Legislative Assembly

Tuesday, 11 May 1982

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

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE SPEAKER (Mr Thompson): I have to announce that, accompanied by the Member for Albany, the Member for Mt. Hawthorn, the Member for Nedlands and the Member for Victoria Park, I attended upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's speech in opening Parliament.

His Excellency has been pleased to reply in the following terms—

> Government House
> Perth, 11 May 1982.
>
> Mr Speaker and Members of the Legislative Assembly:
>
> I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.
>
> RICHARD TROWBRIDGE,
> Governor.

TOWN PLANNING: MRPA

Amendment No. 410/33: Petition

MR HASSELL (Cottesloe—Minister for Police and Prisons) [4.33 p.m.]: I have a petition from 1 582 citizens addressed to the Honourable the Speaker and members of the Legislative Assembly requesting that, on six grounds Parliament does not ratify metropolitan regional scheme amendment No. 410/33 to reserve land for a limited access highway through Cottesloe.

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

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

(See petition No. 9.)

WASTE DISPOSAL: LIQUID

Site: Petition

MR GORDON HILL (Swan) [4.34 p.m.]: I have a petition from 410 residents of Western Australia, mainly living in the Hazelmere area, calling on the Government to ensure that the new liquid waste disposal site is not located at the Midland Abattoir lagoons, and that the site is located in an area free of any possible environmental problems.

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

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

(See petition No. 10.)

HEALTH AMENDMENT BILL

In Committee

Resumed from 6 May. The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Progress was reported after clause 7 had been agreed to.

Clause 8: Section 241C amended—

Mr DAVIES: This is the one matter in this modest Bill with which the Opposition disagrees and it relates to co-opted members being given the right to vote. The Minister might unintentionally have led the Chamber astray a little when he said this provision was in the legislation prior to 1976, at which time it was removed by the present Government when the pesticides advisory committee was reconstituted.

Let me give members the history of this provision. It was incorporated in the legislation in 1952 by Dame Florence Cardell-Oliver who was Minister for Health at the time. It was not opposed by the Opposition according to the Hon. Emil Nulsen who later became a very eminent Minister for Health. Indeed, the only opposition came from Mr Sleeman, the member for Fremantle, who said he opposed it until it was pointed out to him he was talking on the wrong Bill. He then withdrew his opposition at that stage and the Bill was passed with virtually no debate and the provision remained in the legislation until 1976.

I shall quote from Vol. 19 of the reprinted Acts. Section 241C of the Health Act says—

> The Governor may appoint an advisory committee.

The composition of the committee is then set out, and, in subsection (5), it is indicated that "at all meetings of the advisory committee the chairman shall have a deliberative vote and in the event of an equality of votes, a second or casting vote". The composition of the committee was: the Commissioner of Public Health, the Government Analyst, the Registrar of the Pharmaceutical Council, and the Director of Agriculture or his nominees. The subsection goes on to say they

"may co-opt a person or persons who is or are conversant with particular requirements". The subsection does not say the person or persons may be co-opted on a casual basis; but, from my reading of the provision, it indicates clearly the person or persons could be co-opted to join the committee on a permanent basis.

Whether the person is or persons are co-opted on an *ad hoc* or permanent basis, it indicates clearly all members of the advisory committee shall have the right to vote and, in the event of an equality of votes, the chairman shall have a casting vote. Therefore, the position is not quite as the Minister would give us to understand and I was pleased the matter was adjourned on Thursday afternoon so that I could research the position further.

Our opposition still stands. Under this proposed provision, the committee would be a rather curious one. It would be made up of four permanent members, one of whom would be the chairman, and the members may appoint a deputy chairman. If the chairman and deputy were both away, the remaining two members of the committee would have the right to appoint a chairman for that meeting, if they so desired. Therefore, if only two ordinary members of the committee were present and it was found necessary to appoint a chairman for the meeting, some equality of voting could occur.

The Bill then provides for the people at the meeting to have a deliberative vote, and the chairman to have a second vote in the event of an equality of votes. The Government is saying, "You can still have exactly that same committee, but for any special purpose where you want particular information you can go to, people associated with the trade and get a person to go onto the committee and remain on the committee to give his vote after having given the committee the full benefit of his knowledge." A situation could arise whereby the chairman and the deputy chairman were absent leaving the two ordinary members of the committee present, with presumably one becoming the chairman and the other the deputy chairman. As many co-opted members could be present for the discussion of a particular item as the then committee may require, we could easily have the situation of the ordinary committee members being out-voted by co-opted members, or co-opted members holding an equal voting power. I am not aware of the frequency of call for the services of co-opted members or the real benefit of such calls. I imagine justification exists for calling co-opted members, but I cannot imagine any justification for giving co-opted members the right to vote.

A co-opted member is a representative of the trade to tell the pesticides advisory committee what he thinks and to give the committee the information it requires on a particular matter. Whether the subject is of a general nature, or relates to the composition of a particular pesticide, does not really matter; the point is that the co-opted member would wish to support his living, and in supporting his living would not do anything to harm it. Consequently, co-opted members would vote for a continuation of a certain position.

This specialised committee will seek information from co-opted members and then say to those members, "You have told us what you think and you may or may not have convinced us, but you sit here and have the right to vote on the matter we have been discussing." The Opposition believes that this is a quite wrong practice. It is not followed in local government matters; councillors must declare their interests. At one time the Premier tried to prevent the member for Welshpool and me from voting on a particular matter which, I think, related to the tenancy of Curtin House by the Health Department. The Premier said that we had a vested interest in the matter under discussion, and should declare our interest and be unable to vote. Whether someone must declare his interest or is not allowed to vote because of an interest is a matter which has not been considered in regard to the co-opting of members to the pesticides advisory committee. I can see little benefit in appointing a committee to which outside people can be co-opted and given full voting rights. That which the clause seeks to do is quite new and quite foreign. Unless the Minister gives some justification for this clause we will vote against it.

Mr YOUNG: I am glad that over the weekend the member for Victoria Park was able to get his hands around something to raise in opposition to this clause. He was right in saying that I was not right in answering the question he raised during the second reading debate, but I counter that with the point that he was not right when he raised certain matters during the second reading debate. In summary, both of us made minor errors about a minor part of this Bill.

The Leader of the Opposition was correct when he said that the original situation existing in the legislation prior to 1976 allowed for the full-time appointment of a co-opted member, or for a co-opted member to become a full-time member of the committee. That provision was unpopular with the industry at that time because the full-time member was entitled to full-time information which quite often could contribute to his

knowledge about a rival's product. Therefore he was privy to information no matter how assiduously he approached his work that might put him in an advantageous position compared with others in the industry.

As a result of this situation no person was nominated to become a full-time co-opted member of the committee. The practice that then existed would be as unpopular to the present committee as it was to the committee in 1976. The Act was altered in 1976 to delete reference to co-opted members, but by virtue of this clause co-opted members are provided for, although the provision is in a different form so that people conversant with the trade can be co-opted on a temporary basis to advise the committee. If the committee wants the benefit of the expertise of a certain person from the trade, such as a person who understands the full workings of a particular pesticide or who is an expert in a particular field, the committee can co-opt that person for the purposes of the particular matter before the committee. The person would be co-opted for the time being to advise the committee of particular requirements.

Mr Davies: That is good; we believe in that.

Mr YOUNG: The person co-opted is co-opted for only the particular matter before the committee. I ask the member for Victoria Park to consider some of the circumstances not written in this clause, but which would follow by automatic process—by logic. A person co-opted for a specific purpose would not be able to outvote the substantive members of the committee for the simple reason that when that person is co-opted to the committee he would be by himself. The committee would co-opt people one by one to discuss specific matters. In practice the committee would invite an expert to give information on a specific matter, and that person would be able to vote only on that specific matter. He would present the information the committee wanted—

Mr Davies: There is nothing stopping them co-opting more than one member.

Mr Hodge: It is written into the clause.

Mr YOUNG: For the benefit of the member for Victoria Park and the member for Melville, I indicate I am not now discussing what is written in the clause, but what by automatic process would occur. Would a committee, by inviting people along to vote on a particular matter, put itself in the position of being out-voted by those people; or would a committee comprising people to whom the member for Victoria Park referred invite people along on a one-by-one or *ad hoc* basis to discuss one specific matter? Anybody who thought about this situation for one moment would realise that a committee would use the clause to invite experts on a one-by-one or *ad hoc* basis. It would be accepted also, as I have been informed, that the members of the current committee take the attitude—I am sure future members of the committee also would take the attitude—that the persons invited to give advice in respect of certain matters will not be people who have a vested interest in those matters. In other words, if the committee wants to invite an expert from the trade, that person would not be someone with a vested interest in the matter being discussed. He would be merely someone who could lend his expertise to the committee. That co-opted person would be entitled to vote, and that is something the present committee wishes. His right to vote is an indication to him that his impartiality is accepted and that he is making an important contribution to a matter that is important not only to the committee and the Government, but also obviously to the trade he represents. It is difficult to imagine a set of circumstances in which the committee would allow itself to be out-voted by its appointing more than one person to advise on a particular matter.

Mr Hodge: But it is possible under this legislation.

Mr YOUNG: Anything is possible. If we had a committee which applied the sort of stupid thinking the member for Melville seems to suggest the committee we are discussing will apply by inviting enough people to out-vote the members of the committee, I suppose almost anything is possible.

Mr Hodge: You would check out how everyone is going to vote before inviting them.

Mr Brian Burke: State the truth. You would have liked the member for Melville to stay in the North Province.

Mr YOUNG: To be fair, I think we all would.

Mr Brian Burke: I am very pleased he is back.

Mr YOUNG: I think the Leader of the Opposition would agree with me, especially when we have a situation where one member of the Chamber is asking another to apply what I call logic to the situation, and the member has not the ability to do it. We could be here all night, for that matter.

Several members interjected.

Mr YOUNG: Because the Opposition gets itself into the position where Caucus makes mistakes, as everyone can, and a matter is not given enough thought before a vote is taken

against a proposal, the members of the committee back each other up—

Mr Tonkin: Deal with the substance.

Several members interjected.

Mr YOUNG: —and stick to a certain view.

Several members interjected.

Mr YOUNG: They could stick to a total illogical line that a committee of reasonable people who hold high positions will invite enough people who would outvote them. The members of the Opposition do not accept the fact that the committee would have enough nous and intelligence to invite people to attend on a special basis from time to time and to ensure that the persons they invited would not have a vested interest.

I have explained that the matters the member for Victoria Park has claimed would occur, would not come about; and I have given the reason the committee asked that these people be able to be co-opted, and the reason they be asked to be given a vote. I have explained what has happened in the past and I have agreed with the member for Victoria Park that what he said in respect of the situation that existed before 1976 is correct. What he said in his second reading speech had its deficiencies also, so I feel I have answered reasonably the propositions put forward.

If the Opposition wishes to keep on as it is, I shall not take any part of the discussion and allow it to vote against the clause if it wishes.

Mr DAVIES: I wish to thank the Minister for his explanation and say that he has taken as extreme a view as he claimed I have taken. I pointed out what could happen and he half-heartedly admitted that it could happen. We should alter the Bill, but the Minister says that common sense will prevail. I have never heard such nonsense in all my life.

We cannot go to either extreme and say that such things could happen; we are in a position where we are amending the legislation and can do something about it.

The attitude I am taking towards this Bill is the same as it was last Thursday. This is the only matter in the legislation about which we have any complaint. Our complaint is that people who are co-opted on a one-up situation are to be given the same right and power in regard to a vote as a permanent member of the committee. We do not know whether the people who are co-opted will be good, reasonable, or from within the trade or outside it. We do not know whether they will be working people or retired people. That is a bad principle, particularly with a committee which is to do a certain job. It appears that, at its whim, the committee may co-opt another person to join it and that person will have the same right to vote as have permanent members of the committee.

The Minister did not tell us how many times members have been co-opted in the past and he did not tell us for what reasons they were co-opted. The Minister placed his construction on what he thought might happen and opposed what we said. We believe the committee should have the right to co-opt such opinion as it requires in order to assist it in its deliberations, but we disagree with the fact that these people can go along on a one-up situation and have exactly the same rights as has every other member of the committee and receive a sitting fee of $90 for one day or $60 for half a day. We have no argument with the co-opted person being paid a sitting fee, but we have an argument against the principle of a person being brought in from outside and not being properly appointed to the committee. Such a person does not need the Governor's approval. The Act states that the members of the committee do not have to be appointed by the Governor, but the Governor, on advice to the committee, may make regulations. Possibly that is one alteration which could be made so that members must have the approval of the Governor before they become members of a committee. No doubt the committee is properly appointed, advertised by the Government as having been appointed as the pesticides advisory committee. When a decision is made, it is the decision of a committee—plus, and it is the "plus" part of the committee we are not happy about.

We will vote against this provision because we do not wish it to creep into other committees. I can imagine the situation if the roles were reversed and the Labor Party was attempting to have such legislation passed. Howls of derision would come from the Liberal Party and Country Party members, and no doubt National Party members. They would say it was unfair and unreasonable and that we were trying to do something on the sly. I could understand such opposition because we are legislating for something over which we have no control; we are giving this pesticides advisory committee a very wide authority. The committee has a difficult and onerous task. It is an expert committee and we have no complaint about its receiving additional advice, but we do have a complaint about people being co-opted and being given the right to vote for one particular purpose.

Clause put and passed.

Clauses 9 to 17 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 Mr Young (Minister for Health), and transmitted to the Council.

MACHINERY SAFETY AMENDMENT BILL

Second Reading

Debate resumed from 29 April.

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [5.02 p.m.]: The Opposition supports this Bill, which proposes to relax certain secrecy provisions relating to the Machinery Safety Act. The amendments contained in the Bill arise from the proceedings which followed the death of a young man at the Perth Royal Show in 1981. It was found during those proceedings that sections 33 and 34 of the Act precluded the Department of Labour and Industry from presenting to the coroner the certificate of inspection and design relating to the machine involved.

Arrangements were made to present to the coroner the relevant information; however, legal advice stressed it was through only unsatisfactory arrangements that the information was forthcoming. This Bill seeks to overcome the unsatisfactory aspects of that provision of information.

The Bill gives the Opposition the opportunity to stress on this Government the importance of safety provisions not only in the work place, but also in places of amusement, such as the Royal Show and to say that the Opposition views with concern the Government's performance in this vital area. The Opposition believes the concept of safety, especially in amusement areas, has not been one to which this Government has accorded the importance it merits. We say that the Government's approach in this area—as it has been in other areas—has been *ad hoc* by definition and in its nature.

A classic example of the Government's lack of interest in safety within the work place was contained in the Premier's admission that last year Western Australia declined to participate in a national inquiry into the management and control of hazardous chemicals. Had the Government been a Labor Government, it would have participated in the inquiry, and in the information it submitted to the inquiry would have attempted to stress the aspects of the management of hazardous chemicals that it thought were important in and peculiar to Western Australia.

However, the present Premier in his then capacity as Deputy Premier, in explaining why Western Australia declined to participate, said—

> It was indicated to the committee that a submission from Western Australia was not proposed as it was considered that more useful submissions would be available from the south-eastern industrial States in the light of more varied industries and closer densities of population. For the same reason, there was no official participation in the inquiry by governmental officers.

That simply is not good enough. Firstly, to be seen implicitly to be saying to the other States, "We will rely on your information and the result of your inquiries, regardless of any specific conditions attaching to Western Australia", is to sell this State short. I am sure each of us knows of specific industries in Western Australia which pose certain difficulties which may not pose the same difficulties in the same contexts or situations in other States from which submissions would be coming.

We believe the Government stands condemned by its refusal to participate in this inquiry. We say the Government stands condemned for its *laissez-faire* attitude towards matters of vital concern to the public, and worker health and safety.

I have already said that the Opposition supports the Bill. However, several matters need to be clarified. Section 34 of the Act refers specifically to a coronial inquiry, and the Bill seeks to amend that section by repealing subsection (1) and substituting a new subsection, paragraph (c) of which will read—

> any person authorized in writing by a coroner . . .

That relates to access to documents and records. However, of course, members would know that coronial inquiries do not follow accidents in which people are seriously injured; they follow accidents in which people meet their deaths. This gives rise to doubt about whether or not the coroner will be involved in giving authority in writing to people to provide information in serious accidents which have resulted not in the death of a person, but in his serious injury.

Section 33 also deals with facilitating the provision of information; however, it relates to information to be provided to judicial

proceedings, whereas section 34 refers specifically to a coronial inquiry.

I find it disturbing that, according to public reports, the machinery in question was inspected three days before the accident which resulted in that young man's death, yet no fault was located. That seems to beg the question as to the efficiency and effectiveness of the inspection procedures carried out by the Department of Labour and Industry.

It is disturbing and perhaps not unrelated that in the most recent annual report of the administration of the Machinery Safety Act the Under Secretary for Labour and Industry should make the following statement—

> . . . the loss of experienced staff continues to be a problem and is much regretted.

The report also confirmed that the number of inspections carried out on amusement devices during 1980—which are the latest figures available—decreased by 25 per cent. I wonder whether the Minister can explain that situation.

In addition, according to information supplied by the Minister, the inspectorial staff increased by just one member since 1973. So, one can suppose a situation in which the department is unable to continue carrying out the required number of inspections on the basis that it does not have sufficient staff. I am not drawing that conclusion. However, I am saying that in the annual report of the administration, we find the Under Secretary for Labour and Industry talking about the loss of experienced staff being a problem, and being a matter for regret; we then find that the number of inspections carried out on amusement devices during 1980 decreased by 25 per cent; and, we then find included in the information provided by the Minister that the inspectorial staff of the department has increased by only one member since 1973. It would seem to us that these facts challenge the sincerity of this Government in this vital area of safety.

Nevertheless, noting that the Bill intends to expedite and facilitate the provision of information which will overcome difficulties of the sort experienced in the case to which I referred, the Opposition supports the Bill.

MR YOUNG (Scarborough—Minister for Health) [5.10 p.m.]: I thank the Leader of the Opposition and his colleagues for their general support of the Bill. I take the opportunity to advise the House that, during the passage of this Bill through the Legislative Council, the Minister for Labour and Industry (the Hon. G. E. Masters) had put to him by the Hon. J. M. Berinson some of the questions just raised by the Leader of the Opposition. Having accepted the fact that the points raised seemed valid, the Minister undertook to examine the legislation further and to see whether it went far enough. Therefore, the Government accepts the proposition put by the Leader of the Opposition in relation to whether the Bill goes sufficiently far in respect of the provision of information required by the court, particularly when people are injured, and undertakes to have those matters examined.

I give an undertaking to the Leader of the Opposition to refer the matters he has raised to the substantive Minister responsible for this portfolio. However, I take the opportunity to point out that since the mid-1970s, which was the time to which the Leader of the Opposition referred, an intensive programme of industrial safety education has taken place, both of voluntary organisations which are vitally concerned in this area and of employers and employees. Officers of the Public Health Department and the Department of Labour and Industry have been educating and advising these people in respect of machinery safety in the work place. Although I do not claim this to be the case, I would imagine that intensive education programme has had some diminution in the workload of the industrial inspectorate. Indeed, if the intensive education programme to which I refer is not bearing that sort of result, it needs to be re-examined.

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 Mr Young (Minister for Health), and transmitted to the Council.

SUPERANNUATION AND FAMILY BENEFITS AMENDMENT BILL

Second Reading

Debate resumed from 5 May.

MR BRIAN BURKE (Balcatta—Leader of the Opposition) [5.16 p.m.]: The Opposition, in its spirit of continuing co-operation—

Mr O'Connor: Very good!

Mr BRIAN BURKE: As I say, in our continuing spirit of co-operation and *bon homie*—

Mr Young: For which you have become famed!

Mr Old: Don't stop him.

Mr BRIAN BURKE: It is becoming very chummy, is it not?

The Opposition is pleased to be able to support this Bill also. I will not repeat what the Minister said in his second reading speech. Most of us seem to do that most of the time. I will say simply that if we are to attract into the service of statutory authorities people with the skill and the ability that we believe is essential for the persistence of competence and efficiency, we need to make appropriate allowances so far as the superannuation benefits attaching to those appointments are concerned. It is on that basis that the Opposition agrees with the amending Bill.

MR I. F. TAYLOR (Kalgoorlie) [5.17 p.m.]: While agreeing with our leader that the spirit of co-operation should continue, I would like to collect some information from the Government in relation to superannuation funds. I believe the debate on this legislation is an appropriate time for me to ask these questions.

Since the beginning of this session of Parliament I have been endeavouring to find out information relating to the investment of superannuation funds in this State. In fact, on 24 March I asked a detailed question—

The SPEAKER: Order! The member will resume his seat. The member may raise questions related specifically to the Bill before the House, but he cannot use the debate on this Bill to ask questions generally about superannuation schemes. If he simply wants information in respect of superannuation schemes, I suggest the more appropriate way of doing that is by putting questions on the notice paper.

Mr I. F. TAYLOR: My speech is not in the nature of actually asking questions, but more of putting forward a point of view on this subject.

My point of view is that we are not obtaining information that should be readily available in terms of the investment of superannuation funds in this State. As I stated previously, on 24 March I asked a question requesting information such as the names of the superannuation funds in this State; their assests; their average annual growth rates; the income of the various funds; and the asset holdings of each fund broken down into Commonwealth Government securities, local and State Government securities, shares and debentures, mortgages, and others. The Treasurer was able to provide information for the State Parliamentary Superannuation Fund and the State Superannuation Fund. However, members will be aware of a large number of other superannuation funds in this State, and no information is available in respect of them.

I continued to pursue the matter over a period of time, and I asked five questions in all. In relation to the second question, the Treasurer indicated that he saw no purpose in instituting regular collections of information about the investments and assets of all these other superannuation funds. It seems that we have, first of all, no idea of how many superannuation funds are involved; and, more importantly, no idea of the investments of these funds. We have no concept of whether the investments are in the best interests of the people of this State and, in fact, whether the investments are in the best interests of the people who belong to those funds.

In replying to my questions, the Treasurer admitted that public funds were involved. It is a matter of course that this House and the Parliament in general be aware of what happens to public funds in this State. All superannuation funds receive an input from public funds. Firstly, the employee makes an input from his wages or salary. He may put up to five per cent of his wage or salary into a superannuation fund. Then the instrumentality, authority, or department involved makes a matching contribution. It is the matching contribution which represents the public funds with which this Parliament should be concerned. I believe that the people of this State have a right to know what is happening to the public funds invested in these superannuation schemes.

I realise it can be difficult to find out what happens to money invested in endowment policies connected with large insurance companies, and it may be unrealistic to require that information—

The SPEAKER: Order! I ask the member to resume his seat. I said a little earlier that it appeared to me that he was using this debate to raise issues not related to the Bill. I have ascertained quite clearly that what he is talking about now is not related at all to the Bill before the House. I have taken the opportunity of obtaining the Act which is to be amended as a result of this Bill. I suggest that if the member attempts to continue to talk about the matters of which he has been speaking, I will have to sit him down.

Mr I. F. TAYLOR: I will conclude my remarks. I believe I have made the point. The people of this State have a right to know what is going on in this area.

MR O'CONNOR (Mt. Lawley—Treasurer) [5.22 p.m.]: I thank the Leader of the Opposition for his general support of the Bill. I have noted

the comments made by the member for Kalgoorlie. Most of the detail was provided on page 132 of *Hansard* of this year.

I thank the Leader of the Opposition for what he says is his continued co-operation. I certainly hope it continues.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BILLS (7): ASSENT

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

1. Public Service Amendment Bill.
2. Supreme Court Amendment Bill.
3. Potato Growing Industry Trust Fund Amendment Bill.
4. Seeds Amendment Bill.
5. Motor Vehicle Dealers Amendment Bill.
6. Acts Amendment (Judicial Appointments) Bill.
7. Acts Amendment (Misuse of Drugs) Amendment Bill.

SUPERANNUATION AND FAMILY BENEFITS AMENDMENT BILL

Message: Appropriations

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

CORONERS AMENDMENT BILL

Second Reading

Debate resumed from 22 April.

MR BERTRAM (Mt. Hawthorn) [5.25 p.m.]: The Opposition supports this measure. It believes that what is sought to be done by this Bill is desirable. Apparently for the first time, it enables the coroner to bring to the attention of certain statutory bodies certain information of which he, in his discretion—absolute discretion, I imagine—thinks that a particular statutory, disciplinary body should have knowledge. While going along with that intention, the Opposition is not satisfied with the way the Bill's contents have been presented. It seems to be open to attack in certain directions.

As I have said, the Bill gives to the coroner a discretion as to whether he shall refer certain conduct to a particular statutory body. I am by no means impressed that a discretion should be given to him. He does not have to give the matter any attention at all unless certain circumstances exist and those circumstances are spelt out clearly in the Bill. It seems to the Opposition that once the coroner is satisfied that those circumstances exist, it should be mandatory for him to make a reference to the appropriate statutory body at that stage. It should not be a matter for him to decide whether he will make a reference. In those circumstances, the discretion is not satisfactory to the Opposition.

We have not the faintest knowledge—no indication at all—as to how the coroner will exercise his discretion in a case. It seems to us, in any event, that there would be no appeal against the decision he made to refer the matter to a statutory body. That puts the coroner in a position which is unsatisfactory to him, because he will be met with the proposition that if he does not refer a case when, on the face of it, he should exercise his discretion to the contrary, we will not know the reason behind this. We will hear all the suggestions that he is being unfair, he is favouring somebody, or he is protecting somebody. In the opinion of the Opposition, we should not put the coroner in that position.

The other aspect of the Bill which is unsatisfactory is that it empowers the coroner to refer only certain situations to statutory bodies.

The Bill refers to a "statutory body" as being a "body empowered by Statute". The Opposition understands that to be a Western Australian Statute and not a Commonwealth Statute or Ordinance.

Therefore, if a disciplinary body, licensing board, or some other organisation were operating in this State under a Federal Statute, the Opposition questions whether the power being given to the coroner, as a result of this provision, would be effective.

It should be pointed out also that a number of important bodies are not established by a Statute. For example, accountancy institutes are not set up by Statute. If the coroner became aware that an accountant had acted in an improper way, under this amendment, he could not refer the matter to the appropriate institute of accountants, because

such an institute is not a statutory body. However, if an accountant acted improperly and he happened to be a tax agent, it is possible the coroner could refer the matter to the tax agents' board, although since that board is set up under a Commonwealth Act, it is possible also this provision would not cover that situation.

If a director or directors of a company or association acted in a manner which caused concern to the coroner, he could not refer the matter to the appropriate association of directors, because such a body is not set up under a Statute. If a secretary of a company transgressed in a manner which the coroner felt was improper, the coroner could not do anything about the position, because the secretary did not belong to a body set up under a Statute.

After a great deal of delay, the legacy of ineptitude, the Government recently passed a provision requiring the registration of settlement agents. However, if such a provision had not been put into effect, settlement agents could not be touched by this Bill, because they would not be registered or controlled by a Statute.

The Opposition does not object to this sort of power being given to the coroner, except in relation to the matter to which I referred previously. However, bearing in mind the Government proposes to give this power to the coroner, he at least ought to be able to deal with all organisations and institutes in the appropriate way. The coroner's activities should not be confined to disciplinary and registration bodies set up under a Statute, as referred to in the legislation. That situation is discrimination of the worst kind and it is neither necessary nor desirable.

The Opposition objects to the particular aspects of the Bill to which I have referred and I shall touch on them in greater detail in the Committee stage.

MR RUSHTON (Dale—Deputy Premier) [5.34 p.m.]: The member for Mt. Hawthorn addressed himself in some detail to the Bill. He was supportive of certain clauses and hedged his bets on others. Of course, he, as well as I, would have read the record of the debate on the Bill in the other House and, therefore, he would understand the reasoning behind it.

I appreciate the support the Opposition is giving to the legislation and commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Tubby) in the Chair; Mr Rushton (Deputy Premier) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7A inserted—

Mr BERTRAM: I refer members to the wording of proposed new section 7A(1). The Opposition believes that, instead of the provision reading, "The coroner may refer—", it should read, "The coroner shall refer—". Under the provision as it stands now, the coroner is not obliged to form any opinion until certain conditions exist. Once those conditions are established, he must make up his mind whether he will refer the matter to the appropriate authorities. The Opposition maintains that, once the coroner is aware of misconduct, or similar behaviour, he should not have any discretion, but should be required to refer the matter to the appropriate body.

It is unfair to give the coroner this discretion without providing him with guidelines as to how he should use it. I do not think the coroner would like the Bill in its present form. I ask members: Once the coroner is aware of misconduct, why should he not refer the matter to the relevant authority? The matter should be left with the appropriate tribunal which may exercise its discretion, bearing in mind the details of the case.

If this Bill is passed in its present form, it is inevitable absolute discretion, or something approaching it, will be left with the coroner. As a result, allegations could be made that, in the course of an inquest, it was revealed a particular doctor neglected a patient in a certain way, but mysteriously the matter was not referred by the coroner to the AMA. Without giving any reason, the coroner may say that he decided not to take action on the matter. Such a situation is unfair to the coroner and unsatisfactory as far as the public are concerned, because, for all practical purposes, no right of appeal exists. That is the reason the Opposition disapproves of the provision as it stands now and says the word "may" should be replaced by the word "shall".

As I mentioned during the second reading debate, the coroner's powers are confined to referring matters only to statutory bodies. Therefore it appears members of non-statutory bodies may do as they like and the coroner does not have the power to take action on such matters revealed during the course of an inquest.

It may come to the coroner's attention that a person committed suicide, because he was depressed about his financial affairs. Evidence

may be presented that a member of a particular accountancy institute had not discharged his duties in the proper way. The coroner may believe that person should be asked to explain his behaviour, but the coroner can do nothing about the matter, because the appropriate accountancy institute to which the person should justify his conduct is not a statutory body. Why should accountants be exonerated from this particular provision? Why should they be protected? Many associations and institutes fall into this category. They are voluntary bodies which operate in an efficient manner and discipline their members when necessary. However, they are denied the knowledge obtained by a coroner, because they are not statutory bodies.

The Bill is inadequate in that respect and discriminates against certain persons. Particular associations and institutes are excluded without justification or explanation. Furthermore, the latter part of the proposed new section refers to "a body empowered by statute" and it is possible that refers only to Statutes of this State, and not those of other Parliaments. If that is the case, disciplinary bodies established under Commonwealth Statute in this State would not be covered by this provision.

If the Government intends to give the coroner the power to refer misconduct to particular bodies, it should extend the provision in order that members of all bodies are covered by it. I should like the Minister to clarify the position for the benefit of the Committee. I think the Deputy Premier might have some difficulty in doing as I ask, but perhaps he may argue each of the matters I raised.

Mr RUSHTON: The member for Mt. Hawthorn has argued that the coroner's discretion will be taken from him and that we will be laying down guidelines that he must follow. In fact, this legislation has been brought forward to allow the coroner greater discretion. I could argue this point for some time, but I do not think it would mean much to the member opposite; it is simply a matter of a difference of opinion. The Government has made this move on the recommendation of the Attorney General, and I ask the member to accept the legislation in that spirit. I reject the member's suggestions.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Bertram.

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.15 to 7.30 p.m.

CORONERS AMENDMENT BILL

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Tubby) in the Chair; Mr Rushton (Deputy Premier) in charge of the Bill.

Clause 2: Section 7A inserted—

Progress was reported after the clause had been partly considered.

Mr BERTRAM: Before question time I made comments concerning this clause and raised about three or four queries. I understood the Deputy Premier to say in reply that there was a difference of opinion and that that would be the end of the discussion. In this place it is not unusual to have differences of opinion and occasionally we are able to come to some agreement. The Minister made no attempt to explain what the differences of opinion were. During the dinner suspension, he may have made some inquiries and will answer the matters I have raised, but it is totally unsatisfactory to be told there is a difference of opinion. If there is a difference of opinion our task is to weigh up the arguments that are raised in order to form an opinion as to which of the arguments is correct. If the Minister is going to take this extraordinary attitude I will not advance my comments any further. However, the Minister either does not know what to do or does not know what is in the Bill.

The least the Minister could do is to find out what substance there is in the propositions I have put forward and to make some attempt to raise arguments against those that I have advanced. Unless he is prepared to do this it is not of much use our discussing this Bill in Committee. The Committees in this place are usually a charade and the Opposition rarely gets anywhere regardless of how meritorious its arguments are.

I hope that during the passage of time the Minister may have made some attempt to inform himself on the contents of the Bill and given some thought to the issues previously discussed in Committee.

Mr RUSHTON: I regret the attitude adopted by the member for Mt. Hawthorn. Obviously, he and I have read both the debates that took place in the other Chamber on the Bill and we have a good understanding of the matter. The point he raised about making certain requirements of the coroner to be mandatory and not discretionary has been taken. My understanding is that if this

applied it would wreck the obligations of a coroner and he would be required to pursue certain issues which would do a lot of harm to institutions and professional groups.

I have taken the opportunity to raise the points with the Attorney General whom, the member would have to agree, is very knowledgeable on these matters and he agreed with my point of view.

Mr BERTRAM: What does the Attorney General say about statutory bodies? The Minister has answered one of the queries I raised. However, I raised three or four queries and the Minister's comments are inadequate. He has told us of the discussion he had with the Attorney General of which we knew nothing. It is totally unsatisfactory. We do not know where the meeting took place and we were certainly not invited. That is not the way in which the Minister should be dealing with this Bill. The Attorney General is just another member and he is not even a member of this Committee.

The Minister said that in certain cases embarrassing situations could arise. Does the Minister suggest that if the coroner referred the matter to the AMA an embarrassing situation would arise even if there were a 100 per cent justification for doing this? Embarrassment is not the issue here. The issue is that this amendment would be fair and that, for example, certain practitioners and chemists would not be singled out. Why should they be discriminated against? I have no particular brief for medical practitioners or others. They have not enhanced their reputation over the years because of certain things that have happened, but that is another matter.

If the coroner can refer to a proper tribunal a matter in respect of medical practitioners, the same should apply in respect of other professions and trades. The question of embarrassment is not relevant in this matter. If the coroner has studied a certain subject and received evidence to enable him to form an opinion, why should he not act upon it?

The Minister's explanation is a very empty one and he has not attempted to touch upon the other point I raised with regard to the discretion vested in the coroner and the fact that certain professions and trades are being given statutory immunity without any justification being given. The Minister has not been able to tell us why this is so. The Government has decided that medical practitioners, chemists, and others will be caught and the coroner will be obliged to deal with them while other trades and professions will not be touched at all.

Clause 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 Mr Rushton (Deputy Premier), and passed.

COMPANIES (CO-OPERATIVE) AMENDMENT BILL

Second Reading

Debate resumed from 22 April.

MR BERTRAM (Mt. Hawthorn) [7.45 p.m.]: The Opposition sees no reason to oppose this Bill which is designed to bring up to date the fees payable under the Act, and to make it possible in the future for any adjustment to fees to be effected by regulation rather than by legislation. Relatively few companies will be affected by the measure in any event.

I should make a comment, however, that it has taken the Government from 1947 to 1982—a period of 35 years—to realise that these fees need adjusting. Bearing in mind the rate of inflation—and more particularly its tremendous increase while this Government has been in power—it seems that this adjustment is long overdue. It is interesting that since 1974 our Budget has multiplied four times—from $500 million to $2 000 million. At last the Government has realised that something needs doing in regard to the fees imposed under this Act.

Apart from those comments, the Opposition supports the measure.

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 Mr Rushton (Deputy Premier), and passed.

PUBLIC TRUSTEE AMENDMENT BILL

Second Reading

Debate resumed from 22 April.

MR BERTRAM (Mt. Hawthorn) [7.48 p.m.]: The Public Trustee has certain powers already to deal with developed land, but it appears that he

does not have any powers to deal with vacant land. The purpose of this Bill is to provide the Public Trustee with that power. The Opposition sees no reason that that power should not be given. Of course, it is important that the power, once given, should be exercised properly.

It is noticed that the Public Trustee is in the process of coming into a contractual relationship with the Anglican Church and Pennant Holdings Pty. Limited. There is no point in one entering into a contractual relationship with any corporate body unless one knows something about it. Contracts, like treaties, are not as good as the paper work which comprises them; they are only as good as the people on the respective ends of them. So it became important to find out a little about Pennant Holdings Pty. Limited.

I think it was the Premier who introduced this Bill, and so, the other evening, I asked him a question without notice requesting particulars of the shareholders and directors of Pennant Holdings Pty. Limited. Very quickly I was told that I could obtain that information from the Corporate Affairs Office. Although this seemed a rather unreasonable requirement on a member of this House, I took his advice. After a search I discovered that to date there is no company by that name in WA at all.

I mention that matter to the Deputy Premier because I find it a little difficult to see how the Public Trustee will be able to contract with a non-existing company. The information given to me should be accurate—I really cannot imagine otherwise.

It may be that Pennant Holdings Pty. Limited is registered in another State. It could then be described as a foreign or recognised company, but my understanding is that the law requires any company which decides to enter into a contractual relationship in this State to be registered here. It may be that a contract with a company which is not a WA company is not a valid contract. I do not profess to know the present law on that matter, but no doubt the Deputy Premier will explain it to us. All I am saying is that, according to the Premier's second reading speech, it would appear that a company of that name is registered in some form in WA, and my information is that that is not so.

MR RUSHTON (Dale—Deputy Premier) [7.52 p.m.]: In reply to the query raised by the member for Mt. Hawthorn, my understanding is that the company is registered in WA. I will, however, obtain further advice on this matter and give him the information. I am sorry that I cannot answer his query completely at the present time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

PETROLEUM (SUBMERGED LANDS) REGISTRATION FEES BILL

Second Reading

Debate resumed from 18 November 1981.

MR GRILL (Yilgarn-Dundas) [7.55 p.m.]: This piece of legislation was introduced into the House last year. It has been considered by the Opposition, and we offer no objecton to it.

Mr O'Connor: Thank you.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr P.V. Jones (Minister for Mines) in charge of the Bill.

Clause 1: Short title—

The CHAIRMAN: I direct that the figures "*1981*" as appearing in line 8 be corrected to read "*1982*".

Clause, as corrected, put and passed.

Clause 2: Commencement—

The CHAIRMAN: Again, in line 11, I direct that the figures "1981" be corrected to read "1982".

Clause, as corrected, put and passed.

Clause 3: Incorporation—

The CHAIRMAN: I direct that the figures "1981" appearing in line 6, on page 21 be corrected to read "1982".

Clause, as corrected, put and passed.

Clauses 4 and 5 put and passed.

Title—

The CHAIRMAN: I direct that the figures "1981" which appear at the end of the title of the Bill be corrected to the figures "1982".

Title, as corrected, put and passed.

Report

Bill reported, without amendment, but with corrections, and the report adopted.

PETROLEUM (SUBMERGED LANDS) BILL

Second Reading

Debate resumed from 18 November 1981.

MR GRILL (Yilgarn-Dundas) [8.03 p.m.]: This Bill, like the previous piece of legislation, was introduced last year and adjourned until this session. It replaces the Petroleum (Submerged Lands) Act 1967, and is very similar in operation. That legislation has worked very well over the years, and the Government has administered the Act fairly well. We do not oppose the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr P. V. Jones (Minister for Mines) in charge of the Bill.

Clause 1: Short title—

The CHAIRMAN: I direct that the figures "*1981*" be corrected to read "*1982*".

Clause, as corrected, put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Interpretation—

The CHAIRMAN: I direct that on page 9, line 11, the figures "1981" be corrected to read "1982".

Clause, as corrected, put and passed.

Clauses 5 to 152 put and passed.

Schedules 1 to 4 put and passed.

Preamble put and passed.

Title put and passed.

Report

Bill reported, without amendment, but with corrections, and the report adopted.

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT BILL

Second Reading

Debate resumed from 29 April.

MR EVANS (Warren) [8.12 p.m.]: The implications of this Bill are very extensive, and one could almost say it is a prerequisite to any orderly beef marketing scheme that might be set up. No doubt there would have to be some form of classification, but at least this is a step in the right direction.

The object of the Bill is to ensure that the marketing of carcases is carried out in accordance with the grading of the classification of the particular animal as it goes through the abattoirs. It may sound relatively simple, but that would be a deception. Some complex aspects of the industry will have to be overcome before the system settles down into an acceptable form.

The principle of carcase branding has been favoured by most people. There are some notable exceptions, and no doubt reference will be made to them. The present upsurge of interest—a very wide and real one—in classification and branding, stems from the recent debacle when a substitution racket occurred and Australia lost a great deal of favour with its American market. It will be many years before confidence is restored in the Australian product. This no doubt accounts in some measure for the receptive mood in the meat industry to undertake or give a trial to carcase classification. It is timely because it gives an opportunity for a review of the regulations governing carcase classification which has remained virtually untouched since the 1920s. It is an opportunity for a few cupboards to be cleaned out and a review of the situation to be made to ensure there is no repeat of what happened with the American meat trade.

The classification of carcases is essential to ensure the bona fides of particular meat, and to ensure producers receive fair payment, a payment commensurate with the quality of their product. In that regard the classification of carcases provides an incentive to producers to achieve the highest quality of which they are capable. At the same time consumers know that the dollars they spend on meat are spent on a carcase or a portion of a carcase of a quality as branded. On those two scores alone the classification of carcases has much to recommend it—really, the matter is one of common sense.

The Minister in his second reading speech made reference to the advisory committee. An important part of the overall implementation of the legislation is the establishment of this advisory committee which will comprise a chairman and several others drawn from the Department of Agriculture. There will be representatives of the Primary Industry Association, the Pastoralists and Graziers Association, supermarkets, livestock agents, the Meat and Allied Trades Federation, meat processors, and the Australian Meat Industry Commission. The committee will be a quite representative body of people concerned with the production and retailing of meat, and

will have regard to all aspects of the meat industry, including those of a specialist nature.

The committee should be able to fulfil the functions required of it. I understand that the advisory committee will comprise virtually the people involved in the working party to examine problems associated with the classification of meat; in fact, that working party has been formalised by the creation of the committee.

Retail marketers and processors have been somewhat coy in regard to the measure, and possibly in part that is as a result of the question in the mind of consumers that when they buy meat they would expect to be lamb, it is in fact mutton or something approaching mutton. It is not proper to make a direct accusation of that kind, but without doubt some products have been sold under the guise of others, and that has occurred down the ages, human nature being what it is. I take it retailers are glad to retain the old system because it has worked well, and that remark would apply also to processors. The old system afforded flexibility in regard to substituting various grades, and therefore the introduction of this branding will have to be 100 per cent effective and need to be able to cover all exigencies if it is to be the success that most people desire it to be.

An article in *The West Australian* of 10 May this year indicates that one of the major chain stores, G. J. Coles & Co. Ltd., appears to have accepted the beef classification scheme, and plans soon to buy all its beef under the scheme. That is a big step forward. The role of supermarkets in the sale of not only beef, but also all meat products, is increasing, as it is in regard to dairy products. This change has altered meat retailing in a relatively short time. I note as well that the Meat and Allied Trades Federation opposes nationally and is supported by the Western Australian division, the proposition being put forward under the beef classification scheme. Possibly the question of flexibility exercises concern in that federation, but nonetheless producers and consumers are major considerations.

The present system of branding is applied to the operations of the Lamb Marketing Board and its agents throughout the State. Difficulties will be encountered, and certainly need exists for awareness and provision to cover the circumstances of the Western Australian Lamb Marketing Board.

The Bill allows for the enactment of regulations, and probably that is the most significant provision in the Bill. The regulations will be the provisions upon which the operation and the implementation of the scheme will stand or fall. I guess that is a principle expounded fairly readily in regard to regulations, but nonetheless problems will be found in devising regulations in regard to such things as the processed grades to be designated under the operation of the Bill. A basic need for the successful operation of the Bill is to have such things determined, but as yet they have not been.

The regulations will need to be devised carefully to cater for such situations. For that matter, even the physical requirement of the branding operation is not set out. Probably the operation will be a roller-brand type and that of itself will cause a problem for export abattoirs. I have no doubt the regulations under which the Western Australian Lamb Marketing Board operates will be transposed to come under the umbrella of this legislation, and the board will be under the auspices of the Western Australian Meat Commission. We must bear in mind that an advisory committee to the commission will ensure the on-going supervision of the total operation of the Act, but the export abattoirs will experience problems of their own, not the least of which will be related to the type of classification they have been required to adopt in previous years.

I should not imagine the export abattoirs will be overdelighted with the use of a roller-type brand similar to that used for home market meat. How the branding will take place in export abattoirs is not clear, but no doubt the mangement of those abattoirs will be able to cater for exigencies and difficulties, even if the branding takes place at the final loading from the store freezer. It is not beyond the realm of possibility to organise such a system.

While the branding will no doubt cause some difficulties for export abattoirs, and may cause those abattoirs to incur additional cost, those circumstances do not preclude the system from operating effectively. Perhaps a better understanding of this situation could be gained if further information were provided, but it was not provided in the Minister's notes.

As I have stated, the WA Meat Commission in its advisory capacity to the industry will act as a review body of the advisory committee to be established—the previous working group. The structure of the administration on that score alone seems to be quite satisfactory. It could be suggested that some duplication of effort and overlapping of time may arise, but it is desirable to have such an overview situation because of the sensitive nature of the trade, and the nature of the problems to be encountered.

I reiterate that the purpose of branding is to establish the quality of meat which the consumer buys, and it follows that once the consumer has accepted the new branding and comes to understand its use and appreciates its operation, the system should be continued for the benefit of consumers—if nothing else. Once housewives understand the branding system is a safeguard on the quality of their purchases, they could well demand that the branding be continued. Once housewives understand the system they will merely look at the brand to find what they are seeking.

Mrs Craig: You are not suggesting that the brand should be an indication of the tenderness, are you?

Mr EVANS: Certainly it will not indicate tenderness.

Mr Old: Just quality—good quality beef.

Mr EVANS: I do not know how tenderness is determined.

Mr Old: There is provision for that with colouring, but some housewives cook any beef tough.

Mr EVANS: In answer to the Minister for Local Government, it may be possible to calculate the tenderness of particular beef.

Mrs Craig: It would not be by way of classification.

Mr Old: Don't hold him up.

Mr EVANS: If tenderisation is successful and indicated on the brand, we may have a chance.

Mrs Craig: Is that the next step?

Mr EVANS: Yes. Scope exists for such branding.

Mr Old: Don't let her distract you; you get on with it.

Mr EVANS: This housewife can be rather distracting; I quite agree. The operation of this legislation will have to be seen, and it could be necessary for further changes to take place; but the only way to determine that is to monitor the progress and effectiveness of the legislation and to ensure regulations are drafted to overcome the exigencies which will arise. Hopefully the legislation will lay the foundation of better marketing, particularly in the beef industry.

The Opposition has no objection to a move which portends in some small way to bring in a form of socialist legislation such as this Western Australian Meat Industry Authority Amendment Bill.

MR CRANE (Moore) [8.29 p.m.]: I will add a few comments in support of this legislation which people in many circles have wanted for some years. Many people involved with rural organisations have for a long time thought that legislation such as this was long overdue. I do not share the beliefs held by many of the rural organisations' representatives, and rural producers, that this legislation will be the panacea for all their problems, but I do accept the need for this branding of meat carcases.

During an inquiry we held several years ago we considered progressively the branding of meat throughout the various States, and we were encouraged by some of the research carried out.

In the late 1960s, there was a demand from producers for all hogget to bear a brand. I believe that was the most controversial point. Many claims were made, some of which may have proved to be correct. It was said that a person in the meat trade had his own roller brand under the counter and it was a relatively simple matter of running the brand along the side of a small hogget and calling it something else.

I have seen carcasses hanging in butcher shops which have had labels stating they were hogget, but which had ribs on them as long as those on baby beef. This legislation will bring some order into the industry, and for that reason it should be encouraged.

It should be noted that for many reasons, the Meat and Allied Trades Federation of Australia does not necessarily support this legislation and it must be remembered that a percentage of the meat which is handled through the abattoirs does not really need to be branded for its ultimate use.

The legislation will give the housewife some security in that she will be certain that she will receive the type of meat for which she pays.

An interjection, while the previous speaker was on his feet, was to the effect that it will not necessarily mean that the meat will be tender. On several occasions I have killed two similar animals which I thought would be delectable, only to find one was tough and the other was tender. I cannot give a reason for that. Because something is branded does not necessarily mean that it will be chewed easily at the table. A great deal will depend on the cook.

I cannot agree with the member for Warren who stated that this legislation was socialist in its intent. It is honest in its intent that people should receive the classification meat for which they pay. I welcome this legislation and give it my support.

MR OLD (Katanning—Minister for Agriculture) [8.33 p.m.]: I thank members for their support of the Bill. Most of what needed to be said has been said. It is pleasing that this legislation has been supported by the member for Warren and the member for Moore.

I was delighted when Coles announced publicly its support of the measure. I have had consultations with the supermarkets and with all sections of the industry. The member for Warrren would agree with me that if anyone can get a rural Bill up to the starting gate where everyone agrees, it is a gala day. Most people have agreed that this Bill is a start in the right direction, although, the Meat and Allied Trades Federation of Australia does not support the measure for reasons of its own, nor do the abattoir operators. However, it has been welcomed by the retail industry, which is a step forward.

I am of the opinion that before long we will have the approval of the Department of Primary Industry to allow us to strip brand export meat. At a trades display in Singapore the question was asked by people from the restaurant and catering trade whether our meat would be identified in cuts as well as in quarters. The only way this can be done is by Federal legislation, similar to that which we are introducing now, to identify meat so that it is sold as cuts.

The electrically stimulated meat will be given a different colour brand. Queensland has already passed such legislation which I think is a necessary adjunct to classification. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Hassell (Minister for Police and Prisons), read a first time.

Second Reading

MR HASSELL (Cottesloe—Minister for Police and Prisons) [8.37 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide financial assistance to low income first home buyers to help meet the costs associated with the purchase of a home, such as mortgage preparation, stamp duty, registration, and bank or building society fees.

Funds for this purpose will be provided by further dividing the interest earned on deposit trust funds lodged by real estate agents with the Real Estate and Business Agents Supervisory Board. The Bill establishes a home buyers assistance fund for this purpose.

One of the fundamental principles in the Bill is that an applicant for financial assistance under the scheme must arrange the home purchase through the agency of a licensed real estate agent carrying on business in Western Australia.

The proposal has the full support of the Real Estate Institute of Western Australia and the Real Estate and Business Agents Supervisory Board.

The Bill provides that the maximum grant under the proposed assistance scheme will be $1 000. It is estimated that approximately 200 applicants could be assisted annually on the basis of an estimated allocation of $200 000 from the interest earnings of the deposit trust for the year ending 30 June 1982.

As the Real Estate and Business Agents Act now stands, interest earned on investment of moneys deposited with the board is paid to the credit of an account called the "trust interest account".

Section 130 of the Real Estate and Business Agents Act provides that money from the trust interest account shall be applied as follows—

> firstly, in payment of the costs and expenses of administering the trust, including the cost of every audit pursuant to section 131;
>
> as to 50 percentum of the balance to the fidelity guarantee fund; and
>
> as to the other 50 percentum of the balance to the maintenance and establishment of such educational facilities relating to the function and duties of persons under this Act as are prescribed.

As at 31 January 1982, the balance to the credit of the fidelity guarantee fund, established by section 107 of the Act, stood at $1 264 150. No

claims were made on the fund to 31 January 1982.

The Real Estate and Business Agents Supervisory Board considers that the fund is well balanced and, as an added precaution, has taken insurance cover of $500 000 for claims or losses which in the aggregate exceed $500 000.

The Bill amends section 130 of the Act so that in future, money from the trust interest account will be dispersed, after the payment of costs and expenses of administering the trust, as follows—

33-1/3 cent per to the fidelity guarantee fund;

33-1/3 per cent to the home buyers assistance fund;

33-1/3 per cent to the establishment and maintenance of educational facilities.

The amount available as at 30 June 1981, for distribution for education purposes, was $186 687. A full allocation was made to three educational bodies that applied for grants.

The board estimates that approximately $200 000, based on 33-1/3 per cent of the total disbursement from the trust interest account will be available to the board at 30 June 1982 for distribution to educational facilities. This amount will be adequate to cover grants to warranted education facilities.

The Bill amends section 115 of the Act to provide that the board, with the consent of the Minister, may increase the percentage of the trust interest account to be applied to the fidelity guarantee fund.

Any increase for the purposes of the fidelity guarantee fund is to be met by a corresponding decrease in the percentage available to the home buyers assistance fund.

This amendment will ensure that, in the event of substantial claims on the fidelity guarantee fund, payments to that fund will not suffer at the expense of payments to the home buyers assistance fund.

The Bill creates part IXA of the Act and provides new sections to cover the procedures for the allocation of grants to applicants.

As mentioned earlier, a new section—section 131B—establishes the home buyers assistance fund, the assets of which, are the property of the board.

Proposed new section 131C will enable the board to invest moneys with a bank, the Treasury, or a building society.

Proposed new sections 131D and 131E will detail the type of funds that may be paid to the credit of the home buyers assistance fund and payments that may be made therefrom.

Proposed new section 131F will require the board to maintain accounts of the assistance fund which will be audited by the auditor general and will require the Minister to present a copy of the audited accounts to Parliament.

Proposed new section 131H establishes a home buyers assistance advisory committee consisting of—

the Registrar of Building Societies; the Chairman of the Real Estate and Business Agents Supervisory board; and an officer of the State Housing Commission, appointed by the Minister on the nomination of the State Housing Commission.

Provision exists for the appointment of deputy members of the committee.

Proposed new section 131I outlines the functions of the advisory committee which are basically to consider applications for assistance and make recommendations to the board.

Proposed new section 131L outlines the procedure for the making of applications for assistance. It provides for a bank or a building society, which has made a loan to a person to purchase a home through a licensed real estate agent, to lodge, on behalf of that person, an application with the Registrar of Building Societies. Assistance is confined to those persons who are purchasing the first dwelling to be owned in Western Australia and includes a partially erected dwelling. The definition of dwelling includes a lot within the meaning of the Strata Titles Act 1966.

Proposed new section 131M outlines the procedure to be followed by the advisory committee and the board when dealing with applications.

Proposed new section 131N details how the board is to pay grants to banks or building societies on behalf of their applicants. Provision exists for grants or parts of grants to be refunded to the board, if, for any reason, the grant ceases to be required.

Proposed new section 131O enables the advisory committee to recommend to the board the criteria for the granting of assistance. The board, with the approval of the Minister, will formulate the criteria.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

ACTS AMENDMENT (CRIMINAL PENALTIES AND PROCEDURE) BILL

Second Reading

Debate resumed from 5 May.

MR BERTRAM (Mt. Hawthorn) [8.45 p.m.]: As members are aware, and as we were reminded by the Minister in his second reading speech, the Criminal Code is in the process of undergoing a complete review. Since it was enacted in about 1913, surely it is a good thing that it is being reviewed. In the circumstances, the Opposition is a little surprised that the Government, with that knowledge, should bring in a Bill at this stage to effect certain amendments to the Criminal Code. The review to which I have referred is to give the public ample opportunity to look at the proposals and study them. That is precisely what has not happened in regard to the Bill before us.

One would imagine that some of the proposed amendments to the Criminal Code are intended to be permanent. I believe that public consideration is justified in regard to those amendments, but that consideration is not being allowed in the way that it is contemplated that consideration of the amendments to the Criminal Code will be allowed, when introduced later this year.

Of course, the Bill contains some other interesting amendments. We are informed that the courts, in imposing penalties, are disregarding the penalties which have been imposed for breaches of Commonwealth Acts, and the courts are taking into account only those offences and penalties imposed previously in respect of breaches of the State law. That involves an interesting amendment.

Another amendment is brought about as a consequence of a recent High Court decision which gave a construction to the law different from that which had been understood for a long time. The idea of the amendment before us is to restore the law to the position it was thought to be in and as it was applied prior to that High Court decision.

Other matters are touched upon also in this not unimportant Bill. However, these have been argued adequately, and the point of view of the Opposition made clear in another place just a short time ago. So the Opposition does not see great merit in going over the debate once again. It is quite apparent that such a course would not achieve anything—all it would do is consume time. So to those people who are reading *Hansard* and who wish to know in more detail the Opposition's attitude to this measure, that can be found in the reports of the debate in another place a few weeks ago. Overall the Opposition supports the measure.

MR RUSHTON (Dale—Deputy Premier) [8.49 p.m.]: I thank the Opposition spokesman for those remarks. The important point is that, apart from the various amendments in this Bill, the Government has made a commitment to review completely the Criminal Code. If the Opposition is not satisfied with the legislation when it is introduced in this House, it will have the opportunity to take further steps then.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

OFF-SHORE (APPLICATION OF LAWS) BILL

Second Reading

Debate resumed from 5 May.

MR BERTRAM (Mt. Hawthorn) [8.53 p.m.]: This is a short Bill containing five clauses. It proposes to repeal the Off-shore (Application of Laws) Act 1977-1979. The Opposition has studied the differences between this Bill and the Act which it seeks to repeal. We are satisfied that the Bill is an improvement, and in those circumstances we support it.

MR RUSHTON (Dale—Deputy Premier) [8.54 p.m.]: I appreciate the support of the Opposition and the remarks made by the member for Mt. Hawthorn. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

LIQUOR AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 5 May.

MR I. F. TAYLOR (Kalgoorlie) [8.56 p.m.]: The Bill before the House has five main objectives. The first main objective relates to the signing-in of visitors in licensed clubs. The second objective refers to outdoor sports which are provided for in section 35 of the Act; thirdly, certain indoor sports, as listed by the Deputy Premier in his second reading speech, are to be included; fourthly, the definition of the word "bar" has been revised; and, fifthly, the Bill refers to entertainment permits.

Members will be aware that the parent Act was amended as recently as last year. The amendments then were in line with the recommendations of the committee set up to inquire into the Liquor Act. That committee was made up of the Chairman of the Licensing Court, the Director of the Chief Secretary's Department, and the Superintendent of the Liquor and Gaming Branch of the Police Department. The Opposition made the point then that we considered the commitee was composed of people who enforce the law rather than those who have to live with the law—I am referring there to the users in various licensed premises throughout the State.

In his second reading speech to the 1981 amending Bill, the Minister said that it was the decision of the Government not to conduct a full-scale public inquiry into the Liquor Act, having regard to the fact that, with minor exceptions, the public appeared to be satisfied with the liquor laws applying in this State. It seems to us that perhaps the Government did not go into the necessary detail at that time, and as a result, this amending Bill is before us tonight.

We have been informed that the consultation which the industry feels to be necessary in regard to this sort of legislation did not take place to the degree that it should have done on this particular occasion. It would seem that the Government has not learnt the lesson of many years—obviously it has been too many years in office—that it should consult with the industry concerned in some detail when legislation of this type is introduced.

Turning to the Bill itself, one of the major amendments proposed relates to visitors coming into licensed clubs. The committee inquiring into the Liquor Act last year suggested that some amendment of the laws relating to visitors was necessary. I am quite certain that the member for Welshpool will point out to the Government in no uncertain terms that he referred to this very point in his speech last year. The amendment is a very sensible one—it appears that we will be returning to the situation which existed prior to the introduction of the 1981 amending Bill.

Another part of the legislation relates to the definition of the word "bar". The amendment before the House will right what was effectively a wrong in the Liquor Act. Perhaps this is another reflection on the Government, for its lack of detailed study before the introduction of the 1981 legislation.

The entertainment permits are one of the main parts of this legislation as far as the Opposition is concerned. We have been told by the Australian Hotels Association Inc. that it does not go along in total with the provisions. The Opposition would be the first to agree with the Government that it is necessary for the public to be given a greater say in relation to entertainment permits. That matter is very important, and the recommendation should be adopted by the Government. However, this points to the increasing regulation of the liquor industry, and that in itself is a further concern to the AHA.

While supporting the Bill, I make the point that one part of the Act should be considered by the Government, and that relates to the permits for unlicensed clubs. It seems that permits for unlicensed clubs may be granted without anyone having to go through the necessary appeals that apply to hotels, taverns, and other such institutions. Perhaps it is necessary for the people living near unlicensed clubs to be able to appeal against the opening up of those clubs in their areas. I note that in the year to 30 June 1981, something in the vicinity of 258 unlicensed club permits were issued in this State.

The Opposition does not say there should necessarily be an amendment in this area, but it should be considered by the Government when it looks at further amendments. I understand that the Government and members of the Parliament will receive, in the very near future, further documentation from the AHA re-examining the Liquor Act in respect of these amendments. In that document, the AHA puts suggestions for further amendments to the Act.

MR JAMIESON (Welshpool) [9.02 p.m.]: I have a few comments on this matter because, as my colleague mentioned a while ago, I forewarned the Government that it was dangerous to take the action that it took last year. It took the action, despite the fact that it had not received a recommendation from the committee of inquiry in relation to the introduction of strict regulations for sporting clubs.

The system that prevailed prior to last year's amendment to the Act worked reasonably well, and the clubs were responsible for the policing of drinkers. If we start to force people out to the hostelries, when they start to come back after half time with two or three cans in their pockets, that situation is hard to police. It seems to be unnecessary in this day and age. That is why I had grave doubts when the Government brought forward this matter in the way that it did last year. The frustrations experienced by the clubs indicate that that legislation was unnecessary.

The present move is one which opens the door a little wider than it was opened before, because it deals with both outdoor and indoor sporting bodies. It is only right that that should be so. Members of those clubs can visit other sporting venues and have access to drinks on the licensed premises.

The Liquor Act is reviewed constantly in one way or another. Many lobbies are associated with it. Each lobby, of course, sees its own line of success in profit or advantage. That is why each pursues the lines that it does. This is made apparent by the number of representations one receives in relation to any major amendments to the Liquor Act. The lobbies come from people who would not have liquor at all, and they come from people who want liquor made available anywhere and at any time. I side with the latter group. The late Herb Graham always adopted the line that one should be able to buy beer as easily as one can buy a bottle of Coke. Probably it would do one less damage, anyway.

I have been in parts of the world like Japan where one can go to the corner vending machine and put in 40c—or whatever coins are used in Japan—and obtain a bottle of Coke, Fanta, or beer, whatever is the choice. No great trouble is associated with those vending machines. If liquor is forbidden, it is like the forbidden fruits—people get into the habit of needing it, and that is when they get beyond the pale and cause problems both to the Police Force and the public in general.

It is desirable that last year's amendment be amended to allow clubs to return to their previous status as quickly as possible. I hope the Government proclaims this amendment soon. It does not seem to require any regulations, so I suggest that within the next week or so, as soon as Parliament passes the Bill, it should be proclaimed. Then the clubs will be able to operate in a better way, and that will be better for the community as a whole.

The Bill is not world-shattering. It deals with the sections of the Act that were amended last year, and also with objections for licences.

It is well that the people who want to complain about licensed premises should not have to establish their bona fides if they are nearby residents. If they are upset by the granting of permits in the Licensing Court for entertainment and other things, they should have the right to object. When the licence comes up for renewal, the holder of the licence should be required to justify his position, and objectors should be able to make representations to the court, if that is necessary for their well-being.

Subject to those matters, the Bill is worth supporting. As members know, we sponsored a Bill with similar provisions. However, our Bill did not go as far as the Government's Bill which deserves our support as it rectifies the unwise decision made by the Government after it had been warned of the situation that could prevail, and which did prevail after the passing of the legislation last year.

MR HASSELL (Cottesloe—Minister for Police and Prisons) [9.08 p.m.]: I thank the Opposition for its support of the legislation. Although I do not accept everything that has been said in relation to the Bill, I remind members that when the legislation was introduced last year, it was a matter on which members had a free vote.

The amendments have been put forward in response to apparent deficiencies in what was adopted last year, and in response to representations made. I am glad the Opposition gives its support to these amendments.

As to the point made by the member for Kalgoorlie about unlicensed club permits, I will refer that matter to the Chief Secretary.

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 Mr Hassell (Minister for Police and Prisons), and passed.

ACTS AMENDMENT (SOIL CONSERVATION) BILL

Second Reading

Debate resumed from 6 May.

MR OLD (Katanning—Minister for Agriculture) [9.12 p.m.]: We have heard many speakers on the second reading debate on this Bill, and I wish to reply briefly to some of the points raised. Other points will be dealt with in Committee.

The member for Warren, who was the lead speaker for the Opposition, raised a number of points, some of which were repeated by other members so, as I answer them, those members who raised the points will know that my reply applies equally to them as to the member for Warren.

One of the statements made by the member for Warren was that the Country Shire Councils Association of Western Australia was not given the opportunity to make an input into this Bill. I would like to correct that notion, because the CSCA was consulted on many occasions. As a matter of fact, in the first place, when the Bill was in its infancy, the association was invited to contribute. It did that, to a degree. Later on, it was consulted on the matter of funding of the soil conservation measures, which has been included now as a rating. The association was consulted also on the establishment of districts. These matters were discussed fully with the CSCA, and it expressed its satisfaction with the provisions.

After I delivered my second reading speech, the speech, plus a letter explaining some of the problems that had been highlighted by the CSCA, were circulated to every member of the CSCA. As a result, we received input from the country shires; in fact, Dr Robertson, the Commissioner of Soil Conservation, spent a busy two days visiting shires as far apart as Kojonup and Merredin, and some in between. The consultations that he had with those shires after the second reading speech was delivered have resulted in some of the amendments which appear on the notice paper, and which will be dealt with in Committee.

The member for Warren referred also to Government funding and implied that the Government was lagging in its commitment to soil conservation. That situation is far from correct, as can be seen very easily from a comparative reference to the Budgets of the last two years. An allocation of $1 864 000 was made to salinity and soil conservation in the 1981-82 Budget compared with an allocation of $1 248 000 in the 1980-81 Budget. That is not a small input into one division.

Mr Evans: What was it spent on?

Mr OLD: The money was spent in the soils division on salinity and soil conservation. Apart from that input by the Government, a number of indirect inputs have been made to other divisions, as the honourable member knows well, and additional funding was granted to the division of resource management for research into conservation and salinity. It would be a major task to extract those figures, because that operation is part of the department's responsibilities.

Other divisions also were provided with funds to investigate and perfect such matters as more appropriate systems of farming in light land areas, a system of minimum tillage, the best varieties of fertiliser returns, etc. All these matters are combined and contribute to soil conservation.

It is far from true to say blandly that not much money was contributed to soil conservation. While I am not making any accusations against the statement made, a fair amount of delving into the Budget has to be done to obtain an appreciation of the importance the Government places on soil conservation and salinity.

On top of that, we have appointed nine more research officers and the full effects of those appointments will be felt in the next Budget where allocations will have to be made to cater for them. Some of those research officers will be deployed in country areas. In fact, four or five have been appointed to the country and they will be taking a very active part in research into sand blasting and wind problems which we are experiencing on the south coast.

The member for Warren devoted much of his time during the second reading debate to new land releases and the development of new land. I notice he has foreshadowed an amendment on the notice paper and I shall deal with that in detail at the appropriate time.

The member for Warren said also he felt the soil conservation advisory committee should be larger. I understand much work was carried out to decide the size of the soil conservation advisory committee and it was accepted generally by people, who are far better versed in the workings of committees than I, that 10 was about the maximum number of people one could expect to have on an effective committee. That is where the number of 10 came from, because it was considered—

Mr Young: It is nine too many.

Mr OLD: Ten seems to be the optimum number and that is why the committee has been reduced from 12 members to 10.

A feeling was expressed that some imbalance could exist inasmuch as the committee is divided evenly between Government and non-Government members. However, let me assure the House such is not the case because it would be inappropriate. One of the Government members will not be the chairman of the committee; therefore, the chairman will be elected from one of the producer members. Of course, that member will have a deliberative vote.

Section 11(3) of the Act allows the committee to regulate its own proceedings, so it would be a very safe bet that at the first meeting of the soil conservation advisory committee, after the election of the chairman, the chairman will be given a casting as well as a deliberative vote; so any imbalance will certainly be on the side of the producers. In any case, I could not visualise a situation in which we would have a line-up of Government members against non-Government members. To say the least, that would be most unusual.

Reference has been made to the type of member who will be appointed by the Government and I shall come to that matter later, because the subject was referred to by one of the other members who spoke in the course of the debate.

The member for Warren considered some reticence would exist on the part of people in various districts acknowledging they had a problem. He indicated they would be quite reticent to form a district advisory committee. Let me assure you, Sir, that such is not the case. In fact, the district advisory committee as it existed in the Merredin area covered some 14 shires, and has been virtually rapping on the door wanting to start again, because it realises the great value of a soil conservation district advisory committee and that is indicative of the spirit of farmers today. I think the member for Warren would agree that particular spirit was very evident at Esperance when the recent seminar was held there. Therefore, I do not see any problems in people forming district committees.

I hope the size of districts will not be patterned on the Merredin example, but the 14 shires which are involved in the Merredin district advisory committee have been together for some time. They have worked very well and share a common problem; but, in a number of areas—in fact, in the majority of them—it is likely only one shire would be involved in a soil conservation district. Perhaps one shire and a part of another one or two shires would be involved, but we hope to keep the sizes of the districts down to a manageable level so that the particular problems experienced in those districts, which probably do not affect other districts nearby, will be able to be catered for by the people themselves.

During the course of debate the vexed question of rating was referred to. The member for Warren expressed a fear that perhaps rating would go into a fund. I must impress on the House that such is and will not be the case. The only rating which can be undertaken is rating for a specific purpose within an area approved by the Minister. Under the format, the soil advisory committee of a district will meet and decide it has a problem peculiar to that district and that it wishes to take some action. It could be a problem of drainage or seepage. A person at the top of the catchment area may not be experiencing any problems, but may be exacerbating the problem further down in the catchment. Therefore, it is felt everybody involved in that particular catchment would be asked to contribute to a fund to overcome the problem or to assist to overcome it, because certainly there will be Government input as well. The programme must be approved by the Minister and the Commissioner of Soil Conservation. Once the programme is determined, the money raised cannot be applied to anything else, and that is very specific.

Soil conservation notices are now able to be issued very promptly by the commissioner, if required. In the past one of the weaknesses of the Act was that the Commissioner of Soil Conservation's hands virtually were tied in regard to the issuing of notices. The Bill provides that a person on whom a notice has been served may appeal to the Minister, and I notice there is an amendment on the notice paper with regard to the right of appeal. This matter was discussed very fully with the Primary Industry Association of WA (Inc.) and the Pastoralists & Graziers Association of WA (Inc.), both of which accepted that appeal to the Minister was desirable. However, the Primary Industry Association suggested—and I was very happy to take up the suggestion—that an appeals committee should be set up, patterned on the committee which was formed to advise on appeals by the PWD against decisions of non-clearing in the catchment areas which are subject to clearing control. That committee has worked particularly well and, in acknowledgement of this, the Primary Industry Association asked that a committee exactly the same as that which operates in catchment areas be formed to advise the Minister, so that when an

appeal is received, the Minister of the day shall pass it on to the appeals committee which will investigate and advise the Minister.

Additionally, the soil conservation advisory committee advises the commissioner on the policies it recommends. It also may recommend actions he should not take and, in the event of the Commissioner of Soil Conservation ignoring those recommendations, the committee has the right to refer the matter to the Minister for adjudication in consultation with the commissioner.

I believe that covers most of the pertinent points referred to by the member for Warren and I shall now cover briefly the points made by other members.

The member for Mt. Marshall expressed concern that the rate which may be imposed could be a continuing one. Once again I assure the House such is not the case, because one can rate only for a particular situation and if, in fact, it was a very large project, it is conceivable the rate could be spread over two or three years. However, that would be the only circumstance in which there would be any semblance of an ongoing rate. Certainly once a rate is struck, it is struck for a specific purpose. Once that specific purpose has been serviced, the rate no longer is applicable.

The member for Kimberley applied most of his remarks to the problems in the pastoral area. He referred to one point which needs some clarification and that is where a very efficient landholder may be in the midst of some degradation, but has taken successful remedial measures and feels he should not be penalised by being rated to overcome the problems caused by circumstances outside his jurisdiction.

In fact, the rate can be applied specifically. In other words, if it is demonstrated clearly a particular landholder or group of landholders within an area are not affected and have taken remedial measures, the rate can be applied specifically to exclude them. In fact, the fund may pay out money to those landholders for work undertaken, if it is considered to be advantageous to the rest of the group. Therefore, it turns around completely from being a fear to being a possible bonus.

The member for Roe referred to drainage assessment which is the division which assesses the necessity for and the best method of draining areas. I can assure the member this matter is in train now and the soils division currently is undertaking an assessment of a catchment north of Moora. Before declaring a district for drainage, we feel it is necessary to assess the type of operation which will be the most desirable and efficient. Of course, this would short-cut a good deal of expenditure.

The member for Geraldton mentioned sand dune erosion which, of course, is very important.

Mr Carr: It was not I.

Mr OLD: I am sorry. I meant the member for Greenough. That is a problem in the Greenough area and, to a small degree, in Geraldton. Certainly, this Bill will allow for a positive approach to degradation which is exacerbated by misuse of sand dunes. We have had some experience of this in that area; in fact, there is quite a history of one case which I certainly will not go into tonight.

This amending Bill will strengthen the Act to the extent that those problems will be quickly overcome by the serving of an order by the Commissioner of Soil Conservation. The member for Merredin raised the matter of lack of consultation and I reiterate that although on the surface, that may appear to be the case, there has been no lack of consultation. In the first instance, as I advised, the Country Shire Councils Association was consulted on several occasions. The 14 wards of the Merredin group were consulted as early as last November. There have been two consultations with members of the northern ward of the Country Shire Councils Association, one at Three Springs, and one at Mullewa. There has been consultation with regional development committees. The Commissioner of Soil Conservation has attended many of the regional development committees in this State. Certainly many people are interested in this Bill. The commissioner addressed and attended many Primary Industry Association meetings. We have had direct consultation with the executive of the Primary Industry Association and the Pastoralists and Graziers Association. I do not believe that an accusation concerning a lack of consultation could fairly be levelled at this Government.

The member for Vasse asked questions about why powers within the existing Act had not been effectively used. There is a fairly simple answer to that inasmuch as salinity is something which is just being introduced into the Act with this amending Bill. That was not adequately covered and it would have been very difficult to intervene in, say, a situation of tree clearing which it was confidently anticipated would exacerbate salinity in some part of the catchment area. We actually had this problem on our plate a few months ago. I am sure members of this House will remember it. Our hands were virtually tied because under the existing Act there was no way in which we could

possibly undertake compulsory work or serve an order on those people.

There is a necessity for proof of reasonable negotiations before the order is served under the present Act. Inadequate finance on the part of the landholder was considered to be adequate defence against an order; in other words, if an order was served on a landholder and he said, "Look, I haven't got the money. I cannot pay it", that was considered under the old Act to be adequate defence and the order lapsed. There was also a necessity to call together the committee of 14 people in order to authorise the Commissioner of Soil Conservation to issue the order. When this Bill is passed, as I hope it will be, that problem will be eliminated.

The members for Moore and Vasse referred to the necessity to have appropriate Government members on the advisory committee. The amending Bill mentions the Public Works Department. The others are to be officers from the Public Service. The balance of those members will be appointed on recommendation after consideration by the Government. I assure members that the problems of the day will be taken into consideration before those appointments are made. We will be endeavouring to appoint Government members from those departments which will be most involved in the control of soil degradation.

Mr Blaikie: Just on that point, the Act provides not only for sand dune blow-out, but also for erosion control, including coastal erosion.

Mr OLD: That is correct.

Mr Blaikie: The Public Works Department and the harbours and rivers people with their hydrological experience are the experts certainly in Western Australia.

Mr OLD: The member's point is taken. I assure him that matter will be given every consideration. It gives me the opportunity to say that within the Act there is provision for the advisory committee to co-opt members as and when required; in other words, if there is another Government department which is not represented on the soil conservation committee it can be brought in to advise the soil conservation advisory committee on matters pertaining to its part of the Government instrumentality.

Mr Blaikie: One could really question the advantage of what input the Main Roads Department could have. These other bodies are suitable. I thank the Minister for his comments.

Mr OLD: If the member goes down to Tambellup, I am sure the locals will tell him the Main Roads Department and Westrail could have quite an input into erosion matters, but I will not go into that now.

Mr Blaikie: The joint venturer or the single operator?

Mr OLD: I do not know about that.

Reference also was made to a fixed level of funding. This is also a matter of management on paper. I will leave remarks on that subject until we come to the amendments on the notice paper.

I thank members for what I consider was a very wide-ranging and intelligent debate. Although some points were gone over a few times, the debate indicated the interest members have in this Bill and the importance that is attached to it. All the things that have been said contributed greatly to the passage of the Bill. I am sure that in the future when there are various interpretations to be made of this Act those portions of the debate will be referred to.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Old (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 7 amended—

Mr EVANS: I want to refer to a letter which I received yesterday from the Secretary of WISALTS. It should not be disregarded when it is remembered that WISALTS has now become a fairly substantial body with 1 150 members, in 36 branches. The most outstanding feature of this organisation is the degree of acceptability that it has had amongst practising farmers. While the issue of whether interceptor banks are the answer in the aspect of land degradation with which they are dealing remains unresolved, there is no question that there is an appeal to farmers to the extent that they have spent many hundreds of thousands of dollars in contributing to the construction of banks and to the operation of the organisation. Without becoming personal, this does reveal that it is essential to have co-operation and not compulsion.

In this letter I received from the Secretary of WISALTS a point is made in connection with clause 9 which deals with the commissioner's subjugation to the permanent head of the department as well as to the Minister. The letter reads as follows—

> The Commissioner of Soil Conservation being directly responsible to the Director of Agriculture. This is an impossible situation with the Commissioner of Soil Conservation locked into the thinking of the Director of Agriculture when you have all the other bodies that are doing their own thing like P.W.D. and Forestry.

Of course, the conservator has extensive powers in his own right. The letter continues—

> We strongly urge you to give due consideration to the Premier of the day being the person that the Commissioner is responsible to as soil degradation is the biggest problem facing Government then the Premier should be handling this.

The letter goes on to make reference to what happened in the past. That point does need to be made. The letter continues to ask that the measure be stood over to enable the possibility of a study to be carried out into the ramifications of this Bill. I would be interested to have the Minister's rationale in connection with the matters that are of concern to WISALTS.

Mr STEPHENS: During the second reading debate I made the point that I felt the commissioner should have direct access to the Minister. I ask the Minister in his summing-up to give an indication as to why it has been seen fit that the commissioner be responsible to the director and through the director to the Minister. I know it is difficult to hear from back here, but I did not hear the Minister make any reference to it.

Mr OLD: It is normal in the department for the director to be a person nominally responsible over the heads of divisions in the department. The soils division is a very important division in the Department of Agriculture and, as is normal, the Commissioner of Soil Conservation—as is the officer in charge of the plant breeding division—is responsible nominally to the Director of Agriculture. In this Bill there is no departure from that convention, and I see no reason to depart from it. The Commissioner of Soil Conservation has very wide-ranging powers and I see no circumstances under which those powers will be inhibited. They certainly will not be inhibited by me while I am the Minister. I will be ensuring that the commissioner has a free rein. The Director of Agriculture also will be doing this. I see no point in having the commissioner directly responsible to the Minister. He has access to the Minister and always will have, and I certainly see no point in having the Premier as the Minister responsible for soil conservation.

I believe the Premier probably has enough on his plate and if we make him responsible for that we may as well make him responsible for fisheries and wildlife at the same time.

Mr STEPHENS: There is a precedent in this. I am aware, as the Minister stated that national parks come under the Department of Conservation and Environment and the Director of the National Parks Authority of WA has direct access to the Minister. So we are not breaking new ground if we give the Commissioner of Soil Conservation direct access to the Minister.

Clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Section 9 amended—

Mr EVANS: This clause deals with the composition of the advisory committee. The Opposition believes there should be a strengthening of the role of local government in this matter and for that reason we would seek to alter not only the composition of, but also the weighting, that applies on the advisory committee.

To that end I would seek to delete a figure with a view to inserting another and then to subsequently leave the existing section of the original Act to fulfil the role and that would come about automatically with section 9 of the Act specifying the composition of the present committee—in number being 12. The deletion of clause 12 (a) would achieve that purpose.

I do this for several reasons. I have been approached by several local authorities and, in its own right, the Opposition believes there is good reason to involve local government as much as possible. If the funding—and I will have more to say about this matter when the appropriate clause is discussed—of various committees is to be successful it will depend almost entirely on the role of local government. It is all very well for the alternative to be there if the Minister makes other arrangements for the collection of levies, but that could make it analogous only to the defunct fruit-fly baiting scheme which was never completely successful. The charge or levy for registration is now defunct, but the scheme can still operate. Something similar could transpire if local governments were not involved in the collection of levies. They already have the administrative capacity to deal with this matter and to that end it is vital that local authorities are involved to the greatest extent.

The present representation by shire councils is one of 12 members and the amendment before the Chamber would reduce that representation to one of 10. We would seek to change this to make the local government representation two of the 12

members which would increase its existing representation by one. I move an amendment—

Page 5—Delete paragraph (a).

Mr OLD: I have noted with interest the remarks of the member for Warren and I cannot accept this amendment. I reiterate that the Country Shire Councils Association was involved with the formulation of the Bill which was fully discussed with them. It did not indicate to me any apprehension concerning representation on the committee. We have given more representation to land holders and this has been accepted by the Country Shire Councils Association.

Mr COWAN: I understand the intent of the member for Warren in moving this amendment is to expand the size of the soil conservation committee. However, he did mention the level of representation by local authorities. In relation to the amendment he has not made any provision for the extra two members of the committee. He has given no indication as to what organisations will receive additional representation.

Mr Evans: If we were to pass this amendment I could proceed further.

Mr COWAN: This is a policy-forming body and I believe that the number of people on that committee is quite sufficient. It appears to me that on a policy-making body we do not need any more than one representative from the Country Shire Councils Association. If the member for Warren were to say that the committee should be extended to include representatives from those groups that are quite active in soil conservation methods—for argument's sake, the WISALTS group—that may have some value. It would be relevant because they would have a point of view to express but the Department of Agriculture has not been prepared to listen because it has no scientific proof of the theories put forward by WISALTS. From my point of view and that of the National Party a policy-making committee of 10 members is quite adequate and we would be opposed to this amendment.

Mr EVANS: While the Minister has been on the subject of consultation, was it not the great eastern ward of the Country Shire Councils Association which put forward in its letter of 4 May the series of amendments which now appear on the notice paper in the Minister's name? This leaves me with some concern about the level of consultation that exists.

Mr Old: The Merredin group was consulted last November.

Mr EVANS: It is coincidental that a number of amendments appear when a major piece of legislation arrives in this place.

Mr Old: Do not get excited, old boy. You will have a heart attack and we do not want to see you keel over.

Mr EVANS: There will be no danger of that, old man.

The CHAIRMAN: Order! I would ask the member to relate his remarks to the amendment.

Mr EVANS: He certainly will. The matter of representation on the advisory committee should have been investigated before the matter found its way into this Chamber. This was not done and some extensive inquiries had to be made.

Mr Laurance: An excellent example of democracy at work!

Mr EVANS: Hitler also had his own form of democracy. I refer to the point made by the member for Merredin. Certainly, the additional representation would be from the Country Shire Councils Association and from some other land use group—from WISALTS or someone of that kind—but that would need to be determined. That was the underlying thought behind my amendment.

Mr COWAN: I would like to defend the people of Merredin, although they are able to do that themselves. The member for Warren should know that the people from the eastern districts soil conservation group are more concerned about the district advisory committees than the soil advisory committee. They are not much concerned about their having an input into the general policy as it affects the State, but about the particular matters that relate to their own specific area. There is more concern about the composition of the district advisory committee than this particular committee. I agree with the member in one instance and that is the level of consultation he spoke of. Consultation means different things to different people. However, the Government did make a mistake because when this Bill was presented to this Parliament it had not been presented to local authorities. They had not been asked for their comment. It is one thing to ask for a general opinion and it is another to present a Bill and then ask for a specific opinion on that. One can be only general when there are no facts before one, but when one has a specific matter it is quite easy to be far more specific in reply. That is what happened on this occasion. The level of complaint is that the local authorities believe they should have been given the courtesy by the Government's providing them with copies of the amending legislation so that they could in turn submit their opinions on the particular clauses within the Bill.

Amendment put and a division taken with the following result—

Ayes 16

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Terry Burke	Mr Pearce
Mr Carr	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 22

Mr Clarko	Mr Mensaros
Mr Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Grayden	Mr Spriggs
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich

(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Shalders
Mr Bridge	Dr Dadour
Mr Parker	Mr Williams
Mr Davies	Mr Sodeman
Mr Melver	Mr Crane
Mr Harman	Mr Herzfeld
Mr Brian Burke	Mr Watt

Amendment thus negatived.

Mr COWAN: Clause 12 relates to the composition of the soil conservation advisory committee. This body is regarded by most people involved in primary industry as a policy-making body which gives advice to the commissioner who, in turn, in consultation with that body, formulates the policies under which this Act is implemented. I sincerely hope the commissioner, the Minister, and the director give this newly-formed committee a little more respect than they gave the last committee. Some time ago, I asked a question in this place about the level of consultation which had taken place prior to the introduction of this Bill. I was told that in August 1981 the intent of the legislation had been discussed with the soil conservation advisory committee. However, no mention was made of discussions taking place with the policy-making body as it exists today, and which we are hoping to change by way of this clause. If the legislation is to operate in good spirits and if people are to co-operate, the committee must be accorded some respect and recognition by the Government, departmental heads, and the commissioner himself. I certainly hope more than token consultation takes place about the implementation of policy.

Clause put and passed.

Clauses 13 to 16 put and passed.

Clause 17: Section 14 amended—

Mr EVANS: Clause 17 deals with the functions of the soil conservation advisory committee. It is desirable to involve this committee in the broader aspects of the release of land for agriculture. The very existence of this committee has to do with soil degradation.

If that is to be the function of this committee, surely it has a role in looking ahead and determining, for example, where it would be imprudent or dangerous to release land. For example, the danger of such release is very real in the Forestania-Johnson Lakes area; however, it is planned to release land almost immediately in this area. The map tabled in this Chamber also shows that quite a large area is designated for release to the north of the Fitzgerald River reserve, which is virtually only across the road from one of the worst sand blows in the region. That simply is not good enough.

The working group of interdepartmental officers do not have the staff or the funding to initiate research and investigation. Some alternative must be found. Perhaps the Environmental Protection Authority could be called in; I have no doubt it could handle the task effectively. However, with this Government's track record, I cannot see the EPA being allowed to play a role in this area.

Section 19 of the Act has a direct relevance to the amendment. It places an obligation on the commissioner to be aware of the dangers of the release of land. However, we do not believe that is sufficient; the soil conservation advisory committee should be involved directly, for the reasons I have given. Therefore, I move an amendment—

Page 9, line 32—Delete paragraph (d).

Mr OLD: Section 14 (h) of the Act already provides the commissioner with ample powers in this regard, and I commend it for the consideration of the member for Warren. Section 16 of the Act also deals with the functions of the committee, the prime one being to consider the general aspects of soil conservation and erosion mitigation as they affect the State. In addition, district advisory committees have a role to consider and report upon methods of land management and utilisation within their districts.

I submit to the Committee that this amendment already is amply covered within the Bill and the Act.

Mr COWAN: What the Minister has stated may very well be the case, but regrettably we

have no evidence to show any activity by the present soil conservation advisory committee in regard to the release of new land. There is no question the Minister is right in that the committee would have some power to give advice and offer a policy statement to the Government in the hope that it would accept it, but it has never taken place.

I see nothing wrong with the concept of our placing in legislation a requirement that one of the functions of this committee is to examine the whole matter of land release and to make recommendations accordingly. At the moment the Government accepts that an examination must be made of that particular issue, because it has a working party. I see no reason at all that the working party should not be abandoned and its functions replaced by the soil conservation advisory committee. Some expert people are on the working party and there is no reason those particular experts could not be co-opted when the committee is dealing with land releases or land that may be the subject of future releases.

This is a very worthwhile amendment and it makes very clear that this will be one of the functions of the committee, rather than saying it has the power to do it now, because everybody knows that, since 1945, the committee has not involved itself in this issue. If we accept the amendment proposed by the member for Warren, the committee is required to investigate this particular matter.

I support the amendment.

Mr EVANS: That was the very point I intended to make. Its relevance is even clearer when one bears in mind a map which was tabled in this place. That map showed the land which was the subject of immediate release and, to say the least, one area was most questionable. The present position is not sufficient and, therefore, the stronger powers contained in the amendment are desirable.

Amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Terry Burke	Mr Pearce
Mr Carr	Mr Stephens
Mr Cowan	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 20

Mr Clarko	Mr Mensaros
Mr Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich

(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Shalders
Mr Bridge	Dr Dadour
Mr Parker	Mr Williams
Mr Davies	Mr Sodeman
Mr Melver	Mr Crane
Mr Harman	Mr Herzfeld
Mr Brian Burke	Mr Watt

Amendment thus negatived.

Clause put and passed.

Clauses 18 to 21 put and passed.

Clause 22: Section 21 amended—

Mr COWAN: This is one of those pieces of legal gobbledygook that a previous member for Boulder-Dundas used to take great delight in tearing apart. In essence, this clause really means that the Commissioner of Soil Conservation can, without notice advise a landholder in any way he likes about what he should do with the particular area of land.

I seek an assurance from the Minister that this particular clause will not be abused as some people seem to think it will be and I would like him to give an indication of the reasonable circumstances referred to. What is "reasonable" in the position of the person receiving a notice? What sort of emergency or situation would cause the seven days' notice of the issuing of an order to be waived?

Mr OLD: I understand the concern of the member for Merredin, but only recently we have had a situation in which the first indication the Minister for Conservation and the Environment had of a problem was when a bulldozer went into a piece of country which had the potential to affect some other fragile country further down the track. It was also a piece of country which was very valuable inasmuch as it had a natural waterhole and it was the intention and desire of the department and the Government to protect it.

In that particular instance, we could not move for seven days and they are the types of operations where this emergency provision would be used. I can assure the member for Merredin and the Committee it is not the intention of anyone to be heavy-handed with this legislation

which is designed to make provision for all sets of circumstances and, to do that, authority must be available to go in at a moment's notice.

Clause put and passed.

Clause 23 put and passed.

Clause 24: Section 22 amended—

Mr OLD: On the notice paper is an amendment, which, along with my others, is the result of consultation that the commissioner made with the north-eastern ward last Monday. The commissioner returned with proposed amendments, which I considered and felt that they would go a long way to making the Act more comfortable in the minds of some of the people in the Country Shire Councils Association of Western Australia. I move an amendment—

> Page 12, line 4—Insert after the word "Council" the words "made on the recommendation of the Minister".

That provides for an undertaking by the Minister that it is a matter which has been considered.

Mr EVANS: This improves the situation somewhat in that it now requires a recommendation by the Minister when dealing with an Order-in-Council. However, a further aspect is that while the great eastern ward of the CSCA has been successful in its amendments, some principles are still not covered completely. The extent to which the consultation occurred can be best illustrated when we are dealing with clause 25; and I will make a few remarks that would be more appropriate at that time.

Mr COWAN: I am pleased that we will have some consultation with local authorities; but it will be consultation only. It still will be within the power of the Minister or of the Governor by Order-in-Council to declare a soil conservation district.

I am sure that the local authorities will be pleased with the knowledge that they will be consulted; but everyone knows that there are degrees of consultation. However, as the Minister said, that is what the eastern ward requested; and I am certain that members of the ward will be satisfied with that until such time as a meeting takes place to consult on a particular issue, but as a result of that consultation, the Minister does not change his intention.

This amendment provides only an advisory capacity for local authorities. I suppose they should be grateful for that; but it does not give them the ability to become involved in the decision-making process.

Amendment put and passed.

Mr OLD: I move an amendment—

> Page 12—Insert after paragraph (b) the following new paragraph to stand as paragraph (c)—
>
> (c) by inserting after subsection (1) the following subsection—
>
> " (1a) Before recommending that an Order be made under subsection (1) of this section the Minister shall consult with the council of each municipality whose district is wholly or in part comprised within the proposed soil conservation district. ";

This adds another subsection to section 22. Again it is in response to a request by the ward that it be consulted on these matters.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25: Section 23 amended—

Mr OLD: I have an amendment to clause 25 as a result of the consultation. This amendment alters the composition of the local soil advisory committees.

Originally, the committees were to comprise not fewer than five and not more than 10 members. This was designed to cater for different sized soil conservation districts. The committee was to comprise producers; and the provision prescribed one member of the local governing authority. In the case of the Merredin soil conservation district, 14 local governing authorities are involved, and it was felt that more opportunity should be given for members of local government to be involved. I move an amendment—

> Page 13, line 3—Insert after the word "with" the words "the council of each municipality whose district is wholly or in part comprised within the soil conservation district and with".

This amendment will do much to alleviate the apprehensions of local government.

Mr COWAN: This was an issue debated at a special meeting of the eastern districts soil conservation committee. It came about because, as an organisation of shire members, they had begun the move to bring about changes to the Soil Conservation Act which would make it easier to implement, and more acceptable to the public. They were dismayed to discover that in the establishment of the district advisory committees, the local authorities would not necessarily have representation. It meant that the Minister could nominate a person who was not necessarily

elected to any local shire or municipality, but who merely lived in the area.

The local authorities, which constitute perhaps 80 per cent of the eastern districts soil conservation committee, believed that they were the principal instigators of these amendments, and certainly the body of people who demonstrated to the Government that if the Government made changes to the Act, it would have a very receptive ear, in the eastern section of the wheatbelt particularly.

I am sure that the encouragement given to the previous Soil Conservation Commissioner would have been one of the main reasons for this Bill being introduced. These people indicated that this type of legislation was absolutely necessary, and I am very pleased to see that the wishes of this district committee are to be implemented.

I know the eastern districts soil conservation committee has requested that its area be declared a district. With this legislation, the district advisory committees will force the eastern districts group to disband and to look at more localised issues. I see nothing wrong with that provided these district committees, dealt with in this amendment, are given all the recognition they deserve by the commissioner and the department.

Mr EVANS: I have several comments I wish to express on the establishment of these committees because I have received a number of communications on this matter.

The Shire of Bridgetown forcefully stated that although it is considered necessary that early action be taken on soil conservation, the formation of soil conservation districts at this time does not appear warranted. The shire indicates there are a variety of unproven theories on this very complex subject. That is one viewpoint which diverges quite diametrically to other recommendations put forward.

A letter from the Shire of Beverley refers to the two proposals—the soil conservation districts being formed and the levy—and indicates that the shire is firmly opposed to both.

The official opinion and statement of the WISALTS group is very much the same, though it is more concerned with the actual rating, which would not apply with this clause, but would have some relevance a little later.

A study group also has made several very valid points. First and foremost, who actually determines the extent of a soil conservation district? Who actually determines when and where it will occur? The boundaries could be of great importance. For instance, within a district suffering wind or soil erosion or saltation, a varying degree of degradation could occur on a number of farms. Reference was made to the member for Kimberley having drawn attention to the application of this point in the pastoral districts. These are matters that need clarification.

I have registered the objection of certain shires to the changes contained here; the Minister is now aware of them. However, the precise mechanism as to how the determinations will be made needs to be explained by the Minister.

Amendment put and passed.

Mr OLD: Mr Chairman, could I move the next two amendments together?

The CHAIRMAN: If members are agreed, I will allow the Minister to put the two amendments together. As there is no dissenting voice, the Minister may do so.

Mr OLD: I move the following amendments—

Page 13, lines 8 and 9—Delete the passage "and not more than 10".

Page 13, lines 23 to 26—Delete the words "Minister to represent any municipality or municipalities whose district or districts is or are" and substitute the following words—

" council of each municipality whose district is ".

Amendments put and passed.

Mr OLD: I have taken note of the member for Warren's comments on behalf of the shires he mentioned. In most cases the formation of a soil conservation district will come about by itself, by a common problem. Residents of an area will come to the commissioner or the Minister and seek permission to form a soil conservation district. A problem may exist, although I do not agree we will find any reticence. There has been so much acceptance by the farming community of the amendments contained in this Bill that I do not envisage any reticence. If there is, and the commissioner feels a need exists to form a soil conservation district, it is within his power to go to that district and to talk to the people and encourage them to form a district committee. This would obviate the necessity for him, through his soils advisory committee, to initiate an order to have work done.

Clause, as amended, put and passed.

Clause 26: Section 24 repealed and substituted—

Mr OLD: I move an amendment—

Page 16, line 3—Delete the word "and" and insert the following new paragraph to stand as paragraph (g)—

(g) to make recommendations to the Minister or the Commissioner as to the application of moneys standing to the credit of the account maintained in respect of its soil conservation district under section 25C (2) of this Act; and

This amendment will give the local governing authorities and the soil conservation district advisory committees the right to make recommendations to the Minister as to the application of moneys received. It is to provide a further safeguard which, frankly, is a bit of an overkill. Assurances have been given elsewhere in the Bill and in the Act that no misappropriation of money will occur. However, if this amendment makes the producers more comfortable in the thought that the money will be under their control, I am quite happy to move along these lines.

Mr COWAN: Again, this amendment results from the Merredin meeting. I am sure similar concern was expressed in other areas, but certainly the matter was raised at Merredin. I accept the amendment provides for only a recommendation to the commissioner or to the Minister on how moneys should be spent, but every member of that group which met in Merredin believed that if a district advisory committee were to make a recommendation that a certain rate be imposed, that advisory committee should be able to make a recommendation as to where the money yielded by that rate should be spent. I do not agree the amendment is a case of overkill; the Government is providing for a mechanism whereby not only district advisory committees recommend the rate to be imposed, but also those committees will know precisely how the money will be spent. It is an absolute necessity.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 27 put and passed

Clause 28: Division 2 of Part IIIA inserted—

Mr STEPHENS: In my second reading speech I indicated that at least one shire and many of my constituents had expressed concern that whereas provision was made for landholders to be rated to meet costs accrued in the restoration work, no provision was made to commit the Government to contribute to that restoration. It was recognised by those people that the Minister in his second reading speech indicated that the fund may have a contribution from the State or the Commonwealth Government, but they felt that no obligation had been included for those Governments to make a contribution—there was no definite commitment. Most of us realise that action taken to mitigate soil degradation not only is of benefit to people directly concerned, but also is of immense benefit to the State as a whole. Therefore the State should be committed to make some contribution to the restoration. It is not surprising people in my electorate are sensitive about this point.

Many landholders and shires have been affected by the application of the Country Areas Water Supply Act, colloquially referred to as "the clearing bans legislation". Land has been taken out of production, and as a consequence shires have had their rate incomes reduced. The land has been taken out of production to improve or maintain the river systems of the State, a benefit to the State as a whole, yet individual shires are asked to meet the cost of that action to benefit the whole of the State. As I have said, it is not surprising that people in my electorate are sensitive about this issue; therefore I move an amendment—

Page 20—Insert after proposed new subsection (7) the following new subsection to stand as subsection (8)—

(8) Any rates paid and collected under this section shall be matched by an equal contribution from the State Government from moneys appropriated by Parliament for the puposes of soil conservation programmes.

The amendment imposes upon the State a definite obligation to assist in providing funds to meet the costs associated with soil conservation.

Mr EVANS: The question of rating has been a fairly sensitive one, and again I refer to the attitude of WISALTS. It has objected to the levying of a rate, and its rationale is that if we simply impose a rate, farmers will not be induced to spend their own money on soil conservation as those costs will be met from the rate imposed. Whether that rationale is valid is a matter of conjecture, but human nature being as it is, that element should be considered.

Certain other attitudes have been expressed. The Bridgetown Shire Council strongly opposes the suggestion that councils levy a rate for soil conservation, and have the money so earned given to the Treasury. Under such a system a council would be placed in an invidious situation and in an area of major confrontation. It would have to carry out a task with little or no reimbursement, a

task which essentially is a State Government responsibility. I do not know whether it is even a State Government responsibility; it could well be a national responsibility.

Mr Old: It depends on the circumstances.

Mr EVANS: The Beverley Shire Council has expressed its opposition to the proposal that the money raised by the levy be paid to Treasury.

Those illustrations suggest that the consultation or, perhaps, the persuasion, was not as effective as has been maintained. The member for Stirling seeks a commitment by the State to the funding of the restoration of the degraded land, and that is not unreasonable. Surely if such a commitment cannot be made by way of a provision in the legislation, it could be by way of a policy statement by the Government.

Mr OLD: I am not prepared to accept the amendment. It could be disadvantageous to the conservation groups as much as it could be advantageous. It is restrictive inasmuch as it confines the Government to give a dollar-for-dollar contribution, whereas in some cases the contribution by the Government will be far in excess of matching other funds provided. The Government's contribution in some cases will be up to five times the amount provided by conservation districts. It would be a disservice to have it. In any case, I do not think any Government can go into an open-ended situation. It is a matter of the committee making a recommendation. It will look at the situation pertaining to the particular problem and if that problem is one which was brought about by complete lack of regard for soil management and is the fault of the people who caused it, then the State would take a different view compared with its view in the case of a small shire with a large problem, say, with sand dunes, which happens to be a public problem, and would obviously fund that to a much larger extent. The record of this Government in its contribution to soil conservation funds stands as a testimony to the fact that it will contribute and, in the highly unlikely event of a change in Government—

Mr Clarko: Hear, hear!

Mr OLD —after what the member for Warren said, obviously there is a commitment there. Frankly, I see no point in accepting this recommendation.

Mr COWAN: It has been stated previously that the Government already has contributed over $1 million to combat soil degradation for investigations into salinity, erosion, or whatever. Most of that money is expended on areas of research. Very little of the money that is expended is used for the actual restoration of the land to a condition which either makes it suitable for agriculture or just gives it a cover of natural vegetation, or perhaps even introduces species. Very little of that money is spent in these regards.

The whole intention of the Bill before the Committee is to ask land users to practise soil conservation and pay for it. It is quite appropriate for the Government to match the commitment that land users will be required to give under this legislation. There will perhaps be instances where one individual is responsible for a problem relating to soil degradation. I do not accept that in this individual's case any great sum of money will have to be expended. Perhaps it may well be that his total irresponsibility caused the soil degradation in the first place. Again, I see nothing wrong with the Government giving a commitment that it, too, will be committed totally to the practices that bring about better soil conservation in this State.

Vast sums of money will not be raised through a rating structure. The Government should be prepared not only to force land users to pay for restoring the land that has been destroyed, but also to give a commitment. It is not limiting the Government in any way, but it is asking for a basic commitment. Surely, in a State that has a Budget in excess of $2 000 million we can expect the people to make that commitment, especially in the knowledge that they have already committed $1.5 million for research into this problem. How about some money for the practical area of restoring the land to what it once was?

Mr STEPHENS: The Minister said something about the implementation of this amendment in certain circumstances being a disservice to landowners. He explained that there could be situations where it was largely a Government responsibility and therefore would require a much greater Government contribution than a dollar for dollar. I suggest in those circumstances that the matter would be amply covered by the advisory committee which would be making a recommendation for a rate to be levied when it was essentially a Government responsibility anyway. That would handle the point put forward by the Minister.

The Minister also referred to sand dunes. I do not know the delineation of land throughout the State, but I would suggest that in most instances sand dunes are Crown land or reserves and once again there would not be a necessity for landowners to be rated. I am sorry the Minister has taken the line that he has. I feel that this Act requires co-operation from all concerned. I am sure that landowners, and certainly those in my

own electorate, would have a lot more faith in the Government if it were prepared to make a commitment rather than just an open-ended suggestion that this fund may attract some money when there is no commitment whatsoever.

Amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Terry Burke	Mr Pearce
Mr Carr	Mr Stephens
Mr Cowan	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mr Bateman *(Teller)*

Noes 20

Mr Clarko	Mr Mensaros
Mr Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich *(Teller)*

Pairs

Ayes	Noes
Mr Bryce	Mr Shalders
Mr Bridge	Dr Dadour
Mr Parker	Mr Williams
Mr Davies	Mr Sodeman
Mr Melver	Mr Crane
Mr Harman	Mr Herzfeld
Mr Brian Burke	Mr Watt

Amendment thus negatived.

Mr OLD: I move an amendment—

> Page 21, line 11—Delete the words "after consultation with" and substitute the words "on the recommendation of".

The clause reads that the matter may be heard by the Minister or the commissioner, after consultation with the district advisory committee. It will now be on the recommendation of the district advisory committee, and this will give the committee more power.

Mr COWAN: Again, this action fits in with what I said about an earlier amendment the Minister moved. It gives the district advisory committee the capacity to recommend to the Minister from where the rate it has recommended may be collected and now it may recommend how it should be spent. This is as a result of a request by the eastern districts group. Those people felt that if they were going to be in a position where they had to recommend that a rate be collected, they should be given the privilege of being able to recommend where it should be spent.

Mr TUBBY: The Mullewa Shire has written to me and expressed its concern about proposed new sections 25C and 25E. The shire states that there is mention of interest payments from the soil conservation districts funds; however no mention is made of interest earned by the fund on investments, and the shire felt perhaps this should be included. The shire noted that proposed new section 25E provides for the preparation and auditing of the fund's books; however, it does not appear to provide for any accountability to the districts from which these funds were raised. It felt the ratepayers should be given the opportunity to inspect annual statements, even if only through their advisory committees, and said that notwithstanding these comments, it is considered the power to rate should rest with the locally elected body as outlined.

The Mullewa Shire said it should retain the funds and apply them as it sees fit, with the commissioner's approval. It is concerned that a percentage of funds will be lost through administration and is of the opinion that funds collected by shires would be better retained by those shires and spent accordingly, on the recommendations of the commissioner.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 29 to 32 put and passed.

Clause 33: Sections 31, 32, 33 and 34 repealed and substituted—

Mr STEPHENS: I move an amendment—

> Page 27, line 27—Delete proposed new subsection (3) with a view to substituting the following—
>
> > (3) An owner or occupier of land who objects to any decision of the Minister made under subsection (2) of this section may within 30 days of being notified of that decision appeal to a stipendiary magistrate in the manner prescribed by regulation and the stipendiary magistrate on hearing the appeal may confirm or vary the decision of the Minister as he sees fit.

Subsection (3) relates to the decision of the Minister being final with regard to an appeal which may be made where the commissioner has issued a soil conservation notice and the recipient does not agree with the requirement. He has the right to appeal to the Minister and the Minister will then refer that appeal to the advisory committee which will make a recommendation to the Minister. Then the Minister's decision is final.

This provision does not go far enough. We should recognise that the third arm of government is the judiciary, whose purpose is to protect the citizens from the excesses of bureaucracy.

If a landowner appeals and does not accept the decision of the Minister, he should have the right to go to a court to argue his case. After all, when we consider the legislation before us and the circumstances in which a soil conservation notice may be given, it is quite apparent that it may have a serious impact on the landowner's ability to carry on his livelihood. He should not be subject to an appeal the final decision of which rests with the Minister.

I know from experience that departmental officers can be wrong. During the second reading stage I referred briefly to a situation which occurred with rabbit control and when the APB had a certain line of thinking on it. The APB directed a farmer to perform a control which he did not wish to follow. Because of his own experience and the experience of two farmers in the community—one being a shire president who was an active farmer, and the other the secretary of a district council of the then Farmers' Union, who was also an active farmer—the farmer preferred his own method of rabbit eradication. With the Act under which the APB operated, the landowner had no right to indicate the reasons that he took action contrary to the instructions of the APB. This farmer was fined by the court, although it was to the credit of the magistrate that the fine was the minimum. When it was time to carry out the order which was given to the farmer, the rabbits had disappeared. It was six weeks after the APB had issued the instruction and it said there were insufficient rabbits to justify the control.

The point I am making is from practical experience. Often farmers are correct and departmental officers are wrong. In the case I mentioned, the farmer had no redress to the court. A similar situation could develop with this legislation. We all know that for years the Department of Agriculture has not accepted WISALTS as a method of alleviation of salt degradation.

I can envisage a situation where farmers could have great faith in these banks. Obviously the farming community has, because, as has been mentioned this evening, over 1 100 farmers are involved in WISALTS, and the farming community has provided several millions of dollars for the construction of banks. To do this they must have great faith in the programme.

A farmer may want to overcome his problem by use of the WISALTS method, but he may be directed to follow the Department of Agriculture's instructions which in the past have been to fence off the land and to plant trees. I know one farmer in my area who carried out the instructions faithfully for 12 years without success and he has just gone over to the Whittington interceptor process. If a farmer is able to undertake a method which is far more beneficial to him than the instructions being issued by the Department of Agriculture, I believe he should have the opportunity to argue his point before a magistrate.

Mr OLD: I oppose the amendment. I have already covered the matter in my general remarks. I believe that the appeal to the Minister is quite adequate, especially in light of the appointment of an appeals committee. I reiterate that this appeals committee has worked particularly well in catchment areas and I see no reason that it will not work well in other areas.

Mr STEPHENS: If I heard the Minister correctly in his general remarks he said that the PIA wanted an appeals committee. Today, I had discussions with the President of the PIA and he indicated he had no objection to the provision I am seeking to have included in the Bill. He agreed that the PIA had pressed for an appeals committee, but after hearing my point of view he said he had no objection to my amendment. If the Minister opposed the amendment on the grounds that the PIA did not want it, that would not be correct.

Mr Old: Not at all.

Mr STEPHENS: The Minister must appreciate that it is difficult to hear what he is saying from the position in which I sit. However, I understood him to say that he had answered this question in his general debate.

Mr Old: I did.

Mr STEPHENS: I suggest that next time he is speaking he speaks louder so we will not have to guess what he is saying.

Mr Old: You may be promoted!

The CHAIRMAN: Order! I suggest the member direct his remarks to the Chair.

Mr STEPHENS: This Minister and in effect this Government are now denying the citizens of Western Australia the right of appealing to the courts for their protection. Only an appeals committee is mentioned; there is nothing in the Bill to compel the Minister to give the reasons for his decision. Therefore, we are left in the dark. I do not think the clause is satisfactory and the

citizens of our State will not be given sufficient protection.

Mr EVANS: There always will be a certain percentage of citizens who will go to great extremes to take advantage of any argument. The provisions in the Bill would not adequately meet the situation and I lean towards the thinking and argument put forward by the member for Stirling. Redress to courts in a situation such as this would be desirable.

Amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Terry Burke	Mr Pearce
Mr Carr	Mr Stephens
Mr Cowan	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 20

Mr Clarko	Mr Mensaros
Mr Court	Mr O'Connor
Mr Coyne	Mr Old
Mr Crane	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Trethowan
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich

(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Shalders
Mr Bridge	Dr Dadour
Mr Parker	Mr Williams
Mr Davies	Mr Sodeman
Mr Mclver	Mr Watt
Mr Harman	Mr Herzfeld
Mr Brian Burke	Mrs Craig

Amendment thus negatived.

Clause put and passed.

Clauses 34 and 35 put and passed.

Clause 36: Section 38 repealed and sections 38 and 39 substituted—

Mr STEPHENS: I am not faint-hearted—I will not forego my right to try again. This clause refers to the reverse situation—it provides for the lifting of the order. A farmer may feel that he has complied with an order and that it should be lifted, but the commissioner may disagree with him. The farmer or the landowner, as the case may be, has the right to appeal to the Minister who may consult with the advisory committee. Once again, the Minister does not have to take any notice of the advisory committee. He makes his decision, and that is final. For the reasons I expressed in relation to my amendment to clause 33, and to uphold our so-called democratic principles—my belief that a citizen should have a right of appeal to the judiciary—I move an amendment—

Page 31—Delete proposed new subsection (3).

Amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Terry Burke	Mr Pearce
Mr Carr	Mr Stephens
Mr Cowan	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
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(Teller)

Noes 20

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Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich

(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Shalders
Mr Bridge	Dr Dadour
Mr Parker	Mr Williams
Mr Davies	Mr Sodeman
Mr Mclver	Mr Watt
Mr Harman	Mr Herzfeld
Mr Brian Burke	Mrs Craig

Amendment thus negatived.

Mr OLD: The amendments which appear in my name of the notice paper are designed to clarify the status of one member of the appeals committee. Therefore, I move the following amendments—

Page 31, line 18—Insert before the word "The" the subsection designation "(1)".

Page 31, line 20—Insert before the word "consisting" the words "appointed by him".

Amendments put and passed.

Mr OLD: Some concern was expressed that under the provisions of the Bill the person from the Department of Conservation and Environment who had been appointed to the advisory committee could be appointed also to the appeals committee. The amendment is designed to overcome that problem and to ensure that another person from the Department of Conservation and

Environment is appointed to that committee. I move an amendment—

Page 31, after line 34—Insert after subsection (1) the following new subsection to stand as subsection (2)—

(2) A member of the Committee is not eligible to be a member of a committee appointed under this section.

Amendment put and passed.

Mr COWAN: Naturally we are very disappointed that the amendments moved by my colleague were not accepted by the Committee. I believe this is the appropriate place to talk about what could exist as a poor compromise to our original suggestion. In taking note of the decisions of the advisory committee, and in making a decision which is final, the Minister should be required to make his findings public. There should be some requirement in the Act for him to state the reasons for his decision. In the circumstances, that is the least that should be done.

Clause, as amended, put and passed.

Clauses 37 to 40 put and passed.

Clause 41: Section 48 amended—

Mr EVANS: Although I may be a little premature, I will err on the side of caution. The leader of the Opposition indicated his intention to move an amendment to add a new clause to the Bill. I wonder whether the Minister would like to take advantage of the opportunity to move to report progress now.

Progress

Progress reported and leave given to sit again, on motion by Mr Old (Minister for Agriculture).

ELECTORAL AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Hassell (Minister for Police and Prisons), read a first time.

Second Reading

MR HASSELL (Cottesloe—Minister for Police and Prisons) [11.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides that where an enrolment claim card is completed, the card will be rejected by the Electoral Registrar if it is not in his hands within 31 days of the date on which it was completed. At present, a claim form would be accepted by the Electoral Department even if it had been received several months after having been completed correctly. During this time, of course, the elector well could be living in another electorate. The Bill will overcome this problem, and the roll should be more correct.

It should be pointed out that the existing duty placed on an agent by section 194 of the Electoral Act is ineffective due to the absence of a time limitation. The Bill seeks to overcome the problem by creating an offence if any party to whom the claim card is entrusted for lodgment fails to lodge the claim within 31 days of its completion. At present, the person entrusted with the claim card may hold it for an indefinite period, and the claimant would not know whether or not it had been lodged with the Electoral Department.

Another reason for this Bill stems from the practice of political canvassers who take part in enrolment drives and who undertake to lodge claims on behalf of the citizen. The law requires a qualified elector to enrol and to vote in any subsequent election within the electoral district.

When a claim card is completed it is usually posted to the Electoral Department; and this ensures it will be processed and acknowledged. In the normal course of events, an acknowledgment ought to reach a claimant within 28 days. Failure to receive acknowledgment or written advice within that period would ordinarily indicate that the Electoral Department has not received the claim form. The Electoral Department proposes to include on electoral claim cards a statement to advise the claimant that an acknowledgment may be expected not later than two months from the date on which the claim was made. If not received in time, this will indicate to the claimant that the claim card has not been lodged.

By entrusting a claim card to another person, a claimant risks liability to prosecution for failure to enrol should the other person fail to lodge the claim with the registrar in sufficient time. Too long a period also can elapse before the claim is lodged because of the practice of some party workers who accumulate claim cards over a period and then send them in batches to the Electoral Department.

A reservation also must be expressed that an unscrupulous person deliberately might refrain from lodging a claim card completed by a known opponent of his particular political persuasion, or the cards could be lost or misplaced negligently. In such a case, the claimant might await the receipt of an acknowledgment which will never come. The establishment of a time frame will guard against this, bearing in mind that the onus to enrol rests with the claimant.

This Bill, by providing a time limitation, therefore affords greater protection to the claimant. If a claim card is delayed from lodgment, a claimant might well change place of address and complete a new card before the original is received and processed by the Electoral Department. This results in confusion for both the elector and the department. This proposal therefore should lessen the possibility of dual enrolments. If a claim is received by the Electoral Department after the 31 days, the claimant will be advised.

Other provisions require that where there is an alteration, insertion, or erasure, the changes must be initialled by the claimant and the witness.

This Bill ensures also that a claimant will be protected against the wilful or neglectful acts of another party where they are aimed at delaying or preventing enrolment, and the changing or falsifying of information given.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

FIRE BRIGADES AMENDMENT BILL

Second Reading

Debate resumed from 20 April.

MR JAMIESON (Welshpool) [11.40 p.m.]: I am supporting this Bill, but I would like to make some comments and some criticisms of it because we should not let go unchallenged many of its provisions. A number of amendments appear on the notice paper; and I will handle those when we reach the Committee stage. At least some of them should be accepted by the Government because they can be justified as an attempt to set right this legislation.

Whichever Liberal Government is in office it seems to be bound to the idea of setting up additional administrations, to the detriment of the working groups in the lower echelons of the establishments under Government control. The Government's endeavour in this Bill is no different.

I cannot see where the Fire Brigades Board will obtain any more finance, yet it will be faced with a greater salary impost because of the new officers proposed; and I am doubtful whether the service will be improved by the appointment of these new officers.

Under the Salaries and Allowances Act, the lowest paid officer was the Chief Executive Officer of the Road Traffic Authority—a $49 000-a-year office. One can imagine that the permanent officer proposed to take charge of the fire brigade will receive an amount similar to that. Based on the experience of when the Commissioner of the Metropolitan Water Board was appointed at a salary of $55 000 a year, no fewer people will be employed in the administration. As a matter of fact, in the MWB the person who was acting as the underling—the former acting general manager, who is now the chief administration officer—is receiving about the same salary as he received before the appointment of the commissioner. All we did was to top load the board with additional personnel.

It seems that is what the Minister is bent on doing on this occasion. I have read the speech that he made, and he has not indicated any economy to be gained by the move that he proposes. He will make the situation worse by approaching it in this way; and we will receive little satisfaction from what the Minister is proposing.

It is interesting to note that in a slightly larger State like South Australia—larger in its population—the fire brigade service costs $14 million a year. However, in Western Australia it is already costing $21 million. I agree that we have the Port Hedland section, and sections on the goldfields which have to be maintained. Although they might lift the cost, it does not mean that the cost in this State should be so much more than it is in South Australia.

The Minister must answer many questions in relation to fire brigade financing in this State before he can get away with a proposition such as this.

The proposed amendments could create industrial relations problems. As a result of the Bill, the chief officer will become a Government employee instead of an employee of the board. Therefore, the conditions under which he works at present as an employee of the board may be in jeopardy when he becomes a Government employee. I refer particularly to superannuation; it appears that, on retirement, the amount which will be due to him may reduce from in excess of $100 000 to approximately $40 000. It is clear the enthusiasm of a person accepting that position could be affected as a result of that situation.

Mr Hassell: What clause are you referring to?

Mr JAMIESON: I am referring to the overall position of the chief executive officer and a chief officer who, at present, are employees of the board, but will become Government employees as a result of the amendments in the Bill. The chief officer's entitlement to long service leave, annual leave, sick leave, etc. may be in jeopardy and the Minister should explain the situation in relation to this officer. Only one person may be affected by

the change but, nevertheless, he has an important part to play in the operations of the fire brigade.

It is strange that an executive chairman is to be appointed. It has been suggested the position will be held by a metropolitan mayor and time will tell whether that is true. Regardless of who fills the position, it appears that he will not have had a great deal of training in fire fighting and associated work.

Fire fighting is a specialised occupation, and all the senior officers, apart from the executive chairman who is to be appointed, are required to have professional training. The director of engineering, the chief of forestry, and the Commissioner of Public Health are specialists in their own fields. I do not believe it is necessary to appoint an executive chairman who is not a specialist in this area and it seems unjust to do so. This may be an attempt by the Government to placate the constant lobbying of the insurance people for whom I do not have any sympathy, because they would be worse off if their interests were not protected by fire brigades. Up to the present time problems have existed in the financing of the system, but the various insurance companies benefit from the services of the fire brigade. Therefore, it is just that they should make a contribution towards fire fighting in this State.

I have been involved in a number of discussions with members of the union in relation to this matter and I was told little consultation took place on this Bill between the Government and the union. I believe in February a two-hour meeting was held to discuss this matter and, as requested, a written submission was provided on the structure of the board. I have a copy of that submission and, in the first place, I believe it was sent to the President of the Fire Brigade Employees Industrial Union of Workers of WA. It appears the Minister has not been prepared to bring union representatives into his confidence in relation to this matter. Where such a vital service is involved—indeed, it can be compared with the Police Force—it is important the people concerned are reasonably happy with the changes proposed by the Government.

For a considerable time requests have been made by local authorities for the construction of the Wangara fire station at Wanneroo. However, as a result of the high salaries paid to the people employed by the Government in top positions in the fire brigade service, it appears less money will be available for the provision of that fire station. Therefore, it looks as though the people in the northern suburbs will have to wait even longer for the construction of the Wangara fire station as a result of this Government's actions.

The Minister indicated this Bill was an interim measure and it was intended a major review of the situation would take place. However, I doubt whether the interim measures proposed will do much good. The Government appointed a commissioner to the Water Board as an interim measure and that has not brought it many plaudits. Indeed, the position of the board seems to have become worse, and the Government intends now to change the position once more. I realise that is not relevant to the Bill, but it provides an indication of the Government's attitude on these matters.

The Government is paranoid about setting up top administrative positions which, in the long run, do not result in good administration, but tend to act only as an encumbrance to the extent that administration becomes top heavy.

Already the board experiences administrative problems and finds it difficult to organise meetings which can be attended by all the officers concerned. However, the Government proposes to appoint a further officer to the board and that will make it even more difficult for them to get together. A service board of this nature should be as small as possible. It should be chaired by a person trained professionally in fire fighting and there should be one representative from the insurance companies and another from the employees associated with fire fighting activities. A board constituted in that way should be adequate to administer an organisation such as this. However, previous Governments decided that local authorities, such as the Perth City Council, should be represented on the board, without giving any thought to their expertise, or lack of it, in the fighting of fires. It is possible previous Governments have seen this as a sop for local authorities, because they have been responsible for collecting a portion of the finance required to run fire brigades. However, that will not lead to efficiency and it is essential an efficient board runs this sort of organisation. The Minister should give much more thought to this matter. The board has become less flexible, and this could cause some of the problems I have listed and a degree of industrial disputation.

Another point which worries me is that, at the present time, the motor vehicle rescue squad forms a very important part of the fire brigade, but has no legal coverage. It is high time the Minister gave thought to this matter. If the squad is to remain and to continue to be pressed into action as often as it has been in the past, it will need more equipment. However, the fear is that,

if any further cutbacks are made, this squad will be one of the first sections to go. I should imagine that the insurance companies would be saying that the fire brigade is there to fight fires rather than to rescue people from motorcars.

Several other features affected by this Bill need comment, and this can be done as we discuss the various clauses. We have not finished hearing about all these matters, because problems will occur if we are not prepared to change the present situation.

I do not understand why the Government was not prepared to make the salary of the newly created position of executive chairman subject to the Salaries and Allowances Tribunal's deliberations rather than make it the responsibility of the Government, through the Minister. I should imagine the Minister would desire to get away from this sort of thing. If his salary had to be raised for some reason, the Minister could be accused of duchessing the person appointed. When the Government has appointed such people before, it has had the Salaries and Allowances Tribunal determine the salary. I have mentioned this previously when referring to the tribunal's reports.

When amending an Act like this, many reasons could be given for providing for a worker representative on the board. For many years we have had pressures for this to occur. Until such a representative is appointed the pressures will continue.

It is not necessarily intended that a fire fighter should be the representative, because members of the Civil Service Association are involved with the fire brigade. We envisage all employees of the fire brigade being a party to the election of a representative. It seems more than passing strange that the volunteer fire brigades are entitled to elect a representative to the board, yet the permanent fire fighters—the professionals—have no such entitlement.

It is no good the Minister's saying that the chief fire officer is the representative. As with a captain of a ship, he cannot always side with his men during disputes. The men must have a representative who can put their case to those who do not see eye to eye with them on matters such as shifts.

I have listed but a few things to which the Minister should address himself. He should indicate why it is necessary to proceed with this Bill. It is certainly not clear from his speech. In the main he merely set out that the board is to be responsible to the Minister, that it was an interim measure, that he would appoint an executive chairman, and similar sorts of gobbledegook.

At present, the chief fire officer attends most meetings, but in future he will be a member of the board by virtue of the office he holds. However, he might be in a worse position in future because of the reasons I listed. The new executive chairman will be paid about the same as the chief fire officer. The same could occur as occurred at the Metropolitan Water Board. It had an executive officer with a commissioner then being appointed above him with a higher salary—without achieving anything.

I already have mentioned the difficulty that could occur when the executive chairman and the chief fire officer apply for long service leave and superannuation because they are appointed by the Governor-in-Council.

We have some worries about the provision to ensure there is ready access to exits in buildings so that the public can disperse from buildings in case of fire. That provision concerns us because it might be used when people occupy a building. We have had people occupy Commonwealth Government buildings and so on, especially during political troubles. It is to be hoped the Government does not use the fire brigade as a bomb disposal unit. Members of the brigade should not be used for that purpose. The amendment is not clear and it is hoped this additional power will not be used for this purpose. Certainly we would not like this power to be used for industrial or political activity; for instance, to close down the labour centre. For those reasons we are very doubtful that this power should be vested in the chief fire officer.

It is quite acceptable that the fire brigade should have power to unlock exits which might cause problems to members of the public. The situation could occur as has occurred in night clubs in the Eastern States where many people when trying to get out quickly have been caught in a building only to be incinerated because insufficient exits were available to allow their safe and early removal. For those reasons it is desirable that a building be closed for 48 hours as is proposed and, should nothing be done, to give the court power to issue an order to keep the building closed.

The Minister mentioned the service rendered by the President of the Fire Brigades Board (Mr Turnbull). I have known him for a long time and I suppose he has done a reasonable job. No doubt many of his predecessors did a reasonable job, but no more than would be expected of a person prepared to take that position with the board. I

note that Mr Turnbull has been with the board since 1970, and his long service no doubt has been appreciated by the community.

At this stage I have to say that is all about the Bill. The Opposition will support it, but we have certain fears and worries about it. I will move my proposed amendments during the Committee stage.

MR HASSELL (Cottesloe—Minister for Police and Prisons) [12.05 a.m.]: I thank the Opposition, and in particular the member for Welshpool, for indicating support of the Bill. I owe the member for Welshpool explanations on some of the points he raised, although I appreciate he will raise further points during the Committee stage.

He referred to a considerable salary impost and later to the chief executive officer presently with the board. The member implied that a duplication may occur. The actual salary cost increase will be relatively small because there will not continue to be a chief executive officer; a secretary will assume that role, and the position will not be of the order it is at present.

Mr Jamieson: It won't be $10 000 less though.

Mr HASSELL: But it will be less. In addition, the fees presently paid to the president will not continue. When these amounts are added it can be seen that the net cost of the replacement will not be great.

Mr Jamieson: I will have a little wager that it will be at least $50 000 a year.

Mr HASSELL: I would be very surprised if it were; but I am answering the member's point in which he implied that a duplication of the positions of executive chairman and the chief executive officer will occur. I have made it clear to the board that the present chief executive officer must be properly and fairly treated as a result of his long service to the board.

The member raised the issue of whether the chief officer will be an employee of the Government because he will be appointed by the Governor. It is not the intention that he be an employee of the Government, but obviously I will check that point to determine whether the interpretation the member places on the provision is correct. Other than reference to the appointment by the Governor, no reference is made to the appointee being an employee of the Government, and it is not intended that the position should change.

Mr Jamieson: If it is not correct and you put through this legislation how will you rectify it?

Mr HASSELL: I will check the matter before we put the legislation through all its stages in the Parliament. I will ensure that the person to whom the member referred will not be an employee of the Government. If necessary I will have the matter taken up in another place. I do not believe the Bill provides that the appointee be an employee of the Government, but if the member can assist by pointing to the clause which he believes—

Mr Jamieson: I did—the one on the executive officer appointment.

Mr HASSELL: I do not accept that merely because the officer is appointed by the Governor he ceases to be an employee of the board, and that is supported by other provisions. However, it is a point raised by the member, and certainly I will have it checked first thing in the morning.

The member referred to rumours as to who will be appointed as the executive chairman. I make it clear to the House, and in particular to the member for Welshpool, I have no person in mind and never have had for this position. The first I heard of possibilities for the appointment was when rumours circulating were related to me. I heard one for the first time tonight, and one some time ago. On both occasions the rumour was news to me.

The intention is that applications will be called, and that we should obtain the best possible person for the job. It is an important job, and the success of these amendments will depend entirely upon the quality of the person appointed. If we do not make a good appointment we will not achieve our objectives.

The member referred to the establishment of a new fire station at Wangara or Joondalup, or elsewhere in the Wanneroo area. Wherever it is sited is unrelated to the matter before us; it is a capital works question and quite apart from the question of salaries to which the member referred.

The member dealt with the size of the board, and I am not in complete disagreement with him. The board is rather large in number, but after much consideration of the many options we decided consciously not to change the size of the board at this stage. The board is representative of local councils, insurance companies and volunteers, and it comprises, as the member is aware, certain Government appointees. Perhaps it is too large, and certainly that is an issue to be considered in the future.

The Government and I see the important part of this question as being that of ensuring the right person is at the top of the administration, at the same time recognising the importance of the chief officer and placing him on the board to improve the whole operation.

The member referred to the whole operation, and its cost. Good reasons are available for savings being sought, and I hope savings can be made. The member referred to a representative of the workers, but that is a little counter to his suggestion that the board is too large. However, that is another matter and we will deal with it in Committee.

The motor vehicle rescue section is a separate issue, and reference is made to it by one of the proposed amendments the member has placed on the notice paper. It can wait for discussion in Committee.

The member referred to the salaries being the subject of consideration by the salaries tribunal. It is the Government's intention not to do anything unusual. The member will notice the legislation provides for consultation with the Public Service Board. The position is a particular one, and it will be dealt with in the usual way within Government; nothing is odd about how that will be done.

I was surprised indeed the member raised concern in regard to the exits of public buildings, and the clearing of those buildings in the case of emergency. Clearly the measures are needed; we seek to provide public protection. The necessary power is provided in the legislation, with the attempt to balance that power with the safeguard of public buildings by ensuring that an order to clear or close a building is regarded only as a last resort. We provide that the power can be exercised only for a limited period before which reference must be made to a court. The provision is clear in its terms. It is directed to safety, and it is clear what it intends to do. I would have thought there would be no opposition to that provision.

I thank the Opposition for its support of the thrust of the measures. Clearly some aspects will be debated in detail when we reach the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 4 amended—

Mr JAMIESON: I will deal with the amendment in the name of the member for Fremantle which is on page 10 of today's notice paper. It is necessary to make this amendment fairly broad because the other definitions deal with the composition of the board. I will have to roam a bit and to give a reason for our having the employees' representative on the board.

In his reply to the second reading the Minister indicated that I was having two bites of the cherry—one at the stem and one at the top—because I wanted another member on the board. I suggested also that the board was too big. I thought I was rather clear in stating that the optimum board at the moment would be one that had a fire brigade head with a representative from the insurance companies and a representative of the employees. I still think there should be an employees' representative on the board. In relation to the other representatives mentioned, the legislation is fairly abstract concerning what expertise they would have relating to fire fighting in Western Australia. I think it is reasonable that we should have a true representative of the employees in the business associated with fire fighting and to appreciate what they do. To do this we must make an amendment.

I move an amendment—

> Page 2, line 17—Delete the word "definition" and substitute the word "definitions".

Mr HASSELL: As the member for Welshpool indicated, this is the first of a series of amendments which, when put together, have as their objective the inclusion on the Fire Brigades Board of what is referred to as an employees' representative. It is not the decision of the Government that this should be done. The matter was raised with me by the union some time ago. It was considered, but it was not accepted, and I told the union that it was not accepted.

The intended amendment to include the chief fire officer as a member of the board is a proper amendment. It is not considered that it is appropriate to include an employees' representative on the board at this stage. The board is the body having a statutory responsibility for the management of the fire brigades subject to the executive chairman's duties under the amended structure. The chief fire officer will be the head of the operations section of the fire brigades and will represent the operational side. In those circumstances, it is our view that we have gone as far as we should go at this stage, and that it is a step forward in terms of the men who see their chief of operations to be in a position of being a member of the board. They see that he is appointed by the Government. It is important that we recognise the status, the authority, and the leadership of the chief officer, sometimes referred

to as the chief fire officer, as it is he who goes onto the board and represents the operational side and takes responsibility of management for the Fire Brigades Board. It is not our view that we should include the employee representative who is, in effect, to be a union representative. We cannot support this amendment.

Mr JAMIESON: Although the Minister has gone into detail, he has not given a good and sufficient reason that he could not expand it to include a member who worked for the board.

In the Minister's letter of 26 March to Mr Trainer, Secretary of the Fire Brigade Employees Industrial Union of Workers of WA, several paragraphs are worth recording. I will read from the letter as follows—

> It is not intended that the Chief Officer should be a "representative" of permanent firefighters. However, he is the most senior permanent firefighter, and I have no doubt has a proper understanding of the work, responsibilities, difficulties and needs of firefighters.
>
> The Government was not prepared to provide in these amendments for what you describe as "employee representation" on the Fire Brigades Board. However, I can say to you that it was as a direct result of your representations, and towards meeting them, that the proposals in relation to the Chief Officer have been formulated.

It is a bit like saying, "We will appoint somebody to represent you on the management board." This just will not do, of course. He cannot have both sides of the coin. Nobody is arguing about his capabilities in relation to fire fighting, but I doubt whether he understands and is capable of communicating with the lesser echelons of the employees of the Fire Brigades Board.

I insist that the Minister gives further consideration to the provision of this extra person on the board, which is large enough now.

Rather than reduce it, he has chosen to enlarge it and therefore it would not hurt to go one step further.

Mr HASSELL: I am happy to hear the member for Welshpool quote the letter I wrote to the union. It is not inconsistent with what I said this evening, but the point is that I did not say that the chief officer became a representative of anybody on the board; I said he became a representative of the operational side of the fire brigades. That indeed is what he is—the chief of operations—and he represents the essential part of that operation.

I also accept—and I am sure my memory is not faulty in this regard—that the union itself supported the inclusion of the chief officer as a member of the board and it was as a result of that that it was carried forward in the way it was. That is what I said in the letter.

Amendment put and a division taken with the following result—

Ayes 16

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Terry Burke	Mr Pearce
Mr Carr	Mr A. D. Taylor
Mr Evans	Mr I. F. Taylor
Mr Grill	Mr Tonkin
Mr Hill	Mr Wilson
Mr Hodge	Mr Bateman

(Teller)

Noes 22

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr O'Connor
Mr Court	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich

(Teller)

Pairs

Ayes	Noes
Mr Bryce	Mr Shalders
Mr Bridge	Dr Dadour
Mr Parker	Mr Williams
Mr Davies	Mr Sodeman
Mr McIver	Mr Sibson
Mr Harman	Mr Herzfeld
Mr Brian Burke	Mrs Craig

Amendment thus negatived.

Progress

Progress reported and leave given to sit again, on motion by Mr Hassell (Minister for Police and Prisons).

House adjourned at 12.29 a.m. (Wednesday)

QUESTIONS ON NOTICE

TRAFFIC

Widgee Road

775. Mr WILSON, to the Minister for Police and Prisons:

(1) What special efforts, if any, have been made by the police traffic patrol to curtail excessive noise and speed of traffic in Widgee Road between Alexander Drive and Camboon Road, Noranda, during the first four months of this year?

(2) How many infringement notices have been issued in the course of such action by the traffic patrol in this section of Widgee Road?

(3) Is his department aware that heavy vehicles carrying sand and refuse and numbering up to a 100 per day, are traversing this section of Widgee Road with their loads uncovered?

(4) If "No" to (3), is he prepared to ensure that special attention is given to arranging for special checks to be made to ensure that the contractors concerned are made aware of the need for such loads to be properly covered?

Mr HASSELL replied:

(1) Daily patrols and special action squads.

(2) Records are not kept in infringement notice statistics of specific areas.

(3) Yes.

(4) The road patrol has been instructed to pay special attention with regard to road traffic code regulation 1610 covering the security of loads.

NOISE: TRAFFIC

Nollamara: Petition

776. Mr WILSON, to the Minister for Police and Prisons:

(1) What action has been taken in response to my forwarding a petition from residents in Flinders Street and Ilumba Way, Nollamara, regarding problems associated with noisy and dangerous traffic in their vicinity, to the Commissioner of Police on 9 March 1982?

(2) What further action, if any, is to be taken following the death of two people when their car crashed into a retaining wall in front of house number 357 Flinders Street on 24 April 1982 after failing to negotiate the sharp curve in the road at that point?

Mr HASSELL replied:

(1) Daily patrol attention by patrol personnel.

(2) This matter is the subject of a coronial inquiry. Depending on the coroner's findings, action will be taken where necessary.

ABORIGINES: RESERVES

Camping

782. Mr WILSON, to the Honorary Minister Assisting the Minister for Community Welfare:

(1) Can he confirm that the Department for Community Welfare's report on Aboriginal camping reserves recommends the closure of these reserves vested in the department as a prime aim and that little consideration is given in the report as to how the reserves are to be held or used after such closure?

(2) If "Yes", how does this recommendation measure up to any recognition of the concept of self-determination and management for the Aboriginal people living on these reserves?

Mr SHALDERS replied:

(1) and (2) As advised in answer to a previous question, the report is an internal working document and it is not intended that the information and recommendations contained in it will be subject to public release at this time.

COMMUNITY WELFARE: DEPARTMENT

Staff: Establishment Ceiling

789. Mr WILSON, to the Honorary Minister Assisting the Minister for Community Welfare:

(1) With reference to his answer to question 69 of 28 April 1982, how does he explain the apparent discrepancy between the Department for Community Welfare's staff establishment ceiling of 1 521 and the actual staff establishment as at 28 February 1982, of 1 444?

(2) Which positions were vacant and in which offices of the department did these vacancies exist as at 28 February 1982?

(3) What is the average time for which these positions had been vacant?

Mr SHALDERS replied:

(1) The discrepancy between the Department for Community Welfare's staff establishment ceiling and the actual staff establishment as at 28 February 1982, is a direct result of vacancies caused by resignations, promotions, transfers, as well as some items awaiting redeployment following the takeover by the Commonwealth of sole parent benefits. In addition to these reasons there is a requirement to keep within the cash allocation for the staff budget.

(2) PUBLIC SERVICE (51)

Admin. and Clerical

Typists	3	
Clerks	18	
Investigation officers	2	23

(This figure includes 12 positions held vacant following the takeover by the Commonwealth of sole parent benefits. They are to be redeployed in other areas).

Field Division

Field officers	20	
Asst. chairman child panel	1	
Youth activities officer	1	
Clinical psychologist	2	
Family court counsellor	1	
Senior lecturer, community services training centre	1	
Clerical assistants	2	28

(Field officers include six trainee field officer items to which appointments were made in March).

MINISTERIAL (26)

Hostels	1	
Homemakers	28	
Welfare assistants	6	
Parent helpers	5	
Child care coordinator	1	
	41	
Less institutions—supernumerary persons covering leave	15	26
		77

(3) With the exception of 12 clerical items held for redeployment, the other items would have been vacant for an average time of two months.

ROADS

Road Maintenance Tax and Fuel Franchise Levy

794. Mr COWAN, to the Minister for Transport:

(1) In the last year in which it was applied, what was the revenue collected by the Government from road maintenance tax?

(2) Since the introduction of the State fuel levy—

(a) what is the annual or estimated revenue gained from the levy;
(b) what was the initial rate of the levy on petrol and distillate;
(c) how many times has the levy been increased, and when; and
(d) how much was each increase in the levy for both petrol and distillate?

(3) Including the last year in which road maintenance tax was collected, what is the—

(a) amount;
(b) source;

of all funds expended in Western Australia on the construction of and maintenace of roads?

Mr RUSHTON replied:

(1) 1978-79 $5 697 204.

(2) (a) 1979-80—$16 904 788
1980-81—$24 438 609
1981-82—$28 993 000 estimated;

(b) 0.9c/L for motor spirit
3.0c/L for diesel fuel;

(c) three times—1 July 1980
—1 July 1981
—1 July 1982;

(d) 1 July 1980
Motor spirit increased by 0.4c/L
Diesel fuel—nil increase

1 July 1981
Motor spirit increased by 0.3c/L
Diesel fuel—nil increase

1 July 1982
Motor spirit increase by 0.25c/L
Diesel fuel increase by 0.4c/L

With abolition of road maintenance tax from 1 July 1979, there was also a reduction of 20 per cent on all vehicle licence fees, except heavy trucks.

3 (a) and (b)

Source of Income	1978-79	1979-80	1980-81	1981-82 Estimated
Motor vehicle licence fees	43 839 923	40 419 954	41 100 994	47 400 000
Drivers licences	2 970 066	2 330 625	1 536 259	—
Overload/Oversize permits	190 379	210 396	343 436	420 000
Road Maintenance	5 697 204	980 247	28 313	6 750
Fuel Franchise Licence Fees	—	16 264 788	24 438 609	28 993 000
Loan Borrowings	1 000 000	600 000	1 800 000	200 000
Supplementary State Grant	—	2 000 000	2 500 000	2 500 000
Rents Receivable	830 391	802 629	1 023 322	1 100 000
Miscellaneous Receipts	906 606	50 986	355 881	301 800
Work on behalf of other Authorities	3 168 001	5 574 176	13 539 270	4 815 000
Road Grants Act	64 382 000	69 198 000	76 914 000	83 895 000
Transport Planning and Research Act	342 060	372 901	304 120	—
Urban Public Transport Improvement Programme	65 990	—	—	—
Restoration of State Assets—Natural Disasters	505 555	1 463 702	1 511 170	1 500 000
	123 898 175	140 368 404	165 395 374	171 131 550

795. *This question was again postponed.*

HEALTH: RADIATION

Monazite: Transport

802. Mr HODGE, to Minister for Health:

(1) In view of the high radiation levels adjacent to stored monazite which he reported in his reply to question 37 of 1982, is his department concerned about the doses received by drivers transporting this material?

(2) From which ports is the monazite from Encabba and Capel shipped overseas?

(3) How is the monazite transported to these ports?

(4) Is it fact that the regulations of the Radiation Safety Act specify a maximum radiation dose rate of 2.5 millirem per hour in the cabin of a truck transporting radioactive materials?

(5) Have the cabins of trucks transporting monazite been monitored for radiation levels?

(6) Are drivers transporting monazite monitored for radiation dose?

(7) If not, why not?

Mr YOUNG replied:

(1) No, the drivers are not adjacent to the packaged monazite.

(2) My advice is Fremantle and Melbourne.

(3) By container either by road or rail.

(4) This is another misquotation or misrepresentation of the regulations. The regulations do not mention the cabin of the truck. However, the maximum of 2.5 millirem per hour is specified for drivers.

(5) No, but radiation levels around the containers in which monazite is transported have been measured and in the position of the driver of a truck would not exceed 2.5 millirem per hour.

(6) No.

(7) Knowledge of radiation dose rates from monazite, duration and frequency of transport renders monitoring unnecessary.

803 and 804. *These questions were postponed.*

HEALTH: TRONADO MACHINE

Fluoroptic Thermometer

805. Mr CRANE, to the Minister for Health:

(1) Is he aware of the 1980-81 annual report of Sheffield University which states—

> That tumor cells can be selectively killed by heating them to between 42-43.5C (hyperthermia) is now well established?

(2) Is he also aware of a letter published in *The West Australian* of 23 June 1979, by Mr R. Stanford, who was head of Royal Perth Hospital's department of medical physics for over 20 years, claiming—

> Recent work has shown that microwave equipment identical to that used in the Tronado does produce a rise in temperature deep inside the body. This rise in temperature is significant and it has an equally significant effect upon living cells?

(3) Is he further aware that Mr Stanford again said in a letter dated 28 February 1981—

The capability of the Tronado operating at 434 MHz to produce a rise in temperature of body tissue has been proved beyond all doubt?

(4) Does he know of the availability of an instrument model 1000A fluoroptic thermometer developed by "Luxtron" California, which it is claimed is invaluable in the cancericidal temperature field as it is capable of taking fast direct temperature measurements at any point of interest during the heating cycle by using a new patented technology in optical instrumentation, with no perturbation of the healing process?

(5) In view of all the conflicting reports, claims, and counter claims surrounding the Tronado machine, will he arrange for the purchase of a model 1000A fluoroptic thermometer from Luxtron immediately for use by the National Health and Medical Research Council and other interested parties to so enable further positive research into the control and possible eradication of cancer?

Mr YOUNG replied:

(1) to (3) I am aware of the reference to hyperthermia in the annual report of Sheffield University and of the claims made in the letters referred to in questions (2) and (3).

It is of course well known that experimentally malignant cells can be selectively destroyed by hyperthermia and to determine whether this can be translated into a therapeutic effect with patients is essentially the purpose of the proposed trial.

(4) and (5) Inquiries are currently being made with the manufacturer as to the details of the fluoroptic thermometer—model 1000A—and the feasibility of using it to study temperature changes during VHF therapy of cervical cancer is being studied. The final decision as to its use will of course rest with the clinicians conducting the trial.

806. *This question was postponed.*

ABATTOIR

Esperance

807. Mr EVANS, to the Minister for Agriculture:

(1) Is it expected that the construction of the abattoir at Esperance will proceed, and if so, when is it expected to be operative?

(2) What company is constructing the Esperance abattoir and who comprises this company?

(3) Has plant and machinery been purchased from the Midland Junction abattoir for the Esperance abattoir, and if so—

(a) what plant and at what price;

(b) was such plant purchased on a tender basis;

(c) were there any other tenderers, and if so, how many;

(d) was the lowest tender accepted in each case, and if not, would he give details?

(4) If this plant was not purchased on tender, how was it sold?

Mr OLD replied:

(1) Yes. It is planned to commence operations in mid-1983.

(2) It is expected that the successful tenderer for consultants of the abattoirs will be announced on 14 May 1982.

(3) (a) Details of the equipment sold and price paid were given in reply to question 142 on 30 March;

(b) yes; a number of pieces of equipment were subject to further negotiation—refer (4) below;

(c) yes; 73;

(d) no; with regard to a small number of vital pieces of equipment Esperance Meat Exporters, as the major tenderer were given special consideration.

(4) Except as indicated in (3) above, if the tender price was considered unacceptably low, or when the tenders were equal, the commission was authorised to enter into direct negotiation with all tenderers.

TRANSPORT: TAXIS

Meters and Radios

808. Mr BRIAN BURKE, to the Minister for Transport:

(1) Does the Taxi Control Board require that all taxi drivers use a specific brand of radio and specific brand of meter?

(2) If "Yes", what brand is used in each case?

(3) Are all taxi drivers required to go to a radio school to learn the use of their radios?

(4) If "Yes" to (3), which one?

Mr RUSHTON replied:

(1) No.

(2) Not applicable.

(3) Prior to becoming registered as a taxi car driver new members to the industry are required to attend an approved training school.

Included in the curriculum at this school is a course on radio voice procedure applicable to the industry.

(4) Taxi Management Company,
1008 Beaufort Street,
INGLEWOOD W.A. 6052.

SEWERAGE

North Beach, Scarborough, and Trigg

809. Mr BRIAN BURKE, to the Minister for Urban Development and Town Planning:

(1) Is she aware that the State Government's new policy requiring deep sewerage for any development over a single residential house has led to financial difficulties for people in the coastal areas of North Beach, Trigg, and parts of Scarborough who have properties for sale as duplex and multi-unit blocks?

(2) Will she ensure that appropriate exemptions will be made for individuals who have been financially disadvantaged by the new policy?

Mrs CRAIG replied:

(1) and (2) I table the policy document on sewerage for the member's information and refer him to the heading "Policy Implementation" on page four of the document.

As stated in the document the policy does not affect development rights under a current town planning scheme, and therefore it should not be creating financial difficulties.

However, I am aware that there has been some misconception of the policy caused by ill-founded rumours prior to the policy's release.

These rumours were reported by the media in relation to a gentleman who sought—and continues to seek—development rights over and above that which currently exists. Specifically he seeks triplex development rights where the zoning of the land in question will only allow a duplex. Such considerations are not related in any manner to the new sewerage policy.

I note that the member has not questioned the policy and I appreciate his acceptance that it is sound and in the interests of the community.

The document was tabled (see paper No. 202).

FISHERIES

Salmon

810. Mr BRIAN BURKE, to the Minister for Fisheries and Wildlife:

(1) Has the Director of Fisheries and Wildlife approved that a licensed salmon fisherman can fish on Pallinup Beach which is licensed in his name?

(2) If so, why?

Mr OLD replied:

(1) and (2) Under the provisions of a ministerial notice published in the *Government Gazette* on 30 April 1976, Mr W. Cagnana has a limited entry licence authorising him to engage in the South Coast Salmon Fishery on Pallinup Beach.

811. *This question was postponed.*

EDUCATION

Ethnic Community Schools

812. Mr TERRY BURKE, to the Treasurer:

(1) What is the Government subsidy to ethnic community schools?

(2) Would he list the schools and their locations?

(3) How many children are involved in each school

(4) What is the number of staff?

Mr O'CONNOR replied:

(1) The State Government does not subsidise the ethnic community schools.

(2) to (4) Not applicable.

813 and 814. *These questions were postponed.*

WASTE DISPOSAL: RUBBISH

Composting

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

(1) What Government assistance is being offered to firms endeavouring to install composting plants for the recycling of garbage in various council areas throughout the metropolitan and near-metropolitan area?

(2) What councils are endeavouring to introduce such plants, and what stage has each reached?

Mr LAURANCE replied:

(1) The Government, through the waste disposal advisory and technical committees and various refuse disposal zone committees, provides a consultative and advisory service to industry and local government.

Composting is only one of a number of methods for recycling of refuse which is examined by these committees and this department. Every encouragement is given to development of such schemes, however, much depends on their economic viability.

(2) I believe the Perth City Council is the only council examining the possibility of introducing such a scheme. Many local authorities have introduced recycling of various materials and Rockingham is considering a comprehensive recycling plant.

816 to 818. *These questions were postponed.*

CONSERVATION AND THE ENVIRONMENT

Banksia Goodii

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

(1) Is it a fact that *Banksia goodii* is a rare and endangered species?

(2) Where is it known to exist in this State?

(3) Is he aware of reports of substantial clearing of an area of land close to Albany involving tracts of *Banksia goodii?*

(4) Was action taken by officers of—

(a) his department;

(b) Fisheries and Wildlife Department;

to stop the bulldozing taking place?

(5) (a) What area of land was cleared;

(b) what area of land was saved from the clearing;

(c) how many plants were saved;

(d) how many plants were destroyed?

(6) What is the penalty for destroying rare and endangered plants?

(7) (a) Has any action been taken against the person responsible for the clearing;

(b) if so, what;

(c) if "No", why?

Mr LAURANCE replied:

(1) Yes.

(2) *Banksia goodii* occurs between Albany and the Porongurup Range.

(3) The department was informed that clearing was taking place in an area that was reported to contain *Banksia goodii.*

(4) (a) and (b) An officer of the Department of Fisheries and Wildlife contacted the landholder and informed him that there was *Banksia goodii* on parts of his property and advised him of the provisions of section 23F of the Wildlife Conservation Act.

(5) (a) In the order of 3 hectares;

(b) not known;

(c) not known;

(d) not known.

(6) A penalty not exceeding $1 000.

(7) (a) to (c) The landholder has been interviewed and discussions are proceeding for the preservation of the remainder of these plants on his property.

FLORA

Rare and Endangered

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

(1) (a) How many plants in this State are listed as rare and endangered;

(b) what are they; and

(c) where are they found in each instance?

(2) What is considered to be the number of plants not yet gazetted, and in need of such protection?

Mr LAURANCE replied:

(1) and (2) See Department of Fisheries and Wildlife departmental report No. 42 tabled herewith.

Pages 9, 10, and 11 are particularly relevant.

The report was tabled (see Paper no. 202).

WASTE DISPOSAL: RUBBISH

Stirling City Council: Baling Plant

821. Mr WILSON, to the Minister for Health:

I refer to a letter from the Minister of 2 February 1980 assuring me that his approval of the City of Stirling baled waste disposal operation in Alexander Drive, Yirrigan, would be subject to several constraints, and ask: In view of increasing reports from residents in Noranda and Dianella and other residential areas in the vicinity of this waste disposal operation of the strong unpleasant stench reaching their homes from the operation, what action is he prepared to take to overcome this problem?

Mr YOUNG replied:

There is no record of reports being received by my department regarding unpleasant odours emanating from the waste disposal operation. Inquiries also indicate that the City of Stirling has not had any significant complaint in this respect.

The condition of the site is regularly monitored by officers of the City of Stirling health department and periodic visits are made by departmental staff. These visits should ensure that unsatisfactory conditions do not occur.

HOUSING: EMERGENT AND WAIT TURN

Port Hedland and South Hedland

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

How many State Housing Commission applicants are listed for—

(i) wait turn; and

(ii) emergent assistance;

in Port Hedland and South Hedland for the following categories of accommodation—

(a) single detached two bedroomed homes;

(b) single detached three bedroomed homes;

(c) single detached four bedroomed homes;

(d) townhouses;

(e) two bedroomed flats;

(f) three bedroomed flats;

(g) two bedroomed duplexes;

(h) three bedroomed duplexes?

Mr SHALDERS replied:

(i) and (ii) The State Housing Commission has one applicant listed for emergent assistance in the Port Hedland or South Hedland areas.

The numbers of applicants for varying types of housing as listed in the Port Hedland and South Hedland areas are—

(a) 55;

(b) 53;

(c) 3;

(d) as for (a) and (b) no separate listing;

(e) (Morocan Units)—53;

(f) (Morocan Units)—included in (e);

(g) included in (a);

(h) included in (b).

HOUSING: HOME BUYERS ASSISTANCE FUND

Bond Moneys

823. Mr WILSON, to the Minister representing the Chief Secretary:

(1) Will any of the moneys paid as bonds on private tenancies and deposited in trust by real estate agents or interest on such bonds be used in establishing the proposed home buyers assistance fund?

(2) If "Yes", what proportion of the fund will be represented by interest earned on deposited bond moneys?

Mr HASSELL replied:

(1) None of the moneys paid as bonds on private tenancies and deposited in the real estate and business agents deposits trust by real estate agents will be used in establishing the proposed home buyers assistance fund.

It is proposed that part of the moneys resulting from interest on investments of moneys deposited in the trust will be used in establishing the proposed home buyers assistance fund.

(2) Agents' contributions to the trust are based on 35 per cent of the lowest balance in the previous financial year of their trust account or the lowest sum of balances if more than one trust account is maintained. The Act does not require agents to provide an analysis of the source of his trust funds, therefore the proportions of the trust comprising bonds and other trust moneys is unknown. It follows that the proportion of the proposed fund represented by interest earned on deposits trust moneys is unknown.

HOUSING: COMMONWEALTH-STATE AGREEMENT

Home Purchase Assistance

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

(1) How much from the 1981-82 allocation of funds under the Commonwealth-State housing agreement is being spent on home ownership or home purchase assistance programmes in Western Australia?

(2) What proportion does this represent of the total allocation of funds to Western Australia under the Commonwealth-State housing agreement for 1981-82?

Mr SHALDERS replied:

(1) and (2) $6.519 million, being 50 per cent of Commonwealth advances, was allocated to the home purchase assistance scheme in 1981-82. In addition, $5.781 million was made available to the scheme from internally generated funds.

HOUSING

Tenancy Laws

825. Mr WILSON, to the Honorary Minister Assisting the Minister for Consumer affairs:

(1) In view of previous assurances by his predecessor as Minister that the Government was monitoring the operation of tenancy laws in other States, what progress has been made in consideration of the need to strengthen tenancy laws in Western Australia?

(2) Does the Government regard the current situation characterised by a severe shortage of rental accommodation and uncontrolled high increases in rent as an impetus for the introduction of new tenancy laws?

(3) If "No" to (2), why not?

Mr SHALDERS replied:

(1) Monitoring is continuing. However, both the Bureau of Consumer Affairs and Small Claims Tribunal report that the level of tenancy complaints is not rising. Furthermore the recent widening of jurisdiction of the Small Claims Tribunal in tenancy matters has improved the range of claims which may be handled.

(2) and (3) There is evidence that there is some shortage of rental accommodation, but it is not regarded as "severe" and there is not seen to be evidence of "uncontrolled high increases" in rent.

QUESTIONS WITHOUT NOTICE

INTEREST RATES: AUSTRALIAN SAVINGS BONDS

Increase

282. Mr BRIAN BURKE, to the Treasurer:

Has the Government received a telex, sent last Friday by the Federal Treasurer, seeking the Western Australian Government's agreement to rises in Government bond rates?

Mr Young: Did you get your copy before us?

Mr BRIAN BURKE: The Opposition has taken the initiative to install a telex machine; but for the edification of members opposite, the existence of a telex was reported in *The Australian Financial Review*. Opposition members do read the newspapers.

Bearing in mind the likely effect of an increase on home loan interest rates, will the Treasurer give this House an assurance that he will not agree to any request to increase interest rates?

Mr O'CONNOR replied:

Yes. I did receive a telex from the Commonwealth about the matter raised by the Leader of the Opposition, and I have prepared a reply which will be forwarded in the morning. I prefer to give the Commonwealth Government my reply before I say anything in the House.

WATER RESOURCES: COUNTRY AREAS

Deficits and Expenditure

283. Mr WATT, to the Minister for Works:

For country water supplies operated by the Public Works Department, what have been the—

(a) annual deficits, including interest and depreciation;

(b) the average costs per consumer;

(c) the General Loan Fund expenditure in each of the last five years in—

(i) actual dollars;

(ii) current dollar values?

Mr MENSAROS replied:

(a) (i)

1976-77	$22 068 752
1977-78	$24 438 577
1978-79	$25 241 033
1979-80	$25 727 940
1980-81	$26 029 733;

(ii) in 1980-81 dollar values—

1976-77	$31 447 972
1977-78	$31 428 010
1978-79	$30 036 829
1979-80	$27 991 999
1980-81	$26 029 733;

(b) (i)

1976-77	$422.49
1977-78	$452.33
1978-79	$464.20
1979-80	$481.99
1980-81	$513.06;

(ii) in 1980-81 dollar values—

1976-77	$602.05
1977-78	$581.70
1978-79	$552.40
1979-80	$524.41
1980-81	$513.06;

(c) (i)

1976-77	$11 513 835
1977-78	$10 919 327
1978-79	$8 521 168
1979-80	$7 694 435
1980-81	$6 583 580;

(ii) in 1980-81 dollar values—

1976-77	$16 407 215
1977-78	$14 042 255
1978-79	$10 140 190
1979-80	$8 371 545
1980-81	$6 583 580.

STATE FINANCE: TAX SHARING

Relativities

284. Mr I. F. TAYLOR, to the Treasurer:

Referring to the Leader of the Opposition's question without notice last Wednesday when he asked, "Which tax-sharing relativities best realised Western Australia's financial needs?" and to the Treasurer's answer, "They all do.", can he please consider his answer and advise the House, as contradictatory tax-sharing relativities cannot all suit the State's needs?

Mr O'CONNOR replied:

If the member likes to place his question on notice, I will give him a considered answer. As for the relativities, obviously the area we have considered mostly is health, and I think the member would understand that. That is what worries us the most and it is one area that is likely to be affected most adversely. We will be taking a complex statement on the matter of relativities along to the Premiers' Conference. This morning I had a discussion with Treasury officers on a number of aspects involved and we will be spending a great deal of time between now and the conference to make sure we cover all aspects.

WATER RESOURCES AND SEWERAGE: COUNTRY AREAS

Headworks Charges

285. Mr GREWAR, to the Minister for Works:

When will the new headworks charges for water and sewerage apply to new buildings being constructed in country towns?

Mr MENSAROS replied:

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

It is planned that charges, similar to those introduced in the metropolitan area in July last year, will apply to new buildings in country areas from 1 July, 1982.

These development charges, which are comparable with the lot charges for water and sewerage payable by subdividers, will apply to all buildings designed to provide for

more than one family unit on a single residential lot.

Commercial and other developments with water demands or sewage discharges greater than those of an average single residential unit also will be subject to the new charge.

The charges will become payable at the time applications are made for plumbing permits, and builders should ensure that the costs are provided for in future tenders.

The charges will be approximately $700 and $330 respectively for water and sewerage for each equivalent residential unit and will replace the building fees which have applied for many years.

Building fees, however, will continue to apply to single domestic dwellings which, as mentioned previously, are not subject to the new charges.

SEWERAGE: OCEAN OUTFALLS

Stain

286. Mr BARNETT, to the Minister for Water Resources:

I have given some notice of this question which is as follows—

(1) Is the Minister aware of reports of a long, brownish-coloured stain apparently emanating from a sewerage outlet on a metropolitan beach last week?

Mr O'Connor: Have you been swimming again?

Mr BARNETT: I hope such a stain does not recur where people do swim. To continue—

(2) Has an investigation taken place?

(3) What was causing the stain and was sewage involved?

(4) How much material had been released and from where?

(5) Who is responsible for the release?

(6) What action has taken place subsequently to ensure it does not happen again?

Mr MENSAROS replied:

I thank the member not only for giving notice of his question, but also for asking it, because it indicates that he cannot think anything else but that, when any pollution is around, it comes from sewage. The answer is as follows—

(1) I am aware of reports that a brownish coloured surface stain was observed off-shore from metropolitan beaches last week. However, the Channel 9 report of Friday, 7 May that this was emanating from a sewerage outlet is completely incorrect.

(2) Yes.

(3) Neither sewage nor treated sewage effluent was involved. Initially it had been considered a possibility that some illegal dumping of oil into the Subiaco stormwater drain had occurred; however, subsequent investigations of the drain have failed to locate any sign that there had been any recent dumping of oil. Also, no oil was washed on to the beach during the storm on Friday night.

I am informed that when it closed City Beach on Friday afternoon, the Perth City Council attributed the staining to the presence of plankton. The council had intended to carry out testing if the condition had persisted, but the storm on Friday night dispersed the formation.

Inquiries have revealed also that officers of the Department of Fisheries and Wildlife actually passed through the stain in a boat on Friday afternoon—7 May 1982. The stain stretched as far north as Marmion Beach. The officers identified the stain as a plankton bloom which occurs during the autumn particularly following a lengthy calm period.

(4) to (6) Not applicable.

MINING AND EXPORTS

Termination: ALP Policy

287. Mr COURT, to the Minister for Resources Development:

Some notice has been given of this question, which is as follows—

(1) Is the Minister aware of—

(i) Reports that the ALP's National Secretary (Mr Bob

McMullan) has advised the ALP's national executive that legal means were available through the Commonwealth effectively to terminate mining and export without being liable under either Australian or international law for compensation, and it was described by the President of the ACTU as "very significant and heartening news"; and that—

(ii) a future Federal ALP Government would demand significant involvement in mineral exploration and marketing, particularly in regard to petroleum?

(2) What effect would these interferences have on the future of our mining industry?

Mr P. V. JONES replied:

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

(1) and (2) Yes; I did see the comment referred to. The best I can do in reply is to refer to a comment reported in today's Press by a visitor from Canada attending the APEA conference in Sydney. He outlined the results of the Canadian Federal Government's intervention in energy and mineral developments. I might add that it has been an intervention from which we have benefited because of the companies and service industries, apart from the major exploration effort, that have been lost to Canada because of that intervention.

Mr Grill: You have recently announced a change to your policy, whereby in future the Government will intervene in pricing negotiations.

Mr P. V. JONES: We did not change our policy. We did not intervene on a company-to-client basis, which is what Mr Keating has said he would do.

Mr Grill: Exactly what you will do.

Mr P. V. JONES: No; we have made our position very clear. We have indicated clearly that we are interested in and very concerned about industry in general and the financial state of industry. It is because of our concern about the financial state of resources industries—not just the iron ore industry—that we can clearly see, as can industry itself, that it has nothing whatsoever to gain from the policy announced yesterday by Mr Keating.

Mr Brian Burke: It was a discussion paper. You have not even read it.

Mr P. V. JONES: Whether or not it is a discussion paper—and Mr McMullan referred to one part of it—Mr Keating outlined the kind of policy that a future ALP Government might follow.

Mr Brian Burke: That kind of discussion paper.

Mr P. V. JONES: Members opposite can call it what they like; the ALP has signalled the sort of policy it will pursue.

Mr Davies: Call it what it is.

Mr Brian Burke: At least it will not sell out to the Japanese.

The SPEAKER: Order! In the first place, the Minister rose to answer a question posed by the member for Nedlands. He is now responding to a series of interjections from Opposition members. I suggest that the Minister direct his efforts to answer the question. Further, I ask that interjections cease.

Mr P. V. JONES: I am answering the question posed, a question which asked what would be the effect of this ALP policy, and I have been indicating that its effect would be exactly the same as occurred previously under the Whitlam-Connor regime, when that Federal Government's intervention brought the credibility of this nation—

Mr Brian Burke: It would help if you read the discussion paper.

Mr P. V. JONES: —to its lowest ebb so far as activity and development is concerned. Indeed, Mr Keating has publicly said, "We have learned our lesson. We won't do those things again."; yet we are now seeing that in this policy.

Mr Brian Burke: You are seeing it in the discussion paper that you haven't read. You haven't even read it!

The SPEAKER: Order!

Mr P. V. JONES: It is the same policy as before and it also proves the further point that whatever Mr Keating, Mr McMullan, or anybody else from the Labor Party might say, they are only as good as their party and their policy.

Government members: Hear, hear!

Mr P. V. JONES: The policy now has been declared once and for all, whether the Opposition likes to call it a discussion paper or not.

TRANSPORT: BUSES

MTT: Financial Procedures

288. Mr PEARCE, to the Minister for Transport:

(1) Is it a fact that the Auditor General has recently initiated an investigation into some of the financial procedures used by the MTT?

(2) What aspects of the MTT's activities were investigated?

(3) Did they include the procedures used for—

(a) tendering; and

(b) cash shortages?

(4) What was the outcome of the investigation?

Mr RUSHTON replied:

(1) to (4) The member gave me notice only a few moments ago. I tell him this so he knows it was my intention to prepare for a question. I received a report today from the Chairman of the MTT and then sought advice from the Chairman of the Public Service Board; following this, I issued the following statement—

> The Deputy Premier and Minister for Transport, Mr Cyril Rushton, said today there appeared to be no necessity for him to take action relating to the recent resignations from the Metropolitan Transport Trust by two officers.
>
> Mr Rushton said the critical aspects of the remarks allegedly made by the two officers were investigated by the Chairman of the MTT, the Chairman of the Public Service Board, and the Acting Auditor General, who all found them to have no substance.
>
> The Deputy Premier and Transport Minister said that because of the findings he would not elaborate on the unsubstantiated remarks, because he did not wish to contribute to a perpetuation of them.
>
> Mr Rushton said the officers had appropriate channels through their positions within the MTT to raise at any time any concerns or interests they might have had.
>
> It was a shame for all concerned—the officers themselves, the MTT and to public support for the MTT—that they did not mutually resolve those interests accordingly.
>
> He said that if the two people concerned felt they had been unfairly treated, he would be pleased to look into any complaints upon receipt of written advice from them.

Mr Brian Burke: Who is this "He"?

Mr Davies: Do you agree with "Mr Rushton"?

GOVERNMENT GUARANTEE

Bunbury Foods Ltd.

289. Mr BLAIKIE, to the Minister for Industrial Development and Commerce:

(1) Has the Government made a commitment to provide an additional Government guarantee of $4 million to the Bunbury-based edible oil company as indicated by a recent Press report?

(2) What is the current Government policy in regard to this project?

Mr MacKINNON replied:

(1) No; the Press report was not factual.

(2) As I reported to Parliament last week, the current position is that we are still having discussions with current owners of the company in an endeavour to arrive at some agreement. If agreement cannot be reached in a reasonable amount of time, we will enter into discussions with the receiver to establish whether we can come to agreement with another party for the continuation of the business. I am confident we will be able to do so.

LOCAL GOVERNMENT

Carnarvon Shire Council

290. Mr TONKIN, to the Minister for Local Government:

I have given the Minister some notice of this question, which is as follows—

(1) With reference to two answers she gave to my questions last week, in which she stated that she was not aware of an accounting problem in relation to the Shire of Carnarvon, did she not receive a memorandum from the Secretary of the Local Government Department referring to the Carnarvon Shire's "inadequacies in its accounting records and procedure"?

(2) If so, why did she state last week that she was not aware of any accounting problems in relation to this shire?

(3) Is she aware that an opinion was given by Crown Law to the Secretary of the Local Government Department that there was a breach of section 174 of the Local Government Act by Councillor Wilson Tuckey in relation to the setting of electricity tariffs?

(4) If not, why was a matter of such grave concern not drawn to her attention?

(5) If she was aware, why was there no prosecution?

(6) Is she aware that a Local Government Department auditor had issued verbal and written warnings against such breaches, which apparently were ignored?

(7) Did she receive a letter from the Shire of Carnarvon complaining of that auditor's "over-zealous" approach and requesting that he be replaced?

Mrs CRAIG replied:

When the member asked me that question last week I understood that, as it was a question without notice, it must be a matter of some urgency. I little realised that he was referring to a situation that pertained some two to two-and-a-half years ago, and about which the then shadow spokesman for local government, the member for Geraldton, in fact questioned me at the time.

Mr Carr: We didn't get a satisfactory answer then, either.

Mrs CRAIG: It was referred for my attention. I am not able to answer every part of the question because we must go back those two to two-and-a-half years to indicate to the member for Morley exactly what is the situation.

Mr Brian Burke: Is the time lapse the reason you gave the wrong answer?

Mrs CRAIG: No. The answer I gave last week was that I was not aware of anything that had recently gone over my desk that related to accounting procedures.

Mr Tonkin: The word "recently" was not used by you or me.

Mrs CRAIG: The second answer I gave was that there was a problem with finance. If it was that to which he was referring, I admit there was a problem.

Mr Brian Burke: Yes, but we are worried that you did not admit it before.

Mrs CRAIG: There is no longer a problem. However, I will attempt to answer portions of the question that I am able to answer without referring back through departmental records.

(4) Some two to two-and-a-half years ago this matter was drawn to my attention.

Mr Tonkin: It is much less than two years, actually.

Mrs CRAIG: It was drawn to my attention and an investigation proceeded.

(6) I am aware that a Local Government Department auditor at that time issued verbal warnings and, indeed, those verbal warnings were issued to the then President of the Shire of Carnarvon. As the present president has just finished his first two-year term, I can assume only that it was longer than two years ago.

Mr Tonkin: It was October 1980.

Mrs CRAIG: That president then sought a legal opinion in relation to the matter raised by the Local Government Department auditor. From then on, the council took over the matter, as the member for Morley would know very well.

(7) Yes. I did, because that auditor happened to be there at a time when there was a flood, and because of the emergency procedures—

Mr Carr: It gets more and more far-fetched as we go along!

Mrs CRAIG: —the council was requiring a lot of extra people in the office and the council complained that the auditor who was there at the time was in the way. It asked that he be removed.

Mr Brian Burke: Why didn't they ask him to leave?

Mrs CRAIG: So it is true to say that when that flood occurred some time ago the situation did obtain, and I was aware of it. Other portions of the question have not been answered.

Mr Tonkin: Why was there no prosecution?

Mrs CRAIG: I assure the member for Morley that if he places the question on notice I will give him a more accurate reply to those portions of his question I have not been able to answer.

PRISONS

Pornography

291. Mr HERZFELD, to the Minister for Police and Prisons:

I refer the Minister to an article in this evening's *Daily News* which has the heading, "Porn perks in prison". The article describes, that pornographic movies are being shown to prisoners at Pentridge Gaol, on closed circuit television. I ask—

(1) Is the Minister aware of any similar practice in prisons in this State?

Several members interjected.

The SPEAKER: Order!

Mr HERZFELD: To continue:

(2) Can he assure us that no such practice would ever take place in the prisons in this State?

Several members interjected.

The SPEAKER: Order!

Mr HASSELL replied:

(1) and (2) I have just read the article and so far as I am aware, films of the nature described are not shown in Western Australian gaols and will not be made available to be shown in gaols in this State. It is the policy of the department to ensure that the material which is shown in the gaols is that which is available and falls within the law.

RAILWAYS: FREIGHT

Joint Venture: Schedule of Charges

292. Mr EVANS, to the Minister for Transport:

(1) Has the schedule of freight charges which the joint venturers propose to use after it commences operation been drawn up yet? Apparently they have been drawn up with road transport companies.

(2) If "Yes", when will copies be available generally, and will he table a copy in the House as soon as possible?

(3) If "No", when will they be available?

Mr RUSHTON replied:

(1) to (3) No, not to my knowledge; however, I will make inquiries, I am not aware of a schedule being ready. If he wishes a full answer, the member should place the question on notice.

INDUSTRIAL DEVELOPMENT: NEW INDUSTRIES

Provision of Land and Cheap Power

293. Mr GRILL, to the Minister for Resources Development:

(1) Is it a correct report in *The Bulletin* of 7 May 1982 that the Minister hosted a party at Sydney's Wentworth Hotel for New South Wales businessmen at which 60 cases of craytails were delivered?

(2) Is it correct, as reported, that the Minister offered these businessmen cheaper power than the rates applying in the Eastern States and free land if they set up a new industry in this State?

(3) Does that mean that the Government intends to subsidise power for these people?

(4) Will the Government provide free land to local businessmen in similar circumstances?

Mr P. V. JONES replied:

(1) I did see David Hazelhurst's article in *The Bulletin* and I have no knowledge as to how many crayfish tails there were, but I do know they were very good.

The answer is "Yes", there was a luncheon in Sydney.

(2) As to the power price mentioned in the article, the Commissioner of the State Energy Commission in WA, who also was present, was able to answer some questions relative to the cost of energy here for industrial purposes. There is a set table and certain tariffs for consumed quantities of energy and they were cheaper than the comparable energy in New South Wales, where, to a large degree, industry subsidises the domestic consumer.

As to whether this means we are asking industry to come here and be subsidised, the answer is "No". That is not what was referred to at all; it was a comparison of existing costs.

(3) The question of cheap land—

Mr Brian Burke: It was free land.

Mr P. V. JONES: —was nothing more or less than a Government initiative, previously announced, where there is an availability of land for industrial purposes. Land from the Industrial Lands Development Authority is made available for a two-year period, which is a period of containment, after which obligations of repayment and purchase apply. So, there is a two-year moratorium.

(4) No. Everything that is available to attract industry from outside the State is available for people who are already established in Western Australia.