Legislative Council

Tuesday, 11 August 1981

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

QUESTIONS

Questions were taken at this stage.

AMALGAMATED INDUSTRIES LTD.

Report by Mr R. G. Hamilton: Tabling and Printing

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.22 p.m.]: I seek leave of the House to move a motion without notice.

Leave granted.

The Hon. I. G. MEDCALF: I move, without notice—

> That the Report of Mr R. G. Hamilton, an inspector appointed to investigate certain dealings in securities of Amalgamated Industries Limited which took place on 28 April, 1980, which Report is dated 6 April, 1981 and has been prepared pursuant to a direction given under Section 17 of the Securities Industry Act, be laid on the table of the House and be published by order of the House.

Question put and passed.

The paper was tabled (see paper No. 299).

LAND: NATIONAL PARKS

Select Committee: Disclosure of Information

THE HON. A. A. LEWIS (Lower Central) [5.24 p.m.]: I seek leave of the House to move a motion without notice relating to the National Parks Select Committee.

Leave granted.

The Hon. A. A. LEWIS: I move, without notice—

> That leave of the Council be granted under Standing Order 358 for the Chairman to disclose certain information to appropriate authorities, of documents or evidence received by the Select Committee inquiring into National Parks.

Question put and passed.

ART GALLERY AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.25 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill primarily is to give the necessary statutory authority to the Art Gallery Board to operate a restaurant within the Art Gallery building.

It makes provision, also, to permit the Art Gallery Board to undertake other activities as required to encourage art development in this State, such as the sale of publications, stationery, souvenirs and artifacts, as the Minister may, from time to time, determine.

Negotiations to establish a restaurant facility were finalised last year and the restaurant began operating on 1 August 1980. As a result it has been necessary to make this legislation retrospective to that date.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

LOCAL COURTS AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.26 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before the House deals with the maintenance and destruction of Local Court records and is based on recommendations made by the Law Reform Commission of Western Australia in its report on retention of court records.

As was pointed out by the commission, the State intermediate records repository is fast nearing the stage where it will be unable to accept further records of the various courts due principally to space requirements. It will be realised also that a considerable cost is involved in retaining the records, which runs into thousands of dollars each year.

Although the commission's report dealt with both the Courts of Petty Sessions and the Local Court, this Bill is concerned only with records emanating from the Local Court. Matters relating

to the Courts of Petty Sessions are still under consideration.

At present there is no provision in the Local Courts Act for either the destruction or the microfilming of court records.

In considering the length of time it is necessary to keep such records, the Law Reform Commission was particularly concerned with the interests of the proper administration of justice.

It will be appreciated that the information contained in a court record may be required for the purposes of appeal, for enforcing a judgment or for other court proceedings.

The commission reached the conclusion, which I accept, that in all the circumstances 15 years is a reasonable period, and, accordingly, the Bill permits the destruction of Local Court records after that time.

The commission recommended also that it should be made legally possible to destroy records of Local Courts before the 15-year period has expired, so long as the records have been microfilmed and the microfilm is held by or on behalf of the court.

The Bill therefore empowers the making of a microfilm negative of a Local Court record at any time and allows court records to be destroyed after three years so long as they have been microfilmed.

Members will note that an evidentiary provision has been included, the effect of which is that for the purposes of admissibility as evidence, a microfilm negative of a Local Court record held by or on behalf of that court is deemed to be the court record and shall be treated as such by any court. I might add that a similar provision already exists in the Justices Act in relation to the records of Courts of Petty Sessions.

The Bill makes it clear that the provisions I have outlined for the destruction of Local Court records do not affect the archival provisions in the Library Board of Western Australia Act. Action may still be taken under that Act to ensure that Local Court records of archival value are retained.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

BILLS OF SALE AMENDMENT BILL

Second Reading

Debate resumed from 4 August.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.28 p.m.]: This Bill seeks to increase certain fees in respect of bills of sale. It would have to be acknowledged that the increases are very modest indeed, given the length of time since the last review. Compared, for example, with movements in other Government charges such as water, an increase of 42 per cent in 10 years is almost to be accepted with thanks.

In any event the Opposition accepts that the increases are justified. We support the Bill on that basis.

Within that framework I have only two brief comments to make. Firstly, it appears that the subject matter of this Bill is too trivial to require legislation on each occasion the fees are altered, and such changes could properly be affected by regulation. I compare this position with that of a Bill which was introduced only last week—the Dried Fruits Amendment Bill—in which case the Government was faced also with the need to amend certain fees from time to time and it produced a variation to the parent Act so that in future the rates and fees could be prescribed by regulation. I think that would be a perfectly proper move to take in respect of legislation such as that we are now discussing, and I commend that possibility to the Attorney General.

My only other comment is that I share the expressed concern of the Attorney General that a substantive change in chattel mortgage legislation has been delayed so long. The bills of sale legislation is a prime candidate for review; in fact, it has been a prime candidate for at least 50 years. I know of no-one faced with a real problem under that Act who does not shudder at the mention of it. Some simplification of the bills of sale provisions in the context of a new chattel mortgage law not only is appropriate now, but is long overdue.

The Attorney's comments in this respect indicated that the delay could well arise from the desire to have some uniformity in the new legislation. That is often a problem; but it does not seem to have prevented a number of other States from making moves while we have remained still. I call on the Attorney General to see what he can do to expedite some action in this matter, and preferably to give us some indication as to when substantive changes might be expected.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.32 p.m.]: In regard to the first point made by the honourable member, the reason no further provision is made for this legislation to be changed by regulation is the likelihood that there will be chattel security legislation which will make further amendments

unnecessary. However, because of the matters raised in the second point he made, it is very undesirable that we should entrench this legislation by making a provision that it may be amended by regulation on another occasion.

If there was an amendment providing that the legislation could be amended by regulation at some future date, it could mean simply that a future Treasurer could say, "Ha, here is a means of getting some more money, and we don't need to do anything about the Act." We do not want to place temptation in the way of any Government taking such a step. Therefore, it was at my insistence that we did not include a clause allowing the legislation to be amended by regulation in the future. In any event, that is not a terribly good principle in some cases.

This is one of the cases in which it is not a terribly good principle because we have been on the point of embarking on some kind of uniform legislation for chattel securities in the last two or three years. It is unfortunate that it has not eventuated. I cannot give the reason it has not eventuated, except that one or two of our friends in the Eastern States are rather headstrong about taking their own independent actions, for reasons best known to themselves.

Indeed, as I indicated in my second reading speech the Victorian Government brought in a Bill. I thought the Bill had been withdrawn; but inquiry indicates that it was simply allowed to lapse. The New South Wales Government was not satisfied with that, and it was going to introduce its own Bill. It did not do so, and it delayed for about two years. However, now it has introduced its own Bill. The Victorian Government is legislating also; but I could not say whether its Bill is the same as the New South Wales Bill because I have not examined either Bill.

I have asked the Law Reform Commission to examine the legislation which has been introduced in the Eastern States with a view to advising the Government of the action it should take. That is where the matter rests; and that is all we can do, in the circumstances.

I have given an explanation for not including a provision for future amendments by regulation—

The Hon. J. M. Berinson: You do not trust your Treasurer, as I understand it.

The Hon. I. G. MEDCALF: I am talking about future Treasurers.

I remind the honourable member that many aspects of the Bills of Sale Act have been criticised. I do not know if they have been criticised for the last 50 years. I cannot speak for that period, but I can speak for the last 14 years because in 1967 I was a member of the Law Society's law reform committee which made recommendations in regard to changes in this legislation. One of the suggested changes was that the period of registration be extended from three years to five years. Various other proposals were made in relation to the rather cumbersome method of renewing bills of sale.

In recent years, criticism has been levelled at this Act by outside bodies such as the Hire Purchase Conference, the Finance Conference, and others. Those criticisms have been about the index which people have to search.

For these reasons, we have been concerned. For these reasons, I did not want to take any action other than the present steps we have taken for the purposes of revenue. It is important to gain $160 000 a year; and this is not a matter that justifiably could be put off any longer particularly in view of the—

The Hon. H. W. Olney: That will not pay for your four new members of Parliament.

The Hon. I. G. MEDCALF: We do not have four new members.

In view of recent happenings, it was essential that we did something about raising the fees. I hope I have explained the matter adequately, to the satisfaction of 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.

DRIED FRUITS AMENDMENT BILL

Second Reading

Debate resumed from 5 August.

THE HON. R. T. LEESON (South-East) [5.38 p.m.]: This Bill is to enable the fee received by members of the Dried Fruits Board to be increased or decreased by regulation, rather than annoying us by having to bring a Bill before the House once every 15, 20, or 30 years, or whatever.

The board has indicated that it is agreeable to an increase at this time. In addition, the growers are agreeable to the increase in fees so that the board can operate more efficiently.

At the same time, there will be an increase from $2 to $5 for each inspection of premises producing dried fruits.

While I am on the subject of boards, I was reading a list of people on boards appointed by the Government over a number of years. There are a lot of "dried fruits" on those boards to which consideration should be given in the near future.

I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.40 p.m.]: I thank the member and the Opposition for their support of the legislation. I am sure the members of the Council would not be annoyed that the legislation has been returned to us for amendment. Some members might say they would be disturbed if it had to come back every eight years; but I am sure the regulations will remove that need.

I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

SEEDS BILL

Second Reading

Debate resumed from 5 August.

THE HON. J. M. BROWN (South-East) [5.42 p.m.]: The Opposition supports the second reading of the Seeds Bill. This is the third occasion that a seeds Bill has been introduced. In 1922, it was known as the Agricultural Seeds Bill, which was later repealed by the Seeds Bill of 1950. Some 30 years later, we have the repeal of the 1950 Act, and the introduction of the new Seeds Bill.

I have looked at the debates that took place over the years. I was rather interested to learn what has actually been discussed in relation to the Seeds Bill. I could find only two references to the seeds being discussed. One of those was in 1922, and the other was in 1950. In 1922 reference was made to seed wheat as being of major concern. In 1950 reference was made to clover seed.

As I was wondering what is being dealt with in the Bill, I made further investigations. I found the most comprehensive range of seeds that one could imagine.

In the *Government Gazette* of 1 April 1969 the seeds were listed under several groups. The "Group 1: General" schedule of crop seeds contained the "Purity and Germination Standards" which listed 81 varieties of seed.

The Hon. R. G. Pike: Did it have something to do with Heinz?

The Hon. J. M. BROWN: It had something to do with asparagus. The list contained some 10 varieties of bean seeds, and included brussels sprouts and linseed; it went right through to tomatoes and turnips. Group 2 had the heading of "Pasture Legumes", and these play a great part in the agricultural industry. It is important to note that 48 varieties were listed, including 16 of clover alone. Group 3 came under the heading of "Cereals, Pasture and Fodder Grasses" and 61 varieties were listed including barley, wheat, oats and rye.

Of equal importance were the prohibited seeds, and these were amended on 8 June 1979 when 138 seeds were listed. Many of these prohibited seeds were of great concern to the industry, and I refer to such seeds as saffron thistle, Paterson's curse, Cape tulip, prickly pear and caltrop. Regulations were amended in the second schedule of the list of prohibited seeds and restricted weed seeds. The prohibited seeds consisted of the seeds I mentioned and the restricted weed seeds allowed to be sold as crop seeds including those restricted weed seeds with a tolerance, as mentioned in the schedule.

The proposition of strengthening the legislation to introduce new concepts of seed marketing follows consultation with representatives of the seed industry. This is done at a national level. Each State is represented at the Agricultural Council meetings. The 1922 meeting was held in Tasmania.

When the Bill was in the Legislative Assembly in 1922 it was suggested by the member for Coolgardie that it ought to include pure plants and trees. The member for Guildford suggested that vine cuttings should be included also. The contributions of members in that year were far greater than those made in 1950. The debate in 1950 was no doubt greater than the contributions which will be made in 1981.

It is important we know what we are talking about when referring to the Seeds Bill. We should know its importance to all levels of the agricultural industry of the State. Therefore, we cannot be too careful, and we should not be too cavalier about the matter before us.

There was a total prohibition of sale seed having physical qualities of germination and pure

seed content below prescribed standards listed in the 1950 legislation. There has been a real desire in the industry to permit the sale of this type of seed, and this has been agreed to after thorough examination.

The Bill provides for the sale of all seed regardless of its germination and pure seed content, provided that the actual details of these characteristics are stated on a label fixed to or accompanying the seed. This is a relaxation of the law in relation to the sale of seed and it is in the interests of the industry.

We know what we mean by "germination of seed plants". Indeed, Co-operative Bulk Handling Ltd. makes special arrangements to receive such seed as a separate item and arranges for it to be sold separately so that the grower can recoup the efforts of his labour. It is of the utmost importance to have labelling requirements available for all seed offered for sale. This is not necessary for seed intended for export, and that is quite understandable. This applies also to seed that is devitalised and, again, this is self-evident.

Of particular importance is the requirement in the legislation of a statement naming any prescribed chemical additives such as fungicides and insecticides and the name of major crop seed components together with their respective proportions and the minimum proportion of each which is germinable. It has been stated that fungicides and insecticides are hazardous materials and quite naturally the buyer should be advised of this hazard.

There is provision in the legislation for the words "select quality" to be included on the label provided the quality of the seed to which the label refers is equal to or greater than the prescribed quality levels which are set to define normal good quality seed. "Select quality" is something that will have to be policed so that the purchaser is not fooled. No doubt the Minister for Lands would agree that the select quality labelling will allow for a select quality price, which will not be any cheaper than for other seed.

The powers of inspectors and seed analysts are to be retained, but an inspector will now be able to order the holding of seed until the statutory limit for bringing a prosecution forward has expired or until the determination of an order or a prosecution, whichever occurs first. This means an inspector will be able to delay the disposal of seed for up to six months, which I understand is the statutory time limit in these cases. It is important for the Department of Agriculture to retain an interest in this area and to provide a seed analysis service to assist seed sellers with the labelling of their seed. Such a service is necessary to assist sellers and it should be provided for the industry generally. I think the department has the ability to maintain an analysis service, and it is only one of the functions it should carry out.

I note also that the power to charge a fee for seed certification schemes has been included also in the regulations rather than being done by ministerial approval. This is just an executive move which we would all support.

The industry itself has shown the lead by recommending the introduction of this Bill, as occurred in 1922 and 1950. It is the industry itself that is really involved; there has been no great interest amongst farmers. As a matter of fact, when the 1950 legislation was introduced in another place members there moved to amend clause 22. It was later proved necessary for members of this House to amend that amendment. That was the major subject of the debate on that Seeds Bill.

We support the legislation.

Question put and passed.

Bill read a second time.

Sitting suspended from 5.56 to 7.30 p.m.

In Committee

The Deputy Chairman of Committees (the Hon. Tom Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1: Short title—

The Hon. D. J. WORDSWORTH: As I was unable to reply to the debate before the suspension of the sitting for tea, I take this opportunity to thank the Opposition for its support of the legislation. Undoubtedly, the legislation is of great significance, particularly in the areas which produce clover seed. It is imperative we keep a high standard from the point of view of weed seeds. Often, in the past, a great deal of seed was wasted because it was a mixture or because its fertility was down. This legislation covers both those difficulties and at the same time will provide us with greater security in seed cleanliness than in the past.

The Hon. J. M. BROWN: I was somewhat surprised that the Minister did not reply to the second reading debate, and I am pleased he has taken this opportunity to do so. The Opposition has no objection to any of the clauses of the Bill.

Clause put and passed.

Clauses 2 to 29 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

RURAL HOUSING (ASSISTANCE) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [7.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to extend the powers of the Rural Housing Authority and to make certain amendments to the principal Act which will clarify the role of the Treasurer.

Since the Rural Housing Authority was established in November 1976, it has declared in excess of 200 "approved farmers". Each of these "approved farmers" has been entitled to assistance from the authority in obtaining housing finance on terms and conditions which are appropriate to his needs.

A majority of these farmers otherwise would have had to endure sub-standard accommodation for many years and the authority's assistance was possibly their only chance of acquiring a reasonable dwelling.

At the time of the establishment of the authority the Government acknowledged that the first priority should be the provision of assistance to farmers in need of improved accommodation for themselves and their families.

Now that the authority's scheme of indemnifying lending institutions is developing into an effective means of providing assistance, and loans made direct to other "approved farmers" from resources allocated to the authority by the Government continue to provide meaningful help to farmers having special needs, the Government sees a need for the authority to be able also to assist farmers or pastoralists seeking finance to house staff on their properties.

Provision therefore is made to enable a farmer who desires to provide a home on his farm for a person whose principal activity is the carrying on of farming operations on his behalf, to apply to the authority for assistance in obtaining the necessary finance.

It also is specifically intended to include a relative of the farmer who is a member of the family partnership trading on the farm. Such cases have been found to be quite numerous and although the relative would not usually be referred to as an "employee" he has previously been unable to obtain the authority's assistance because he is not a registered proprietor or a registered lessee of the farm holding.

It is the Government's intention that the employee should be engaged full-time and on a permanent basis. In its assessment of the application, the authority will give preference to cases where employees are married and have dependants.

In taking this initiative to extend the powers of the authority, the Government hopes to fulfil a two-fold objective of improving the quality of housing for employees on farms and assisting the stabilisation of employment in rural areas.

Section 16(1) of the principal Act relates to the authority's authorisation of a lending institution to proceed to make an advance to an "approved farmer", as soon as the indemnity has been executed by all parties. The amendment to this section by the insertion of the words "with the approval of the Treasurer" will preserve the Treasurer's prerogative in this matter.

The further amendments to this section of the Act are designed to give the Treasurer the right to delegate two of his existing powers to the Minister for Housing.

Currently, all indemnity documents issued in respect of "approved farmers" are personally executed by the Treasurer. The Bill makes provision for the Treasurer to delegate to the Minister for Housing the power to give an indemnity.

At a time when increasing numbers of indemnities are being issued, the delegation of this power will transfer away a portion of the Treasurer's workload to the Minister having responsibility for the decisions of the Rural Housing Authority. It will be noted that the delegation of these powers may be revoked if necessary.

The second of the powers which will be delegated is the requirement that the Treasurer give approval to the Rural Housing Authority

authorising a lending institution to make an advance to an "approved farmer".

Delegation of this power to the Minister for Housing will ensure that the execution of the indemnity and the prerogative of authorising a lending institution to make an advance are conducted by the Minister, simultaneously, on behalf of the Treasurer.

It is proposed to exclude the provisions of sections 17 and 18 of the principal Act from the type of assistance which the authority can provide to an applicant seeking finance to provide improved housing for an employee on his farm.

The Government recognises that for a farmer who has the resources to engage an employee to assist with his farming operation and who seeks finance to house that employee, the most appropriate form of assistance which could be offered by the Rural Housing Authority is contained in section 16 of the principal Act.

By virtue of the amendment to section 16 the authority will arrange the issue of an indemnity for any approved lending institution which will make an advance to the "approved farmer" on terms and conditions which would normally apply to finance for housing employees.

The final amendment will extend the powers of the Rural Housing Authority in respect of assistance which has been or will have been provided to "approved farmers". Currently, assistance provided by the authority may not be transferred to the incoming proprietor of an "approved farmer's" farm holding if the "approved farmer" ceases to retain his interest in the property.

The Government is aware that the absence of any discretionary power for the authority to declare the successor in title of the "approved farmer" an "approved farmer" in his own right, may cause undue hardship in some cases.

It is particularly concerned that the authority should be able to assist in such cases as that of an "approved farmer" desiring to hand on his farm to his son.

The amendment will therefore enable the authority, at its discretion and where the special circumstances of the case so merit, to transfer its assistance of the original "approved farmer" to the successor in title. The renegotiated assistance may be as provided for in sections 14, 15, 16, 17, or 18 of the amended Act.

In summary, the Bill should have the effect of eliminating some minor inadequacies in the existing legislation while streamlining administrative procedures further to reduce the time taken in processing assistance from the authority.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

TRADING STAMP BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [7.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal and re-enact the Trading Stamp Act of 1948.

It provides for the continued prohibition of third party trading stamp schemes but will allow certain other promotional schemes, currently not permitted under the Act, to be offered to consumers.

The Trading Stamp Act was originally aimed at prohibiting the coupon system of trading whereby consumers received a gift or benefit upon redemption of trading stamps collected with purchases.

The intention of the Act was to protect local manufacturers and retailers from what they perceived to be unfair competition from the Eastern States. The Government at the time of introduction of the Act argued that the coupon system of trading undermined local enterprise and encouraged monopoly, because those manufacturers and retailers who were able to offer stamps and associated gifts at no extra cost—in many cases large interstate manufacturers whose stock included the lines offered as gifts—gained an unfair advantage over those who were not able to.

In the course of prohibiting coupon systems of trading, the Act also prohibits all trade promotion schemes where consumer participation is dependent upon the purchase of goods, except in the case of cash discounts offered at the point of sale. Thus, for example, promotions such as the cash rebates offered nationally by car manufacturers to purchasers of certain vehicles are illegal in Western Australia, as are the gift-based promotions run by other companies.

Where a promotion is being run nationally, suppression in Western Australia is a cost to

consumers because they are being deprived of potential benefits for which they are paying.

In recovering the cost of an Australia-wide promotion, companies will not charge a lower product price in Western Australia to reflect the forgone promotion.

The Trading Stamp Act has undoubtedly been successful in preventing the introduction of coupon systems of trading. In recent years, however, it has become increasingly apparent that the wide ambit of the Act is out of phase with modern market practices, and that the prohibition of many seemingly harmless promotions has imposed several costs upon the community.

Costs are incurred also by manufacturers and traders as a result of the Trading Stamp Act. These include the costs associated with interpretation of the Act, with the need in some cases to prepare separate promotional campaigns for Western Australia and for other States, and with withdrawing campaigns found to contravene the Act.

Finally, it has been found impracticable to strictly enforce the Act. As a result, an increasing number of complaints has been received from firms who query why certain schemes are apparently allowed to continue when similar schemes proposed by them have been prohibited. Such ambiguity is not at all desirable.

It is considered desirable that third-party trading stamp schemes which are promoted by trading stamp companies continue to be prohibited. There has been no interest shown by any party in changing the status quo with respect to such schemes. Also, these schemes have several undesirable features and, given the current difficult economic climate, which seems to have led to the appearance of some spurious business schemes, it is possible that repeal of the Trading Stamp Act would prompt the establishment of Trading Stamp Companies.

Accordingly, the Trading Stamp Act is to be repealed and re-enacted in the form of the Bill now presented.

This will bring Western Australia into line with other States, principally Victoria, New South Wales and South Australia and will obviate the exclusion of Western Australian consumers from genuine promotional offers.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

House adjourned at 7.47 p.m.

QUESTIONS ON NOTICE

LIQUOR ACT

Amendment

325. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

I refer to the provisions of the Liquor Act involved in the case of—

(a) the Mullewa publican refusing to serve a group of Aborigines in his particular bar of the hotel; and

(b) the nightclub proprietor who refused to admit well-dressed and sober Aboriginal women; and ask—

(1) Will the Minister undertake to introduce an amendment to the Liquor Act so as to prevent publicans and other licencees discriminating against individuals on the grounds of race and colour?

(2) Will the Minister ensure that a publican or other licensee has no right to refuse service in any particular part of a liquor outlet on the ground of race or colour?

(3) If so, when will the Minister act?

(4) If not, why not?

The Hon. G. E. MASTERS replied:

(1) to (4) The Chief Secretary advises that the Government is giving consideration to section 122 of the Liquor Act, which deals with the rights of licensees to refuse service to persons.
Any amendment considered necessary will be put to Parliament.

The Hon. Peter Dowding: When?

The Hon. G. E. MASTERS: When it is necessary.

BROTHELS

Police Policy

326. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

I refer to the article "Brothel staff like the things as they are" reported in the *Daily News* on Monday, 20 July, and ask—

(1) Do the police tolerate the existence of 17 or so brothels under specific conditions, namely—

(a) no woman with a criminal record apart from a prosecution for keeping premises, is allowed to operate in one;

(b) no diseased woman is allowed;

(c) no juvenile is allowed;

(d) no men are allowed to procure the business; and

(e) the neighbours do not complain?

(2) If these are not policy matters, is there a policy, and if so, what is it?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises—

(1) Yes. The police accept that brothels do exist. The number fluctuates and at present approximates eight.

(a) No active criminals tolerated;

(b) to (e) Yes.

(2) The policy of conditional tolerance achieves the containment of such operations.

328. *This question was postponed.*

TRAFFIC

National Safety Council

331. The Hon. D. K. DANS, to the Minister representing the Minister for Police and Traffic:

(1) How much does the Government allocate to the National Safety Council to promote road safety?

(2) When was that allocation fixed?

(3) Is it intended to increase the amount, and if so—

(a) when; and

(b) to what extent?

(4) If not, why not?

The Hon. G. E. MASTERS replied:

(1) The Minister for Police and Traffic advises that in 1980-81, an amount of $600 000 was provided towards the operating costs of the National Safety Council's road, water and home safety divisions. Of this amount, $463 380 was allocated by the council to the road safety division.

(2) When the 1980-81 Budget was framed.

(3) and (4) This will be determined when the 1981-82 Budget is framed.

ABORIGINES

Desert Farm and Emu Farm, Wiluna

332. The Hon. N. F. MOORE, to the Minister representing the Minister for Community Welfare:

(1) Is the Minister aware that the Federal Government is considering the termination of funding for the Desert Farm and Emu Farm at Wiluna?

(2) If so, will he make representations to the Federal Minister for Aboriginal Affairs requesting that these two worthwhile projects be continued?

The Hon. G. E. MASTERS replied:

(1) and (2) (a) I am informed by the Minister for Community Welfare that there is no intention by the Commonwealth Government to terminate the operation of the Desert Farm at Wiluna.

(b) The Commonwealth Government recently announced plans to terminate the operation of Applied Ecology Ltd., one of the activities of which is the Emu Farm at Wiluna. However, I understand that following representations to the Minister for Aboriginal Affairs by members of the Ngangganawili Community at Wiluna, the Department of Aboriginal Affairs has provided funds for the Emu Farm to continue as a community operated enterprise until July 1982. Future funding of the project will depend on decisions made by the Aboriginal Development Commission which is currently examining all details of the operation.

TRANSPORT: BUSES

MTT: Lessors

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

Would the Minister advise the names and addresses of the lessors who lease buses and equipment to the MTT?

The Hon. D. J. WORDSWORTH replied:

LUL Nominees,
20 Bond Street,
Sydney. NSW. 2000.

Bain Leasing Pty. Ltd.,
6-10 O'Connell Street,
Sydney. NSW. 2000.

ROAD: BY-PASS

Canning City Council

334. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Urban Development and Town Planning:

Will the Minister inform me when a decision might be expected on the application by the Canning City Council for permission to build a by-pass road between Fern Road and Manning Road, which is at present being considered by the MRPA and the Main Roads Department?

The Hon. I. G. MEDCALF replied:

The application is presently being studied by the Town Planning Department and it is anticipated that a comprehensive joint report by the Town Planning Department and Main Roads Department will be considered by the Metropolitan Region Planning Authority in September. The issues are complex but it is hoped a decision will be made by the authority at that time.

HEALTH

Nursing Post: Yalgoo

335. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Health:

(1) Is the Minister aware of the run down state of the Yalgoo Nursing Post?

(2) Will the Minister give an undertaking that consideration will be given to replacing or upgrading the nursing post?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) It has been determined that the Yalgoo Nursing Post will be replaced as soon as funds can be made available. Action is in hand to acquire a new site.

EDUCATION: PRIMARY SCHOOL

East Carnarvon

336. The Hon. N. F. MOORE, to the Minister representing the Minister for Education:

With reference to the East Carnarvon School —

(1) How many children are currently enrolled in the "special" class?

(2) What is the range of ages of children in this class?

(3) How many children outside of this age range have special learning difficulties?

The Hon. D. J. WORDSWORTH replied:

I am advised as follows—

(1) Nine in a preparatory special class mainly for junior primary children.

(2) Six years to eight years.

(3) This is not known as there is a special school at Carnarvon to which older children with special handicaps are transferred.

HOSPITAL

Exmouth

337. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Health:

(1) Have contracts been let for major maintenance on the Exmouth hospital?

(2) If not, when are contracts expected to be let?

The Hon. D. J. WORDSWORTH replied:

(1) No.

(2) The target date for completion of contract documentation is 17 August 1981.

Following checking regarding standards, the project can proceed to tender if funds are approved in the forthcoming Budget.

EDUCATION

One-teacher Schools

338. The Hon. TOM McNEIL, to the Minister representing the Minister for Education:

Would the Minister advise—

(1) Which schools are one-teacher schools, and what are the enrolments at those schools?

(2) What is the criteria for—

(a) the establishment of one-teacher schools; and

(b) the retention of one-teacher schools?

The Hon. D. J. WORDSWORTH replied:

(1) There are 40 primary schools classified as class IV with a teacher in charge. These are listed in the Education Department's publication "Schools and Staffing 1981".
Enrolments range from 30 to eight with several schools temporarily exceeding the upper level or falling below an enrolment of eight. Schools in this classification are staffed according to the number of students.

(2) (a) In remote areas, or where there is no other Government school within five kilometres, an average attendance of eight children is required.
In other areas an average attendance of not less than 10 children between the ages of six years and 14 years is the criterion.

(b) Where enrolments fall below the minimum, and are likely to remain at a low level, parents are asked to consider transferring their children to the nearest primary school or to enrol them with the distance education centre.

TRAFFIC

Narrows Bridge

339. The Hon. N. F. MOORE, to the Minister representing the Minister for Transport:

Will the Minister provide details as to why it is necessary to close the peak hour lane on the Narrows Bridge during non-peak hours?

The Hon. D. J. WORDSWORTH replied:

The fourth lane on the Narrows Bridge was provided to cater for the additional demand that arises during the peak period. It is not intended to be used other than during these times, even when the current Kwinana Freeway works are completed.

It should be appreciated that there is a significant difference between peak and non-peak traffic flows on the Narrows Bridge.

As three lanes in each direction can adequately cater for the off-peak period and as operating speeds tend to be higher during these times, safety is enhanced by the closure of the extra lane when not required for peak period traffic.

TRANSPORT: LIVESTOCK

Road Traffic Authority

340. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Police and Traffic:

(1) Is the Minister aware that livestock transport operators in the north of the State are under very close attention from the Road Traffic Authority as to the weight carried on the trucks when fully loaded with livestock?

(2) Is the Minister further aware that this practice by the RTA, which has only recently commenced, is causing very great concern to people in the pastoral industry who are just recovering from a devastating drought?

(3) Will the Minister give an assurance that he will give the matter urgent attention with the view to solving the very serious problem?

The Hon. G. E. MASTERS replied:

(1) I am advised by the Minister for Police and Traffic that attention paid to livestock operators in the north of the State is no different from that applying in other areas.

(2) No Vehicle loadings have always been subject to surveillance.

(3) The Minister for Police and Traffic is not aware that serious problems exist. However, if the member could nominate any specific instances of concern resulting, the Minister will cause them to be investigated.

Load limits are clearly stated in the vehicle standards regulations; problems will only occur if these are not adhered to.

TOWN PLANNING

City Block: Upgrading

341. The Hon. J. M. BERINSON, to the Minister representing the Minister for Urban Development and Town Planning:

(1) What progress has been made in the reported consideration by the Government of upgrading proposals for the city block bounded by Beaufort, Stirling and James Streets, and the railway?

(2) Can the Minister indicate the general nature of the upgrading options under consideration?

(3) Is it intended to invite public comment on the development of the area?

The Hon. I. G. MEDCALF replied:

(1) Discussions have been held at Ministerial and departmental levels but no firm proposals have been put forward at this stage. Any redevelopment proposals for the land will require detailed investigation and, in particular, will require the agreement of the Perth City Council and the Metropolitan Region Planning Authority.

(2) No. See answer to (1).

(3) The question of whether public comment should be sought will be decided when firm proposals for the land are put forward.

COURTS

District and Local

342. The Hon. J. M. BERINSON, to the Attorney General:

(1) In the new District Court building, how many courtrooms will be provided for—

(a) the District Court; and

(b) the Local Court, Perth?

(2) In each case what is the—
(a) total; and
(b) average
area allocated?

(3) How many courtrooms are in the present—
(a) District Court; and
(b) Local Court, Perth?

(4) In each case what is the—
(a) total; and
(b) average
area available?

The Hon. I. G. MEDCALF replied:

(1) (a) eight
(b) five.

(2) (a) and (b) District Court: Four jury courts with approximate dimensions of 14.4 metres by 10.8 metres. Four civil courts with approximate dimensions of 11.2 metres by 10.4 metres.
Local Court: Four courts with approximate dimensions of 9.6 metres by 8.4 metres. One court with approximate dimensions of 12 metres by 8.4 metres.

(3) (a) Five. In addition two courts are available in the Supreme Court building for District Court criminal sittings.
(b) Four.

(4) (a) and (b) District Court: Five courts with approximate dimensions of 12 metres by 7.2 metres.
Local Court: Four courts with approximate dimensions of 8.4 metres by 6 metres.

COURT: DISTRICT

New Building: Practitioners' Library

343. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the practitioners' library proposed to be established in the new District Court building—

(1) What are the planned staffing arrangements?

(2) What is the estimated cost of initial stocking?

(3) How will the range of reports and texts compare with the Supreme Court library?

(4) What area of the new building has been allocated for the purpose?

The Hon. I. G. MEDCALF replied:

(1) A full-time library assistant under control of the Supreme Court librarian.

(2) $94 000.

(3) The library will not be as comprehensive as the Supreme Court library but will contain copies of Australian and United Kingdom Law Reports together with a specialised collection of criminal law and petty sessions material unique to this library.

(4) A portion of level 6 containing the library of 21.6 metres by 9.6 metres and a work room of 18 metres by 3 metres.

PRISONS: PRISONERS

Water Treatment

344. The Hon. H. W. OLNEY, to the Attorney General:

(1) Has the Attorney General's attention been drawn to media reports of a question asked of the Minister for Police and Traffic yesterday concerning the practice known as "the water treatment" said to be used by certain police officers?

(2) Has the Attorney General any knowledge of allegations being made by accused persons of this practice being used?

(3) Will the Minister inquire from officers of his department, and in particular, those who act as crown prosecutors, as to the extent to which such allegations have been made?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) The member has drawn my attention to such allegations.

(3) I have asked the Crown Prosecutor if he had any knowledge of such allegations and he has informed me that prior to last week he had not heard of any such allegation. I have asked him to make appropriate inquiries of other prosecutors in the Crown Law Department.

QUESTIONS WITHOUT NOTICE

HEALTH: NURSING HOMES

WAIT Report

124. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Health:

(1) When did he receive the report of complaints about nursing homes compiled by a WAIT department of social work staff member following a "phone-in" on abuse of the elderly?

(2) What were the names of the nursing homes against which allegations were made?

(3) (a) How many allegations were made against each of these homes; and
(b) what were the allegations?

(4) What action was taken by his department to investigate the allegations?

(5) Which ones were found to be proved or to have had foundation?

(6) What action does he intend to take against the offending home/s?

(7) What action will he take to—
(a) ensure that patients in nursing homes are guaranteed protection against ill treatment or neglect in the future;
(b) provide a mechanism by which complaints may be lodged and speedily investigated;
(c) withdraw the licences of those homes where abuse or neglect of patients is proved to have taken place; and
(d) establish non-profit Government or community based nursing homes as an alternative to those private homes run on a profit basis?

The Hon. D. J. WORDSWORTH replied:

(1) The letter accompanying the report was dated 10 July. It is not known when they were received in the Minister for Health's office as the envelope was marked confidential, and therefore not date-stamped.

(2) Killara.
Valencia.
Hillview.
Stranraer.
St George's.
Montrose.

(3) (a)

Killara	7
Valencia	3
Hillview	7
Stranraer	2
Montrose	7
St George's	6

(b) (i) Killara—
Patients rarely seen by doctors who allegedly took advice of nursing sister as to patients' needs;
patients over-sedated by nursing staff;
patients showered at 4.00 a.m.;
food (2 complaints): inadequate; patients who could not eat tidily required to take meals in own room;
incontinent patients segregated;
patients ridiculed and humiliated by staff.

(ii) Valencia—
Patients showered during the night;
abusive behaviour towards patients;
overuse of sedatives.

(iii) Hillview—
Food (3 complaints): meals lacked nutrition and not aesthetically presented to patients; patients who could not feed themselves were not assisted; Sunday meals were specially prepared just to show visitors;
bedridden patients have severe bedsores;
incontinent patients had to lie in soiled linen for long periods of time;
patients were left shivering in showers for too long;
verbal and physical abuse by staff is common.

(iv) Stranraer—
Inadequacy of food;
patients' money was not accounted for.

(v) Montrose—
More than licensed number of patients accommodated;
staffing (2 complaints): false rosters; lack of trained staff;
patients wheeled naked to showers;

patients left on commodes in view of staff and other patients;
catheterisation not monitored and resultant high frequency of urinary infections;
unprescribed sedation of patients.

(vi) St George's—

Mentally ill patients placed with fully functioning elderly persons;
patients' finances (2 complaints): patients not advised of money withdrawals;
patients' auxiliary funds not accounted for;
food inadequate and of poor quality;
physical and verbal abuse of patients;
poorly functioning patients hidden away.

(4) Nursing officers conducted 11 unannounced inspections at different times over two days 29 and 30 July, 1981.

(5) Killara—

There was an entry on the duty list that showers begin at 4.15 a.m., but on inspection at 5.30 a.m. the patients had not been disturbed for early morning showers. Breakfast was served at an early hour by the night staff.
Hillview—
The quantity, not the quality, of the food was in question.

(6) Corrective action has been taken by the manager of Killara to commence showers and breakfast at a time more convenient to the patients.
Hillview—The department's dietitian has been asked to discuss menus with the home's management.

(7) (a) The programme of inspections will be continued and particular attention will be paid to any unsatisfactory aspects. A copy of the report will be sent to the Commonwealth Minister for Health.

(b) There is already a simple mechanism by which complaints may be lodged and speedily investigated. Complaints may be and are lodged with the Commissioner of Public Health, the Principal Director of Nursing, direct to the Minister or to senior officers of the Commonwealth Department of Health. Where complaints in the past have indicated unsatisfactory aspects, these have been taken up with the management and corrected.

(c) No action is proposed at the moment, but there is provision in the private hospitals regulations of the Health Act to cancel registration of a private hospital or nursing home if abuse or neglect of patients is proved to have taken place. Obviously such abuse or neglect would need to be of a fairly serious nature or persist despite having been drawn to the attention of the management.

(d) The Government does operate non-profit nursing homes and there are deficit funded religious and charitable homes. There are also permanent care units accommodating this type of patient attached to a number of public hospitals.

LEGAL AID COMMISSION

Costs: Increases

125. The Hon. J. M. BERINSON, to the Attorney General:

On 29 April I drew attention in the House to the fact that Legal Aid Commission procedures could well be resulting in the overpayment to private practitioners of many thousands of dollars each year. I suggested also that the matter be tested by submitting previously approved accounts to the independent assessment of a taxation master.
I now ask the Attorney General—

(1) Has he arranged for an independent assessment of costs as proposed and, if so, with what results?

(2) More generally: What are the results of the inquiries which on 29 April he undertook to make?

The Hon. I. G. MEDCALF replied:

(1) and (2) The matter was referred to the Legal Aid Commission and is still under inquiry.

PUBLIC HOLIDAYS

Pilbara and Kimberley

126. The Hon. PETER DOWDING, to the Minister for Fisheries and Wildlife:

I refer to the Minister's second deferral of an answer to question 328. In view of the confusion following the changes to the Government's public holidays legislation which will affect public servants in the north and the fact that public servants in my electorate have been told their pay will be docked for having taken a holiday, will the Minister for Fisheries and Wildlife draw to the attention of the Minister for Labour and Industry the fact that this question necessitates an early reply?

The Hon. G. E. MASTERS replied:

I will pass on the member's remarks.

LEGAL AID COMMISSION

Costs: Increases

127. The Hon. J. M. BERINSON, to the Attorney General:

Supplementary to my earlier question to the Attorney, in view of the fact that more than three months have elapsed since this matter was raised can he indicate when a response may be anticipated?

The Hon. I. G. MEDCALF replied:

I will check the matter and see what the position is.

"GOVERNMENT GAZETTE"

Mailing List

128. The Hon. H. W. OLNEY, to the Leader of the House:

In view of the great quantity of delegated legislation which is published in the *Government Gazette*, would he examine the position to see whether those members who wish to receive a copy of the *Government Gazette* to keep an eye on what is going on may be placed on the mailing list?

The Hon. I. G. MEDCALF replied:

I shall make some inquiries.

DROUGHT RELIEF: LOANS

Interest Rates

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

Is it the intention of the Government to increase the interest rates on drought relief loans?

The Hon. I. G. MEDCALF replied:

I am indebted to the honourable member for giving me prior notice of this question. The reply is: Not in respect of current loans, although new rates may have to be considered in respect of any future schemes.

MAGISTRATES: APPOINTMENT

Brinsden Committee: Referral

130. The Hon. J. M. BERINSON, to the Attorney General:

(1) Has the Attorney General's attention been drawn to a proposal put forward by Mr Malcolm Hall, which appeared in this morning's edition of *The West Australian*, that the necessity of legal qualifications for applicants for appointment as magistrates be submitted for report to the Brinsden committee?

(2) Will the Attorney General consider an extension of the terms of reference of that committee to enable such a further inquiry to be made?

The Hon. I. G. MEDCALF replied:

(1) I did read this morning's edition of *The West Australian*, and, therefore, in a technical sense, my attention was drawn to the comments made.

(2) Personally I do not see any requirement to refer that matter to the Brinsden committee. It is necessary for magistrates to have legal qualifications. The requirements for magistrates is much stricter than it was previously, as magistrates are required to pass examinations additional to the examinations called simply "the magistrates' examinations". This subject was considered by a committee of which the Solicitor General was the chairman and persons who do not have qualifications to admit them to the Bar must now undertake a comprehensive course if they wish to become magistrates.

It is not considered appropriate to refer that matter to the Brinsden committee for other reasons, chiefly because there is really no issue of contention about it.

It appeared to me that Mr Hall was labouring under a number of misapprehensions, and I am considering whether or not his letters should be replied to formally.

Generally speaking, the questions raised with the Brinsden committee are matters of some debate within the legal profession. The question Mr Hall has raised is no longer a matter of debate. Magistrates now require qualifications of one kind or another. In recent times a large number of appointments have been made of persons with full legal qualifications. So the point raised is rather academic.

The Hon. J. M. Berinson: Could you perhaps elaborate on that to indicate whether or not it is now Government policy to appoint as magistrates only persons with legal qualifications?

The Hon. I. G. MEDCALF: No, the Government has not made any decision as a matter of policy. We must supply magistrates where they are required, and we must ensure we have suitable applicants. From time to time we have had a dearth of applications from the legal profession and so it has been necessary to appoint applicants who do not have full legal qualifications in the sense of being admitted to the Bar. Nevertheless we seek to appoint the most qualified persons available. I should add—and I think it is important to add—that many magistrates who have not had full legal qualifications have served the State extremely well. I would not want any reflection cast on those people.

The Hon. J. M. Berinson: None is intended, I think you will appreciate.