adopted in Australia and New Zealand so we can add that research to the knowledge which the Country Shire Councils' Association and the Local Government Association will have as a result of their studies.

We are making a two-pronged attack and it is taking up the full time of this person, who has been working for a period of nearly 12 months. Consideration is being given to the matter of dividing fences; the matter of cemeteries is being reviewed; the off-road vehicle legislation is administered by the department and it is its officers who have the responsibility to advise on the administration of that Act. I can go on to talk about other things done in the department. Those matters being investigated are not of little consequence and to say the department serves only an audit function is wrong and on behalf of its officers I indicate that it is an insult to them and their work.

There was a great difficulty involved in the matter involving the Belmont City. The letter which has been referred to by the member for Geraldton and the member for Welshpool was not cast in exactly the terms they would have the House believe. When the Belmont City became aware of the situation at the time it was changing status from a town to a city the councillors themselves, in the Order in Council, had requested they have the same number of councillors on the council and that, of course, was in conflict with the provisions of the Local Government Act. When they realised this difficulty they obtained legal advice and later conferred with the department. We conferred with the Crown Law Department officers and we all agreed that the problem would have to be overcome by an amendment to the Act.

It is quite wrong for the members opposite to say I asked the councillors what they were going to do to overcome the problem. They had asked me to adjudicate as to which councillor should be dropped. Because I believe local authorities should best make these decisions themselves, I wrote back and said they should indicate to me the manner in which they thought it was best to rationalise their council. In other words, the matter was to be discussed at council level and the council was to decide where the lesser representation should be.

If the Opposition believes I should have directed the council as to which councillor should step down, it should not expect me to agree. I believe the council should tell me. I have proceeded to introduce a validating Bill, which we have before us now.

I wish I could be entirely precise as to the date of the letter. I think the member for Geraldton said it was something like 2½ years ago that it was written. I think it was probably something like 18 months ago. We were not able to proceed with legislation at that time so we have had to

wait until now. I regret the legislation has not come before the House at an earlier time, but I do not think it has caused any great disadvantage to the cities involved. They have still been able to proceed and have been able to make their decision, if they wanted to, to act in conformity with the law, by electing to drop one of their councillors. They chose not to do that in the full knowledge of the law. I believe it was their prerogative to make that decision until such time as this legislation came before the House.

The other matters referred to in this legislation have not been disputed except that the member for Geraldton has raised some query in relation to the fear he has that some councils may use unfairly their power to raise a rate in one area; in other words, there may be a disproportion of money raised from one section of the community *vis-a-vis* another section of the community. I think he understands what we are trying to do, which is not to change the situation we have had for a long time. This is simply the result of the Perth City Council appeal. It will cover councils subject to someone challenging them in relation to a rate raised.

So, we have moved quickly to remove that loophole and to ensure that councils are still free to make their own decisions in relation to the manner in which they set the rate in the dollar they are to levy as far as rural areas are concerned and the rate in the dollar they will raise in relation to the urban areas. I believe that is an autonomy local authorities ought to have. If the Opposition believes it is something the authorities will misuse, I say to the Opposition that the authorities' electors will very quickly sort out that matter, and that is exactly what the authorities would say if they were challenged with the proposition that they will act improperly with this power. I assert the point that the proposed power is not new, it is a power that has existed for some time.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Coyne) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Section 548 amended—

Mr CARR: I rise briefly on this clause dealing with the two rating systems just mentioned. I will set the record straight by saying to the Minister for Local Government that I am not very impressed with the way she consistently misquotes what is said in this Chamber. She went to great pains to talk about my fear of abuse of this system by councils. I did not say I had a fear of their abusing the system; I merely raised the theoretical possibility—in fact, I distinctly remember using the words "theoretical possibility"—that something could happen. The Minister then got on her high horse to say that she believes in autonomy for local authorities and that I was disparaging them. That sort of tactic does no good for the Chamber or for her.

I made the point that the potential exists for something to be handled wrongly. In fact, when I dealt with the matter I made the point—a point which she then made—that 70 councils—

Mrs Craig: Eighty.

Mr CARR: —have had this power for many years and have used it responsibly. If she had been a little more fair she would have seen that point.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 625 amended—

Mr CARR: I think this clause is as appropriate as any to refer to some of the comments the Minister made in the first few sentences of her reply to the second reading debate when she once again reverted to the tactic, which the Premier has so often used, when Opposition members have made some criticism of the administration of her department. She says, "You are denigrating my public servants". That was nothing at all like what I said.

Mr Pearce: You were denigrating her.

Mr CARR: I raised criticism of the fact that the elected Government of this State makes provision for only a minimal staff in her department; such a minimal staff that the department has no possibility of performing the vitally important policy formulating function it should perform. I was not for one moment saying the people in her department are not competent and intelligent people who work hard at their jobs as best they can. I am saying there should be another section of that department—another 10 people—with much wider experience of local government matters so as to bring about reforms in local government and to seek to do something about the electoral provisions. The Department has had before it for something like six years proposals to amend the electoral provisions but has not brought forward amending legislation into this Chamber. She has just apologised for taking 18 months to bring forward this clause. The

problem is that she does not have the staff to handle a general reform of local government legislation.

Mr B. T. Burke: She does not have the capacity as a Minister; that has been evident for months and months.

Mr CARR: That is possibly so.

Mr B. T. Burke: The job is too big for her.

Mr CARR: I make the point that I am not criticising individual staff members either for their dedication or for their competence; however, I criticise the Government for not providing the policy resources needed to come up with a decent policy formulation for the improvement of the processes of local government.

Clause put and passed.

Clauses 16 to 27 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

RESERVE (PORT DENISON SUBURBAN LOTS 6 AND 6a) BILL

Second Reading

Debate resumed from 12 November.

MR TUBBY (Greenough) [11.27 p.m.]: I thank members, particularly the Premier and the member for Welshpool, for their support of this Bill. I thank the member for Welshpool especially for the amount of research he obviously did into the legality, as he saw it, of the introduction of this type of Bill into the House. I understand the Premier has received a legal ruling in regard to it. To proceed with the Bill is now in order. I understand that on the third reading the Premier will ask that the ruling be incorporated in *Hansard* so that a permanent record of it will be kept.

I found it quite interesting as a private back-bench member and certainly quite an education to do all the work involved in the formulation of a Bill. I take this opportunity to thank all the people who assisted me in every way, in particular Mr John Gardner, the Parliamentary Draftsman, who has been of considerable assistance. I think it is good that the House is able to accept Bills of this nature and, particularly, allow the land mentioned in this Bill to be legally transferred to its rightful owners rather than lying idle and belonging legally to no-one. It can again become a valuable site and be put to some useful purpose legally. Since the hour is late I will not continue further. I once again thank all those concerned. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

MR TUBBY (Greenough) [11.29 p.m.]: I move—

That the Bill be now read a third time.

SIR CHARLES COURT (Nedlands—Premier) [11.30 p.m.]: As I undertook to do, and as I told the honourable member and the member for Welshpool, I would like to record the Crown Law opinion regarding the introduction of this Bill.

The member for Welshpool raised a query, and very rightly so, and it has to be admitted that as one looks back on the record one will see, from this information, that the House on its own initiative has been inclined to ignore some of the original Standing Orders in which were enshrined certain practices of this House.

Our Standing Orders on this type of legislation have been promulgated over many years, and I gather they were plucked out of the House of Commons system, or some other similar system which might now be completely irrelevant.

With respect, I suggest Mr Speaker they might be worth looking at by the Standing Orders Committee. If I might, I will refer to the Crown Law opinion for the sake of the record so that we have it printed permanently in *Hansard* in response to the query raised by the member for Welshpool. Any person reading *Hansard* in the future will not be able to accuse the Legislative Assembly of failing to take its responsibility seriously.

The opinion of the State Crown Law Department reads—

> I understand that on a point of order in the Legislative Assembly the question has been raised as to whether the Bill should have been introduced by way of petition or as a Government Bill instead of being introduced by a Private Member.
>
> Introduction by way of petition is covered in the Joint Standing Rules and Orders of the House of Parliament Relating to Private Bills. "Private Bills are bills for the particular interest of any person or persons" (Erskine May, Parliamentary Practice, 19th Edition, page 278). The procedure provided in our Joint Standing Orders was adapted from the House of Commons procedure in respect of Bills of that type; and technically it may be said that the Bill in question is of that type; and the situation is the same whether it is introduced by the Government or not.
>
> However, the procedure by way of petition has not been used in Western Australia since 1966 (then in respect of the two Trustee Companies Acts)—this will be seen from Table 2 of the Index of Statutes in Force—see Vol. 3 1979, and by the great number and variety of what may be said to have been technically Private Bills since then but which have not been introduced by way of petition. In fact in 1965 the Jennacubbine Sports Council Incorporated Bill which became Act No. 53 of 1965 was not introduced by way of petition. Significant examples of those type of Bills are the various Church Bills, two of which were introduced by the Labor Government in 1972 and 1973 namely the Presbyterian Church of Australia Act Amendment Bill (which became Act No. 2 of 1972) and the Church of England (Diocesan Trustees) Act Amendment Bill (which became Act No. 55 of 1973). Another example was the Perth and Tattersall's Bowling and Recreation Club (Inc.) Bill in 1979 which was introduced by a Private Member (R. J. Williams) in the Legislative Council and became Act No. 80 of that year.
>
> Thus it can be seen that the practice of introduction by way of petition has, with the concurrence of successive Parliaments, fallen into complete disuse in Western Australia since 1966, and Bills which may be said to be technically Private Bills have been introduced as Public Bills, that is as ones "that deal with matters of general public interest". Whether they were introduced by a Private Member or the Government is irrelevant. The reason may well be that those successive Parliaments have considered that the contents of the class of Bills under question have now as a matter of history become matters of general public interest.

That is the opinion expressed by the Crown Law Department, and which I believe should be recorded in fairness and in justice to the member for Welshpool because of the research he carried out. I support the third reading.

MR JAMIESON (Welshpool) [11.35 p.m.]: You, Mr Speaker, were not in the Chair when this matter was discussed previously. I again refer it to you because I think that when I mentioned the 64 Joint Standing Orders concerned many members dived for their copies, and looked nonplussed because no longer are they in print. We have not used them for a long time, and if they are superfluous to our demands and use they should be done away with.

I request that when you, Mr Speaker, next meet with your Standing Orders Committee you try to convene a joint meeting with the Standing Orders Committee from the Legislative Council—because they are Joint Standing Orders—for the purpose of doing away with them.

It can be shown amply, as the Premier has recorded in *Hansard*, that both the Legislative Assembly members and the Legislative Council members have disregarded them and have taken action which has not been questioned. Therefore, it seems we clutter the Joint Standing Orders quite unnecessarily, and we should cause them to be reprinted if they are to remain. I hope we can overcome this problem so that every member knows exactly where he stands.

The example given of the last case when a private member was used to introduce a Bill for one of the trustee companies is typical of what happened tonight. The Government has on the notice paper a Bill dealing with a trustee company.

It seems the necessity which seemed to exist in Standing Orders for the introduction of private Bills no longer exists, and we should do something to obviate the necessity for them, even for some insignificant reference.

So, it is up to you, Mr Speaker, to make a move. The Premier has clarified the situation and has had it recorded in *Hansard*.

THE SPEAKER (Mr Thompson): Before I put the question there are one or two comments I

would like to make, and which I am sure the Government Whip would like me to make by way of explanation as to the importance of the matter.

I was not in the Chair at the time the member for Welshpool raised this matter. However, it was drawn to my attention very quickly and, as a result, it was studied very closely. I indicate I formed a view along similar lines to those which have been expressed by the Crown Law Department.

I want to commend the member for Welshpool for raising the matter. I want to assure him, as I assure other members in the House, the matter will be raised with the Legislative Assembly Standing Orders Committee, and we will seek an opportunity to discuss the matter with the Standing Orders Committee of the Legislative Council in order to amend the Standing Orders, and the Joint Standing Orders, to reflect the practice that has evolved in recent years.

I point out at the time our Standing Orders were adopted they were based very much on the practices of the House of Commons. At that time something of the order of 2 000 private Bills were being introduced in the House of Commons each year. That figure has dwindled to something like 30. So, there has been a significant change in the House of Commons with respect to private Bills. As has been indicated, there has been a significant change in respect of private Bills in our Parliament.

Question put and passed.

Bill read a third time and transmitted to the Council.

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

House adjourned at 11.39 p.m.

QUESTIONS ON NOTICE

WAGE INCREASES

Government Policy

1424. Mr DAVIES, to the Premier:

Does the Government's policy in respect of staff cuts for wage rises above indexation guidelines include employees of—

(a) the State Energy Commission;
(b) Westrail;
(c) the Fremantle Port Authority?

Sir CHARLES COURT replied:

(a) to (c) Each of the above organisations is required to operate as a business enterprise and their total costs of operation depend on many factors, only one of which is labour. Nevertheless, the substantial labour cost incurred by these authorities means that any wage rises granted above indexation guidelines will inevitably lead to a review of staff numbers and it must be expected that compensating adjustments will be made.

GOVERNMENT EMPLOYEES

Conversion to Public Servants

1425. Mr DAVIES, to the Premier:

In which areas is it intended to convert positions of other Government employment to the Public Service during this year?

Sir CHARLES COURT replied:

For several years it has been policy to convert to Public Service appointments those positions located in Public Service departments where duties or functions performed are similar to positions under the Public Service Act or where the occupant is a government officer coming under the jurisdiction of the Public Service Arbitrator.

These non-Public Service positions are spread throughout various Departments and the conversions are usually effected when positions become vacant. It is not possible to specify the areas which will be involved because the occurrence of vacancies cannot be predicted in advance.

In addition, a group of six wages positions in the Government Printing Office is being currently examined with a view to possible transfer to the Public Service.

PUBLIC SERVANTS AND GOVERNMENT EMPLOYEES

Employment Growth Rate

1427. Mr DAVIES, to the Premier:

(1) Further to question 1298 of 1980 concerning State Government employment, can he provide a breakdown of the departments and authorities in which 1 028 new positions have been approved for 1980-81 and the number of new positions approved within each department and authority?
(2) Will he list these non-CRF organisations which are required to obtain Cabinet approval for additional positions, where their creation will increase the approved staff establishment figure?
(3) Will he also provide the approved staff establishment figure for these non-CRF organisations?
(4) Are there any non-CRF organisations which do not require Cabinet approval for additional positions in excess of approved staff establishment figures?
(5) If so, will he list them?

Sir CHARLES COURT replied:

(1)

Department/Authority	1980-81 Staff Budget: Public Service Act Staff	1980-81 Staff Budget: Non-Public Service Act Staff
Agriculture	5	1
Audit	1	
Registrar General's Office	2	
Community Welfare	8	6
Corrections	14	183
Crown Law	8	3
Public Trust Office	1	
Office of Titles	5	
Education	35	468
Fisheries and Wildlife	1	
Forests	27	47
Harbour and Light	4	
Health and Medical Services	56	15
Industrial Development & Commerce	2	
Labour and Industry	8	3
Lands and Surveys	2	
Mental Health Services	9	30
Mines	4	1

Police	5	4
Premier's—State Emergency Service—6; Office of Regional Administration and the North West—1	7	
Public Service Board—includes 11 ADP trainees located in various departments	14	
Public Works	12	
Resources Development	2	
Road Traffic	1	1
State Taxation	10	
Town Planning	3	
Treasury	7	
Government Stores	2	
Government Printing Office	1	4
Youth, Sport and Recreation	3	2
Kings Park Board		1
Totals	259	769
Grand Total	—	1 028

(2) and (3)

Non-CRF Organisations	Approved Staff P.S.	Establishment Non-P.S.
Artificial Breeding Board		8
Country High School Hostels Authority		146
Dairy Industry Authority		19
Lotteries Commission		39
Main Roads Department		3 008
Metropolitan Market Trust		16
Metropolitan Water Board	988	2 572
Perth Mint		93
Port Authorities—excludes Harbour and Light Department		1 014
Rottnest Island Board		49
State Energy Commission		5 246
State Government Insurance Office	405	14
State Housing Commission—includes Rural Housing Authority	700	265
Totalisator Agency Board		116
Transport Commission		86
Workers' Compensation Board	10	6

(4) No.

(5) Not applicable.

LOCAL GOVERNMENT

Grants Commission Disbursements

1428. Mr HERZFELD, to the Minister for Local Government:

(1) What is the aggregate value of proposed disbursements to local authorities in 1980-81 through the State Grants Commission—

(a) under element A;
(b) under element B?

(2) What are the respective figures for—

(a) the Mundaring Shire;
(b) the Swan Shire;
(c) the Toodyay Shire?

Mrs CRAIG replied:

(1) (a) $22 594 315;
(b) $5 648 579.

(2) (a) Element A $302 262;
Element B .....$87 700.
(b) Element A $410 213;
Element B .....$99 800.
(c) Element A $44 620;
Element B .....$14 400.

ADVERTISING SIGNS

Australian Posters Pty. Ltd.

1429. Mr TERRY BURKE, to the Premier:

(1) (a) Would he please provide details of the contract between the Government and Australian Posters for billboard advertising on Government property, including the tenure; and
(b) how long the present contract has to run?

(2) What action has been taken, or is contemplated, to prohibit cigarette advertising on billboards, the subject of this contract?

Sir CHARLES COURT replied:

(1) (a) and (b) The contract between Westrail and Australian Posters provides the company with exclusive rights to upgrade and use advertising facilities on the railway reserve for the purpose of commercial advertising.
Term of the contract is an initial 10 years commencing 1 December 1970 with an option of renewal by the company for a further 10 years. The company proposes to exercise its option.

(2) None at this stage.

HEALTH: TOBACCO

Advertising: Buses and Trains

1430. Mr TERRY BURKE, to the Minister for Transport:

What action has been taken or is contemplated, to prohibit cigarette advertising on buses and trains in the metropolitan area?

Mr RUSHTON replied:

No action has been taken to date and none is contemplated.

PUBLIC SERVICE BOARD

Chairman

1431. Mr DAVIES, to the Premier:

(1) Is the chairman of the Public Service Board or his representative a member of any other committees, authorities, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are they?
(3) What positions does the chairman or his representative hold?
(4) What is his voting status on the bodies involved?

Sir CHARLES COURT replied:

(1) Yes.
(2) to (4) *The answer was tabled (see paper No. 396).*

TREASURY DEPARTMENT

Under Treasurer

1432. Mr DAVIES, to the Treasurer:

(1) Does the Under Treasurer or his representative sit on any Government or semi-Government bodies, committees, authorities, councils, or other organisations?
(2) If so, what are they?
(3) What positions are held?
(4) What is the Under Treasurer's voting status on these bodies?

Sir CHARLES COURT replied:

(1) Yes.
(2) and (3) *The answer was tabled (see paper No. 397).*
(4) Full voting status.

ELECTORAL

Chief Electoral Officer

1433. Mr DAVIES, to the Chief Secretary:

(1) Is the Chief Electoral Officer or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the Chief Electoral Officer or his representative hold?
(4) Does he have full voting status on the bodies?

Mr HASSELL replied:

(1) Yes.
(2) and (3) (a) He is a statutory electoral commissioner under the Electoral Districts Act.
(b) He is a councillor of the Royal Flying Doctor Service (W.A. Division) in his private capacity.
(4) Yes.

PRISONS

Department of Corrections: Director

1434. Mr DAVIES, to the Chief Secretary:

(1) Is the Director of the Department of Corrections or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the director or his representative hold?
(4) Does he have full voting status on the bodies?

Mr HASSELL replied:

(1) Yes.
(2) (a) Committee of Enquiry into the Rate of Imprisonment.
(b) Parole Board.
(3) (a) Committee member;
(b) board member.
(4) (a) No voting status for anyone on the committee;
(b) yes.

CHIEF SECRETARY'S DEPARTMENT

Secretary

1435. Mr DAVIES, to the Chief Secretary:

(1) Is the secretary of the Chief Secretary's Department or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the secretary or his representative hold?
(4) Does he have full voting status on the bodies?

Mr HASSELL replied:

(1) Yes.
(2) (a) Indecent Publications Committee;
(b) Greyhound Racing Control Board;

(c) Liquor Act Inquiry;
(d) Greyhound Racing Industry Inquiry;
(e) Review of Prevention of Cruelty to Animals Act.

(3) (a) Administrative officer is a member;
(b) administrative officer is a member;
(c) secretary is a member;
(d) secretary is chairman;
(e) chief clerk is a member.

(4) Yes.

DEPARTMENT OF RESOURCES DEVELOPMENT

Permanent Head

1436. Mr DAVIES, to the Minister for Resources Development:

(1) Is the permanent head of the Department of Resources Development or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the permanent head or his representative hold?
(4) Does he have full voting status on the bodies?

Mr P. V. JONES replied:

(1) Yes.
(2) Planning and Co-ordinating Authority
Metropolitan Region Planning Authority
Energy Advisory Council
Regional Development Committees.
A number of inter-departmental committees, including project steering committees.
(3) Chairman of the Planning and Co-ordinating Authority
Member of the Metropolitan Region Planning Authority
Member of the Energy Advisory Council
Chairman of the Regional Committees
Chairman or member of the various committees.
(4) Yes, where provided in the constitution of a statutory authority.

MINING

Mines Department: Under Secretary

1437. Mr DAVIES, to the Minister for Mines:

(1) Is the Under Secretary of the Mines Department or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the Under Secretary or his representative hold?
(4) Does he have full voting status on the bodies?

Mr P. V. JONES replied:

(1) Yes.
(2) Planning and Co-ordinating Authority; Energy Advisory Council; and the Conservation and Environment Council.
(3) He is a member of these bodies.
(4) Yes.

FUEL AND ENERGY: SEC

Commissioner

1438. Mr DAVIES, to the Minister for Fuel and Energy:

(1) Is the Commissioner of the State Energy Commission or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the commissioner or his representative hold?
(4) Does he have full voting status on the bodies?

Mr P. V. JONES replied:

(1) Yes.
(2) to (4) The Commissioner of the State Energy Commission is a member of the Planning and Co-ordinating Authority.
He is able to attend, but is not eligible to vote, meetings of the Energy Advisory Council established under the State Energy Commission Act 1979.
He is the Chairman of the State Energy Commission and has full voting rights.

DEPARTMENT OF LABOUR AND INDUSTRY

Under Secretary

1439. Mr DAVIES, to the Minister for Labour and Industry:

(1) Is the Under Secretary of the Department of Labour and Industry or his representative a member of any

Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the under secretary or his representative hold?

(4) Does he have full voting status on the bodies?

Mr O'CONNOR replied:

(1) Yes.

(2) to (4)

Committee	Position Held	Voting Rights
Construction Safety Advisory Board	Chairman	Full*
Industrial Training Advisory Council	Chairman	Full*
Factory Welfare Board	Chairman	Full*
Holiday Resorts Advisory Committee	Chairman	Full*
Retail Trade Advisory and Control Committee	Chairman	Full*
Machinery Safety Advisory Board	Chairman	Full*
Hairdressers Registration Board	Chairman	Full*
State Government Wages Employees Long Service Leave Appeal Committee	Chairman	Full*
State Manpower Planning Committee	Chairman	Full*
State Planning and Co-ordinating Authority	Member	—
School to Work Transition Committee	Member	Full
Air Pollution Control Council	Member	Full
Noise and Vibration Control Council	Member	Full
Technical and Further Education Advisory Council	Member	Full*
Minister for Labour Advisory Committee	Member	—

*Under Secretary regularly attends.

Others are attended by departmental officers nominated by Under Secretary.

CONSUMER AFFAIRS

Commissioner

1440. Mr DAVIES, to the Minister for Consumer Affairs:

(1) Is the Commissioner for Consumer Affairs or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the commissioner or his representative hold?

(4) Does he have full voting status on the bodies?

Mr O'CONNOR replied:

(1) Yes.

(2) to (4)

Committee/Authority	Position Held	Voting Rights
Legal Aid Commission	Member	Full
Building Societies Advisory committee	Member	Full
State Committee Industrial Design Council of Australia	Member	No voting pro-cedures

DEPARTMENT OF AGRICULTURE

Director

1441. Mr DAVIES, to the Minister for Agriculture:

(1) Is the Director, Department of Agriculture or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the director or his representative hold?

(4) Does he have full voting status on the bodies?

Mr OLD replied:

(1) Yes.

(2) and (3)

Member of—
Inter-departmental Planning and Co-ordinating Committee.
Conservation and Environment Council.
Pastoral Appraisement Board.
Chairman of—
Agriculture Protection Board.
Western Australian Overseas Projects Authority.
Animal Breeding Institute.
Ord River Project Steering Committee.
Representative is Chairman of—
Western Australian Meat Industry Authority.
Apple Sales Advisory Committee.
Citrus Sales Advisory Committee.
Stonefruit Sales Advisory Committee.

(4) Yes.

HOUSING: SHC

General Manager

1442. Mr DAVIES, to the Honorary Minister Assisting the Minister for Housing:

(1) Is the General Manager of the State Housing Commission or his representative a member of any

Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the general manager or his representative hold?

(4) Does he have full voting status on the bodies?

Mr LAURANCE replied:

(1) Yes.

(2) State Housing Commission
Aboriginal Affairs Planning and Co-ordinating Authority
Planning and Co-ordinating Authority
Government Employees Housing Authority
Townsites Development Committee
Australian Housing Research Council—Research Advisory Committee (the council consists of Federal, and State Ministers for Housing).
Independent Committee of Inquiry into Housing and Accommodation occupied by Government Wages Employees.
Social Impact Planning Committee Nichol Bay Development

(3) The general manager is a statutory member of the first four bodies. He is a committee member in the remaining bodies.

(4) Yes, in all cases.

WATER RESOURCES: MWB

Commissioner

1443. Mr DAVIES, to the Minister for Water Resources:

(1) Is the Commissioner of the Metropolitan Water Board or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the commissioner or his representative hold?

(4) Does he have full voting status on the bodies?

Mr MENSAROS replied:

(1) Yes.

(2) Metropolitan Water Supply, Sewerage, and Drainage Board.

(3) Member.

(4) Yes.

PUBLIC WORKS DEPARTMENT

Under Secretary

1444. Mr DAVIES, to the Minister for Works:

(1) Is the Under Secretary of the Public Works Department or his representative a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the under secretary or his representative hold?

(4) Does he have full voting status on the bodies?

Mr MENSAROS replied:

(1) Yes.

(2) (a) State Counter Disaster Committee;
(b) Fremantle Sub Region Study Group;
(c) University of WA Master of Science in Natural Resources Management—Advisory committee;
(d) National Public Works Conference;
(e) Irrigation Commission;
(f) South West Irrigation Districts Advisory Committee;
(g) Gascoyne River Advisory Committee;
(h) Ord River Irrigation Advisory Committee;
(i) Canning River Advisory Committee;
(j) Wungong-Southern River Advisory Committee;
(k) Preston Valley Advisory Committee;
(l) Serpentine-Dandalup-Murray Rivers Advisory Committee;
(m) Stony Brook Advisory Committee;
(n) Government School Sites Committee;
(o) Government Departmental Housing Employees' Committee;
(p) Government Accommodation Sub Committee;
(q) Fishing Industry Facilities Committee;
(r) National Trust of Australia WA Branch;
(s) Cabinet Subcommittee on West Australian Products and Services;
(t) Cultural Centre Planning Committee;
(u) Building Advisory Council;

(v) Architects Board;
(w) Standards' Association of Australia Committees—Various.

(3) (a) chairman—under secretary (himself);
(b) member—under secretary (himself);
(c) member—under secretary (himself);
(d) member—under secretary (himself);
(e) member—assistant under secretary;
(f) member—accountant;
(g) member—accountant;
(h) member—accountant;
(i) member—administrative officer, Country Water Supplies;
(j) member—administrative officer, Country Water Supplies;
(k) member—managing clerk, Collie;
(l) member—administrative officer, Country Water Supplies;
(m) member—administrative officer, Country Water Supplies;
(n) member—administrative officer, Land and Property Branch;
(o) member—administrative officer, Land and Property Branch;
(p) member—administrative officer, Land and Property Branch;
(q) member—administrative Officer, Land and Property Branch;
(r) Government nominee—principal architect;
(s) member—principal architect;
(t) member—principal architect;
(u) member—principal architect;
(v) Government nominee—Mr S. Coll;
(w) member—principal architect.

(4) Yes.

RURAL AND ALLIED INDUSTRIES CONFERENCE

Entertainment

1445. Mr STEPHENS, to the Premier:

(1) Has the rural and allied industries conference recently entertained at the Esplanade Hotel in Albany?
(2) What was the total cost of the entertainment?
(3) What was the purpose of the entertainment?
(4) How were the interests of the taxpayer served by the expenditure?

Sir CHARLES COURT replied:

(1) The Grains Committee of the Rural and Allied Industries Council conducted a two-day seminar at the Esplanade Motor Hotel on 10 and 11 November 1980 entitled "Prospects for Improving Crop Production in High Rainfall Areas".
Approximately 150 people attended.
(2) The cost of refreshments associated with the seminar was $763.62.
(3) The purpose of the refreshments associated with the seminar was to provide a forum for informal discussion between farmers, scientists, and extension agents.
(4) The interests of the taxpayer were served by the fact that such informal discussion provided an opportunity for farmers to gain a deeper insight into how the technological innovations outlined in the seminar could be applied on their farms. The application of these innovations could significantly raise crop production on farms in high rainfall areas, and, in turn, give rise to substantial increases in farm income.

PUBLIC TRUSTEE

Minors: Third Party Insurance Settlements

1446. Mr WILSON, to the Minister representing the Attorney General:

(1) Does the Public Trust Office charge a collection fee of 1 per cent on third party insurance settlement sums for minors placed in trust with that office?
(2) If "Yes", what is the purpose of such a collection fee?
(3) Does the Public Trust Office also charge annual fees at the rate of 6 per cent of the interest on such trust accounts?
(4) How are such fees justified and on what basis are they calculated?

Mr O'CONNOR replied:

(1) Yes.
(2) To cover the cost of administration of the settlement pursuant to sections 58 and 59 of the Trustees Act 1962.
(3) Yes.
(4) Answered in (2). The fee is 6 per cent of the income earned on funds invested.

PUBLIC TRUSTEE

Minors: Third Party Insurance Settlements

1447. Mr WILSON, to the Treasurer:

(1) In the case of settlement of a third party insurance claim on behalf of a minor, is

it obligatory for the settlement sum to be placed in trust with the Public Trust Office?

(2) Why are options not given to allow such settlement sums to be placed in trust with other finance organisations where they would be capable of earning greater interest and maximising the benefit to the successful claimant?

Sir CHARLES COURT replied:

(1) Any settlement or compromise of an action on behalf of a minor is not valid unless approved by the court—Supreme Court rules, order 70, rule 10.

When such approval is sought, the applicant also seeks an order of the court for such orders and directions as may appear necessary for the protection and investment of any funds relating to the settlement—Supreme Court rules, order 70, rule 11.

Where moneys are to be paid pursuant to such a settlement, the money shall, unless otherwise ordered by the court, be paid to the Public Trustee for investment on behalf of the minor—Supreme Court rules, order 70, rule 12.

(2) Such option is given. The court has the power to order investment other than with the Public Trustee. Clearly, before an order for such other investment were made, the court would have to be convinced that it was in the interest of the minor concerned.

(3) When the amendments to the Environmental Protection Act, presently before Parliament, have completed their passage, the Minister for Conservation and Environment will seek the advice of the EPA in re-assessing the department's work programme in line with the intent and purpose of the Bill to give a more meaningful role to the EPA.

WATER RESOURCES

South Mandurah

1449. Mr BARNETT, to the Minister for Works:

(1) How much money has been allocated to the South Mandurah reticulation scheme in the last 12 months?

(2) How much has been allocated since the original grant?

Mr MENSAROS replied:

(1) The scheme to reticulate Settlements south of Mandurah was commenced in the 1979/80 financial year with an expenditure of $586 000.

(2) A further $640 000 has been allocated during the present financial year to continue with this work.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Act: Amendment

1448. Mr STEPHENS, to the Minister representing the Minister for Conservation and the Environment:

(1) Further to question 1285 of 1980 relevant to the Environmental Protection Act, what was the fee paid to Dr O'Brien under the terms of his contract?

(2) Was this amount budgeted for?

(3) If "No", what will be deleted from the budgeted items to allow this account to be paid?

Mr O'CONNOR replied:

(1) The work as a consultant to the Government by Dr B. O'Brien has not yet been completed, but when this contract expires the cost is expected to be $11 000.

(2) No.

CONSERVATION AND THE ENVIRONMENT

Pleasant Grove Estates

1450. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

(1) Has the Minister been approached relative to the Pleasant Grove estates subdivision by the Peel Preston preservation group?

(2) What action has been or will be taken by the Government in respect of the points raised by the group?

Mr O'CONNOR replied:

(1) Yes.

(2) The Town Planning Board approved the subdivision on 15 August 1980 subject to appropriate conditions.

HOUSING

Granny Flats

1451. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

What stage has been reached in consideration by the State Housing Commission of the proposal to provide grants or loans to people wishing to add "granny flats" to their homes?

Mr LAURANCE replied:

The matter of the provision and manner of funding of "granny flats" is still under consideration.

A study has been made of the position in other States and the Minister for Housing has conferred with the Ministers for Health and Local Government to consider possible schemes. No decision has been reached at this stage.

MINING: COAL

Exploration in Esperance Area

1452. Mr WILSON, to the Minister for Mines:

(1) Is he aware that large scale pegging for mining of freehold and conditional purchase farming properties is being undertaken in the Esperance area by companies looking for coal deposits?

(2) What recourse is available to farmers on—

(a) freehold; and

(b) conditional purchase properties;

to prevent mining on their properties?

(3) Has any attempt been made to acquaint farmers of their rights in this situation?

(4) If "No", will he undertake to issue a public statement clearly setting out the recourse available to them in the event of the pegging of their properties for mining?

Mr P. V. JONES replied:

(1) Yes.

(2) (a) and (b) Freehold and conditional purchase land is defined as "private land" under the Mining Act 1904 and section 140 of that Act provides that no application for a mining tenement can be granted—unless the grant is confined to below 31 metres from the natural surface—over such land unless the written consent of the owner and/or occupier has first been obtained and compensation agreed to by the parties. In addition, the owner or occupier of the land may lodge a formal objection in the Warden's Court.

(3) Yes.

(4) Not applicable.

QUESTIONS WITHOUT NOTICE

PUBLIC SERVANTS

Membership of Statutory and Non-statutory Bodies

433. Mr DAVIES, to the Premier:

In the light of the Government's decision to sack the Director of the Department of Conservation and the Environment, as Chairman of the Environmental Protection Authority, allegedly because it will give the authority greater freedom and because service on such a body divides the loyalty of public servants, does the Government intend to remove all public servants from all statutory and non-statutory bodies making recommendations to the Government in order to avoid any possibility of divided loyalties and to give the bodies greater freedom?

Sir CHARLES COURT replied:

First of all, I reject the suggestion that anyone has been sacked. The fact is that the Director of the Department of Conservation and the Environment will continue to be the director of the department, but as a matter of rearrangement of the activities of the various instrumentalities under the Statute, there will be a modification in respect of the EPA.

It is quite unfair to the gentleman concerned, and it does him no service, to suggest he is to be sacked. He is not to be sacked. It is a rearrangement of the duties and responsibilities, and a very sensible one, which most people seem to applaud.

If I remember correctly, the Leader of the Opposition referred to statutory and non-statutory bodies. So far as the Public Service and its activities are

concerned, I suggest the Leader of the Opposition look at the list of authorities, committees, boards, and bodies to which these officers are appointed. It will be found that the situation of those officers is quite different from that of, say, the Commissioner of Town Planning in connection with the MRPA and the Town Planning Board, or the Director of the Department of Conservation and the Environment, in relation to the EPA, and the other two bodies on which he sat within the environmental protection legislation.

I notice the Leader of the Opposition had a series of questions on the notice paper today, which have been answered by the various Ministers. He will see that in the case of most of the committees, bodies, boards, etc., to which public servants are appointed, the position of those officers is quite different from that of, say, the head of the Department of Conservation and the Environment, the Town Planning Commissioner, and the like.

I think there is no conflict between the two different situations and there is no intention on the part of the Government to remove public servants from bodies of the kind listed in the answers given to the Leader of the Opposition. It would be futile and useless, because they make contributions in the ordinary course of their activities, in most cases, without having the same role to play as the Commissioner for Town Planning in his case and the Director of Conservation and the Environment in another case.

LOCAL GOVERNMENT ACT: AMENDMENT

Electoral Provisions

434. Mr NANOVICH, to the Minister for Local Government:

Does the Government still intend to introduce legislation, during this present sitting, for the revision of the electoral provisions of the Local Government Act.

Mrs CRAIG replied:

Although the drafting of comprehensive legislation for the re-enactment of the whole of part IV of the Local Government Act, which deals with electoral and related matters, is at an advanced stage, it is now clear that it would not be possible to introduce a Bill in time to allow adequate consideration by Parliament.

At this stage, I would expect the legislation to be introduced during the early part of the next sitting.

HOSPITALS

Staff Cut-backs

435. Mr HODGE, to the Minister for Health:

I refer to a report in this morning's issue of *The West Australian* in which, while commenting on the proposed sackings of hospital staff, the Premier is reported to have said that the Minister had proposed other ways of achieving the Government's objective of keeping the Budget in balance.

Why has the Government rejected these other ways in favour of sacking hospital staff?

Mr YOUNG replied:

I cannot remember the exact wording of the particular article referred to or whether or not the situation was accurately reported. It may or it may not have been accurate.

I will tell the member for Melville of our situation. The situation is simple. There were available to me, which I could pass on to Cabinet, a number of different options which could have been recommended to Cabinet, or taken up by Cabinet for serious consideration as to how to save a sum of $7 million in a year to compensate for the increases in nurses' wages.

All those options were taken to Cabinet for consideration. Some of those options contained a high degree of grouping of employed persons. Some of the options did not contain such a high degree of this nature.

Generally speaking, the result across the board would have been as stated by the Premier in this House some time ago, and what was said by me publicly, that the number of people who would be dismissed in all probability would represent wages totalling around about 70 per cent of hospitals budget.

In other words, people would lose their jobs in about the same proportion their wages represented to the total costs.

The Cabinet has not made a final determination on the matter, and I have not yet delivered my final advice to Cabinet. So, it cannot be said any option has been accepted or discarded.

Generally speaking, a contribution towards the reduction in costs is still

likely to represent the proportion that has been referred to, approximately 70 per cent.

INTEREST RATES

Housing

436. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

Referring to the Minister's appeal yesterday to building societies to keep down home loan interest rates and his attack on the Rural and Industries Bank for succumbing to market pressures by raising interest rates, what action does the Government propose, other than issuing appeals to building societies and criticising banks, to hold down interest rates for home loans?

Mr LAURANCE replied:

The meeting was called yesterday following the Premier's announcement a few days ago that building societies would be asked to confer with the Government. The meeting was in accord with that announcement, and it was to discuss with building societies the current situation in relation to interest rates. The Government asked the building societies to withstand the pressure for increases in interest rates.

In relation to the reference to the Rural and Industries Bank, there has been some pressure within the banking system for a removal of the restriction on interest rates in the banking system. That request has been put to the Commonwealth Government and, in anticipation of some modifications, the banks have been keeping up the pressure for an increase.

The Rural and Industries Bank yesterday made a statement that it was joining in the request from the banking industry. It was disappointing that the public call came at a time when the Government was negotiating with the building societies to keep down interest rates. The Government was appealing to the building societies in an endeavour to prevent an increase in interest rates, which will place a burden on people seeking mortgages for home finance. Another purpose of the meeting was to keep the building industry in a state of buoyancy.

The meeting with the building societies was for the purpose of asking them to keep down interest rates, despite the pressure throughout the country for an increase in interest rates.

CONSERVATION AND THE ENVIRONMENT

System 6

437. Mr BARNETT, to the Premier:

(1) Has Cabinet received a copy, or copies, of the final print of system 6?
(2) How long will it be before the document is made public?
(3) Can the Premier give his assurance that any delays in making the document public, after this date, will not adversely affect any of its recommendations?

Sir CHARLES COURT replied:

(1) to (3) As far as I am aware, the system 6 report is not before Cabinet. I think the honourable member referred to its final print, or something of that nature, but to my knowledge it is not before Cabinet in any print.

Mr Barnett: Not before Cabinet, in any print?

Sir CHARLES COURT: Not in any form, at the moment. What will occur when it does come before Cabinet will be in accordance with the proper procedures.

I cannot be precise on the procedures. A number of systems have been dealt with by Cabinet, I think quite effectively.

NOONKANBAH STATION

Drilling Cost

438. Mr DAVIES, to the Premier:

(1) What amount of taxpayers' funds has been wasted on drilling the dry exploration hole at Noonkanbah Station against the wishes of the Noonkanbah community?
(2) Why is the Government placing the health and welfare of Government hospital patients at risk by sacking hospital staff because of an alleged lack of funds when it can apparently find funds for such a predictably futile exercise as the drilling on Noonkanbah Station?

Sir CHARLES COURT replied:

(1) and (2) I do not know where the Leader of the Opposition gets the opinion that it was a predictably futile exercise.

Mr Davies: Anyone would have.

Mr Pearce: We said it all along, and we were right.

The SPEAKER: Order!

Sir CHARLES COURT: It is well known in petroleum and scientific circles that the Kimberley offers one of the best potential areas in Australia for major petroleum discoveries.

A number of companies—not only the company involved in the Noonkanbah drilling exercise—have been drilling in the Kimberley over the years, and I hope that many more companies will undertake drilling in that area in the future.

Every time a hole is drilled, the geological and petroleum knowledge of the companies concerned increases. It will not have gone unnoticed there was a flutter even during the drilling of the hole at Noonkanbah because there was a show of hydrocarbons.

To say it was predictably futile will make people look foolish in the eyes of the geological, mining, and petroleum interests of the world.

A very small proportion of the holes which are drilled seeking oil or gas ever have a positive show. The hole at Noonkanbah at least had a positive show.

Mr Davies: Why spend all that money?

Sir CHARLES COURT: In answer to the first part of the question asked by the Leader of the Opposition, it is the intention of the Government to make available to the House, before the end of this session, a detailed report on the Noonkanbah exercise.

I think my colleague indicated it was finalised, but at the time he was not fully aware of the fact that further statistics had to be fed into it. They will be completed soon, and then the Leader of the Opposition will be able to see—

Mr Davies: How much was wasted!

Sir CHARLES COURT: —how much was involved in the exercise.

I reject any suggestion that it was a waste of funds. The Leader of the Opposition will know exactly what was involved and why, when we make our report.

HOUSING

Donnelly River Mill

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

(1) Has any decision regarding the future of the Donnelly River settlement been reached by the Government?

(2) If "Yes" to (1), for what purpose is it proposed to use this settlement?

(3) If "No" to (1), has any arrangement been made with regard to the provision of water, rubbish collection, and other facilities when Bunnings Ltd. relinquishes its agreement with the SHC after 31 December?

Mr LAURANCE replied:

(1) No, however as advised on 11 November 1980 in reply to question 1348 the Department of Tourism is currently examining the possibility of the area being developed as a tourist complex.

(2) Not applicable.

(3) These matters are currently under examination. Tenants will be advised prior to Bunnings Ltd. relinquishing its agreement with the State Housing Commission on 31 December 1980.

WATER RESOURCES

Underground: Jandakot Mound

440. Mr BRIAN BURKE, to the Minister for Water Resources:

Has the Minister any knowledge of the pollution of a significant part of the Jandakot mound by oil, and of the fall in the level of the underground water table as a result of operations in respect of the Jandakot mound?

Mr MENSAROS replied:

No, I have no such knowledge or information.

ROAD

Ennis Avenue

441. Mr BARNETT, to the Minister for Transport:

I now ask the question I have been trying to ask of the Minister for Transport for some 2½ weeks. It is as follows—

(1) What is the current status of negotiations to open up the median strip in Ennis Avenue, opposite Unarro Street, Hillman?

(2) Would the Minister provide me with a copy of each plan submitted to the department and the reasons for rejection in each case?

The SPEAKER: Before calling on the Minister to reply, I point out that if in fact the member has been seeking to ask a question for 2½ weeks, it seems to me it is the sort of question which should have been asked on notice.

Mr BARNETT: May I make an explanation?

The SPEAKER: No.

Mr Barnett: You have not allowed me to ask it on a number of occasions.

Mr RUSHTON replied:

I thank the member for Rockingham for adequate notice of the question, the answer to which is as follows—

(1) and (2) Council's latest submission has only just been received by the Main Roads Department. Careful consideration is being given to the proposals and a response will be made as soon as possible.

MINISTER OF THE CROWN: PREMIER

Comment on Russians

442. Mr BRYCE, to the Premier:

My question arises out of a statement the Premier allegedly made, and which is contained in today's issue of *The West Australian* on page 35 under the heading, "Premier: Freedom must be defended". In the article the Premier is reported as having said—

> "I often wonder who is the mastermind behind this push for complacency," he said, "because most Russians I have met are not all that bright.

Will the Premier indicate whether he was correctly reported in saying that; and, if so, will he indicate which Russians he has met and by what standards of brightness does he judge them?

Sir CHARLES COURT replied:

In the course of a lifetime one meets people of many nationalities; and over the years I have met many Russians, some of whom claim to be "White Russians" and in the main they seem to be the brighter ones who have managed to escape and come to Australia to start a new life for themselves with great benefit to us and to themselves. I have struck others who have been in official positions whom I have found to be rather ponderous and heavy.

Mr Brian Burke: What a gratuitous insult! Come on!

The SPEAKER: Order!

Sir CHARLES COURT: I am just trying to be polite to the honourable member.

Mr Brian Burke: The great scientist and cultural leader!

Sir CHARLES COURT: I just want to say that in my judgment of the people I have met over the years, with notable exceptions I have found them to be not all that bright.

Mr Brian Burke: But we shall sell them some wheat!

Sir CHARLES COURT: My recollection of the words quoted by the member for Ascot is that they are exactly what I said and meant.

Mr Brian Burke: What do you think of Italians?

HOSPITALS

Staff Cut-backs

443. Mr HODGE, to the Minister for Health:

(1) Is it not a fact that the number of patients being treated in Government hospitals has exploded in the past five years, even though hospital staffs have not been increased?

(2) Is he aware that any further cut-backs in hospital staff, even if such cuts are not among the nursing staff, will cause a further deterioration in the care of patients, placing their health and welfare at risk?

(3) How can the Government justify jeopardising patient care in this way when the amount of money involved in the nurses' pay rise is only $5 million in a Consolidated Revenue Fund estimated expenditure of $1 857.3 million; that is, when the amount involved represents a mere 0.27 per cent of expected total Budget outlays this year?

Mr YOUNG replied:

(1) There has been an increase in the number of patients being treated in public hospitals in the last several years; I think in the last two years the increase in the teaching hospitals has been in the vicinity of 12.5 per cent.

(2) The cut-back will cause some deterioration in the services at teaching hospitals; that cannot be denied because if there were to be no deterioration whatsoever in the services it would indicate there was excessive staff levels in the hospitals. Over the last couple of years I have been keeping a tight rein on staff levels generally, and as there has been a no-growth policy that would not be the case.

(3) The member for Melville asks how the Government can justify its failure to spend the extra $7 million in a full year, and then pointed out what percentage that is of the $1 800 million Budget. The answer to that is that if the Government did not take the action it is taking now in respect of nurses—and which it will have to take in respect of teachers and other people who go to tribunals looking for increases outside indexation—the percentage would not be simply the figure he quoted but would be a vast sum.

I point out that we have just not got the money. It is all very well for the Leader of the Opposition to say we have lost control of our finances and for the member for Melville to suggest that somehow or other we can just produce $7 million and another $35 million if and when the teachers receive their increase, and another $10 million when someone else goes to a tribunal for an increase. However, the plain fact of the matter is that no member opposite can ever say where we should make cuts, where the money will come from, and how much they would take from loans funds to balance the deficit if they decide not to finance it. Those are the real questions that members opposite ought to be asking.

They should be asking another question also; that is, why is not the Opposition going to the leaders of the trade unions who are taking these people hand in hand to the commission in a constant stream, asking for out-of-indexation awards when they know it is the policy of the Government not to condone them and that their actions will result directly in the loss of jobs? Why do not members opposite go to union leaders and ask them why they continue with such policies?

EDUCATION: TEACHERS

Wage Claim

444. Mr PEARCE, to the Minister for Education:

(1) Does the Minister recall denouncing as "irresponsible scaremongering" the proposition originally advanced by the Teachers' Union that if teachers received an increase of 15.7 per cent, 2 000 teachers would be sacked?

(2) In view of the subsequent comment that if the 15.7 per cent increase is granted, 2 000 teachers will be sacked, would he care to explain to the House why he has now jumped on the irresponsible "scaremongering" bandwagon?

Mr GRAYDEN replied:

(1) and (2) I am surprised that the member for Gosnells is not aware of the situation, and I feel sorry for him because he should know that when I described the article that appeared in *The Western Teacher* as irresponsible scaremongering, I placed it in that category because at that time the Teachers' Union of Western Australia had not lodged a log of claims. The union was talking in terms of a log of claims that had been introduced in the Eastern States. For the union later in the week to serve on me a log of claims for an increase across the board of 15.7 per cent was to my mind the height of irresponsibility. It indicates a callousness and indifference to its members on the part of the Teachers' Union which leaves me absolutely astounded.

The union is seeking to gain exorbitant wage increases for a select few of its members even though it knows any increase will result in the retrenchment of other teachers.

FUEL AND ENERGY: GAS

Bonaparte Gulf

445. Mr GRILL, to the Premier:

As the Premier has demonstrated some knowledge of gas finds in the Kimberley area, I would like to ask him the following question—

(1) Is it correct there is a major gas field in the Bonaparte Gulf area of the Kimberley, extending to the Northern Territory?

(2) Has any feasibility study been carried out to determine whether the find is commercial?

(3) Is it correct, as I have heard it alleged, that the Government does not wish to recognise this field because it might affect the viability of the North-West Shelf?

Sir CHARLES COURT replied:

(1) to (3) I am speaking from memory, but my understanding is that a gas find of some considerable proportions in the Bonaparte area was announced some years ago. In fact, a dramatic fire occurred for a long time, and expertise from overseas had to be brought in to put it out.

There is certainly no desire on the part of the Western Australian Government to supress any finds of natural gas or oil. We welcome the lot, and we will find a role for them.

Mr Grill: Has the feasibility of this been studied?

Sir CHARLES COURT: I cannot give a precise description of the nature and extent of the field from memory. At one time I had great hopes it might be available to help in the development of the Mitchell Plateau; but it was too far offshore, a distance of some 100 miles, which was a fairly formidable distance at that time. I emphasise that I am speaking from memory. However, in the light of experience in the North Sea and the North-West Shelf, 100 miles is not now such a formidable distance.

Whether it would be a viable proposition comes back to the cost involved in development. I cannot tell the member off the cuff if an evaluation has been made and whether the field is in fact commercial. However, I will find out.

MINISTER OF THE CROWN: PREMIER

Queensland Election

446. Mr PARKER, to the Premier:

Is it his intention to follow his normal practice of assisting his political brethren in other States by going to Queensland to assist the leader of the Liberal Party in his battle against the National Party, and, in particular, to support his campaign for one-vote-one-value in that State?

Sir CHARLES COURT replied:

I usually wait until I am invited.

Mr Bryce: Have your offered your assistance to Joh?

Sir CHARLES COURT: At the moment I have not been invited, so I imagine they can handle their problems without assistance from me or from other people.