Legislative Council

Tuesday, 4 December 1984

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 11.00 a.m., and read prayers.

BILLS (19): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Acts Amendment (Court Fees) Bill.
2. Adoption of Children Amendment Bill.
3. Pawnbrokers Amendment Bill.
4. Acts Amendment (Insolvent Estates) Bill.
5. Electoral Amendment Bill.
6. Real Estate and Business Agents Amendment Bill.
7. Restraint of Debtors Bill.
8. Bail Amendment Bill.
9. Small Business Guarantees Bill.
10. Beekeepers Amendment Bill.
11. Bee Industry Compensation Amendment Bill.
12. Election of Senators Amendment Bill.
13. Land Tax Assessment Amendment Bill.
14. Mines Regulation Amendment Bill.
15. Construction Safety Amendment Bill.
16. Machinery Safety Amendment Bill.
17. Stock (Brands and Movement) Amendment Bill (No. 2).
18. Industrial Arbitration Amendment Bill (No. 2).
19. Rural and Industries Bank Amendment Bill.

CONSTITUTION AMENDMENT BILL

Message: Royal Assent

Message from the Governor received and read notifying that he had reserved the Bill for the signification of Her Majesty's pleasure.

HEALTH: MARTINDALE HOSPITAL

Closure: Petition

The following petition bearing the signatures of 150 persons was presented by Hon. P. G. Pendal—

TO: The Honourable the President and Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled.

WE, THE UNDERSIGNED, beg you to intercede on our behalf to prevent the closure of Martindale Hospital by:

1. Upgrading the classification to it's former level prior to Medicare

and

2. The Government to allocate a proportion of beds as public beds under the Commonwealth/State Medicare agreement.

Your Petitioners therefore humbly pray that you will give this matter your earnest consideration and your Petitioners in duty bound will pray.

(See paper No. 351.)

HEALTH: HOSPITAL

Wooroloo: Petition

The following petition bearing the signatures of 1 082 persons was presented by Hon. Neil Oliver—

TO: The Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia request the following:

1. The continuation of the Hospital located in the grounds of the Wooroloo Prison as promised by the Government in 1969 and honoured by successive Governments.
2. The retention of adequate medical, pharmaceutical facilities and staffing at the Hospital to ensure that there is no deterioration in the standard of health services provided to local residents.

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

(See paper No. 352.)

ACTS AMENDMENT (COMPLAINTS AGAINST POLICE) BILL

Parliamentary Commissioner: Correspondence

THE PRESIDENT (Hon. Clive Griffiths): I table correspondence from the Parliamentary Commissioner under cover of a letter addressed to the Presiding Officer relating to the Acts Amendment (Complaints against Police) Bill.

Mr Speaker and I were consulted by the Ombudsman as to the propriety of his commenting on certain proposed amendments to that Bill. Because the Ombudsman's comments concern the business now before the House it is appropriate that the documents be tabled before that business is further considered.

The papers were tabled (see paper No. 353.).

MINISTER FOR SPORT AND RECREATION

Criticism of Select Committee Report: Urgency Motion

THE PRESIDENT (Hon. Clive Griffiths): I have received a letter, dated 30 November 1984, which reads as follows—

> Dear Mr President,
>
> In accordance with SO 63, it is my desire to move at the next Sitting that the House, at its rising, adjourn until 11 am on Monday, December 24 1984 for the purpose of discussing the statements and criticisms made by the Minister for Youth, Sport and Recreation following the publication of, and in relation to, the report of the Council's select committee on sport and recreation activities in this State.
>
> Yours faithfully,
>
> TOM McNEIL, MLC
> Member for Upper West Province.

In order for this matter to be discussed it will be necessary for four members to indicate their support by rising in their places.

Four members having risen in their places,

HON. TOM McNEIL (Upper West) [11.11 a.m.]: I move—

> That the House do now adjourn.

The reason I move this urgency motion today is quite simple: It is as a result of a statement made in another place, in reply to a question from the member for Rockingham (Mr Barnett) to the Minister for Sport and Recreation. In order to make members fully aware of the sequence of events that lead to this motion, I will read the question and the Minister's answer. Question 626 of 22 November 1984 reads as follows—

> (1) Is the Minister aware of criticisms, made through the media, of the Government's handling of junior sport and the Sports Instant Lotteries funds?
>
> (2) Would the Minister inform the House of the current situation in relation to these matters?

The Minister replied as follows—

> I thank the member for his question and welcome the opportunity to correct a number of statements that have been attributed to members of the Opposition and may have caused undue concern among some sport people in this State—
>
> (1) Western Australia is recognised throughout Australia as leading the way in junior sport education. Only last weekend, Carlton football coach, David Parkin, was brought to WA to conduct, among other programs, a seminar on attitudes and communication in junior sport. He stated publicly that WA was leading other States in its work in junior sport. Mr Parkin's remarks echo comments made earlier this year by Dr Ian Robertson from Salisbury College in SA, who is recognised as being the foremost expert on junior sport in Australia.
>
> (2) In the past year the Government, through its DYSR, has made a massive attempt at educating junior sport coaches and parents. The DYSR has conducted accreditation courses involving 462 coaches and covering 18 junior sports. No fewer than 113 courses, catering for as many as 2 353 participants, have been run for country sports programs.
>
> There have also been 12 sports trainers courses, including three in the country, which is double the number of the previous year. Other coaching programs involving nearly 1 000 participants have also been conducted by DYSR.
>
> The support for junior sport provided by the Government has not, however, been limited to coaching. Through its DYSR the Government has produced six booklets and five videos, which are now selling throughout Australia to assist teachers, parents and coaches involved in junior sport.
>
> The negative comments made by Mr McNeil, regarding junior sport also fail to acknowledge the extensive efforts that are being made to introduce and promote a range of modified games that will encourage children to participate and develop their sport skills. These include modified netball, T-ball, and kanga cricket.
>
> It is a great pity that Mr McNeil appears ready to ignore the many fine things that are being done for junior sport in Western Australia and by implication to denigrate those many caring people who give so freely of their time to assist with coaching and administering junior sport.
>
> The claims that have been made about the inefficient use of Sports Instant Lottery funds are both inaccurate and misleading. The facts are, that only at the very beginning of the Sports Instant

Lotteries programme there an accumulation of funds. This was at a time when the initial guidelines were being developed and this affected the rate at which funds were dispersed. The balance at 30 June 1984 of $2 525 131 reflects that early accumulation and was made up of $976 516 which was already committed and $1 547 615 of available funds.

What the committee's report and Mr Knight have failed to recognise is that during 1983-84 total approvals for all programs funded by SILF amounted to $3.6 million and the known commitments for 1984-85 will also exceed $3 million.

Through its careful forward planning the Government is able to allocate the remaining balance towards the development of another international-standard sports facility. This will almost certainly mean, that in the near future, Western Australia will have its own international-standard cycling facility, which will be without peer in the whole of Australia.

I can assure the members of the Opposition that the Department for Youth, Sport and Recreation keeps comprehensive records of the grants that are allocated, and that the numbering system used clearly identifies the month in which allocations have been made.

Of course the SILF earns interest as it is invested by Treasury on the short-term money market. Just as with the previous Government, the interest is paid into CRF.

Rather than attacking the Government about some imagined mishandling of sports funds, if the committee and Mr Knight are really concerned about the betterment of sport in this State, they should join with the peak sports bodies which, as recently as this week, have clearly indicated their appreciation of the very real way this Government is helping sport to progress.

I tabled the select committee report late last Tuesday week because of a series of events. It was never my intention to make any comments about the report, because I felt it was an even-handed report, prepared by members from three different parties.

Never in my wildest dreams would I have attacked the Government, in any sense, in this report. When I presented that report it was certainly not my intention to do that, or to indicate to the Minister that the members of my committee and I were dissatisfied with the Government's actions. I went to great lengths to make sure that that did not happen.

I was approached by a number of radio stations the morning after I presented that report and I gave what I thought was an amplified statement concerning three aspects of the report. The first dealt with the ugly parent syndrome; the second dealt with competitive sport for children under 12 years of age; and the third concerned the approximate amount of $3 million which was still held in the sports Instant Lottery fund.

I emphasise once again that I do not recall having made any remarks that could be misconstrued as an attack on the Government. I believe the Minister over-reacted in his reply to the attitude of and the comments made by Hon. Tom Knight.

My comments in no way implicated the committee or myself, either as a member of the Legislative Council, or as the chairman of the committee. I took umbrage at the action of the Minister when he decided to mount a personal attack upon me in another place. By way of interpolation, half way through the Minister's obviously prepared statements, he switched from "Mr McNeil" to "the committee report". As I have just indicated by reading the answer he even decided, as a parting shot, to include Tom Knight in his second last paragraph.

It is interesting to note that this dorothy dix question was prepared in answer to a question of which notice had been given by the member for Merredin (Mr Cowan), regarding certain funds that Mr Cowan felt should be made available to some young children to enable them to travel to Singapore for a swimming carnival. I will refer to the answer to Mr Cowan's question at a later time.

In my limited experience of eight years as a parliamentarian—many members have been here longer than I have—I would say that is one of the most ridiculous and stupid answers ever given. It is ridiculous to suggest that the committee has misled people or criticised the actions of the Minister. I suggest that the Minister's action in denigrating this committee, and suggesting that it has been incorrect and has misled others, is completely foolish.

I will show members why. Let us turn to that section of the Minister's statement in which he said—

> The negative comments made by Mr McNeil, regarding junior sport also fail to acknowledge the extensive efforts that are being made to introduce and promote a range of modified games . . .

Yet on page 28 of the report, paragraph 8, section 6.2 states—

> The Committee was impressed with the introduction of modified rules in the majority of major sports e.g. T-ball, Minky, Free Ball, Kanga, Soccer etc. These games emphasise the enjoyment and involvement aspect without the "win at all costs" message which is unfortunately so evident in some junior sports.

The recommendations made by the committee had nothing whatever to do with either the ugly parent syndrome or the competitive nature of children under 12 years. The two recommendations deal solely with teachers and the Department of Youth, Sport and Recreation. Nevertheless, the Minister vilified me.

I do not blame members for being confused because I was confused after reading the Minister's comments. In order to ascertain exactly what the Minister was talking about and whether he was referring to Mr McNeil MLC, or the chairman, or the report, I arranged for the member for Stirling to ask the following question in another place—

> (1) Is it correct that the Minister recently made statements which referred to—
>
> (a) negative comments made by Mr Tom McNeil regarding junior sport; and
>
> (b) Mr McNeil denigrating people who gave time assisting with junior sport?
>
> (2) If "Yes", when and where was Mr McNeil supposed to have made these comments, and in what context?

The Minister replied—

> (1) and (2) In response to the question asked last week by the member for Rockingham, I sought to make the following points: I raised concerns about critical comments regarding junior sport, which were reported by the media and attributed to the Select Committee on Sport and Recreation Activities chaired by Mr McNeil.
>
> I highlighted my support for the many positive contributions being made by a number of sporting bodies and individuals that benefit young people involved in junior sport. Any direct reference to Mr McNeil was only in his capacity as chairman of the committee.

The Minister appears to have decided to jump off one horse in midstream because of interjections regarding the fact that it was not Mr McNeil's report, but the committee's report. If we assume he is talking about the committee report we will all be on the same horse.

The second reference to junior sport related specifically to modified rules. I refer to page 32 of the report, paragraph 2, section 6.5.2 where it states—

> With the increasing number of children participating in sport possibly due to the introduction of modified rules in sport every effort should be made to fully utilise all available facilities.

Further on it makes this recommendation—

> That the Education Department liaise with P & C bodies to make school ovals and other sporting facilities available for junior sport outside normal school hours.

I suggest the report quite concisely gave due recognition to the efforts of the people concerned in promoting modified rules, and the automatic reaction of the committee was that we should make sure they had enough ovals and grounds to continue that development. We praised it. The first time the Minister decided to hit out, however, he said we made no reference or gave no acknowledgment to modified games. Yet it is in the report; are we to assume the Minister did not read it?

I turn now to the Minister's second *faux pas*, blunder, or stupid statement, which was as follows—

> I can assure the members of the Opposition that the Department for Youth, Sport and Recreation keeps comprehensive records of the grants that are allocated, and that the numbering system used clearly identifies the month in which allocations have been made.

I have asked a series of questions in this place and I have a full list of allocations made from SILDAC through to SILF. In none of the documents presented to me or to the Parliamentary Library is there any dating system whatever. I have here the list which reached the library yesterday. It is headed "Sports Instant Lottery Fund—10th Allocation", with the sub headings "Equipment", "File No.", and "Amount". There is no reference to a dating system, and there never has been. I point out that if anyone cares to check *Hansard* he will find the second allocation was made on 28 March 1983; the third on 8 September

1983; the fourth on 27 September 1983; and the fifth on 14 October 1983. There is no sequence at all or any reference to a monthly system.

The Minister decided that was not enough and that he had to say a few things about how well the Government was looking after sport and that Mr McNeil and his committee were denigrating it. I refer to page 36 of the report, paragraph 5, section 6.7.4 in which the committee said—

> There is also no evidence of interest accruing on these Trust Funds being credited to the Sport Account for the use of sport and recreation.

But the Minister decided he was going to tip a bucket and he made the following statement—

> Of course the SILF earns interest as it is invested by Treasury on the short-term money market. Just as with the previous Government, the interest is paid into CRF.

What an unholy, mind-blowing statement! No-one argued that; the committee said, "Let us look at the situation; if the money has not gone out it should be accruing interest into sport and recreation." Nothing else was said, and that is the way the recommendation reads in the report.

Let us see what other mind-blowing statements the Minister made. He said this—

> The facts are, that only at the very beginning of the Sports Instant Lotteries programme was there an accumulation of funds. This was at a time when the initial guidelines were being developed and this affected the rate at which funds were dispersed.

Let us look at this a bit further before we accept the Minister's statement. The committee looked at the Auditor General's report for the year ended 30 June 1983. I will read from page 127 where it refers to the sports culture Instant Lottery and states—

> Since December, 1982, distributions amounted to $677 150 leaving a balance available for allocation at June 30, 1983 of $2 173 350.

If one believes the Minister, that is the only time that funds accumulated. The committee did not find it that way. The Auditor General's report for the year ended 30 June 1984 shows that not only has the amount gone above $2 173 350, but the figure mentioned there is $2 524 131. On page 164 of the Auditor General's report under the heading of "Sports Culture Instant Lottery Account" it states—

> In relation to grants for sporting bodies, contributions from the account totalled $3 000 000 for the year and after allowing for funds held at July 1, 1983 and payments amounting to $2 649 219, the balance available for distribution at June 30, 1984 was $2 524 131.

Let us take this a step further. Let us go past the time when Mr Barnett asked his dorothy dix question to the time when Mr Cowan asked a question about the young people for whom he wanted a trip. In question 629 Mr Cowan asked the Minister for Sport and Recreation—

> (1) Is the Minister aware that an application by the Western Australian Country Amateur Swimming Association for financial assistance to meet part of the expenses of a proposed official tour of Singapore, Hong Kong, and China was rejected by the Government?
>
> (2) In view of—
>
> (a) a credit balance of $2.87 million in the Sports Instant Lottery Fund;

I do not believe it is necessary to go any further with that question. I think we should concern ourselves with the answer that the Minister gave. Mr Wilson replied—

> (1) and (2) The financial position of the Sports Instant Lottery Fund is not as described in the upper House Select Committee report. As at 30 June 1984, $1 547 615 was carried forward for allocation while $976 516 had been allocated and was waiting claim by clubs and associations. The balance therefore was $2 525 131.

The Minister has already said that the only time the Government had an accumulation was at the commencement of the scheme. He mentioned that the initial guidelines were being developed. The Auditor General does not agree about the figures for 1983 nor about the figures for 1984.

While the Minister is suggesting that that situation developed only because of the initial guidelines being set in place, the answer which he gave to Mr Cowan is very interesting. The third paragraph states—

> The fact that unallocated funds could be carried forward from the early days of the fund demonstrates good stewardship . . .

Which way does the Minister want it? Does he want it to be not his fault because of the initial guidelines or is he claiming good stewardship? He cannot have it both ways. The suggestion was made that the claims that the committee made in the report about the inefficient use of sports Instant Lottery funds were inaccurate and misleading. I do not know of any better authority to go to

when in doubt than the Auditor General. The figures presented in the report have been confirmed. There is no way that anyone can bend them to suit himself, least of all the Minister. He then said—

> What the committee report and Mr Knight have failed to recognise—

This is the Achilles heel. He wants to lash out at us because of Mr Knight—

> —is that during 1983-84 total approvals for all programmes funded by SILF amounted to $3.6 million and the known commitments for 1984-85 will also exceed $3.0 million.

It is extremely interesting to note that the Government is claiming that it had implied as much to Mr Cowan. It considered that the balance was $2 525 131. The committee had a really good look at the Auditor General's report. A particular paragraph throws additional light on why the Select Committee came up with the figure of $2.874 million. It said—

> Total moneys paid by the Lotteries Commission in 1983-84 amounted to $6 700 000 being $6 000 000 in respect of 1983-84 and $700 000 for the balance of the prescribed percentage of money received by the Commission in 1982-83. As the limit of $6 000 000 did not apply in 1982-83, the amount of $700 000 transferred to the Hospital Fund is properly payable to the Sports-Culture Instant Lottery Account.

So the committee, in its wisdom, did what everyone in his right mind would do; it halved the $700 000 and automatically said that $350 000 was an accumulation to the sports Instant Lottery fund. That is the amount that the Minister sees as being inaccurate. All we were trying to do was to give an up-to-date figure confirmed by the Auditor General.

Prior to our travelling around and getting ideas on how this State was operating in comparison with other States, I asked three question in this House. The first question I asked on 2 May 1984, as follows—

> (1) What was the total amount of funds derived from Sports Instant Lotteries from—
>
> (a) inception to February 1983;
>
> (b) March 1983 to March 1984?

Back came the answer from Minister Dowding. He replied—

> (1) (a) 1.5 million;
>
> (b) 4.6 million.

The Minister should have been able to add that up. It totals $6.1 million. The answer was not what we wanted. The second part of the question stated—

> (2) How was the money disbursed to—
>
> (a) sport;
>
> (b) arts;
>
> (c) administration;
>
> (d) other?

Then we got this answer from the airy-fairy Minister. I do not blame the Minister in this place for the answer, because the information was supplied by the department with the approval of Minister Wilson. It stated—

> (2) (a) to (d) By the receipt of applications from State associations and individual groups and is disbursed in accordance with approved guidelines.

That should have been enough to squash anyone who wanted to go any further; because it seemed the Government did not want us to know what was going on. However, six days later I asked question 1003 as follows—

> (1) Further to the reply to question 977 on 2 May 1984, would the Minister provide details of the amounts disbursed to the various categories of recipients of the $1.5 million and $4.6 million referred to in parts (1)(a) and (b)?

That is quite a simple question. We wanted to know what happened to the $6.1 million. Mr Dowding replied—

> (1) To 1 May 1984 the following disbursements have been approved—

	$
State association	1 509 742
regional association	104 538
clubs	473 903
	2 088 133

> In addition, the following approvals and recommendations for special projects have occurred—

He then listed them. They totalled $1 355 649. Even Minister Wilson should have been able to add that up. We still wanted to know what happened to the $6.1 million, but we received the answer about what had happened to the $3.443 million. We still do not know what happened to the $6.1 million. We were resolute and so we tried once again. On Tuesday, 6 November 1984 I asked question 374. It states—

> With reference to paragraph 5 of the report of the Auditor General on the accounts of the Lotteries Commission dated 27 September 1984, would the Minister advise how the $6 million paid into the sports-culture Instant

> Lottery account for the year ended 30 June 1984, was disbursed?

Back came the doozey of all doozeys. I do not blame Hon. D. K. Dans for the answer because he simply read the answer which he was given. It stated—

> Disbursement to sporting and cultural bodies is explained in page 28 of the Auditor General's Report on the Treasurer's statement of public accounts for the financial year ended 30 June 1984.

So we have been around in a circle. We have tried to find out what happened to that money. We were told, finally, to go back to page 28 of the Auditor General's report. We have done that. We now have all his hoo-ha about our being misleading and inaccurate. Even John Squarcini would not bet on the Minister because we were going on the Auditor General's report solely. If we cannot accept that as true and accurate and not misleading, I do not know what we have to do.

I do not know who prepared the reply for Minister Wilson in another place. I say again what I said when I first started. It is the most ridiculous reply even to a dorothy dix question, particularly as it is evident that the person who prepared the replies had never read the report. Those answers have gone into print and certain sections of the media willing to grab anything, such as the *Daily News*, suggested that the committee had banned competitive sport for under-12s. That is not in the report, but it obviously sounded good.

The article got the desired reaction from the Minister, who was quoted in a Press headline some days later: "Sport plan is 'Pie in the sky'". It seems sad that the committee which worked for over 12 months to prepare a report was told by the Minister, who obviously had not read the report, that the report was, "Pie in the sky".

It does not say much for a place like this, particularly if other members agree with me that the perfect way to run this House is under a committee system; because by doing so we are trying to gain an idea about what is happening in the State in order to come up with some solid answers.

I think that there are possibly one, two, or three solutions to this matter. Perhaps the answer to the dorothy dixer in another place was prepared by the Minister, which I find difficult to believe. I will refer the matter to other members in this House who are, or have been Ministers. Perhaps Hon. Graham MacKinnon will know the answer, but I do not think that the Minister prepared the answer to the question asked in another place. However, he has put his name to the answer and must accept the responsibility.

Another aspect is whether the Department of Youth, Sport and Recreation prepared the information given to the Minister. If the answer is "Yes", it should be investigated, because someone is not telling the truth; someone is bending the truth, and someone is waffling on about the CRF and interest rates.

The third aspect is whether the answer to the question asked by Mr Barnett in another place was prepared by any of the advisers and PR guys we fall over in the corridor. Maybe tomorrow we will be falling over one less, because whoever prepared the answer is not worth a place on the Minister's staff. I presume the Minister will take the necessary action to haul the person before him and find out the reason for the litany of lies which were used to denigrate the committee.

Hon. G. C. MacKinnon: The Minister earns enough to make his own assessment and the responsibility lies with him.

Hon. TOM McNEIL: Rather than attacking the Government about some imaginary mishandling of sports funds I want to advise the House that never at any time was it the intention of the committee—Hon. Lyla Elliott and Hon. Colin Bell who were members are sitting in this House now—to attack the Government. The recommendations were made on a sound basis and the committee reached certain conclusions and expressed certain opinions. It was unjustifiable for a member in another place to come up with this morass of lies hitting at the committee and its report. So much of the report was not accepted by the media because it was not sensational enough. Consideration was not given to the three-tiered structure the committee thought was the answer for the country. The committee was appointed to look at the situation between metropolitan and country sporting facilities. The Press did not give consideration to these matters because it did not think they were important enough. It is only interested in sensationalising some aspects of the report.

I have fully explained what I considered to be grave errors in the statement made by Minister Wilson in another place. I am not standing up to defend the report or its contents, but I am certainly standing up to protect Hon. Lyla Elliott, Hon. Colin Bell and myself against the denigrating attack by the Minister. I commend the motion to the House.

HON. TOM KNIGHT (South) [11.45 a.m.]: I enter this debate because most of the things attributed by the Minister to Hon. Tom McNeil were said by me in this House when I spoke during the consideration of tabled papers in relation to

the Appropriation (Consolidated Revenue Fund) Bill. During that debate I referred to the funding of the Department of Youth, Sport and Recreation and in particular to Instant Lotteries.

I raised the matter because at the time Hon. Tom McNeil tabled his report, as he correctly said, he made no comment except to table the report. At that time I asked one of the attendants to photocopy the report for me because no spare copies were available. I read the report that night and I noticed that funds were sitting in an account instead of being utilised for sport, particularly in country areas.

During the debate to which I have referred I mentioned that last year only one grant was made on sporting facilities in my province by the Department of Youth, Sport and Recreation. I was concerned that money was sitting in an account, not doing what it was proposed to do and, in fact, not accruing interest. It is a bad way to run a business but worse in Government.

As Hon. Tom McNeil has said a dorothy dixer was asked in another place. My understanding of a dorothy dixer is that it gives the Minister an opportunity to put forward an accurate statement or to clear up any misgivings or mistakes that may have been made in a report or in what I said in this House.

On reading the inaccuracies of the Minister's statement I think he must be finding his job a little hard going. When one considers that the womens' nuclear disarmament group is active despite the fact that the Minister, in answer to a question, said that permission would not be granted for such an activity on the reserve at Point Peron, one must ask if the Minister has lost the trust of the Premier or if the Premier has given up in regard to the Minister's ability.

Hon. Peter Dowding: Don't be silly. It has nothing to do with this motion.

Hon. TOM KNIGHT: If Hon. Peter Dowding wants to jump up and down, he will have his opportunity.

Hon. Peter Dowding: It is absurd.

Hon. TOM KNIGHT: The Minister has made certain accusations and if he was advised by his advisers they are overpaid because they ill advised him.

Several members interjected.

The PRESIDENT: Order!

Hon. TOM KNIGHT: I did not mention junior sport, but referred to sporting facilities and the fact that funding was not coming forward for sporting facilities in my area. My contribution to the debate was based wholly and solely on that factor. In answer to a question the Minister in another place blamed Hon. Tom McNeil for what I said.

I am still concerned about the situation and I want to know if an amount of the order of $5.3 million is sitting in an account. If the answer is, "Yes" the money should be distributed, particularly to country areas which are suffering badly from a lack of sporting facilities.

The Minister must get on top of his department and ensure that when he is answering questions in this Parliament the answers are correct. It all adds up to the reason that a Select Committee was appointed to investigate the Department of Youth, Sport and Recreation because of the inaccuracies that have occurred in that department over the last 12 months and because of the disbursement of Instant Lottery funds. We know the funds have been cut by 10 per cent for sports and culture back to a maximum of $3 million and this meant that sport lost out by $3.2 million last year. The situation needs to be investigated, especially if funds are sitting in kitty. The Minister should sharpen his pencil and straighten out his department to ensure that the money is spent in the way it was intended and that his department is run in the interests of sport and recreation in this State.

HON. TOM McNEIL (Upper West) [11.50 a.m.]: Having made my previous points, at this stage there is just one issue to raise; that is, the figure of $2.525 million referred to by the Minister does not agree with the figure produced by the Auditor General. There is a discrepancy of $1 000. I reiterate that the committee was of the opinion that there was an additional sum of $350 000 in the account.

I have made my point regarding the urgency motion; the Minister has handled this matter in the worst possible manner. I do not think he is sufficiently capable to hold this portfolio; but it is not for me to make any decision on that. I suggest to those who are responsible for his holding the portfolio that the Minister should be told to pull up his socks and improve his performance. I also suggest that other members of the Labor Party may be more capable of handling this portfolio; for example, Hon. Lyla Elliott would be a suitable replacement from this House. If the Minister was replaced perhaps we would receive honest answers to our questions on these matters.

Motion, by leave, withdrawn.

PUBLIC WORKS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [11.52 a.m.]: I move—

That the Bill be now read a second time.

In June 1984, significant decisions were made by the Australian Loan Council which brought about fundamental changes to arrangements relating to semi-Government borrowings. On a trial basis for 1984-85, a new global approach was adopted by the Loan Council which placed limits on the level of new money borrowings from all sources by semi-Government authorities. For Western Australia, that limit is $830.7 million.

Under this arrangement funding sources which were previously regarded as "off-programme" and not subject to Loan Council control have been amalgamated into the one global allocation. Nevertheless, the overall effect of the new global approach has been to give us a greater degree of flexibility in funding our capital works programme for 1984-85.

Taking advantage of the added funding flexibility is central to our Budget strategy this financial year. In particular it has enabled us to frame a capital works programme which maximises funding for public housing so as to more effectively address community needs and to help maintain the momentum in the labour-intensive home building industry.

Members do not need to be reminded that $96.5 million has been nominated by the State Government this year for public housing. These funds are advanced on loan by the Commonwealth to the State at the concessional interest rate of 4.5 per cent and are repayable over 53 years. By way of background, this arrangement commenced in 1982-83 when the Commonwealth gave the States the option of nominating amounts from their Government borrowing programmes to apply to public housing, provided that the States had first met their matching requirements under the Commonwealth-State housing agreement.

Western Australia nominated $7.2 million under this arrangement in 1982-83 and $7 million in 1983-84. This year, and in line with the high priority we place on meeting community needs for public housing, the Government has earmarked the full Government borrowing programme of $96.5 million.

Against this background it is apparent that we will need to draw upon other available sources to fund the essential projects which comprise our wide ranging capital works programme and which are described in the Budget papers. For this reason, members will recall that in outlining the Government's financial programmes, the Treasurer mentioned in his Budget speech the need for measures to facilitate the taking up of our Loan Council borrowing entitlement. He advised of plans to amend the Public Works Act to introduce borrowing powers.

This Bill aims to achieve that through the formation of the Building Authority. It is a Budget measure to enable the Government to fund a capital works programme framed on the basis of effectively utilising our semi-Government borrowing entitlement approved by the Australian Loan Council. In brief, the Bill is an integral part of our Budget strategy. The formation of the proposed Building Authority provides the vehicle to take advantage of the agreed new global approach.

So far as the mechanics are concerned, the logical and convenient place to establish a Building Authority of this nature is in the public works area under the umbrella of the Public Works Act.

The proposed authority's main objective will be to utilise borrowed funds for public buildings and the necessary resources and expertise to undertake that role already exists within the department. Consequently, under the proposed arrangements the functions of the Western Australian Building Authority could be carried out without the need to incur the usual outlays that would normally be required to set up the necessary staffing and infrastructure.

While the proposed legislative amendment will give borrowing powers to the Building Authority, it is of course the Government's intention that the Central Borrowing Authority will raise the funds from the market on its behalf. This is consistent with the procedures currently adopted for the raising of funds for the majority of State semi-Government authorities.

In summary, therefore, the Bill is an essential feature of the Government's Budget strategy. It is fundamental to the fulfilling of our 1984-85 capital works programme.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. W. N. Stretch.

WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Minister for Industrial Relations), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [11.57 a.m.]: I move—

That the Bill be now read a second time.

On 3 May 1982, the Workers' Compensation Act was repealed and replaced by the Workers' Compensation and Assistance Act. This major change to legislation which has significant implications for both employers and workers was based extensively on the findings of the judicial inquiry chaired by Judge B. J. Dunn.

This Government, concerned at the potential impact of the new legislation on workers, initially monitored developments and subsequently initiated a complete review of the operations of the Act. Submissions were requested from all interested groups and individuals seeking their views on the operation of the Act after it had been functioning for one year. These were submitted to the Tripartite Labour Consultative Council for consideration, and a report on the findings will be presented to this Parliament in the near future.

The review did, however, highlight two matters which were of sufficient concern to warrant immediate remedy by this Government. In tripartite negotiations leading up to the final format of the Workers' Compensation and Assistance Act, an understanding was given as to the entitlement of workers suffering from pneumoconiosis or, as it is more commonly known, "dust on the lungs".

Schedule 5 of the Act reflected this agreement in most respects. However, a provision relating to workers over 65 years of age at the time the Act was proclaimed, and who subsequently were diagnosed as having the disability, was omitted. This has caused considerable distress to the persons involved and the unions to whom the understanding was given. The proposed amendment rectifying this includes a retrospective clause to the date on which the present Act was proclaimed.

The second matter of urgency involves the powers of the Workers' Assistance Commission. The commission, which is responsible for administering the Act and providing registry support to the Workers' Compensation Board, has as part of its establishment provision set out in section 94(2) of the Act the ability to acquire, hold, and dispose of real and personal property. The powers of the commission do not support this provision, with the result that the commission's operational scope is seriously diminished. The proposal before the House will effectively resolve this situation.

I commend the Bill to the House.

HON. G. E. MASTERS (West—Leader of the Opposition) [11.59 a.m.]: I understand that the Minister wishes to continue immediately with this Bill, and the Opposition has no objection to the proposal.

The Bill proposes to do two things. One of them deals with pneumoconiosis, or dust on the lungs, as the Minister correctly stated. As I understand it, it was always the intention that people suffering from this disability or disease should receive workers' compensation. It seems to me that this was not covered in the Act. Although it was intended to cope with people diagnosed as sufferers after the Bill was proclaimed, the words did not produce the intention. The Government believes those people suffering from dust on the lungs should be compensated, whether diagnosed two or three years ago or in the last few weeks.

The Bill intends the proposal to be retrospective. I ask the Minister, what is to be the cost of this retrospectivity? If the Minister does not have the figure readily to hand, he might get it for me at some time.

Hon. D. K. Dans: There are only 12 outstanding.

Hon. G. E. MASTERS: Whatever it is, of course, we are not objecting.

The other proposal is to enable the Workers' Compensation Board to have the ability to borrow funds. Sections 94 and 101 of the Act seem to conflict a little. In my opinion, it was always the intention of the Act to permit the board to borrow money in certain circumstances, and for good reason. I imagine the Minister has given it the authority to borrow large sums of money, and he may like to confirm this for me.

Section 94 of the Act says that the commission is a body corporate with perpetual succession under common seal with ability to acquire and dispose of real and personal property. Section 101 does not seem to reflect the true objectives of the Act. Indeed it makes no reference to the ability of the board to borrow money.

I have no objection, nor has the Opposition generally, to the concept of the board being able to borrow. When I handled the original Bill in this House some years ago it was my belief it was intended the board could borrow in certain circumstances. There was a long debate in which

many amendments were made and accepted on both sides. In a complicated piece of legislation like this, it is not always possible to dot all the "i's" and cross all the "t's".

In view of the urgency of the Bill and the Minister's request to put it through the Parliament today, I ask him whether there is a proposal by the board to borrow funds—obviously substantial funds—and for what purpose. I would appreciate any other details the Minister is able to put forward.

With those comments I support the Bill.

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [12.04 p.m.]: I thank Hon. Gordon Masters and the Opposition for recognising the urgency of this amending Bill and for supporting it.

The object of the proposed amendments is twofold. The commission and Workers' Compensation Board are currently housed in separate locations paying rentals in the order of $270 000 per annum. This could be expected to increase significantly when the current contracts expire.

In addition, the Workers' Compensation Board's lease on portion of these premises has already expired, and its formal lease on all premises will expire in 1986. The AMP Society has indicated that the lease will not be renewed.

With this in mind, the commission, based on the provisions of sections 94, 100, and 101 of the Act, acquired land to build a building suitable to the needs of the Workers' Compensation Board and the commission. An architect was engaged and planning commenced to enable the building to be completed prior to the termination of the lease on the AMP building.

A Crown Law opinion was sought in relation to the ability of the commission to borrow funds to enable it to finance this building. Advice subsequently received was that, while the commission had the power to buy land for this purpose and build a building, the borrowing powers normally included for such purposes had not been provided in this instance. It is just one of those things.

The urgency of this amendment relates to the need to commence construction of the building early in 1985 to enable its completion to coincide with the termination of the lease. The commission plans to borrow $3 million over a period of seven years from the State Government Insurance Office once this amendment goes through, and subject to the approval of Treasury.

On the provision for silicotics, there are currently 12 known claims in this area. A complicated legal agreement will be required to enable each disabled worker to receive an entitlement pending the passage of amending legislation. The amendment is in accordance with the August 1981 agreement between the TLC, the AWU, and the previous Government.

The urgency relates not only to the problems of structuring a satisfactory legal agreement, but also to the potential for one of these workers, due to his age and the nature of the disease, dying before receiving such an entitlement. The implication of this, again in the light of the earlier agreement, would be most unsatisfactory. The amount involved is in the order of $200 000. This has aready been catered for by the State Government Insurance Office.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. D. K. Dans (Minister for Industrial Relations) in charge of the Bill.

Clause 1: Short title and citation—

Hon. G. E. MASTERS: The Minister said that the board intended to borrow $3 million. I wonder whether the Government and the commission have looked carefully at the office space which seems to be readily available in the metropolitan area. A number of reports have recently appeared in the media concerning available office space already taken up by the Government. A number of buildings do not seem to be fully utilised. Has the Government considered the use of the buildings which are not fully used?

Hon. D. K. DANS: The Government gave consideration to that, but the commission is mainly funded by insurance companies and they would like a building on the outskirts of the city. Secondly, and more importantly, to allow parking and easy access to the board for the disabled workers who have to attend from time to time, the same considerations apply. For those reasons, the Government agreed with the request from the Workers' Assistance Commission that land be purchased, and we found it did not have any borrowing powers. All other areas were canvassed.

Finally, I must say I agree that the purpose of the board is to service disabled workers or people going along to the board. They find it very difficult in a city block area. We hope this building will overcome those problems.

Clause put and passed.

Clauses 2 to 10 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 Hon. D. K. Dans (Minister for Industrial Relations), and passed.

UNLEADED PETROL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [12.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill arises out of a decision made jointly in February 1981 by all State and Territory Governments and by the Commonwealth Government to adopt an unleaded petrol policy in Australia.

More specifically, the agreement by Governments was—

> to require passenger cars and their derivatives—meaning station wagons, panel vans, utilities and so on—manufactured after 1 January 1986 to be designed to run on unleaded petrol and to comply with stricter limits on exhaust emission; and
>
> to require the availability of unleaded petrol, of nominally 92 octane, at a significant number of retail outlets from 1 July 1985.

The Governments of New South Wales, Victoria, South Australia and Western Australia also expressed the view at that time that Governments should act to ensure that the price of unleaded petrol is no greater than that of leaded petrol. In spite of various changes of Government, those four States still hold to that view.

The requirements concerning vehicle design will be handled through the Australian design rule system. Australian design rule 37, which has been endorsed by the Australian Transport Advisory Council of Ministers, contains these requirements, including the new exhaust emissions limits—which are similar to those adopted in the USA in 1975. It also contains a number of detailed points on labelling of vehicles, petrol filler design, test procedures and so on.

Australian design rule 37 will be called up by the Western Australian vehicle regulations in the same way as the current emissions design rule and in the same way as safety-related design rules. To be registered in this State, vehicles will have to show, on a compliance plate, that a prototype has been certified as being within the requirements of the design rule.

The Unleaded Petrol Bill addresses the complementary side of the policy—the availability and pricing of unleaded petrol.

Before turning to its provisions, however, it would be worthwhile to recapitulate on the reasoning behind the adoption of the unleaded petrol policy. Members may recall that a great deal of controversy surrounded the decision at the time. Indeed the previous Government is on record as having agreed to the policy "with reluctance". The unleaded petrol policy is motivated by two aims: First, it will reduce, and ultimately eliminate, atmospheric lead pollution from car exhausts.

Scientific comment on the importance of atmospheric lead pollution has been contradictory; but it is beyond doubt that some authorities regard the lead levels as unacceptably high and, irrespective of scientific opinion, there is genuine concern among members of the Australian public that atmospheric lead pollution is harmful to health.

In Perth, lead levels in general are within the limits specified by the National Health and Medical Research Council; however there are one or two non-residential locations where the levels exceed the recommended limits. Prudence suggests we should address this problem.

The second motivation for the unleaded petrol policy is more complex. It concerns the control of gaseous exhaust pollutants. At present, these pollutants are limited by various measures which constrain the combustion process within car engines. A compromise has to be reached in the design between the conflicting requirements of engine responsiveness, fuel efficiency and exhaust cleanliness. The imposition of stricter limits on exhaust pollutants would, in many cases, affect this compromise to a disproportionate extent, leading especially to poor fuel economy.

However, there is an alternative approach: It relies on the exhaust gases being cleaned after they have left the engine, using a catalyst device to speed up the chemical reactions to the necessary extent. This approach means that the design compromise can largely ignore exhaust cleanliness. Responsiveness and fuel economy can take first place. Suitable catalyst materials, however,

are destroyed by lead compounds. This system can work only with unleaded petrol.

Unleaded petrol, therefore, not only results in reduced lead pollution but also enables a potentially more efficient method to be used for meeting stricter requirements on gaseous exhaust pollutants.

The use of catalysts will not be mandatory under the new policy. However, at the limits set for exhaust pollutants it is likely that most designs will opt for this method of pollution control, given the availability of unleaded petrol.

There is a further technical point to make which is relevant to the new policy: The purpose of adding lead compounds to petrol is to increase its octane rating—its ability not to "knock". The elimination of lead means either that much more expensive refining has to take place to achieve the same octane rating, or a lower octane rating has to be adopted. The reduced "anti-knock" property of the lower octane petrol means that, with some car models, the new designs will have to have a lower compression ratio than the current designs. This will tend to erode the fuel efficiency improvements.

At this point let me clarify that there is no question of cars now on the road having to be modified or of their having to use unleaded petrol. The design requirement, and the requirement to use unleaded petrol, will apply only to the new model cars. Many of the existing model cars will, optionally, be able to use unleaded petrol, but there will be no legal requirement for them to do so.

Quite obviously from the foregoing there are both gains and losses from unleaded petrol in the areas of cost and efficiency. The topic is ripe for contention and there was considerable debate back in 1981. In that debate, however, three clear points of agreement emerged—

(1) An octane rating of nominally 92 for unleaded petrol is a good compromise between the conflicting requirements of refining efficiency and engine efficiency. This compares with 89 for standard grade petrol and 97 for super grade petrol. Many cars now on the road will be able to use 92 octane petrol.

(2) If a significant reduction in exhaust emissions is required—and the Governments of New South Wales and Victoria, particularly, were emphatic on this—unleaded petrol technology is, overall, the most cost effective and efficient method to adopt.

(3) Much of the contention was over the need for stricter standards. However, given the insistence on such standards in the more populous States it would be very impractical and costly for Australia's motor industry to manufacture some cars for the use of leaded petrol and others for the use of unleaded petrol, especially since cars need to have the flexibility to travel between States while complying with the pollution limits in each State.

It is also worth saying that once the decision was made in 1981 to proceed with the unleaded petrol policy, all parties—including the oil industry, the motor industry and Governments—have taken the mature view that a positive attitude is needed; that it would be quite impractical and immensely costly to try to reverse the decision in midstream; and, that the present need is to implement the new policy as smoothly as possible and gain as many benefits from it as possible.

Policies of a broadly similar nature have been in place in the USA, Canada, and Japan for many years. In European countries, lower levels of sunlight, which is an important factor in pollution from vehicle exhausts, have made exhaust emission control less urgent. Nevertheless, European countries appear to be aiming for the adoption of unleaded petrol by 1990.

Western Australia does not have the same urgency in relation to environmental matters as New South Wales or Victoria, and this State was therefore not at the forefront of requiring the new policy at the time of the decision in 1981. Nevertheless, the Government takes a positive attitude towards the new policy for a number of reasons—

(1) The control of exhaust pollutants is necessary to maintain Perth's clean air, even though our problems are not as severe as those of Sydney and Melbourne.

(2) The unleaded petrol policy is likely to give overall benefits in fuel economy. The current emission control devices, which tend to be wasteful of fuel, will not be needed on new cars fitted with catalysts—which most of them are expected to be.

(3) Unleaded petrol is likely to give a reduction in car maintenance costs. Lead compounds and the additives associated with them—called lead scavengers—shorten the lives of spark plugs, exhaust systems, and lubricating oil.

The oil industry is working towards replacing regular grade leaded petrol with unleaded petrol by the middle of next year. Super grade leaded petrol will continue to be on sale for the current model cars which need it.

This Bill is designed to facilitate the introduction of unleaded petrol and to provide a framework to ensure its availability.

Cars manufactured to Australian design rule 37, which will need unleaded petrol, may be launched onto the market any time after July 1985. The major motor shows around September 1985 are likely to see many models launched. All cars and car derivatives manufactured after 1 January 1986 will be dependent on unleaded petrol.

The use of leaded petrol in the new model vehicles, which is known as "misfuelling", would have the following undesirable effects—

(1) In vehicles fitted with catalyst devices in the tailpipe—and most of them will be—the functioning of the catalyst will be impaired. If more than one or two tanks full of leaded petrol are used, this impairment will be complete and permanent. This will not stop the car running, but it will cause it to pollute badly, and, consequently, to be in breach of the vehicle regulations. This will be the case for the remainder of the life of the vehicle, unless a new catalyst is fitted.

Even where the catalyst damage takes place in the country, where pollution is a negligible problem, the vehicle may subsequently be used in the city. It may be sold or the owner may be transferred, for example; and many cars in the country belong to the city-based tourists. The result of using the wrong fuel in these cars will be a high level of pollution in subsequent city use.

(2) Leaded petrol contains both lead compounds and additives called lead scavengers, which are designed to prevent the excessive buildup of lead. These chemicals are respectively abrasive and acidic. Their use in a car which has not been designed to cope with them could result in excessive wear and tear. Warranties are likely to be invalidated by the use of the wrong fuel.

It is also worth adding that there is absolutely no compensating advantage to be gained by using super grade leaded petrol in a car designed for unleaded petrol. It will offer no benefit of responsiveness, power, or fuel economy. It will simply cause extra wear and tear, together with catalyst damage.

It is important that unleaded petrol should be widely available throughout Western Australia for use in the new cars which will need it. With that in mind, this Bill basically requires that after 1 July 1895 anyone retailing petrol in Western Australia shall also retail unleaded petrol.

However, we have to recognise that some retailers have only one tank and, in remote areas, even where multiple tanks are available, the initial turnover of unleaded petrol may be low. Because of that there are likely to be some retailers who would lose significant amounts of money if it was to be insisted that they carry unleaded petrol from day one.

To cater for this difficulty, the Bill provides for exemption from the requirement to carry unleaded petrol, at ministerial discretion.

Unleaded petrol will be the growth product. The Government would like to see it widely available as soon as possible. The discretionary powers will be applied only where a convincing case has been put that a retailer would lose a significant amount of money, or would be significantly disadvantaged in some other way, by carrying unleaded petrol and that no other reasonable course is open but to allow an exemption. We do not intend to allow retailers who do carry unleaded petrol to be disadvantaged by competition from those who do not.

As a general guideline outside the metropolitan area, the minimum coverage necessary will be such as to prevent anyone needing unleaded petrol, and exercising reasonable forethought, being stranded without the necessary fuel. In practical terms this means that, at a minimum, there will need to be unleaded petrol outlets in all major country centres and, nominally, at a spacing of 300 km in between.

I think it worth mentioning here that unleaded petrol should gain a significant share of the petrol market quickly. First, it can be used in many of the cars now on the road, especially those of Japanese origin, since they run on unleaded petrol in their home market.

The Federal Chamber of Automotive Industries has undertaken to provide a list of which current models will run on the new fuel. Broad estimates are that such cars could potentially account for about 30 per cent of the petrol market although, in practice, only about half of them—15 per cent of the total market—are likely to use unleaded petrol initially. This is very much dependent on marketing and pricing.

Secondly, statistics show that new cars each use about twice as much petrol a year as old ones—they cover correspondingly greater annual distances. Consequently the new, unleaded petrol cars will have a significant impact on the petrol market at an early stage.

Pricing is an important issue for a number of reasons. I mentioned earlier that the Western Australian Government in 1981 joined with other Governments in expressing the belief that unleaded petrol should be no more expensive than leaded petrol, and I have just mentioned the influence of pricing in ensuring that unleaded petrol is used in those current model cars for which the choice between the two types of fuel will be optional.

It is important for unleaded petrol to sell for no more than leaded petrol in the interests of a reasonable initial turnover. This will facilitate its introduction.

Another very important point is that, were unleaded petrol more expensive, many owners of the new model cars would be tempted to use the wrong fuel, with resulting catalyst damage. There is evidence that this practice happens to a significant degree in the USA where leaded petrol is typically cheaper at the pump. This is in spite of the adoption in the USA, as is intended in Australia, of smaller dispenser nozzles for unleaded petrol and correspondingly small petrol filler orifices in cars.

It will be impossible accidentally to fill up a new model car with leaded petrol using the nozzle size now in use at petrol stations. This type of nozzle will be retained for leaded petrol. However, it is quite common in the USA for motorists to misfuel deliberately using a simple, cheap adaptor between the wide nozzle and the narrow filler.

Statistics show that about 12 per cent of American cars designed for use with unleaded petrol are in fact filled with leaded petrol. This has a disproportionately greater effect on the overall levels of exhaust pollution. In Japan, there is no such misfuelling problem and it is believed that the difficulties in the USA stem from the pricing practices in that country.

The catalyst damage and subsequent pollution from misfueling is something we wish to avoid. Therefore, the Bill contains a clause directly linking the prices of unleaded petrol and leaded petrol at a retail outlet. The clause requires unleaded petrol to retail for no more than leaded petrol. Current legislation, which controls maximum retail prices, cannot ensure that the relative price requirement is met. Discounting of one product can reverse the relative prices while still conforming to maximum price levels. With the relative pricing clause the benefits of discounting will need to be spread over both products.

Given that unleaded petrol may cost up to 1c per litre more to manufacture than super grade leaded petrol, this constraint on pricing has implications: It suggests that there may be a need to cross-subsidise unleaded petrol by leaded petrol at some point along the marketing chain.

This means that motorists as a whole will bear the extra cost of manufacturing unleaded petrol, through a very modest increase in the price of petrol. This is reasonable since the unleaded petrol policy aims to attack the pollution problem caused by the entire motoring community. The cost of the policy can therefore equitably be shared by the whole motoring community. It would not be reasonable to expect the users of new cars to bear all the costs, especially since there is likely to be a modest increase in the price of these cars and since they will contribute least to overall exhaust pollution.

The wholesale price of petrol is under the control of the Commonwealth Government. Representations have been made to the Commonwealth either to manipulate excise duties on the leaded and unleaded products or to require cross-subsidisation at the wholesale level.

The Commonwealth Government has yet to announce its decision on wholesale pricing policy. There is a possibility, therefore, that cross-subsidisation may be required by retailers if the relative pricing requirement is to be met. Provided that the level of cross-subsidisation is not great this would not be an unreasonable requirement. All retailers would be in a similar position and no additional constraint would be applied to overall levels of profit from such a requirement. The intention of the Government is that maximum prices set for leaded and unleaded petrol after 1 July 1985, under the Petroleum Products Pricing Act 1983, will normally be identical. Should it eventuate that wholesale prices differ, the normal procedure will be to specify the retail maximum relative to the sales-weighted average wholesale price of the two products, instead of individual maximums being set relative to the wholesale prices of individual products, as now.

However, because of the current lack of certainty over wholesale prices and because it is difficult to predict what the cost implications of low turnover at some outlets may be, there is a possibility that the relative pricing requirement could result in an excessive need for cross-subsidisation in some instances. This could leave some retailers with very little incentive to promote unleaded pet-

rol and it could be counterproductive to the smooth introduction of this product. There is also a danger that, in such circumstances, unfair competition could be experienced by retailers selling unleaded petrol from retailers who have been exempted. To cater for such eventualities should they occur, the Bill allows for exemptions from the relative price requirement, or for a variation in that requirement at ministerial discretion.

Sitting suspended from 12.31 to 2.15 p.m.

Because of the importance which the Government places on the desirability of the price of unleaded petrol not exceeding that of leaded petrol, this discretionary power will not be used lightly. It will need to be demonstrated that there is a serious discrepancy between the relative profitabilities of the two products. Further, it will need to be shown that, because of competitive pressures on the price of leaded petrol, or because the promotion of unleaded petrol would be seriously undermined by an inadequate profit per litre on the product, cross-subsidisation would be impractical to the extent necessary to maintain price parity.

The Unleaded Petrol Bill, then, provides for the supply of unleaded petrol and it contains provisions to control the relative retail prices of leaded and unleaded petrol. Since practical problems may arise, especially during the early stages of transition, the Bill also provides some flexibility in these areas, at ministerial discretion, so that problems can be addressed.

As a final point, it is worth remembering that the introduction of unleaded petrol next July will mark only the beginning of a period of transition. At the end of the transition period, unleaded petrol will be the main type of petrol sold. This Bill is designed to assist during the period of transition. It is designed to help ensure an adequate availability of unleaded petrol in the early stages; to address the problem of relative pricing, with its implications for misfuelling and for the initial market share taken by unleaded petrol; and, to ensure the necessary uniformity on details such as the labelling of bowsers and the sizes of dispenser nozzles.

The transitional nature of this proposed Act is reflected in the final section of the Bill which requires a review to be made, eight years after unleaded petrol is introduced, of whether the Act should continue in operation. This item of legislation is not intended to be ongoing or permanent. It is intended to assist the implementation, in Western Australia, of the unleaded petrol policy being adopted nationally.

I commend the Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by Hon. W. N. Stretch.

DISTRICT COURT OF WESTERN AUSTRALIA AMENDMENT BILL

Returned

Bill returned from the Assembly with amendments.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [2.21 p.m.]: I move—

That the Bill be now read a second time.

Last year the Metropolitan Transport Trust celebrated with pride its first 25 years of service to the people of Perth. For many of us it was impossible to let the occasion pass without giving a little thought to the way things had changed since 1958, when the trust began operations. Certainly, the trust is today a large and robust transport organisation, one of the largest in the State. It employs over 2 000 people and has a total annual expenditure in the vicinity of $100 million. Its route network covers dozens of suburbs which would have been considered a long way into the bush had they existed in 1958. Its vehicles and ferries are modern, and are being continually improved. Suburban railways are now an integrated part of the overall network, and work is in hand for a new generation of railcars.

But some things do not change for the better. I am thinking, especially, of the enormous challenge of retaining and building up patronage on the bus, rail, and ferry system, and of responsibly managing trust finances. In this respect the MTT may be little different from virtually every other public transport operator in the western world. However, it is essential to take stock from time to time, to ensure that the legislative arrangements under which the trust labours are best suited to its environment.

The Bill before the House updates the legislative provisions and makes certain important amendments to help guarantee that the MTT is administered in an economically and socially astute fashion.

It is not unimportant to note that this Bill is the only significant amendment that has been made to

the Hawke State Government's original 1957 legislation—with the exception of legislation in 1973 which brought responsibility for the management of suburban railways under the MTT. The Tonkin Government's 1973 Bill was a progressive effort to bring greater co-ordination of the various public transport modes. Now the Burke Government is continuing the trend and helping to prove that the Labor Party "acts" to improve public transport.

This Bill makes two essential administrative improvements at the trust: It makes the MTT explicitly subject to the Government of the day; and, it enlarges the four-person trust to seven people. I will explain to the House the logic behind these two steps before describing certain additional changes which the Bill brings about.

Bringing the trust under explicit responsibility to the Government through the Minister of the day will correct a long overdue omission. At present the MTT is formally subject to the Minister only in respect of the provisions of the State Transport Co-ordination Act. Some members may be surprised to learn that the trust is not subject to the Minister's general jurisdiction. For an organisation which receives the majority of its annual funds from taxpayers, it is anachronistic that the taxpayers' representative—the Government—should not have such power. Indeed, "power" might, in one sense, be the wrong word. It is an outright duty of a Government to be answerable on these matters and it cannot fulfil, or be seen to fulfil, such a duty if the trust is not in turn fully and formally answerable to the Government.

Today there is no dispute or disagreement between the trust and the Government, nor am I aware of one in the past, although the trust has been heard taking some pride in its earlier days as to its relative immunity from Government directive. This pride, it should be added, was quite appropriate in its historical context. Anybody who studies the second reading debate of the original 1957 legislation will see that the Government at that time went out of its way to reassure the owners of the private bus companies which were about to be acquired under the legislation that they would be subject to minimum "political interference". Both the Government and the Opposition were eager to give this reassurance. Minimal political interference may have been fine then, but in those days the combined tram and bus deficit was expected to total something less than $500 000 or £250 000.

I hasten to add that there is nothing sinister in this amendment. There are no plans, as a consequence of it, to bully or "heavy" the trust. Relations between the Government and the trust are already excellent, and there is every reason they should get even better in future. When the MTT becomes formally subject to the Minister it will be no different from agencies such as the Main Roads Department and the Marine and Harbours Department which are already subject to the Minister. Members will find at various points in the Bill that the formal relationship between the trust and the Minister is set down so as to achieve a proper degree of accountability between agency and Government.

The second major administrative change, as I have indicated, involves increasing the trust membership from four to seven people. One of the existing four members, I should mention, is the Commissioner of Railways who, as a result of the 1973 legislation, is a member *ex officio*. This leaves only three positions to be filled at the Government's discretion.

Considering the range of deliberations and decisions occurring at trust meetings, three appointed members are a very small number. After very careful thought, the Government has come to the conclusion that the addition of three more appointed members would bring a very important new breadth to the trust. This in no way represents a criticism of the skills and ability of existing trust members who themselves support increasing the number from four to seven. The chairman (Mr Hyland) tells me he has long felt this way.

Under this Bill the trust will look something like this: First, there will be the chairman. As under the existing legislation, the chairman might be a full-time appointee, as he has been in the past, or a part-time appointee, as he is at present. Then there will be the Commissioner of Railways who is there, *ex officio*, to ensure that matters related particularly to suburban railways are addressed by the best rail expertise the Government has, as well as more generally giving the trust the benefit of a Commissioner of Railways' expertise in running a large transport undertaking. In addition, there will be five other members. As in the existing legislation, each of these members will need some experience and capacity in an appropriate and related field. The Bill is explicit in this regard.

In addition, however, the Bill provides that one member shall be a user of public transport, and a second shall be a nominee of the Trades and Labor Council of Western Australia. By making these two appointments explicit in the Act, the Government is moving to ensure that the seven-member trust will always have the benefit of the views of a member of each of the two groups with which the

trust involves itself intimately on a day-to-day basis—namely, the users and the union movement.

In the case of the user-member, the Bill is not explicit as to how the member is "found", or whether he or she is backed by a "commuter council" as in New South Wales, or any other more or less elaborate form of user consultative committee. Although the Minister whom I represent has views on how the user-member would most effectively function, he has been loathe to build these thoughts into the legislation. He has promised, however, that the user-member will receive all appropriate support and encouragement from the Government, and that he is sufficiently open-minded as to the means of consultation with public transport users to ensure that we make useful changes in the light of experience as we go along. The need for a user-member on the trust is, however, unarguable.

The case for a TLC nominee on the trust is also very strong. The Government believes that employee relations are improved by building up the highest degree of trust and consultation. Communications must be two-way; it is not simply a question of management "telling" and employees "listening". Given the nature of the challenges which the Metropolitan Transport Trust faces, there is no good reason that the trust should not have the benefit of two-way communications with the union movement at the supreme decision-making level. Already, for some years, employees have been sitting in on trust meetings. Formal membership of the trust by a TLC nominee is the logical next step.

At the same time as it introduces these changes, the Bill increases a quorum at trust meetings from three to four, and also allows for appointments to the trust to be made for periods of up to five years, rather than for an invariable five-year period. This will enable a Government to put together the best possible team of people at the trust. If it wishes, the Government might invite a person whose skills will be particularly appropriate for a period of less than five years to join the board for a term of, say, two or three years while the trust goes through certain changes. Similarly, if a member vacates his position before his term has expired, a Government will no longer be compelled to appoint a replacement member whose term of appointment is only as long as the unexpired term of his predecessor.

Finally, in relation to the seven-member trust, the Bill attempts to clear up the present rather confused and complicated practice in relation to deputies. Although the existing legislation provides for a deputy for each of the members, in fact only the chairman presently has a deputy appointed, and this deputy is in fact another member of the trust. The Bill eliminates the position of deputies. In reality there are few benefits in nominating a person as a deputy trust member and then asking that person to try to stay in a permanently informed condition for the comparatively rare occasion when he or she is called into the breach. With seven members and seven deputies, one could end up with a retinue about as long as in the ditty about St. Ives.

The Bill makes an alternative provision. One trust member will be nominated by the Minister to act as chairman in the chairman's absence, but no other back-up will be provided in the legislation for those rare occasions when a member is absent from a trust meeting—with the exception of the two members who participate as members of organisations rather than as private individuals; namely, the Commissioner of Railways and the TLC nominee. In these two cases it is fair to those two important bodies that they be reasonably sure of having a member at every trust meeting. It is also better for the trust. Therefore the Commissioner of Railways will be able to be represented at trust meetings by the Assistant Commissioner of Railways—as at present—while the TLC nominee will be able to be represented in his absence by an alternate—who will also be nominated by the TLC.

Before concluding I want to draw the attention of the House to a number of other changes which the Bill will bring. They are, it is freely admitted, something of a "ragbag", a collection of various measures which, as a result of careful study, the Government is introducing in order to comprehensively update the legislation.

Firstly, the Bill removes those extraneous parts of the principal Act, which existed only to facilitate the takeover of the private companies by the trust when it was first set up. Their removal will take out nearly half the content of the existing legislation, resulting in an Act which is much more readily understood and relevant. I am sure members would agree that sometimes we as legislators do not give sufficient attention to making laws accessible and sensible to the greatest number of people.

Secondly, the Bill eliminates a potential ambiguity about the legality of the MTT providing charter services. In relation to buses and ferries, the existing legislation limits the trust to providing services "along routes". While there may be room for prolonged legal debate as to whether a chartered bus or chartered ferry is in fact considered to be operating along a "route", there is merit in the Parliament eliminating the ambiguity forthwith, and making it quite clear that the char-

ter services which have been operating for some financial reward by the MTT, both under this and preceding Governments, are a perfectly appropriate activity for the trust to engage in.

Thirdly, the power will be formally given to the MTT to provide financial support in cases such as when an employee incurs legal costs after being physically assaulted in the course of duty. The Bill enables the MTT to incur such expenses as are appropriate and approved by the Minister. Naturally, these rare, unforeseen and special events are subject to the usual Government Budget arrangements covering such eventualities.

Lastly, the Bill makes explicit two powers which rightly belong to the trust in the business of running an efficient and economic public transport operation. One of these concerns the power to acquire a metropolitan bus operator if it should be appropriate. As I said earlier, this Bill removes the power of compulsory acquisition of private bus companies which was relevant to the initial establishment of the trust. Having done that, however, we should be careful not to prevent the trust reaching an amicable and voluntary agreement with a private operator. In truth, of course, there are few of these, and the MTT has an effective monopoly over public services on scheduled routes. Nevertheless, the Government would like to think that if, to give an entirely hypothetical example, Skybus—which members will be aware has been in financial trouble—had made an offer to the MTT for the taking over of some of Skybus' operations, and if this fitted in with the MTT's overall responsibilities to be financially astute and to provide efficient passenger transport, it should be able to do so, subject to the Minister's approval.

In similar vein, the other power made explicit in this Bill is a formal recognition that there will on occasion be financial good sense in other Government bodies being able to negotiate contracts or agreements with the MTT for the use of facilities such as land or buses at those times when these resources are not being fully and remuneratively employed by the trust. Public transport is a "peaky" business: Great quantities of resources are used for relatively small periods in the day. Resources have to lie idle to await the time they are needed. One way of overcoming some of the cost penalties of stand-by resources is to put no barrier in front of another Government department using, say, the land which has been set aside for a future park-and-ride station, or the buses which would otherwise sit in the depot for a significant part of the day. Of course, arrangements such as these would be expected to have financial reward for the MTT.

I conclude my remarks by pointing out to members the almost self-evident truth that the 1980's are going to be a decade of make-or-break for the MTT. The changes that the Bill will bring to the MTT do not of themselves bring about a revolution at the trust. That "revolution" has been occurring in a quiet and purposeful way for some years now. In another place the Minister acknowledged that some of them were under way before he became Minister. The most enduring revolutions are activated from within an organisation. Indeed, that is one reason that the Minister for Transport places great emphasis on the MTT itself producing its five-year plan. Although the request for a five-year plan was his, the development and fulfilment of the plan must principally be with the trust, in consultation with employees, users and Government. If organisations do not believe in their plans, they do not fulfil them.

The Bill provides appropriate support to the dedicated men and women at the Metropolitan Transport Trust who deserve our support. The Bill comprehensively updates the legislation and, in so doing, equips the trust to confront modern challenges.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. W. N. Stretch.

SECONDARY EDUCATION AUTHORITY BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [2.37 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware of two reports on education in Western Australia which were released earlier this year. The first was the report of the committee of inquiry into education in Western Australia, under the chairmanship of Mr Kim Beazley, which was released in March. The second was the report of the ministerial working party on school certification and tertiary admissions procedures which was chaired by Professor Barry McGaw of Murdoch University.

The Government has indicated its general acceptance of the recommendations contained in these two reports.

In a public statement made on 13 July, five themes arising from the recommendations were identified as objectives of Government policy—

(1) Provision of equality of educational opportunity to children across the whole range of needs and abilities.

(2) The need to attune the offerings of schools to the needs of individuals and the community in changing social and economic circumstances.

(3) The pursuit of excellence.

(4) The need for all individuals to master literacy and number skills.

(5) The promotion of schools as centres of care where children can be helped to overcome social and other disadvantages and to develop attitudes of self-worth and community responsibility.

It was indicated that the Government would use the Beazley and McGaw reports as charters for essential reforms in education. Commencing in 1985 a programme based on the recommendations of the reports will be introduced and the changes will take place over several years. The Beazley report, in particular, was based on an unprecedented level of consultation. There were over 1 700 written submissions and some hundreds of people made their views known to the committee at public meetings or as witnesses before the committee. The Government is confident that the introduction of the reforms recommended in the two reports will lead to a closer match between educational needs and educational provisions. The changes will affect Government schools and non-Government schools alike.

The Secondary Education Authority Bill 1984 is intended to put into practice some changes in administrative arrangements which are recommended in chapter 6 of the McGaw report. The report made reference to various shortcomings in the present arrangements for school certification and tertiary admissions. It was indicated that the present system of divided responsibilities between the Board of Secondary Education and the Tertiary Institutions Service Centre would have been a recipe for disaster, but for the effective administrative co-operation which has occurred between the two bodies.

In summary, the Bill provides for the establishment of a single body, the Secondary Education Authority, to assume responsibility for the assessment of secondary school student performance and the issuing of certificates. At the present time the Tertiary Institutions Service Centre conducts the public examinations system and makes the results available to tertiary institutions and to the Board of Secondary Education. The Board of Secondary Education combines the results of examinations and of school assessments to arrive at grades in subjects which are recorded on the year 12 certificate, the Certificate of Secondary Education.

The Secondary Education Authority Bill provides for the transfer of the public examining function from the Tertiary Institutions Service Centre to the new Secondary Education Authority. The Tertiary Institutions Service Centre will remain in existence, though reduced in scale, in order to perform certain limited functions on behalf of tertiary institutions—principally to coordinate the offering of tertiary education places on the basis of data to be supplied by the Secondary Education Authority. The Board of Secondary Education will be abolished and its functions absorbed into the Secondary Education Authority.

The Bill also provides for the establishment of a standing committee entitled the tertiary entrance subject committee which will determine, subject to the approval of the authority, the subjects to be assessed for tertiary entrance purposes, the syllabuses for those subjects, the methods of assessment, and the procedures for achieving comparability of assessment in those subjects.

The Secondary Education Authority will have the following broad purposes—

to co-operate with the secondary education sector in providing leadership and direction in defining programmes of secondary education which meet the needs of individual students and the community;

to encourage the development of acceptable levels of literacy and numeracy, of adequate life-skills, and in general the pursuit of excellence;

to provide for the certification of student performance in approved and registered courses of study; and

to provide information to tertiary institutions on the performance of students seeking entry to tertiary courses.

It is proposed that the authority shall consist of 28 members, being two *ex officio* members and 26 members appointed by the Minister. The *ex officio* members shall be the director-general and the director of the authority. The members appointed by the Minister shall include—

eight persons representing Government secondary education of whom four shall be nominated by the director-general and four shall be nominated by the Teachers' Union;

four persons representing non-Government secondary education of whom one shall be the Director of Catholic Education or a person nominated by him; two shall be nominated by the Association of Independent Schools of Western Australia; and one shall be nominated by the Independent Schools Salaried Officers Association of Western Australia;

eight persons representing post-secondary education, of whom two shall be nominated by the Senate of Murdoch University; two shall be nominated by the Senate of the University of Western Australia; two shall be nominated by the Council of the Western Australian College of Advanced Education; and two shall be nominated by the Council of the Western Australian Institute of Technology;

two persons representing technical colleges or schools, of whom one shall be nominated by the Director of Technical and Further Education and one shall be nominated by the Teachers' Union; and,

four persons who are representative of the community.

The chairman of the authority will be appointed by the Minister.

The Tertiary Entrance Subject Committee of the authority is planned to have equal representation of secondary and tertiary education interests. The committee will be chaired in rotation by the representative of one of the four tertiary education institutions. It is expected that the committee will provide a forum for consultation and collaboration between secondary and tertiary education institutions.

The Secondary Education Authority Bill is the result of a consultative process within an interim planning committee which has been meeting for several months. The interim planning committee had representation from the Education Department, the State Schools Teachers' Union, the Catholic Education Commission, the Association of Independent Schools, the University of Western Australia, Murdoch University, the Western Australian Institute of Technology, and the Western Australian College of Advanced Education. There was also a representative of the general community. I might add that the extensive consultation undertaken by the Government in formulating this Bill continued in the debate on this Bill in another place, when the Government accepted amendments from the Opposition to not make the Director-General of Education chairman of the authority as of right, and to clarify the Minister's power to ensure the accountability of the authority.

The Bill is the best achievable compromise between the interests of the various groups involved. It will provide a framework within which essential reforms may be introduced, especially reforms in the upper part of secondary education.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. C. MacKinnon.

RIGHTS IN WATER AND IRRIGATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains amendments to the parts of the Rights in Water and Irrigation Act which deal with—

the Irrigation Commission;

the control of the use of surface and groundwater by private individuals;

the pollution of waters;

the rating of land in irrigation districts.

It also revises the penalties provided in the Act.

The main purpose of the Bill is to overcome deficiencies in the existing legislation identified by the department and the Crown Law Department from recent experience with its administration.

Those members who have had occasion to examine part III of the existing Act which provides the powers for the control of the use of surface and groundwater by private individuals will be only too well aware that it is very complex legislation and, therefore, it is difficult to find out from the Act what rights individuals have to water, and what are the precise powers of the Minister. This amendment Bill further defines private rights to water, and the opportunity has been taken to repeal all of the old part III and re-enact the provisions in a reorganised, simpler format.

I will now outline the main provisions of the proposed amendments to the various parts.

Part II—The Irrigation Commission:

The Irrigation Commission was established by the original legislation in 1914 and has continued as an advisory body to the Minister since that time. It consists of farmers and departmental per-

sonnel. The control of private use of water from rivers and streams was extremely controversial when introduced in 1914 and the Act provides that in a number of matters such as the issue of licences the Minister may act only on the advice of the commission.

From 1 July 1985 the Rights in Water and Irrigation Act will be administered by the Board of the Water Authority of Western Australia which will be advised on irrigation matters by the numerous advisory committees already set up under the Act. In these circumstances, it would be quite inappropriate in future for the Minister to be able to act only on the advice of the commission and the Bill therefore repeals all such provisions. The Irrigation Commission is, however, being retained to provide advice on general matters and those areas where advisory committees do not exist. The abolition of these powers was recommended by the Irrigation Commission.

Part III—Surface Waters:

In addition to repealing the complicated existing part III of the Act and re-enacting it in a simpler format the amendment Bill contains three significant changes to the existing legislation.

The first of these concerns lakes, lagoons, swamps and marshes. These are defined in the existing Act in such a way that only lakes, lagoons, swamps and marshes into and out of which a watercourse flows are under the control of the Act. Contained bodies of water such as many inland lakes and the lakes and wetlands of the Swan coastal plain are excluded from the provisions of the Act. Thus, currently, there is no control over the withdrawing of water from or the pollution of such still bodies of water.

The Bill amends the definition of lake, lagoon, swamp and marsh to include those that are not part of a watercourse but also provides that a landowner's right to the water in any lake, lagoon, swamp or marsh wholly within his property is not affected in any way.

Similar provisions exist in the Queensland, New South Wales and Tasmanian water Acts and in Victoria such bodies of water can be made subject to the Act by proclamation.

The second change concerns interference with rivers, streams, watercourses, lakes, lagoons, marshes and swamps, on Crown land. The existing Act makes it an offence in certain circumstances to interfere with watercourses on private land but is silent regarding interference with major rivers which are normally in reserves. The Bill rectifies this omission and also provides powers to order removal and restoration of any interference. The need for this power was highlighted a few years ago when a landholder cut a channel to take water out of the Moore River which ultimately led to the diversion of the river with adverse effects on both the river regime and his neighbour. The department was almost powerless to take action against him or order him to restore the damage caused.

The third and most significant amendment is the provision of a new procedure to control water use from minor streams. The intensification of land usage which is occurring in many areas is putting increasing pressure on the limited summer water resources of these areas.

This trend is being accelerated by the expansion of rural residential and special rural zones adjacent to the city and major towns. As a result, the Public Works Department is receiving an increasing number of complaints from landholders that upstream landholders are exceeding their common law riparian rights and thereby denying water to those downstream.

The only mechanism for handling these disputes provided by the present Act is declaration of the watercourse and licensing of all abstractions. This is an exeedingly cumbersome administrative machinery for small streams which requires continuous control to overcome a problem which may occur only in dry years.

For this reason the department generally tries persuasion on the upstream landholder but otherwise leaves the matter to civil action between the parties concerned. This has not been satisfactory as farmers are reluctant to sue their neighbours and the disputes continue for many years.

After much consideration the Government believes the best method of handling these disputes is to define landholders' rights to water in the Act and have these policed by the department with appropriate penalties for non-compliance.

The Bill therefore provides for this and also for appeals against decisions made by the department by both parties involved in the dispute. The appeal mechanism proposed is the same as that provided in the existing Act for appeals against decisions on licences to abstract surface or groundwater or to discharge an effluent. Under this system the appeal is to the Minister who is required to cause an inquiry to be conducted at which the person aggrieved has the right to be heard. After receiving the result of the inquiry the Minister gives his decision.

This system has been found to provide a simple, cheap method by which landholders can have their cases reviewed. Inquiries to date have been headed by a magistrate or other independent person and this practice will be continued in the future.

The Bill also preserves the right of landholders to use the normal civil court processes to obtain remedy for damages sustained as an alternative to invoking the proposed control procedures.

Underground Water:

The re-enactment of the sections of part III dealing with underground water contains two amendments to the existing law. Firstly the Bill provides power for the Governor in certain circumstances to exempt from the control measures of the Act non-artesian wells that are used exclusively for domestic and stock water purposes. The existing Act requires that all non-artesian wells in a proclaimed area must be licensed. In most proclaimed areas the water drawn from domestic and stock wells has little effect on the aquifer and does not require control and it is more efficient to concentrate the administrative effort involved in licensing on the larger draws from wells used for irrigation and industrial purposes. However, there are a few areas which have been proclaimed to protect quite small or sensitive aquifers where even the quantities drawn from a domestic or stock well can have an adverse effect. Examples of this situation are the aquifers at Derby, Exmouth and Hopetoun which are the source of those towns' urban water supply. A total exemption is therefore inappropriate.

The existing Act and regulations also require that a landholder provide the Director of the Geological Survey with information regarding the strata penetrated and water struck for any well or bore constructed on property outside the metropolitan area. The benefits of this information being available to the Geological Survey are obvious but very few landholders have complied.

The Bill provides instead that the driller of the well or bore shall provide this information to the Geological Survey. The driller is the person who records the information initially and is thus much better placed to provide it. As constant users of stratigraphic information drillers have a greater interest in improving the State's databank of knowledge about underground water. Additionally, being a smaller group they can more easily be educated in the requirements of the Act.

Pollution Control:

Part IIIA of the Rights in Water and Irrigation Act is the basis for the State's current controls over the discharge of effluents into surface and groundwaters. As announced earlier, this Government is giving consideration to concentrating all pollution control legislation in an enlarged Environmental Protection Act. However, this is a major task which will take some time to implement. Recent experience has shown that there are some major deficiencies in the current powers provided by the Rights in Water and Irrigation Act and this Bill has been drafted to overcome these to ensure adequate pollution control until the new legislation is in place.

The major deficiencies which this legislation will overcome are—

(i) it provides powers to clean up and restore polluted waters which powers do not exist in the present Act;

(ii) it overcomes a weakness in the present Act to insist on a licence for lined lagoons containing liquids with a high potential to pollute. A significant number of these in Western Australia have subsequently leaked and it is essential that the State have power to set standards for the construction of these facilities;

(iii) it provides clear powers to require a person discharging an effluent to monitor the effect on the receiving waters. A large number of industries in Western Australia dispose of their effluent by grass irrigation, and monitoring of the effluent quality alone is not sufficient to ensure that the disposal is being properly managed. In such situations it is essential that the groundwater quality also be monitored to demonstrate that the irrigation is being properly managed and the pasture not overloaded beyond its purifying capabilities.

Part IV—Irrigation Districts:

The Crown Solicitor recently advised the Public Works Department that the practice which it had followed for many years of limiting the rated area in a district to that which can be adequately supplied with water from existing resources was not in conformity with the Act. This opinion and a recommendation on the issue by the Gascoyne River Advisory Committee was considered in depth by the Irrigation Commission which unanimously recommended that the Act be amended to preserve the present practice.

The Crown Solicitor has also questioned the legality of a number of other rating procedures introduced by the department in recent years to better meet the diverse needs of the varying agricultural industries in the Carnarvon, Preston Valley and south-west irrigation districts.

The Bill contains a number of machinery amendments to rectify the points raised by the Crown Solicitor.

Rates:

The imminent creation of the Water Authority of Western Australia makes it essential that all relevant Acts are amended so that common policies can be followed. The Bill therefore contains provisions similar to those in the Metropolitan Water Authority Act to allow—

(i) the giving of discounts for early payment of rates and the charging of interest on overdue accounts;

(ii) the charging of fees for special readings and accounts usually associated with the sale of a property.

Infringement notices:

A number of individuals are charged each year with minor offences against this Act. A large number of the offenders plead guilty in court but by that time considerable effort has been expended by Public Works Department and Crown Law staff. It also usually takes six to 12 months before offenders appear in court, which is not conducive to good administration of the Act. To remedy this situation the Bill contains provision for the issuing of infringement notices similar to those inserted in the Country Areas Water Supply and Country Towns Sewerage Acts during the last session.

Penalties:

Some of the penalties in the Act have not been amended since 1914; others date from 1963 and are therefore quite inappropriate in 1984. For example, the maximum penalty for using more water than allowed per month on a plantation in Carnarvon is $40. The penalty is so little deterrent that during the last drought one grower overpumped six times.

Several advisory committees and the Irrigation Commission have recommended that the penalties be increased. The Bill rationalises the various penalties provided in the Act and generally escalates these in accordance with the variation in the CPI index since last varied.

Three minor amendments have been made to the printed Bill in the Legislative Assembly. Two of these amendments relate to division 2 part III which deals with control over surface waters other than in proclaimed watercourses and in irrigation districts.

The first introduced by the Government amends section 22(1) to allow the Minister to control the taking of water by persons who have no right to do so. Several cases have occurred in recent years where property owners whose property does not abut a watercourse have constructed a pipeline across other property or a roadway and extracted water to the detriment of riparian owners. The second introduced by the Opposition amends section 23(2) by defining the qualifications required of persons to be appointed by the Minister to conduct an inquiry following an appeal against a decision made under section 22.

The third amendment introduced by the Opposition amends section 76(6) dealing with the withdrawal of an infringement notice and prevents a person who issued an infringement notice from withdrawing it himself.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. C. J. Bell.

BUILDING SOCIETIES AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

DENTAL PROSTHETISTS BILL

Assembly's Message

Messsage from the Assembly received and read notifying that it had agreed to amendments Nos. 6 to 8 made by the Council, and had disagreed to amendments Nos. 1 to 5 and 9 to 46.

RESERVES BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.01 p.m.]: I move—

That the Bill be now read a second time.

This Bill is similar in intent to many other measures brought before the House each year to obtain the approval of Parliament to vary Class "A" reserves for whatever reason and, in this case, to remove trusts existing in certain Crown grants.

Apart from three clauses seeking the removal of trusts in order to have the land otherwise dealt with, the balance of the provisions of this Bill relate to Class "A" reserves.

Class "A" Reserve No. 7537, situated in the Shire of Mundaring, the electoral district of Kalamunda and the electoral Province of West is set apart for the purpose of "national park and native game" and vested in the National Parks Authority of Western Australia. Recently several sections of unmade road contained within the

boundaries of the park were closed and it is now proposed to include these in Reserve No. 7537. Approval for this action is sought.

Class "A" Reserve No. 2065, situated at Upper Swan in the electoral district of Mundaring and the electoral Province of West is set apart for the purpose of "national park" and is vested in the National Parks Authority. As part of an ongoing programme to purchase land for the purpose of national parks and nature reserves, the Environmental Protection Authority recommended the purchase of 1 604.407 8 hectares of freehold land adjoining the above Class "A" reserve. This land comprising Swan Location 10491 has now been purchased and is to be included in the national park.

Class "A" Reserve No. 25313 situated at Greenmount in the electoral district of Kalamunda and the electoral Province of West is set aside as national park and is vested in the National Parks Authority. A portion of the adjoining Stirling Road was recently closed and it is proposed to include that area in the reserve.

Class "A" Reserve No. 25555 situated at Tutanning in the Shire of Pingelly, the electoral district of Avon and the electoral Province of Central is set aside for the purpose of "conservation of flora and fauna" and vested in the Western Australian Wildlife Authority. In 1979 portion of this reserve was excised in exchange for the adjoining freehold Avon Location 28615. It is now proposed that this former freehold land be included in the reserve.

Class "A" Reserve No. 25562 containing 8.328 9 hectares, situated in Mt. Pleasant in the electoral district of Clontarf and the electoral Province of South Central Metropolitan is set aside for "recreation and conservation of fauna" and is vested in the City of Melville. At the request of the city, it is proposed that the reserve be enlarged by an additional 1 914 square metres.

Class "A" Reserve No. 1203 situated in the electoral district of Cottesloe and the electoral Province of Metropolitan is set apart for "recreation" and vested in the Town of Cottesloe with power to lease for periods of up to 21 years. The reserve containing 1.861 9 hectares is divided by Hammersley Street, the northern portion having been improved and the southern portion remaining largely unimproved.

To permit rear access to nearby Lot 6 in Hawkstone Street, the Cottesloe Council has agreed to the excision of 202 square metres along the southern boundary of the unimproved portion of Reserve No. 1203. Four of the adjoining owners have agreed to contribute towards the cost of construction of the vehicular access way proposed.

Class "A" Reserve No. 4486 situated at Mundijong in the electoral district of Dale and the electoral Province of Lower West is set aside for recreation and is vested in the Shire of Serpentine-Jarrahdale. The shire has requested the excision of 1 112 square metres from the reserve for the purpose of erecting an emergency services building to house the local bushfire brigade and ambulance headquarters. The required approval for this excision is sought.

Class "A" Reserve No. 12439 situated at Yanchep in the electoral district of Moore and the electoral Province of Upper West is set apart for "recreation" and vested in the Shire of Wanneroo. The need for a surf club within the reserve has been demonstrated by the shire which has requested that an area be excised for this purpose and vested in the shire with power to lease for periods of up to 21 years.

Class "A" Reserve No. 17375 situated at Matilda Bay in the electoral district of Nedlands and the electoral Province of Metropolitan is set apart for "recreation" and vested in the National Parks Authority with power to lease for terms of 21 years.

The parking area accommodating visitors to this reserve has for some years created problems for the authority by virtue of its almost exclusive use by students from the University of Western Australia immediately opposite. The authority is unable to enforce an acceptable parking policy because of lack of staff and has reached an agreement with the City of Subiaco which is prepared to install parking meters and issue infringement notices.

It is therefore proposed that the parking area be excised from Reserve No. 17375 and set apart as a "C"-class reserve for the purpose of "parking" with vesting in the City of Subiaco. The reserve presently contains 24.5973 hectares and the proposed excision is 1 561 square metres.

Class "A" Reserve No. 22796 comprising the Recherche Archipelago wildlife sanctuary near Esperance in the electoral district of Esperance-Dundas and the electoral Province of South-East is set apart for "conservation of flora and fauna" and vested in the WA Wildlife Authority.

The WA Wildlife Authority intends to develop an area on Woody Island as a "shop window" to the archipelago, making use of the island's natural attractions to encourage public appreciation of the whole reserve's immense wildlife values. The authority has agreed to the establishment by a private tour operator of an ablution block/amenities

building on the island. The developer has been operating for some time under an informal permissive use arrangement with the authority, and has constructed a landing on the island.

The authority wishes to retain control of the island but requires power to lease to be included in a vesting order over this island alone. This entails excision of Woody Island from Reserve No. 22796, and reservation of the island for "conservation of flora and fauna, recreation and tourist development" with vesting in the WA Wildlife Authority, with power to lease for periods of up to 21 years. Parliament's approval is required to the first of these actions.

Torndirrup National Park Class "A" Reserve No. 24258 situated near Albany in the electoral district of Stirling and the electoral Province of South contains 3 813.5 hectares, is set apart for "national park and recreation" and is vested in the National Parks Authority. The Shire of Albany has requested the excision of 4 644 square metres from the reserve for the purpose of establishing a boat launching facility at Little Boat Harbour adjacent to the former whaling station. The National Parks Authority has agreed to this proposal and has requested that the excised area be vested in the shire.

Unvested Class "A" Reserve No. 24322, situated in the Shire of Augusta-Margaret River, the electoral district of Vasse, and the electoral Province of South-West, contains 2.9087 hectares and is set aside for the purpose of "stopping place." Realignment of the Bussell Highway has necessitated the excision of two road widenings and an east-west connecting road from the reserve and the total area of the excisions is 3 849 square metres. Approval of these excisions is sought.

Class "A" Reserve No. 24452 situated in the Town of Denmark, the electoral district of Stirling and the electoral Province of South, is set aside for "recreation" and vested in the Shire of Denmark. A portion of the reserve was leased by the shire in good faith to the Denmark Trotting Club which has developed a trotting track on the land. However, it has since been discovered that the shire's vesting order does not include power to lease.

In order to overcome the problem, it is proposed to—

(a) excise that portion of Reserve No. 24452 occupied by the trotting club to be reserved again as a Class "A" reserve for "recreation (trotting track)" and vested in the Shire of Denmark with power to lease;

(b) excise a portion of Reserve No. 24452 to facilitate the relocation of Beveridge Road which provides access to the trotting track; and

(c) excise an additional area of Reserve No. 24452 comprising a foreshore strip along the Denmark River to be reserved again as a Class "A" "foreshore" reserve to protect the native vegetation.

These complementary actions are provided for.

The Walpole-Nornalup National Park Class "A" Reserve No. 31362 situated at Walpole in the electoral district of Warren and the electoral Province of Lower Central contains 17 670.455 hectares, is set aside for the purpose of "national park" and is vested in the National Parks Authority. Adjoining this reserve is the Walpole Country Club located on "recreation and golf course" "C"-class Reserve No. 32462 which is vested in the Shire of Manjimup with power to lease for up to 21 years.

The country club has insufficient land for future expansion of its sporting complex and has requested the excision from the Class "A" reserve of an area bounded by South West Highway and Rest Point Road. The National Parks Authority has agreed to the excision provided that—

(a) the land is added to Reserve No. 32462 and vested in the Shire of Manjimup with power to lease for up to 21 years, and

(b) the extensions to the golf course be planned in such a way that an uncleared buffer zone of natural bushland is left adjoining the surrounding roads.

The Shire of Manjimup supports the proposal and is prepared to accept vesting of the subject land in order that it can be leased to the country club.

Class "A" Reserve No. 12189, containing 1 585.9569 hectares situated in the Shire of Mandurah, the electoral district of Mandurah and the electoral Province of Lower West is set apart for "national park" and vested in the National Parks Authority. The eastern boundary of this reserve is irregular and it was agreed that a rationalisation of this boundary would permit more efficient management of the national park. To facilitate this rationalisation it was suggested that the exchange of portion of the reserve for an approximately equal area of adjoining freehold land would be appropriate and the National Parks Authority has agreed to this proposal. To effect this exchange it is necessary to excise from the national park an area of 81.2442 hectares comprising Murray Locations 1789 to 1793, 1795, and 1796. When the exchange is finalised it is proposed to include the acquired freehold land in the national park.

Reserves Nos. 569 and 19835, which adjoin, are situated at Waddington in the Shire of Victoria Plains, the electoral district of Moore and the electoral Province of Upper West. The Department of Fisheries and Wildlife has requested the amalgamation of these two reserves into one composite "C"-class reserve for the purpose of "conservation of flora and fauna" with vesting in the Western Australian Wildlife Authority. The shire supports this proposal.

Reserve No. 569 is classified as Class "A", is set aside for the purpose of "recreation" and is vested in the Shire of Victoria Plains. Reserve No. 19835 is classified as Class "C", is set aside for "public hall site" and held in fee simple in trust for that purpose by the Waddington Progress Association Incorporated.

To facilitate the request by the Department of Fisheries and Wildlife it is necessary to—

(a) cancel Reserve No. 569; and

(b) cancel Reserve No. 19835, discharge the trust expressed in the title for this reserve and revest the land in the Crown.

Successive and complementary clauses in the Bill will enable the amalgamation desired. Class "A" Reserve No. 24939, near Farrar Siding in the Kojonup Shire, in the electoral district of Narrogin and the electoral Province of Lower Central, is set apart for the purpose of "water and recreation" and is vested in the Minister for Water Resources. Adjoining the reserve to the north is Reserve No. 10691, which is set aside for "water and camping" and is also vested in the Minister for Water Resources.

Agreement has been reached with the Shire of Kojonup, the Public Works Department and the Fisheries and Wildlife Department for the two reserves to be consolidated and vested in the shire for "recreation and water supply", the change of purpose emphasising the area's primary use for recreation. The reason Reserve No. 24939 was classified as of Class "A" in 1958 is obscure, and it is considered this classification is no longer appropriate. Parliament's approval is required to the cancellation of the "A" classification, prior to consolidation of the two reserves. This clause seeks that cancellation.

Class "A" Reserve No. 8910 situated at Milyeannup approximately 19 kilometres south-east of Nannup in the electoral district of Warren and the electoral Province of Lower Central is set aside for the purpose of "camping" and is vested in the Conservator of Forests. The Brockman Highway passes through Reserve No. 8910 and during a departmental survey of the area it was revealed that the highway was constructed 300 metres east of its surveyed position. The adjoining Helyer Road also extended 300 metres east of its surveyed junction with the highway. To rectify the matter it is proposed to excise from Reserve No. 8910 the actual alignment of the highway and include the redundant section. The extension of Helyer Road is also to be excised. Both the Conservator of Forests and the Shire of Nannup have agreed to the proposal.

Unvested Class "A" Reserves Nos. 26438 and 21909 situated at Yandanooka in the electoral district of Greenough and the electoral Province of Upper West are set apart for "conservation of flora" and "parklands" respectively. The Department of Fisheries and Wildlife has advised that Reserve No. 26438 is now unsuitable as a nature reserve and has suggested that it be included in the adjoining "parklands" Reserve No. 21909. The Shire of Mingenew has agreed to the amalgamation and is prepared to accept a vesting order over the combined area. Approval to this clause will enable that objective to be achieved.

Unvested Class "A" Reserve No. 11648 comprises the whole of Barrow Island to high water mark. It is in the electoral district of Pilbara and the electoral Province of North and is set aside for the purpose of "protection of flora and fauna" and contains an oilfield which is operated by Western Australian Petroleum. On 9 December 1983 Cabinet endorsed the following proposals put forward by the Environmental Protection Authority in Red Book recommendation 8.1—

(1) Barrow Island remain an "A"-class reserve for the purpose of conservation of flora and fauna;

(2) subject to the rights of Western Australian Petroleum as lessee, Barrow Island be vested in the WA Wildlife Authority; and

(3) the reserve be extended to low water mark to facilitate control of access and to protect adjacent reefs and beaches.

Both the Department of Mines and the Department of Fisheries and Wildlife are in agreement with this proposal. As Reserve No. 11648 is Class "A" an amendment to its size and purpose requires the approval of Parliament. This clause seeks the approval.

Class "A" Reserve No. 27633, situated in the town of Margaret River in the electoral district of Vasse and the electoral Province of South-West is set aside for the purpose of "national park" and vested in the Shire of Augusta-Margaret River. The shire, in conjunction with the Augusta-Margaret River Tourist Bureau, has constructed a number of "group settlement" buildings on a

portion of the reserve. This has been developed as an historical area in association with the rotary park development on the opposite bank of the Margaret River, but the management of the "settlement" has proved a considerable problem for the shire.

To overcome the problem, the shire proposes to lease the area and allow further development of a similar nature, commercially oriented with a view to providing a high-class tourist attraction. The shire has requested that the area be excised and reserved again as Class "C" "historical settlement" reserve and vested in the shire with power to lease for any term not exceeding 21 years. The purpose of the balance of the reserve to be amended to "park and recreation". As Reserve No. 27633 is Class "A" an amendment to its area and purpose requires the approval of Parliament.

"C"-class Reserve No. 19397 situated at Brookton in the electoral district of Avon and the electoral Province of Central is set aside for "recreation" and is held in trust by the Shire of Brookton. The reserve was constituted pursuant to the Brookton Recreation Reserve Act No. 25 of 1925. The Shire of Brookton now wishes to dispose of portion of the reserve—Lots 349 and 354—with the proceeds being utilised on sporting and recreation facilities on the balance of the reserve. However, the land is held under a Crown grant in trust and to enable Lots 349 and 354 to be sold the trust, so far as it applies to these lots, must be removed. This clause seeks approval to the discharge of that trust.

Reserve No. 22391, Manjimup Lot 453, containing 989 square metres, situated at Manjimup in the electoral district of Warren and the electoral Province of Lower Central is set apart for "ambulance depot" and is held in trust for that purpose by the St. John Ambulance Association in Western Australia incorporated under Crown grant.

The association has advised that due to the expansion of its operational needs, the present site is no longer adequate and it wishes to erect new premises within the local hospital reserve using the proceeds from the sale of the present location to finance the construction. However, in order to accommodate the associations's wish to sell the land it is first necessary to remove the trust from the title and for the land to be transferred in fee simple, free of encumbrances. The cancellation of the trust requires the approval of Parliament. This clause seeks that approval.

Class "A" Reserve No. 14569, situated approximately 25 kilometres south of Wyalkatchem in the electoral district of Mt. Marshall and the electoral Province of Central is set aside for the purpose of "water" and is vested in the Minister for Water Resources. The Department of Fisheries and Wildlife has advised that the reserve would be suitable as a nature reserve and requested a change in purpose to "conservation of flora and fauna" with joint vesting in the Western Australian Wildlife Authority and the Shire of Wyalkatchem. Both the shire and the Public Works Department are in agreement with the proposal. This clause seeks approval to that change of purpose.

The final provision in this Bill—clause 29—deals with five Class "A" reserves, all unvested, situated in the Shire of Cranbrook, the electoral district of Katanning-Roe and the electoral Province of South and set aside for various purposes. These are—

Reserve	Purpose
807	Water and stopping place for travellers and stock
9994	Stopping place
10004	Water
10781	Water
10782	Water

The Shire of Cranbrook has advised that in order to facilitate the conservation and management of these reserves there is a need for them to be vested in the shire and for their purposes to be amended. The shire has subsequently agreed to a suggestion by the department that the purpose be amended to "parklands". The Public Works Department has advised that the water reserves are no longer required and there is no objection to the proposed change of purpose. Approval to this course is sought in this clause.

In accordance with usual procedure, the Leader of the Opposition has been provided with copies of notes and plans applicable to each clause varying a reserve or changing the conditions under which it is held.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL (No. 4)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Minister for Budget Management) [3.22 p.m.]: I move—

That the Bill be now read a second time.

The decrease in the rate of financial institutions duty from 5c to 3c per $100 has the effect that the maximum duty of $500 is reached at $1 666 666.

A review of the terms of the Financial Institutions Duty Bill (No. 3) has indicated the need for three minor amendments to remove a conflict between the charging provisions of the Act and the provisions relating to the preparation of returns. The returns of a financial institution or a depositor require receipts to be split into two categories. One shows the total of dutiable receipts other than those at which the maximum duty will apply, and the second shows the number of receipts at or exceeding the maximum level.

Without the amendments now proposed, confusion could arise as to the amount of duty which is to be paid on receipts between $1 million and $1 666 666. The view could also be taken that there is no duty payable on receipts within this range. The amendments contained in this Bill will remove that doubt.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. G. Pendal.

SECRET HARBOUR MANAGEMENT TRUST BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [3.24 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill for an Act to establish a Secret Harbour Management Trust as a statutory body, to define its composition, its functions and responsibilities, and provide for the funding of its operations.

In December 1983, Parliament passed the Tourist Development (Secret Harbour) Agreement Act which ratified an agreement made with a company, Secret Harbour Pty. Ltd. with respect to the establishment of a recreational boat harbour, a tourist resort, and residential and commercial development on the coast about 20 kilometres south of the town of Rockingham. Under the agreement, the State agreed to introduce a Bill to establish a management trust to manage and regulate the maintenance, safety, and environment of the inner and outer harbour, including permanent structures such as the breakwaters and a sand bypass system.

Under the Bill the Secret Harbour Management Trust is established as a body corporate which, though not a Crown instrumentality, will have its members appointed by the Governor and include representatives of the local authority, residents, and persons nominated by the company. The period of appointment of members is three years, and their remuneration is determined by the Minister after consulting the Public Service Board. There are the normal provisions for filling of vacancies due to contingencies and meetings of the trust which, subject to these, can regulate its own proceedings.

The functions of the management trust will be to manage and regulate the maintenance, safety, and environment of the harbour structures and installations, maintain the ocean foreshores, control the construction of jetties and carry out such dredging and reclamation as is necessary to maintain navigation within the waterways. It will apply the funds available to it for maintaining and reconstructing as necessary the breakwaters, sand bypass system and other structures. The trust will be able to employ staff for the purpose of carrying out its functions.

The funds of the trust are to comprise the moneys paid to the trust under clause 15 of the agreement, and income from fees, charges, rents, and levies.

Under clause 15 of the agreement, an amount equal to 2½ per cent of the value of all land sold by the company is to be paid by the company into the capital fund, and there is provision for this percentage to be increased to 4 per cent subject to arbitration.

Application of the funds of the trust to maintenance or reconstruction of works within its management area must be on the recommendation of a capital fund finance committee of three members of the trust appointed by the Minister. The function of the capital fund finance committee is to manage the funds of the trust, including investment of moneys not immediately required for maintenance for reconstruction purposes.

The trust can, with the approval of the Minister, borrow money and, subject to his approval, may impose annual charges on land within the development area and levy fees and charges on matters specified under by-laws.

It is provided that the trust shall prepare such accounts and financial statements as the Treasurer may direct and submit them to the Auditor General for audit each financial year. It will be required of the trust that it prepare an

annual report each year for tabling in Parliament, which report is to include the financial statements of the trust and the report of the Auditor General.

I commend the Bill to the House.

HON. I. G. PRATT (Lower West) [3.27 p.m.]: The Opposition supports this Bill, as it has supported all the matters so far brought before this House in relation to the development of Secret Harbour. We realise the value of this development, particularly to an area like Rockingham, which is going through a very difficult economic situation, as is the area of Mandurah immediately to the south. As the development proceeds it will undoubtedly provide employment prospects in those two areas.

This Bill and the subsequent one tie up the final loose ends required for this development. It is interesting to note that this development was one which saw its inception in the days of the Court Government. The developers were prepared to put their money on the line in a rather large and unique development for Western Australia.

The management committee referred to in this Bill will manage the man-made sections of the project on the ocean front—the sand bypass and the areas which will be developed for public access. This is an area for which we find, in the Minister's second reading speech, funds are to be provided as a result of a percentage levy on lands sold by the developers and supplemented by fees, charges, rents, and levies in other areas.

In supporting this legislation we should make the point that that sort of private development needs to be matched by the Government in similar areas. I refer particularly to the Mandurah area, which will probably be in direct competition with its canal development and the development of the estuary.

While in this situation private developers are putting up the cash for the sand bypass and for the creation of the navigable channel which will be able to take ocean-going boats into the Secret Harbour area just to the south at Mandurah, and although we have information from the Government that a sand bypass system is to be introduced in the mouth of the estuary at Mandurah, the Government has not so far been prepared to put up the extra money to blast out the rock so that that area can take boats of the size of those competing for the America's Cup.

The Parry Corporation will do the canal development in Mandurah and that corporation is very anxious to mount the America's Cup challenge from Mandurah but it does not have the assistance from the Government that has been provided in this project for private development. The Government should pick up a few tabs and try to match what the private developers are doing by way of the provision of facilities, and blast out the channel at Mandurah so that developments can go hand in glove with those in the Rockingham Shire. I commend this development; it is excellent. Many months ago we were shown over the development. I have followed it from its inception.

I look forward to this development getting under way as soon as possible and I wish the developers the best for the project. I remind the Government that it could do a little more by way of support for accompanying facilities.

I support the Bill.

HON. P. G. PENDAL (South Central Metropolitan) [3.32 p.m.]: I support the Bill, but I ask why it has been thought necessary to establish what appears to be another form of QANGO in Western Australia.

I am aware that the Minister's second reading speech tells us that the trust is not to be a Crown instrumentality. I presume he is telling us that it is not to be the sort of statutory body which we have come to expect, particularly under this Government, but of course under previous Governments as well. My question therefore amounts to this: What precedent will there be for this body, bearing in mind that it is not a Crown instrumentality, and why is it necessary to enter into an agreement for this type of body as distinct from any other type that we have been more used to dealing with?

I support the Bill.

HON. PETER DOWDING (North—Minister for Planning) [3.34 p.m.]: The matter is an agreement between the Government and the company at the urging of the company. There are reasons that the company needs a structure of this sort rather than that of a Crown instrumentality to enable the company to have management input into its operations. On the other hand, there are reasons that it cannot be simply part of a private company in that the funds that the private entity receives may be regarded as taxable in the hands of a private entity, whereas, in fact, these are funds which are not being acquired for purposes associated with the business operations of the Secret Harbour company but to protect the environment, the asset of the public, and the facility which will exist. That is the reason for this structure which has been agreed to by the Government at the request of the company and on advice of both the company's lawyers and the Crown Law Department.

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 Hon. Peter Dowding (Minister for Planning), and passed.

TOURIST DEVELOPMENT (SECRET HARBOUR) AGREEMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [3.37 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill for an Act to authorise the execution of an agreement to vary the tourist development (Secret Harbour) agreement. The variations essentially provide for organisational changes to ensure an effective and efficient operation of a Secret Harbour Management Trust with funds to be held by that statutory body.

The Bill is to come into operation on the day that the Secret Harbour Management Trust Act 1984 comes into operation. Its only purpose is to enable the execution on behalf of the State of a variation agreement.

I commend the Bill to the House.

HON. I. G. PRATT (Lower West) [3.38 p.m]: The Opposition does not oppose this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. Peter Dowding (Minister for Planning), and passed.

CONSERVATION AND LAND MANAGEMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had declined to refer the Bill to a Select Committee of its members.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

APPROPRIATION (GENERAL LOAN FUND) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Minister for Budget Management) [3.42 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to appropriate sums from the General Loan Fund to finance items of capital expenditure, details of which are provided in the General Loan Fund Estimates of Expenditure which were tabled in this House on 9 October 1984.

The capital works programme that has been framed by the Government is a comprehensive one. It strikes an appropriate balance between financial responsibility and the provision of facilities to meet the many diverse and pressing needs within our community.

This year, the works programme has been specifically directed towards those areas which will have the greatest impact on employment. In particular, an unprecedented funding effort is to be made to continue the momentum in the employment-intensive housing industry and to meet the public housing needs of the community.

During 1984-85 a total capital works programme of $1 165.1 million is planned, an increase of $35.1 million on expenditure incurred in 1983-84.

The amount to be appropriated from the General Loan Fund is $168.7 million, comprising the State's Loan Council borrowing allocation of $96.5 million and a general purpose Commonwealth capital grant of $48.3 million. The fund will also be supplemented by repayments of an estimated $14.3 million and a balance of $9.6 million brought forward from last financial year.

Apart from the General Loan Fund, our total capital works programme brings to account funds from a number of sources including semi-Government borrowings, Commonwealth grants and advances, contributions from various sources, and

internal and other funds of the departments and authorities involved.

Significantly, at the June 1984 meeting of the Australian Loan Council, the arrangements relating to local and semi-Government borrowings were changed. As a result, most financial controls on borrowings by "larger non-electricity authorities" have been removed for 1984-85, along with the borrowing limit on individual smaller authorities. In effect, and for a trial period of one year, a global limit is to apply to each State's total semi-Government borrowings. Our allocation is $830.7 million.

The new global arrangements have given us added flexibility in framing the capital works programme this year and have had an important bearing on how the works will be funded. However, it is necessary to amend the Public Works Act to facilitate access to our agreed Loan Council borrowing entitlement. That amending legislation was presented to Parliament earlier today and will enable funds to be borrowed for building functions as specified in the current legislation.

In shaping the works programme I emphasise that the Government was particularly conscious of the debt-servicing costs involved and the impact that loan repayments would have on taxpayers in future years. The Government has not proceeded on the expedient and financially irresponsible basis of simply allocating all available funds without regard to future budgetary consequences.

Members would also now be aware that another important facility which has influenced our works programme is the arrangement whereby a proportion of the State's borrowing allocation can be nominated for public housing. Since 1982-83 States have had the option of supplementing funds provided under the Commonwealth-State housing agreement by nominating amounts for public housing from within their Loan Council borrowing allocations. Amounts so nominated are provided by the Commonwealth at the concessional interest rate of 4.5 per cent and are repaid over a period of 53 years.

It is against this background that the Government decided to make the special effort to meet the pressing need for public housing and to provide a boost for the housing industry. In addition to stimulating growth in the housing sector, the Government's move will increase access to home ownership for prospective home buyers. It will reduce the State Housing Commission's waiting list and give existing rental tenants the opportunity to acquire their own homes should they so desire.

Apart from the emphasis on housing, a comprehensive programme of works is to be mounted across the full range of Government activities.

Other highlights of the programme include: The State Energy Commission's planned capital expenditure which amounts to $521.2 million.

This is not as large as last year because of the winding down of the massive outlays on the Dampier-Wagerup gas pipeline. Nevertheless, it is still a considerable amount of work, including significant outlays on the integration of the Pilbara power supply, the eastern goldfields transmission line, and stage "D" of the Muja power station. The commission also intends to provide $14.1 million for the continuation of work on its new head office building.

A capital works programme of $53.2 million is proposed for primary, secondary, and technical and further education facilities throughout the State. This includes an allocation of $700 000 for the commencement of work on stage 1 of the Bunbury Institute of Advanced Education, estimated to cost $7 million.

A capital works programme of $52.1 million is planned for health. As well as proceeding with work already commenced at Royal Perth Hospital, Princess Margaret Hospital, Perth Dental Hospital, and the Kalgoorlie Regional Hospital, further substantial progress will be made with the provision of new facilities to enable the transfer of patients from Swanbourne Hospital.

This year a State-wide roads programme of $234.5 million is to be undertaken by the Main Roads Department, including grants to local authorities. This is an increase of $33 million or 16.4 per cent on expenditure in 1983-84. Included in the programme is a special arrangement to accelerate the extension of the Mitchell Freeway to Wanneroo.

In conclusion, this Bill appropriates from the General Loan Fund the sums required to carry out the works and services detailed in the General Loan Fund Estimates. An amount of $168.735 million is sought from the General Loan Fund as part of the total financing arrangements required for the Government's planned works programme.

The General Loan Fund Estimates of Expenditure contain the details of the full programme and show the sources of funds employed. The amount to be provided from the General Loan Fund, which is subject to appropriation in this Bill, is clearly identified in bold type.

The supply Act 1984 has already granted Supply of $85.0 million and the Bill now under consideration seeks further Supply of $83.735 million. The total of these two sums—mainly

$168.735 million is to be appropriated for the purposes and services expressed in the first schedule of the Bill.

As well as authorising the provision of funds for the present financial year, this measure also seeks ratification of amounts spent during 1983-84 in excess of the estimates for that year. Details of these excesses are provided in the second schedule of the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

LOTTERIES (CONTROL) AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

[Questions taken.]

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.35 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 11 December at 11 a.m.

Question put and passed.

House adjourned at 4.36 p.m.

QUESTIONS ON NOTICE

ENERGY: FUEL

Price: Disparities

451. Hon. N. F. MOORE, to the Leader of the House representing the Premier:

(1) Did the Premier, as Leader of the Opposition prior to the 1983 election, promise that the differential between metropolitan and country petrol prices would not exceed 5c per litre?

(2) If so, will the Premier advise why this promise has not been kept?

Hon. D. K. DANS replied:

(1) and (2) A copy of the relevant page from the Government's pre-election policy speech reads as follows—

Petrol Prices

While the Commonwealth sets the price of crude oil, no controls are exerted on petrol prices in general. The existing Commonwealth subsidy on freight costs for petrol has not succeeded in narrowing the difference between city and country prices.

Labor will:

set the maximum wholesale and retail prices of petrol and automotive diesel fuel, ensuring that the price difference of petrol between most country centres and the metropolitan area is no more than one cent per litre.

The Government has, in a short time, done more in regard to petrol prices than the Opposition which made no attempt whatsoever in this regard.

PLANNING: LEONORA

Townsite Development Committee

454. Hon. N. F. MOORE, to the Minister for Planning representing the Minister for Minerals and Energy:

(1) Does the townsite development committee still exist?

(2) If so, will the Government give consideration to requesting this committee to investigate the problems facing the development of Leonora?

(3) If not, will the Government consider reactivating the committee for the purpose of considering the problems facing Leonora?

Hon. PETER DOWDING replied:

(1) No.

(2) and (3) The upsurge in mineral exploration and mining activity in the Leonora area and the demands this is making upon Leonora are well known to the Government. I have had discussions with the shire on these matters. The Department of Resources Development has oeen actively monitoring the situation, and is liaising between mining companies, the Leonora Shire and relevant Government departments on matters requiring urgent attention. These include residential and industrial land availability, effluent disposal, and Aboriginal accommodation matters.

HEALTH: NURSES

Education

458. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Health:

I refer to the Commonwealth's 24 August 1984 decision to transfer nursing education to colleges of advanced education and ask—

(1) Under present arrangements, how much does nursing education cost the WA Government?

(2) Is he aware that Dr Blewett says the transfer will be subject to negotiation with the States of satisfactory transition and cost-sharing arrangements?

(3) Does this mean the State will continue to help fund or part-fund nursing education?

(4) If so, how much State money is involved?

(5) Does the decision not mean that the State, as the owner of the hospital system, will now effectively lose the capacity to determine education and training to the Commonwealth which does not have constitutional responsibility for hospitals?

Hon. D. K. DANS replied:

(1) Total estimated expenditure on nursing student salaries, plus estimated teaching and overhead costs, was $16.7 million in 1983-84. However, as students also provide direct support services in varying

degrees, true educational costs would be much less than the above estimated gross outlay.

(2) Yes.

(3) Yes—for the period of the transition.

(4) $5.148 million for the first triennium.

(5) No—Nurses Board of WA still controls State registration of nurses.

HEALTH: SERVICES

Primary Schools

459. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Health:

(1) Has he received an approach from the Parents and Teachers' Association of the South Perth Primary School wherein attention is drawn to what is seen to be the current inadequacy of health services to State primary schools?

(2) Does the Minister agree that primary schoolchildren are prone to a range of contagious infections ranging from head lice to measles?

(3) Does he accept that the community health sisters' time with each school is too limited for regular inspections so that considerable teacher time is required for this task which is outside the scope of their real responsibility and training?

(4) Is the Minister prepared, as requested, to review the status of health service to primary schools in order to overcome the above problems?

Hon. D. K. DANS replied:

(1) Yes. I am advised that a letter was received by the Health Department on 21 November from the Parents and Teachers' Association of the South Perth Primary School. This letter suggests a review of the status of health services to primary schools as the association considers the current services inadequate.

(2) Yes, this is quite common knowledge. Fortunately the most common and serious of the communicable diseases can be prevented by immunisation. To that end the Health Department continues to inform and educate the public on the benefit of immunisation, and to encourage them to take advantage of the immunisation programmes available throughout the State.

(3) The services to primary schoolchildren focus on screening and surveillance of easily detected and treatable conditions, the continued presence of which may have long-term adverse consequences for the child. Sight and hearing defects are the most obvious of these.

Some primary schools with ongoing special needs may have regular additional services, but generally speaking additional services only occur when a particular need arises. An example of this would be when three Health Department nurses attended to the recent outbreak of head lice at the South Perth Primary School.

It is appreciated that the management of infections of head lice is not the responsibility of the teachers and I believe that teachers, nurses and Parents and Teachers' Associations have to continue to work together to try to ensure that all parents accept the basic responsibility.

(4) A full scale review of the status of the health service to primary schools could not be justified at present. However, it should be noted that the Health Department maintains an ongoing surveillance of the type and quantity of services provided to schoolchildren. When special needs are identified or different social patterns emerge, services are introduced. I am advised that there are 126 school nurses at present and seven new nurses planned for the following special schools: Balga, Bayswater, Safety Bay, White Gum Valley, Kenwick, Millen and South Kensington. Facilities for accommodating these nurses may have to be provided prior to their appointments in some schools.

INDUSTRIAL RELATIONS: DISPUTES

Metropolitan Transport Trust

460. Hon. P. H. WELLS, to the Minister for Industrial Relations:

(1) Is the Minister aware of the Metropolitan Transport Trust drivers' dispute which has caused some MTT buses not to use the specially constructed access road which enables buses to get onto the Mitchell Freeway from Railway Parade, going north?

(2) If so, has the alteration to that road resolved that dispute and are buses now using that accessway?

Hon. D. K. DANS replied:

(1) Yes.

(2) Yes.

ROAD: HARDEY ROAD

Cul-de-sac

461. Hon. FRED McKENZIE, to the Minister for Planning representing the Minister for Transport:

(1) Is it intended to create a cul-de-sac in Hardey Road, Cloverdale, at the junction of the Beechboro-Gosnells and Leach Highways at any time in the future?

(2) If so, will the Minister provide me with an approximate date when this treatment will take place?

Hon. PETER DOWDING replied:

(1) Yes.

(2) Late 1987 when the proposed Redcliffe Bridge over the Swan River is open to traffic.

462 to 464. *Postponed.*

QUESTIONS WITHOUT NOTICE

PORTS AND HARBOURS: MARINAS

Woodman Point

204. Hon. P. G. PENDAL, to the Minister for Planning:

(1) Is he aware of a comment in last Friday's issue of *The West Australian* in which the Premier's office reportedly claimed that the land for the marina at Woodman Point could not be sold because the MRPA saw that as a dangerous precedent?

(2) If so, is he aware that the company concerned did not negotiate on the basis of buying the land, but on the basis of leasing it, in this case for 50 years?

(3) If he is aware of this report, will he investigate to ascertain why this discrepancy occurred, apparently having been issued out of the office of the Premier?

Hon. PETER DOWDING replied:

(1) to (3) No.

LAND: RESERVES

Class "A": Woodman Point

205. Hon. P. G. PENDAL, to the Minister for Planning:

As a supplementary question, I ask—

Can I take it that the Minister is not aware that this is what the Premier's office said about the "A"-class reserve at Woodman Point?

Hon. PETER DOWDING replied:

That is correct.

PREMIER AND CABINET: DEPARTMENT

Woodman Point Marina

206. Hon. P. G. PENDAL, to the Minister for Planning:

As a further supplementary question, I ask—

Will he undertake to investigate why it is that the Premier's office, and specifically a spokesman for the Premier, has reportedly made a statement to the media of this State that appears to be at odds with statements being made by the person involved in the private development?

Hon. PETER DOWDING replied:

If the member likes to bring to my attention the particular comment to which he is referring, I will endeavour to obtain what clarification is appropriate within my ministerial responsibilities.

MINISTER OF THE CROWN

Minister for Planning: Responsibilities

207. Hon. I. G. PRATT, to the Minister for Planning:

Can the Minister outline to the House, to enable us to ask questions with some degree of accuracy in deciding to whom they should be directed, just which of the responsibilities of the Minister for Planning are conducted through his office, and which of the responsibilities of the Minister for Planning are conducted through the Premier's office?

Hon. PETER DOWDING replied:

The ministerial responsibilities of the Minister for Planning are conducted through my office.

GAMBLING: RAFFLES

Australian Labor Party

208. Hon. G. E. MASTERS, to the Minister for Administrative Services:

(1) Has he been informed by the Lotteries Commission or any other body or person of the ALP's alleged lottery raffle conducted in this State during the lead-up to the Federal election in order to raise campaign funds for the ALP?

(2) If so, what has he done about that information?

(3) Is it true that raffle lottery permits are never issued by the Lotteries Commission to political organisations?

Hon. D. K. DANS replied:

(1) to (3) I ask the Leader of the Opposition to put his question on notice so that I might give him a detailed reply.

LAND: RESERVES

Burswood Island: Lease

209. Hon. P. G. PENDAL, to the Minister for Planning:

Will the Minister, as Minister responsible for the MRPA, investigate why it is that the Government is planning to lease some land at Burswood Island for the purposes of a casino when the Government apparently is not prepared to lease land at Woodman Point, as reported in last Friday's *The West Australian*, which shows in this case two separate sets of rules for two separate sets of people?

Hon. PETER DOWDING replied:

I have already told the member that I have not seen the Press item to which he refers and I have invited him to provide me with a copy so that I might make the necessary inquiries. He knows perfectly well what is the Government's position with land at Burswood Island. It is identified by the Government as a matter of considerable benefit to WA for a development to proceed at Burswood Island. The member more than any other member has been given repeated assurances that the appropriate procedural steps will be taken to ensure that what is done at Burswood Island is done in accordance with the requirements of the law.

PLANNING: BUNBURY

Forest Avenue: Rezoning

210. Hon. P. H. WELLS, to the Minister for Planning:

(1) Did he overrule a Bunbury City Council proposal to rezone land in Forest Avenue to permit the erection of an office block for the Liberal Party?

(2) Is not this decision inconsistent with that made involving the ALP's Chinese restaurant, where the Minister is using his influence to have the area rezoned?

Hon. PETER DOWDING replied:

(1) and (2) The member may not be aware of this, but the actions I took in relation to the Forest Road area in Bunbury were taken as a result of recommendations from, I think, the Town Planning Board rather than the department. At the time I made the decision, no documentation at all was available to me to indicate the ownership of the land in respect of which the decision was taken. I was not aware that the Liberal Party had any proprietorial interest in any land in Bunbury until after the decision was made and I saw a report in one of the south-west papers in which a councillor was giving some comfort to Liberal Party entrepreneurs in the Bunbury area.

The position with the City of Stirling town planning scheme is that, in accordance with the principles I have adopted consistently since becoming Minister for Planning, I do not engage in giving political favours. I am very determined to ensure that the Stirling town planning scheme No. 2 takes account of existing anomalies. Members will recall that I was extremely critical of a certain member of a local authority who established illegally a caravan park in Broome. The person concerned was not a person identified with my own political party; indeed, he had been identified quite clearly with members of the Opposition. I was advised by the department to direct the removal of the illegal caravan park, but consistent with the views I have maintained all along that we ought to have some rational approach to planning, I made a decision which allowed that caravan park to stay.

In the City of Stirling a building has been erected when, to the knowledge of

the City of Stirling officers, the use of the building was to include that of a restaurant. They even included in their approvals an approval for a sign, "Chinese Restaurant". The building having been built, the use having been established, the council and the people involved in putting the project together perhaps not being at item and there being misunderstandings, nevertheless that building exists and there is an anomaly for which there ought to be some resolution, and I am seeking to achieve that resolution with the City of Stirling. As will be seen from trade representations, I had a useful meeting last week with members of the City of Stirling, and a resolution is being worked out.

PLANNING: BUNBURY

Forest Avenue: Rezoning

211. Hon. I. G. PRATT, to the Minister for Planning:

Is it a fact that the Minister or his representative gave as a reason for refusing that zoning, that it would be in conflict with the residential nature of the area?

Hon. PETER DOWDING replied:

I do not have the detailed papers with me in respect of the query that the member asks. I have made it clear that a decision was taken on advice and it was not a matter on which I had personally formed an opinion from either an inspection or from any knowledge of the facts other than those set out in the briefing notes. I am not in a position at this stage to give the member any more details, but if he would like to put his question on notice I will ensure that he has full summary of the material that was before me and the reasons for that decision.

MINISTER OF THE CROWN

Minister for Planning: Statements

212. Hon. I. G. PRATT, to the Minister for Planning:

Is it a habit within the Minister's office that spokesmen for the Minister make statements on his behalf without the Minister being aware of the statements?

Hon. PETER DOWDING replied:

I am aware that there are occasions when information is sought from the Minister's office which is given by my staff which is not necessarily first cleared with me if the advice is thought to be correct and it is not a matter which requires my personal attention.

MINISTER OF THE CROWN

Minister for Planning: Statements

213. Hon. I. G. PRATT, to the Minister for Planning:

Who is responsible for statements coming from the Minister's office on town planning matters?

Hon. PETER DOWDING replied:

I am ultimately responsible.

TRADE

"Trade Promotion"

214. Hon. G. E. MASTERS, to the Leader of the House:

My question deals with the term "trade promotion". I am sure the Minister has heard of that term. Is it true that a trade promotion relates only to the direction of the sale of goods or services?

Hon. D. K. DANS replied:

That is my understanding, but my understanding may not be correct. If the member would care to put his question on notice I will give him a very detailed answer.

TRADE

"Trade Promotion"

215. Hon. G. E. MASTERS, to the Leader of the House:

I thank the Leader of the House for that comment. I certainly will put my question on notice, but I understood him to say that in his opinion what I said was correct.

Does the Minister accept, in view of his comment just now, that an offer of reward by prize or otherwise in return for a gift or donation of money is a raffle or a lottery and not a trade promotion?

The PRESIDENT: That question is out of order.

PLANNING: CITY OF STIRLING

ALP: Chinese Restaurant

216. Hon. I. G. PRATT, to the Minister for Planning:

Is it a fact that the original application for the Australian Labor Party's development in the City of Stirling was for a private restaurant to serve the principal zoning, which in fact was for club purposes?

Hon. PETER DOWDING replied:

I have not seen the papers because they would be papers between the applicants and the City of Stirling. I do not have any access to those papers, neither do the entrepreneurs—I do not know the name of the entrepreneurs—nor do I have access to the City of Stirling's file. I have simply seen a resume of events. I have seen certain correspondence between the City of Stirling and some of the local members for that area in which the issues were canvassed.

PLANNING: CITY OF STIRLING

ALP: Chinese Restaurant

217. Hon. P. H. WELLS, to the Minister for Planning:

This is a follow-up to my previous question. Is it not correct that a rezoning of the building known as "the Chinese Restaurant" would be inconsistent with the arrangement of the sale of that land to the Australian Labor Party or the developer when the land was transferred from the State Housing Commission?

Hon. PETER DOWDING replied:

I am sorry. I do not understand the question.

The PRESIDENT: Would the member repeat the question.

Hon. P. H. WELLS: Rephrasing my question, I am led to believe that there were conditions on the sale of the land on which now stands the Chinese restaurant that the ALP is seeking to have rezoned. Is it correct that the conditions of that sale were that there was not to be rezoning and that any rezoning would be inconsistent with those agreements reached at the original sale?

Hon. PETER DOWDING: I am sorry. I cannot understand a proposition which says that a sale could be inconsistent with a subsequent rezoning. A subsequent rezoning is an additional layer of the rights and entitlements of the landowner or occupier and of the people around it so that it would not be ever contemplated or indeed even a subject of any discussion, I would have thought, at the time of acquisition. In any event, the conditions that applied at the time of purchase of that land are really nothing to do with me. I have made it clear that it matters not who owns the land. If there is an anomaly then it is an anomaly which ought to be examined very carefully before a change to the town planning scheme is made or a new town planning scheme is actually implemented. It is that anomaly which the City of Stirling is trying to resolve. I can accept the role that the Opposition has played with this issue. I deal with hundreds of similar questions every month—

Several members interjected.

The PRESIDENT: Order!

Hon. PETER DOWDING: —where anomalies in zonings or uses require some attention from the Minister for Planning. I have not noticed members opposite taking such a vigilant role in this issue. To turn the situation within the City of Stirling into a purely political issue because of the ownership of this land seems to me to be the worst example of bringing politics into local government that I have ever seen.

Hon. P. G. Pendal: That deserves at least a Logie!

PLANNING: CITY OF STIRLING

ALP: Chinese Restaurant

218. Hon. I. G. PRATT, to the Minister for Planning:

Is the Minister aware of the report in *The Stirling Times* of 27 November, referring to the Minister's wording of what he wants done, and suggesting that the wording does not describe what is there and has the appearance of being deceitful?

Hon. PETER DOWDING replied:

That is a remark attributed to the Stirling City planner (Mr John Glover) about the suggestion that was made for a resolution of this problem. The suggestion that I made was that the Stirling City Council should be permit-

ted to have the discretion to deal with this issue. It is claimed that under the existing zonings the City of Stirling has no discretion to allow or disallow a restaurant. Despite the fact that it was aware of the restaurant being built, gave approval for the sign and all the rest of it, the council was not under the zonings permitted to exercise any discretion about whether the restaurant was a permitted use or a discretionary use. I suggested that the City of Stirling should have that discretion. Mr Glover did not say that because the words that I used in my response to the council did not actually say "Chinese Restaurant". It was, in a sense, deceitful because the public would not necessarily know unless they looked at the scheme that the restaurant was a discretionary use within that description.

However, to call it deceitful is to overstate it. I do not think Mr Glover meant other than that the words did not include a reference to a restaurant.

The proposal that has been put previously, and which is referred to in that article, would give a discretion to the City of Stirling to decide whether a restaurant should operate on that site.

PLANNING: CITY OF STIRLING

Rezoning: Inconsistency

219. Hon. G. C. MacKINNON, to the Minister for Planning:

How can the Minister justify the inconsistency of making a virtue—as he did in his last answer—out of giving discretion to the City of Stirling to make a decision, and at the same time taking away the discretion of the City of Bunbury in granting a licence to the Liberal Party to put in its new office?

Hon. PETER DOWDING replied:

If the member had been in his seat when we started questions he would have heard the answer I gave earlier.

Several members interjected.

The PRESIDENT: Order!

Hon. PETER DOWDING: I will repeat that answer for the member. I had no information at all—

Several members interjected.

The PRESIDENT: Order!

Hon. PETER DOWDING: —that the Liberal Party had any proprietorial interest in any land in Bunbury, until after the decision was made. The decision I made was taken on advice and was not independent or exercised on my own discretion. It was formed after a visit to the area and a personal inquiry about those factors.

The decisions were taken in the role of the State Government as an umbrella planner and not particularly in relation to a block of land owned by the Liberal Party or anyone else.

In relation to the City of Stirling I have always adopted the same principle as a person normally responsible for that umbrella role; that is, to ensure that a new town planning scheme is not implemented until the anomalies have been put and are all ironed out.

A number of anomalies exist in the City of Stirling scheme and have been discussed with the City of Stirling. For instance, one involves a garden industrial area about which I have indicated to the City of Stirling I will be giving my decision. This matter involved a rezoning anomaly. There were others which were the subject of a very short advertising period.

There is nothing inconsistent with that approach, which is to ensure that the town planning processes are achieved as efficiently and equitably as possible.

PLANNING: CITY OF STIRLING

Rezoning: Inconsistency

220. Hon. G. C. MacKINNON, to the Minister for Planning:

I wonder whether instead of having a lecture from the most ants-in-his-pants fellow in this place; that is, the honourable Minister for Town Planning, the Minister could honestly answer my question. How does he justify his diatribe about giving the City of Stirling discretionary power to make a decision when the Bunbury City Council had made a decision knowing that there was a shortage of office and commercial space in Bunbury?

Plenty of factory land exists there, but there is a shortage of commercial space. With that fact in mind the Bunbury City

Council made a discretionary decision which the Minister overruled. The Minister cannot make a virtue on one hand of an action and the on the other claim it as a virtue.

I do not want a lecture in reply; I want to know whether the Minister can see any ridicule in that sort of attitude?

The PRESIDENT: Order! We seem to be getting involved in a debate which is not the purpose—

Hon. G. C. MacKinnon: I think so too, Sir.

The PRESIDENT: Would the member keep quiet until I finish what I want to say. The purpose of this particular section of our agenda is to provide for questions without notice. Questions without notice are asked in conformity with a very simple and clear set of rules; none of which extends to include the proposition that the honourable member just put forward; that is, that he asked the same question twice. The rules state one cannot do that.

If the Minister did not answer the question, then unfortunately I am not in a position—because I do not have the power—to make him answer. However, if the honourable member does believe that there was some faint difference between his first question and his second question, I will listen to it. It must have been a very slight difference, because I missed it. Otherwise, I do not believe there is a question to answer at this stage.

PRISON: WOOROLOO

Hospital

221. Hon. NEIL OLIVER, to the Minister for Prisons:

(1) Has the Minister visited the Wooroloo Prison Farm and discussed the possible transfer of the prison hospital from the Health Department to the Prisons Department?

(2) Has he received an invitation to a public meeting to be held in Wooroloo this Thursday, 6 December?

(3) If so, does he intend to attend?

Hon. J. M. BERINSON replied:

(1) to (3): I have visited the Wooroloo Prison Farm, but not since the proposal was developed to discontinue the adjacent hospital services. I have received an invitation to a meeting on that question and if the honourable member tells me it is this Thursday, then that is the date. I would not have remembered the date myself.

In response to that invitation I indicated that there was really no purpose to my attending that meeting as the whole initiative in this matter relates to the responsibility of the Minister for Health. There is no question that should the hospital be closed and the prison establish its own nursing service, it would be a nursing service available to the general public. In those circumstances there is nothing I could helpfully add to a meeting on this matter.

PLANNING: CITY OF STIRLING

Rezoning: Decision

222. Hon. I. G. PRATT, to the Minister for Planning:

In reply to my question as to what was the original use of the particular building within the City of Stirling the Minister did indicate he had seen some papers and documents, but did not have the file and did not know the details of the particular use. Do we assume, as a fact, that this Minister for Planning makes decisions on planning matters, visits the local authority and gives directions as to what should be done, and if the councils want their plan approved, he does so without being fully aware of the applications being made or the reasons for the particular use?

Hon. PETER DOWDING replied:

No.

PLANNING: CITY OF STIRLING

Rezoning: Change

223. Hon. I. G. PRATT, to the Minister for Planning:

The Minister said, as one of his reasons for seeking a change in this particular zoning within the City of Stirling town planning scheme, that a sign had been erected. I ask the Minister was permission for this sign granted under the Town Planning Act, of which the Minister will be fully aware, or was it made through the building section of the council?

Hon. PETER DOWDING replied:

The member incorrectly quoted what I said. I said that the fact that a sign had been approved by the City of Stirling was an indication that it was aware of the use for which the building was developed. To trivialise the matter, as the member seeks to do, is to do what I said he and his colleagues are doing; that is, trying to elevate what is essentially a planning issue to a political issue.

Several members interjected.

Hon. PETER DOWDING: We have seen an attempt made today to try to balance that matter off—

Several members interjected.

Hon. PETER DOWDING: —with reference to the Bunbury situation, which I have said earlier was not in any way brought to my attention as having any political component. Even if it had, it would not have altered my decision one jot. The member asking these questions cannot understand that as a Minister one has a role of bringing some impartiality to the process, and that is what I will continue to do.

PLANNING: CITY OF STIRLING

ALP: Chinese Restaurant

224. Hon. I. G. PRATT, to the Minister for Planning:

Is it not a fact that the use of this part of the building as a Chinese restaurant rather than as a private restaurant associated with the club facility is illegal and not an anomaly?

Hon. PETER DOWDING replied:

To the extent that it is not the permitted use, it is in the same category as the Broome Caravan Park to which I referred. I treat that as an anomaly to be resolved before the new town planning scheme is implemented.

PLANNING: BUNBURY CITY COUNCIL

Liberal Party Offices

225. Hon. P. H. WELLS, to the Minister for Planning:

In view of the fact that the Minister advised us he accepted the town planning recommendation for the Liberal Party building in Bunbury, can he advise why he did not accept the town planning recommendation with regard to the Chinese restaurant?

Hon. PETER DOWDING replied:

I did not accept the town planning recommendation in relation to the Liberal Party building in Bunbury; I accepted advice, I think from the Town Planning Board from recollection, rather than the department in relation to a proposal from the City of Bunbury for rezoning of an area of land in Bunbury which, as members have drawn to my attention today and as the Press drew to my attention recently, included land in which the Liberal Party had some proprietorial interest. I accept advice from my department regularly and from the Town Planning Board. When circumstances exist which require my taking a different view, of course I do so. That is not one of these cases, and nor is the City of Stirling issue.

PLANNING: CITY OF STIRLING

Rezoning: Discretionary Power

226. Hon. I. G. PRATT, to the Minister for Planning:

The Minister is seeking to have Stirling City Council include discretionary power in the zoning of the site. The City's town planner asks in an article in *The Stirling Times* of 27 November what are the associated uses of a public restaurant and the associated uses of a private club; what other associated uses are there, a tavern, a mini-hotel?

I ask: What type of development would the council have the option of including on this area if it accepted reluctantly the planning decision the Minister wishes to foist on it?

Hon. PETER DOWDING replied:

I do not foist anything on anybody. I have a statutory responsibility either to approve or disapprove town planning schemes, and that is what I will do. In relation to this particular site there is an option under the existing zoning for there to be a club, and that includes a private restaurant. It is a matter for judgment as to the extent to which a club and private restaurant interferes with the amenity of an area more or less than a Chinese restaurant. If members opposite

have so little understanding of planning not to know there is nothing inconsistent about changing the zoning of an area as demand for its use alters, nothing I can say in this House will be of assistance to them.

PLANNING: CITY OF STIRLING

Rezoning: MRD

227. Hon. P. H. WELLS, to the Minister for Planning:

Has the Minister been briefed by the Main Roads Department as to its view about a change of zoning on that corner of the road which contains the restaurant?

Hon. PETER DOWDING replied:

I have not had a briefing from the Main Roads Department.

PLANNING: CITY OF STIRLING

Rezoning: Ratepayers

228. Hon. I. G. PRATT, to the Minister for Planning:

In answer to a previous question, the Minister said he did not foist anything on councils. I ask—

(1) Is *The Stirling Times* of 27 November correct in quoting him as saying the ball was firmly in the council's court and that any ratepayer concerned with the delay should contact the council and urge it to expedite the steps to be taken?

(2) Does this become blackmail of the council through his telling it that unless it agrees with what he wants it will not get the town plan approved and ratepayers will be made to pay for it?

Hon. PETER DOWDING replied:

(1) and (2) The member should stick to reading "Noddy" which is about his level of interpretative ability. That is not what the item in the newspaper says as he would know, and if he tried he would know that that is not what it means.

PLANNING: CITY OF STIRLING

Rezoning: Town Planning Scheme

229. Hon. NEIL OLIVER, to the Minister for Planning:

In arriving at his decision does he take into account objections to the town planning scheme?

Hon. PETER DOWDING replied:

Yes.

PLANNING: CITY OF STIRLING

Rezoning: Public Submissions

230. Hon. NEIL OLIVER, to the Minister for Planning:

The Minister said earlier he was guided by his department and did not take into account anything other than its recommendations. On that basis, why does he not take into account objections received from the public?

Hon. PETER DOWDING replied:

That question verges on the absurd. Of course I take into account all advice, and that includes reference to all the circumstances including any submissions received from the public.

PLANNING: CITY OF STIRLING

Rezoning: Town Planning Scheme

231. Hon. I. G. PRATT, to the Minister for Planning:

In answer to my last question the Minister said I had misconstrued what was printed in *The Stirling Times* of 27 November and he did not really mean what I said he meant. Does that mean the Minister will approve the town plan which the council and the local people want and which he does not want?

Hon. PETER DOWDING replied:

Junior level comprehension requires little more skill than is taken to read that newspaper article and see what I have said. I said in that article I had made some suggestions to the City of Stirling and it was up to the council to process those proposals. Since that time I have had a further discussion with the City of Stirling and I understand it is considering further matters which came out of discussions between myself and the Mayor. I am awaiting a communication from the City of Stirling.

PLANNING: CITY OF STIRLING

Rezoning: Premier

232. Hon. P. H. WELLS, to the Minister for Planning:

In view of the fact that the Premier is reported to be the original applicant to the City of Stirling for the rezoning, has the Premier discussed this matter with the Minister and requested him to resolve it?

Hon. PETER DOWDING replied:

I have not discussed this issue with the Premier in those terms. It has been the subject of discussion between us because both of us have been asked questions in the media and I think I have touched on it very briefly with the Premier. Certainly it has not figured in the submission I have received. A submission has come from the building owners through a firm of lawyers, and the department has received a number of other submissions from members of the public and others, many of whom supported this change and are quite indignant that the Liberal Party should use its numbers in the City of Stirling to frustrate what is a normal planning development.

PLANNING: CITY OF STIRLING

Rezoning: Liberal Party

233. Hon. P. H. WELLS, to the Minister for Planning:

By what authority does he quote "Liberal Party members of the City of Stirling?"

Hon. PETER DOWDING replied:

I do not understand the question.

PLANNING: CITY OF STIRLING

Rezoning: Liberal Party

234. Hon. P. H. WELLS, to the Minister for Planning;

I rephrase the question: From which Liberal members in the City of Stirling did he obtain the information?

Hon. PETER DOWDING replied:

One of the greatest pretences that Hon. Peter Wells can have is to pretend in some ways that this is not simply a political campaign by the Liberal Party to try to get into the Australian Labor Party.

The Labor Party owns the property in the City of Stirling. It has a project up and running. There is a town planning anomaly. If anything, it makes it more difficult to resolve because of the sorts of suggestions that have been made. It will be resolved on town planning principles and on those principles alone.

For the member not to know the position of the Liberal Party in trying to take over the City of Stirling is a matter of his being either deliberately deceitful to this House or of his being obtuse. I do not know which is correct, but any person who watches what goes on in the City of Stirling knows the position full well. I am critical of the campaign in this House and in the other place to make this issue one of political furore when it is simply a town planning issue. It is for that reason I am critical of Hon. Peter Wells and anybody else who tries to make it that type of issue.

MINISTER OF THE CROWN

Minister for Planning: Resignation

235. Hon. I. G. PRATT, to the Minister for Planning:

After the Minister has so badly handled these matters, as a matter of honour will he resign as Minister?

PLANNING: CITY OF STIRLING

Rezoning: Town Planning Scheme

236. Hon. NEIL OLIVER, to the Minister for Planning:

In view of the fact that my previous question verged on the obscure—

Hon. Peter Dowding: Absurd, not obscure.

Hon. NEIL OLIVER: The Minister said "obscure". Having already met with the town planners and staff of the City of Stirling, will the Minister still take into account the objections to the proposed development in view of the fact that he said that the Town Planning Board also takes into account the town planning principles?

Hon. PETER DOWDING replied:

As the member ought to know, submissions are received in respect of a number of matters with which I deal. Some have proponents and some have

opponents. Of course due regard is given to the comments that are received.

COMMUNICATION: VIDEO

Classifications

237. Hon. P. H. WELLS, to the Leader of the House:

The Minister said that he was unable to attend the meeting of State Ministers concerning video classifications. Is he in a position to inform us of what went on at that meeting, what will be the likely outcome, and when we can expect any changes to legislation as a result of that meeting?

Hon. D. K. DANS replied:

I think I have a reputation as being a man of my word. I answered that question previously. When I have a report from that meeting I will inform the member by letter.

PRISONS: WOOROLOO

Hospital

238. Hon. J. M. BERINSON (Attorney General):

Mr President, I seek your indulgence to add to an earlier answer I gave to Hon. Neil Oliver. The member looked so surprised when I said that I had not visited Wooroloo prison farm since the intention to close the hospital had been arrived at that it occurred to me that I might have gone beyond the facts as actually known to me. To be more precise on this point, what I should have said, perhaps, was that at the time I visited Wooroloo, I was not aware of any detailed planning within the Department of Health to close the hospital. The distinction—I confess it is a fairly fine distinction—arises from a possibility that although I was not aware of any timetable of closure, such a timetable may indeed have existed at the time. If there was any confusion on the matter I hope that this further comment will clarify.