# Legislative Council

Wednesday, 10 October 1984

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

## LEAVE OF ABSENCE

On motion by Hon. Fred McKenzie, leave of absence for three consecutive sitting days was granted to Hon. Tom Stephens on the ground of private business.

## QUESTIONS

Questions were taken at this stage.

## DRAINAGE: RATES

*East Bunbury: Urgency Motion*

**THE PRESIDENT** (Hon. Clive Griffiths): Honourable members, I have received the following letter from Hon. G. C. MacKinnon—

> Dear Mr President,
>
> Standing Order No 63 provides for the moving of an adjournment motion for the purpose of debating some matter of urgency.
>
> In accordance with the provisions of Standing Order No 63, I wish to advise you of my desire to move for the adjournment of the House for the purpose of discussing the cessation of the rating of East Bunbury (known as the Preston Drainage area) by the Public Works Department for drainage purposes; the collection of monies due; the non collection of some monies in special circumstances and other related matters. I will move: "That at its rising the House adjourn until 11.00 am on Friday 26th October 1984".
>
> Yours sincerely,
>
> G C MacKINNON,
>
> Member for South-West Province

In order that this matter can be discussed, it will be necessary for at least four members to rise in their places indicating their support for the motion.

Four members having risen in their places,

**HON. G. C. MacKINNON** (South-West) [4.51 p.m.]: I move—

> That at its rising the House adjourn until 11.00 a.m. on Friday, 26 October 1984.

I move this motion to again bring to the attention of the House the matter of the East Bunbury drainage rate. I advised the Leader of the House (Hon. Des Dans) of my intention to do this yesterday, or early this morning, because I was cognisant of the fact that he could not be expected to have immediate knowledge of the problem.

I suppose the old adage, "Oh what a tangled web we weave when first we practice to deceive" would stand us in very good stead in this debate. I do not intend to repeat in detail the history of the Bunbury drainage situation, but in order that there should be some understanding of it I ought to go over the salient points.

The Bunbury area is subject to flooding. My mother always told me that there were five creeks running through Bunbury at the turn of the century. The Five Mile Brook was diverted and taken over by the council many years ago. Gradually those creeks were filled in to be replaced by drains, and gradually the drains were filled in to be replaced by pipes. The Bunbury city area itself is low lying. The estuary has been cut and part filled, and a lot of work has taken place. The flood plain of Bunbury around the Preston River has been severely intruded upon and it has been necessary to build levees and all sorts of other things.

It became a drainage area I think in 1947, and the first drainage rate was introduced in 1967. For a variety of reasons, including the fact that there had been no flooding, Mr Simpson, the then member for Bunbury, prevailed upon the Treasurer of the day to allow the then Minister to relieve the residents of the area of having to pay a drainage rate, and this was done. The drainage rate was not very large.

Subsequently it was discovered that this action was not within the power of the Minister—this is a very important point for Mr Dans to tuck into the back of his mind: We cannot wipe off a debt that is owed legally by a Government charge. Incidentally, in the meantime I had become the Minister for Works, although that really does not have a great deal to do with my story.

I received a number of complaints from the people in the various drainage areas because one area had been relieved of its rate while the other areas had not been treated in the same way. This was considered to be unfair, and I agreed. Around 1977 or 1978, the drainage rate was reimposed. This caused a lot of fuss and many angry meetings were held.

For political reasons the member for Mitchell, aided in a very shadowy way by the present member for Bunbury, promised that the two of them would see to it that the rate was wiped out again. They called meetings, held protests, and all sorts of things. A number of people were persuaded—quite dishonestly persuaded—not to

pay their rates. I must admit I have seen this done before for political purposes, and I am cognisant of the fact that it has been done by people hopeful of receiving the preferment of the Labor Party—indeed Mr David Smith was hoping for that and was ultimately successful. So he has been stuck with a promise to remove the drainage rate, a rate which has to be imposed on drainage areas.

Hon. Arthur Tonkin was given the duty by the Premier of looking after the portfolio of Water Resources, and he was stuck with this stupid promise made by David Smith to get everyone in the area off having to pay the rate, which was a tiddling amount of $10 a year. It must be borne in mind that the people of the area would then have the responsibility of coping with the possibility of flood.

Floodwaters can rise very quickly from the Preston River or from the ocean. The last floodwaters came through as a result of an ocean surge when we had a combination of high and low pressures which resulted in a surge of water eight feet high. The bunding along the river has been built at great expense and a big sea gate has been constructed so that it can be closed to keep out the ocean waters.

I guess Mr Tonkin would have referred the matter to the Crown Law Department, which would have given him the same advice it gave me: The Government could not remove the rate while the drainage area remained in existence. Mr Tonkin took the very clever action of saying that the Government would no longer have the Preston drainage area—he just wiped it off. If there were no drainage area, there would be no responsibility for rates. At the same time, he told the local authority that, while the Government would spend some additional money on drainage works, it would abrogate responsibility for flood control. That is worth noting.

The Preston area takes in the Glen Iris region, which is flood-prone. After three or four wet seasons we will ultimately have floods again—as floods have occurred from time immemorial—and they will run across the Glen Iris area.

As late as today Hon. Vic Ferry has asked a question about the Glen Iris area because there are problems there and the people are concerned.

It is obvious there must be delays, for the simple reason that it is a flood-prone area. As recently as a month ago the local authority wrote to me and said it wanted us to not call the area of Glen Iris flood-prone. I wrote back and said that calling that area flood-prone was not a matter of semantics, it was a matter of geographical fact.

Mr Pendal probably played there as a boy and would be aware of its swampy nature and the way in which the banks and the bridge have been built up high. If a flood occurs it washes through the houses feet deep.

We now have the situation where the flood area of Preston has been declared to be not in a flood-prone area. The Public Works Department which has been responsible for the levy and the drainage system, as well as the billing of the annual rate, has been carrying out a programme to raise and strengthen the levies in order to carry out a programme in the area to be prepared for a one-in-a-hundred years' flood. The Government has agreed to complete this work at a cost of about $40 000, before handing it over lock, stock, and barrel to the local authority.

It must be stressed that the abolition of the Preston River drainage district does not affect any other drainage rating, and, in particular, does not affect those drainage ratepayers in the City of Bunbury who are rated within the Collie River district.

I believe, and many people in Bunbury believe, that this action of David Smith, who has encouraged the Government, is basically and fundamentally dishonest. It is the sort of chicanery that one has come to look at in other States and which we do not have here. It really is chicanery.

There is no doubt that those people in the drainage areas are paying some degree of the cost of their drainage, and this area is not. Naturally I feel upset that people who pay their rates were encouraged not to pay them by David Smith, a man who is now a member of Parliament. I thought that was reprehensible. It was a legitimate debt, and he said, "Don't pay the Government". In order to square off his conscience, he arranged with Mr Tonkin that it no longer be a drainage area. I thought, "Okay, that is done", and everyone in Bunbury thought the same. However, those who had paid their rates thought that would be all right, but those who had not paid the debt will find that the debt will remain as a debt against the State.

The Minister knows that that can happen; it need not be collected until house is sold or when an incumbent dies. Not content with the degree of dishonesty that has taken place up to date, they have taken it further, because it was reported in last week's Press that the situation has come down to this: The East Bunbury flood protest group that was formed by Mr Smith is expected to get a special exemption from the Public Works Department's controversial drainage rate. There is

nothing special about drainage, but the flood protest group will get an exemption.

Most of the Bunbury residents who have already paid the abolished tax will not be refunded. The honest citizens who have paid it have jolly bad luck. It is one of those cases where honesty is not the best policy. Certainly, with Government debts, the Government has thought that honesty was the best policy. It comes as a shock to all of us to realise so early in its incumbency that it is not the best policy when dealing with the Labor Government.

It is a pity, because I know it would not have happened if Mr Dans had been in charge of this area. Other householders, who made private protest by refusing to pay the PWD levy, will get billed for their back taxes. It seems as though if one makes a fuss and joins a protest march—I suppose if one is a protest marcher or "bangs a gong" in the street, for whatever reason, one is exempted because one has listed one's name with David Smith, or someone else.

Hon. D. K. Dans: Don't make any mistake about it, David Smith would not do that.

Hon. G. C. MacKINNON: He would not have the guts, using a plain, good, common Australian term. He would be in the back street encouraging people.

Several members interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: The Leader of the House is accurate, we could not see David Smith marching up and down the street, but he was around the back getting these other poor devils to do it. He encouraged them to do it. Those who listed their names with him as protestors do not have to pay; those who said "Mr Smith, we will do as you say, we won't pay" will still receive an account. This is how the newspaper has reported it. I hope I have given Mr Dans sufficient notice so that he is able to tell us the exact situation. This is how Mr Smith was reported in the paper—

> The Government decision of adopting three separate policies for east Bunbury property owners have left some of the east Bunbury owners and some of the householders confused and angry.

East Bunbury is on the Perth side of Bunbury on the coast road. The Rathmines Hotel is there. That former Liberal Government—and I am paraphrasing from the newspaper—introduced an unpopular tax. I have yet to hear of any tax which is popular. Why this one is specifically unpopular I do not know. I suppose it is a bit of journalistic licence.

The newspaper reported that the Liberal Government reintroduced the unpopular tax for 2 000 ratepayers after East Bunbury was flooded by cyclone "Alby" in 1978. I stress the fact that the responsibility for protecting the area rested fairly and squarely with the State Government and the PWD. I tried to get the local authority to accept the total responsibility, but my efforts in that area turned out to be a dismal failure.

So, to protect the people of Bunbury I reimposed a very moderate rate and that put the responsibility right where it ought to be.

Mr Smith has since convinced the Government to lift it and ban flood control, so the people are back looking after their own concerns, or the local authority is doing it. The protest group lodged four more objections to the tax. That mere action, through David Smith, in his capacity as a lawyer—I do not know whether he got paid for it—helped to get him a $37 000 per year job! I do not think we can call it a voluntary job.

Hon. Garry Kelly: That is a long bow.

Hon. G. C. MacKINNON: Is it? It was a straight political trick.

Hon. D. K. Dans: How can that be?

Hon. G. C. MacKINNON: It is possible to have straight tricks. Tricks do not have to be as devious as a fishhook.

Several members interjected.

The PRESIDENT: Order! Order!

Hon. G. C. MacKINNON: The newspaper reported—

> Bunbury Lawyer, David Smith, now Government MLA for Mitchell, set up a legal challenge to the levy.

Big deal! He set up a legal challenge. He did not have the intestinal fortitude to go to the local authority and ask it to take it over.

Indeed, he was against that move. He wanted it left in the limbo of forgotten things. There will be another flood in Bunbury, as sure as the sun will rise tomorrow. I hope when the time comes people will remember that it was David Smith who removed the real protection for which they were paying a small amount of money.

I think, because he won the seat, he is probably due for a better reward. My rumour mongers tell me that he is due for David Evans' job. I know that is a bitter disappointment to Mr Hetherington. David Evans is mentioned further down the list than David Smith. That is his reward for showing his loyalty.

Hon. Fred McKenzie: He is a capable man.

Hon. G. C. MacKINNON: He is very capable! He has left 2 000 ratepayers in Bunbury without any real form of long-term protection. Everyone forgets that. This man has loaded the expenses of East Bunbury onto all the other ratepayers in the south-west. For that he will receive a $30 000 a year job with the possibility of getting a shiny new motor car and a position with ministerial responsibility.

Much against my will, this debate is becoming an examination of Mr David Smith's capacity as a lawyer. I would be prepared to have that capacity examined. If members sitting opposite want to pillory a member of their own party, then they can do it. I do not want to discuss how good a lawyer Mr Smith was.

Hon. Kay Hallahan: You raised the issue.

Hon. G. C. MacKINNON: Does this "You hit me first, I will hit you" kind of mentality have to continue? It gives me the horrors. If members sitting opposite cannot do better than that, they should keep quiet. Interjections should be quick, witty, and telling. There should not be this "You tip me and I will tip you" sort of stuff.

The PRESIDENT: Order! I ask honourable members to cease their interjections. I also ask Hon. G. C. MacKinnon to cease his inviting of those interjections.

Hon. G. C. MacKINNON: It must be appreciated, Mr President, that the points I have raised have touched the raw nerves of members sitting opposite. It exposes the sort of fundamental dishonesty to which their party is prone. I can understand they would interject a little more than they normally do.

Before the issue was settled, the new Labor Government honoured an election promise to scrap the tax. That is the way Labor dealt with the matter. There were discussions about what would happen. A number of law-abiding pensioners paid the rates. Were they going to get their money back because Mr Smith promised them that they would? Before the matter was settled, Labor honoured its election promise to scrap the tax. It was an expedient measure. It was able to say that there would be rain in their area, but it was not able to say that there would be no floods in that area.

I want members to listen to this with great care. I would like Mr Gayfer to listen most carefully because Mr Gayfer had an action taken against him by the police, but the money got out of him was not worth the cost! The article in the *South Western Times* stated—

> According to Mr Smith the 47 ratepayers who backed the legal challenge will get an exemption from back taxes because the cost of the Supreme Court action to recover the money would be more than the $1 494 the group had been charged.

How long is it since that had been a principle under which Governments worked in the legal imposition of properly arranged rates and taxes? Hon. N. E. Baxter spoke about rates and taxes on small blocks in the country. Those blocks were taken away from the landholders and the rates that were owed amounted only to $30 or $40. They were pursued at great cost. The article continues—

> Another 423 residents who did not pay the tax but failed to lodge formal objections are being billed for $12 262 in back taxes.

That was reported in the local paper. People did not march up and down in the streets. I am staggered when that sort of dishonesty is exposed. The article went on—

> Mr Smith says the PWD won't be taking any immediate legal action to recover the money.

Mr Smith is no longer a practising lawyer. However, he is able to tell us that the Public Works Department will not be taking action to get the money back, money which was justly owed to it. The debts will never be collected. The article in the newspaper stated—

> But he said last week that he was disappointed in the decision to send out the bills.

I know that he was never very reluctant to send out his own bills, so why should he be reluctant for the Government to send out bills? These were perfectly legal charges for honest work done by the Public Works Department. They related to flood control in a drainage area. People just down the road in Mr Barry Blaikie's electorate had to pay their charges, and quite big charges they were.

Hon. C. J. Bell: In Mitchell, too.

Hon G. C. MacKINNON: Yes, people in that area had to pay the charges.

Hon. Tom Knight: And in the Albany area.

Hon. G. C. MacKINNON: Yes, and in Albany, as Mr Knight says. They did not receive any sympathy. The article continues—

> "I have no doubt that most of those people did not pay as a form of protest," he said. "I think it has now been confirmed that the tax was unjust and inequitous.

That statement is quite out of character with the whole situation. It was a perfectly just and legal tax because the money was spent on protecting the area. It was an immense amount of money. How-

ever, the same amounts were paid by all other taxpayers in areas which experience difficult drainage problems and flooding. He continued—

> "However even though I am disappointed in the decision to charge these people I am pleased with the Government's overall policy. What we got from this Government is more than we could have hoped to achieve under the previous Government."

They received an honest approach! It was a case of, "You vote for me and I will pay you for it".

Hon. P. G. Pendal: It was a case of selectively imposed taxation.

Hon. G. C. MacKINNON: Absolutely correct.

Hon. Peter Dowding: Imposed by whom?

Hon. P. G. Pendal: By Statute.

Hon. G. C. MacKINNON: One member, reported to have a deep knowledge of the law, laughs at the proposition that a properly imposed charge by the Government is a legitimate charge. I do not know where the humour is.

Mr Smith said that he did not believe the people who paid the taxes should get refunds. That is a fine thing! He said the move would be impractical and unwarranted because the homeowners who paid up were not lodging any objection to the tax. Some of the householders disagree.

I do not know how a person can have the absolute affrontery to make a statement like that. In my long and interesting life I have never seen anybody who paid his taxes without lodging an objection in any shape or form. The bane of politics in Australia for the last four or five years has been tax evasion. It is practically a national hobby.

Hon. Mark Nevill: Was.

Hon. G. C. MacKINNON: The member should not kid himself. He should look at the markets in Sydney and Melbourne and see how they are operating and the amount of cash involved.

Hon. S. M. Piantadosi interjected.

Hon. G. C. MacKINNON: If Mr Nevill wants some details he should ask Mr Piantadosi for them.

We all know that nobody likes paying taxes. However, Mr Smith has the affrontery to say that those people who paid up without objection should not get refunds. Of course that does not mean they were happy about the situation. They did not want to pay, but thought it was a legitimate charge. They saw value for their money and they paid the bill. Why should a person who grizzles be exempt? It seems that a person who grizzles to Mr Smith receives special exemption. That rings a bell with regard to what has been going on in New South Wales for years. God help us if we get that sort of thing over here. It is quite corrupt and it leads to worse things. All members know that small sums of money that look so innocent can lead to further things. Brian Lowe of Stirling Street said that the decision was an unfair penalty on the people who paid their bills. Why should a law-abiding person be penalised and a grizzler benefit? The reason is: The political advantage to David Smith. I have not mentioned Phil Smith because he did not take much part in it.

Several members interjected.

Hon. G. C. MacKINNON: I am worried about anyone who leads the Government into this dishonesty.

Hon. Kay Hallahan: Are you worried about the welfare of the Government?

Hon. G. C. MacKINNON: No, I am not. I could not wish this Government further up the bus. I am worried about where these actions lead the community of Western Australia. It seems that people who contact a Labor Party member, have a grizzle, promise their vote, are let off payment of taxes, are then exempt. Money is involved in this case; money that is legitimately owed to the Government. If members opposite, in their inexperience, do not realise the seriousness of that implication, they should read a little about politics. In that situation lies the very real evil of the sorts of corruption that have brought down many Governments and agencies. The danger is not in this small issue, but in the principle underlying it. Mr Arthur Tonkin, the Minister for Water Resources, said that the drainage rate dispute had continued to cause concern to residents in the East Bunbury area. Of course it has because they are in a flood-prone area. He continued—

> Regrettably no matter how unpopular the rate may have been the Government's action to abolish it can not have retrospective effect, and outstanding rates from previous years are still legally recoverable.

He is making a statement of fact. I am sorry for Arthur Tonkin who has been forced into a position of having to honour these stupid promises made by David Smith, knowing they are wrong, and probably against the advice of the Crown Law Department. It can be seen from his statement that he was literally saying that. It continued—

> The 47 residents with accounts totalling $1 494 had earlier lodged appeals against the Preston River drainage rate and these were still pending when the present Government came into office. These amounts have not

been billed as arrears by the department and are still under legal consideration.

He is trying to keep them under legal consideration because he knows that what is being promised by David Smith is quite wrong. Mr Tonkin said that work to strengthen the Preston River levees against the one-in-a-hundred year flood had been completed at State Government expense. I think the State Government and Mr Dans have been more than kind in the whole situation. The Government has been fair with regard to what it could do. It is a shame that it has had to take action at the instigation of one member.

Mr Tonkin said that the levees will be maintained in future under the Public Works Act, and that the main escape drain has been placed under the control of the local authority which must maintain it.

There is, of course, a personal issue involved. I had to reimpose the tax and I took the bowling! Never in my wildest imaginings did I think this devious and underhand approach would be taken to eliminate it. I did not think that the residents of one area should have been granted all these benefits while those in other areas—many of which I represent—still have to pay the tax. In fact, they will have to pay more tax to compensate for this action. Someone has to pay. It is a great shame.

If the Government wants to eliminate this as a tax area, that is fair enough. However, it should treat everybody the same. Those amounts owed to the time the declaration is made should remain a charge against the estate. The money should be collected irrespective of whether it does harm to David Smith in the electorate. From that date the rate should be cut out.

At the many meetings that were held, the difference in the voting was five votes. I am not sure whether it was five more for me or five less and it will make the same difference to David Smith. Various people have been saying that they will get rid of me in the electorate, but these issues do not win or lose elections.

This is the sort of thing that corrupts the body politic; that is, the people. It is wrong that different people are treated in different ways. In Stirling the rates must be paid and in East Bunbury they do not have to be paid. Those people who had protested have got out of paying and those who did not protest have been required to pay. That is wrong. I voice my protest in the proper way by utilising the procedure of an urgency motion.

I make one futher comment with regard to this motion. I am a little worried that on two different occasions I have heard radio and television reports on urgency motions and on each occasion the announcement has been concluded by the comment from the newscaster that the motion was withdrawn.

That leaves the impression that the matter has been totally resolved and wiped out. I mention this in the hope that some people become aware of it. This is a procedural motion which is moved in order that a private member may express a point of view to the Government. The Government may make any comment it thinks fit, after which the motion is withdrawn. That is part of the procedure.

Hon. Peter Dowding: We know that, Mr MacKinnon.

Hon. G. C. MacKINNON: I am not talking to the Minister. Had I been doing what Mr Dowding has done from the first day he got into this place, I would have been looking up at the Press Gallery all the time I was talking, and the moment I finished, I would have been out of that door like a rat up a drainpipe and upstairs with half-a-dozen cans of beer, to talk to the Press about my statement. I am not doing that. I am just trying to make a statement.

Hon. Graham Edwards: Are you suggesting that the Press can be bought with half-a-dozen cans of beer?

Hon. G. C. MacKINNON: It did Mr Dowding a lot of good. It got his name in the paper frequently.

Hon. D. K. Dans: Why don't you take up half-a-dozen cans of beer and try it out?

Hon. G. C. MacKINNON: I sincerely trust that Mr Dans, who has had ample opportunity to obtain information on this matter, will be able to explain to the people of Bunbury how it is that some people are going to be charged, some will be let off, and some still do not know what will happen.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [5.32 p.m.]: In moving his urgency motion, Hon. Graham MacKinnon referred to what he was supposed to be going to speak about; that is the Preston drainage area. However, a large part of his speech was spent in trying to denigrate Mr David Smith for purely political purposes.

I place on record that I hold David Smith in the highest regard, first of all as a man, and, secondly, I believe him to be a very good legal representative, well-respected in the Bunbury area. I certainly know he is an excellent member of Parliament and the religion to which he belongs has honoured him highly. He is a man of high standing who has a great deal of integrity and honesty.

[Resolved: That business be continued.]

Hon. D. K. DANS: I do not believe that urgency motions or procedural motions, if one will—as Mr MacKinnon outlined to this Chamber when he told us how they work and the reasons for them—should be used to denigrate a member in another place. Of course, it also raises with me the thought that urgency motions such as this should be moved in the House where the relevant Minister sits. I am not denying Mr MacKinnon the opportunity to move the motion here, but, had it been moved in another place, it would certainly have given Mr David Smith the right to defend himself and it would have given the responsible Minister the right of reply. I do not think anyone wins any marks for denigrating a person who is not here to defend himself and it is rather surprising—

Hon. G. C. MacKinnon: Get on with the subject of the motion.

Hon. D. K. DANS: Mr MacKinnon says, "Get on with the motion". He spent about five minutes talking about the Preston drainage area and the rest of his speech comprised a meandering, rambling attack on David Smith and the underhand methods of the Labor Party.

Hon. P. G. Pendal: He is squirming!

Hon. D. K. DANS: When I look around this Chamber I see some men and others who, in my eyes, do not measure up. They slink down in their seats and make comments which one simply cannot hear.

Several members interjected.

Hon. D. K. DANS: Not only does Mr Pendal surprise me, but also he disappoints me, and that shows in his face.

Hon. P. G. Pendal: I am sorry!

Hon. D. K. DANS: The member should not be sorry; rather, he should go and have a look at himself in the mirror, from which he will shrink.

I shall do now what Mr MacKinnon should have done and that is talk about the Bunbury drainage problem which is fairly simple. Mr MacKinnon outlined very sketchily what happened previously when the rate was removed in 1977 and reimposed in 1979 by another Minister. Mr MacKinnon indicated that when the rate was removed in 1979 it was done for very good and honest reasons, but when it was removed in 1983 or 1984 by the Labor Government, it was done for dishonest reasons. I cannot follow that kind of reasoning.

Hon. G. C. MacKinnon: I said that it should not have been done.

Hon. D. K. DANS: It does not matter. It was removed and I thought Hon. Graham MacKinnon was the Minister who removed it—

Hon. G. C. MacKinnon: No, I was not.

Hon. D. K. DANS: —but I now know it was not him.

Drainage rating in the Preston drainage district in Bunbury has been extremely unpopular with local residents for many years. This is not the first time this question has arisen in this House while I have been here.

I shall just put the facts straight. The members for Mitchell and Bunbury made strong representations on behalf of the ratepayers and it was mainly as a result of their efforts that the Government adopted the abolition of the rate as an election commitment. Prior to the election we said we would abolish the rate.

It was not David Smith, it was the then Opposition that said it would abolish the rate. The Government honoured that commitment and it has now abolished both the drainage rate and the Preston drainage district. Mr MacKinnon is well aware of why the Preston drainage district had to be abolished and, in amongst all the other garbage, I think he explained it to the House.

Regrettably, despite the unpopularity of the rate, the decision to abolish it cannot be applied retrospectively. Unfortunately rates which are outstanding for periods prior to the abolition of the rate are still legally recoverable. Therefore, the rates incurred prior to the abolition cannot be treated retrospectively and abolished also.

I ask members: What is snide and underhand about that? Of course, from now on there will be no rate. A total of 423 residents had not cleared their previous accounts which totalled $12 262 and these have now been billed as arrears by the Public Works Department in accordance with its statutory obligations.

Hon. G. C. MacKinnon: That is right. That is what I said.

Hon. D. K. DANS: What is wrong with that?

Hon. G. C. MacKinnon: There is nothing wrong with that. I said that.

Hon. D. K. DANS: The people involved include a number of residents who had lodged objections against the rates with the former Minister under the previous Government. Their objections had been disallowed by the previous Minister. Was that underhand?

Hon. G. C. MacKinnon: No.

Hon. D. K. DANS: I am glad the member agrees. David Smith had nothing to do with that.

Subsequently 47 of the residents lodged formal rating appeals with the Land Valuation Tribunal and those appeals were pending when the present Government came to power. So those appeals had been made before we became the Government.

Although these charges are considered by the department to be valid, the expense to both the Government and the appellant of continuing with appeals is considered to be unjustified, particularly in view of the decision to abolish all future charges. Is there anything wrong with that?

Hon. G. C. MacKinnon: Go on, finish your speech.

Hon. D. K. DANS: I will be guided by the President of this Chamber.

Hon. G. C. MacKinnon: Stop asking rhetorical questions.

Hon. D. K. DANS: It is not a rhetorical question. It was a scandalous and scurrilous attack and I was surprised it came from a person of Mr MacKinnon's stature in this place, because I have a high regard for him, and it would have been better had he asked an Opposition member in the other place to move the motion where the person involved can defend himself.

I recall one night in this House when members from both sides sprang to the defence of a member in another House following an attack on him by a member of this House. Mr MacKinnon was here then, and it was considered not to be the done thing.

Hon. G. C. MacKinnon: I have been here a long time.

Hon. D. K. DANS: The member would remember the incident very well. Accordingly, a total of $1 494 will be written off in regard to those properties subject to appeals, provided that the appellants agree not to try to argue that the rate was invalid and not to try to seek costs against the department. That is the simple story of how the Preston drainage area was abolished and of some of the things that flow from its abolition.

Some of those appeals were allowed and some were disallowed by the previous Government under the authority of the Minister for Water Resources. It was not David Smith who went around promising that this would happen; it was a commitment made by the then Opposition and that commitment was honoured when we became the Government. I do not believe the Government has done anything wrong, and I certainly cannot accept the proposition put forward about David Smith, as I know of his reputation. Mr MacKinnon is quite aware of David Smith's reputation in Bunbury and Mr Smith should not have been treated in this manner. He is simply not the kind of person to take such action.

I do not think that occasions such as this should be used to attack the integrity of a person, particularly when it is so patently obviously done for political purposes. I hope that the House will reject this urgency motion.

**HON. V. J. FERRY** (South-West) [5.42 p.m.]: I support the remarks of my colleague, Hon. Graham MacKinnon, and I want to refer to remarks made by the Leader of the House in his response.

The Leader of the House referred to the fact that remarks had been made concerning a member of another House. I point out to the House that as Hon. Graham MacKinnon happens to be a member of this House, he happens to represent the area of Bunbury, and he happens to be a former Minister for Public Works, therefore he has a perfectly legitimate role to play in voicing his opinion as a member of Parliament, certainly on one aspect of the subject before the House. To suggest that this issue should have been raised in another place where Mr MacKinnon would have no voice to give his side of the story is quite ludicrous and does not deserve examination.

I do not intend to prolong the debate because Mr MacKinnon has covered the points fully. However, one or two points need to be reinforced quite clearly. One is that the people who pay their rightful legal dues are being treated by the Government's saying, in effect, "Bad luck, stiff bickies", or any other expression one may care to use, "You have paid your money; you will not get a refund."

It is understood that they cannot get a refund because it is a legal charge. The Government is giving them no comfort at all because the protesting group—and we are led to believe it comprises some 47 ratepayers—did not pay that legitimate charge and is being allowed to get off scot-free. Notwithstanding that, we accept their problem—they were persuaded obviously by the advice of Mr David Smith to protest and to incur legal costs. Because they incurred legal costs, the Government is now saying, "Because you have had that burden of your legal action placed upon you, you will be exempted on that count". It is absolutely incredible to me that reatepayers in the same area should be treated in that way. It was their prerogative to institute legal action, and they took that action of their own free will, I guess, on the advice of Mr David Smith.

Why should they be let off when other people who paid their rates as responsible citizens have no redress at all? Those who have not protested are still being billed. We have the situation where

those who paid their rates without protesting must suffer and the ones who did not pay them, but who did protest are not being penalised. They will not pay their rates, one way or the other the 47 people who protested and who incurred legal costs of their own free will on advice by Mr Smith and perhaps others, are being let off. That is the crunch of the matter. It is an unfair situation in the extreme.

The work involved in protecting the east Bunbury area is quite legitimate. It has been pointed out that it is a flood-prone area and in the fullness of time it will again experience floods, notwithstanding the increased levees and the boom flood gates to stop the surge from the ocean at certain times of the year. No-one can estimate the maximum flood level because we cannot beat the elements. That area has proved to be in need of protection, and it has been a small amount to pay for the people in those areas to have a degree of protection. However, the point at issue is the uneven hand of the Government in dealing with ratepayers and electors of this State.

**HON. C. J. BELL** (Lower West) [5.47 p.m.]: I rise to support the expression of concern and in doing so I shall pursue the subject of justice and equity to the ratepayers in the area. I make the point that the argument is not about whether or not the area was or is derated; it is about whether in fact justice and equity have been done to all ratepayers in the area. It seems it has not been done.

Mr MacKinnon has clearly illustrated that 47 ratepayers will be advantaged over their neighbours. If that is to be the norm, henceforth we can expect to see a rash of these actions in regard to all forms of taxation, not just in regard to land rate drainage charges, but also in regard to FID, BAD, and other taxes. They all have potential for this type of action. The biggest stirrers have the best chance!

The other aspect which comes into play is that those ratepayers in this area now have no protection at all, and the Minister has said that. They have been sold a bill of goods and they have now been told the Government accepts no responsibility whatsoever for drainage in that area. That is my understanding. Is that so, Mr MacKinnon?

Hon. G. C. MacKinnon: They tried to pass it onto the local authority.

Hon. C. J. BELL: The local authority said, "We are not prepared to accept it. It is not our concern. We are not a drainage body. We are a local government authority", so now these people sit in limbo.

Having spent my life in the Bunbury region, I have a fair idea of the possibilities of flooding in the Glen Iris area. As many agricultural people have said, it is a good farm which has been ruined by putting houses on it! It is quite a fertile area, but it is very low-lying and it will flood severely. The situation will only get worse. We have been very fortunate over recent years in that we have had a series of light winters, but, no doubt, that situation will not prevail for all time. The Government needs to bear in mind the sort of exercise which was recently carried out in the Murray River valley where people building in that area were told of the existence of a one-in-a-hundred-year flood level, and all houses built in the area will be built with the base about 0.25 of a metre above the proclaimed flood level. Now these people must bear in mind that they must have drainage, and it is quite clear they must have the proclamation of a one-in-a-hundred-year flood level, otherwise they would have no protection whatsoever.

People will be unable to continue to reside in those areas without some form of protection. They have been sold this deal for a paltry few dollars, and they have totally eliminated that protection. They have shown they are irresponsible. The biggest single achievement for the average person in his life is his investment in land, and that investment will now be placed in jeopardy for the sake of a few dollars for, I believe, absolute political gain.

It is not my intention to become involved in that area of the argument. Last year we debated amendments to the Land Drainage Act, amendments by which we changed the system. We talked about direct and indirect benefit. I pay more than $400 a year for drainage for my home property in the Capel region and another property I lease. One of those properties could not be flooded in a fit. One could block the rivers and it still could not be flooded, and yet I pay full drainage rates. I accept there is a benefit to be gained, and I believe those people to whom reference has been made would be well-advised to accept the benefit to be derived from the system.

I come back to the central argument which is the justice of the situation. There are only two alternatives—pay the money back to those who have paid, or impose a charge on all properties to make sure that equity is preserved. That is what the system of justice in this country is supposed to be about.

**HON. TOM KNIGHT** (South) [5.52 p.m.]: As was mentioned earlier, a similar occurrence took place in the Balston Road area in Albany. A precedent has been created in Bunbury, and as a result I expect the department will now look sym-

pathetically at the case of my electors to see if something can be done to help them as well.

I have corresponded regularly with successive Ministers and the department itself over the last three to four years. Two years ago, following my representation, the ratepayers in over half the area were exempted from paying rates. That area was claimed by the department to be a drainage area, and yet I considered it could be proved beyond doubt that it was not a drainage area because of similar circumstances to those raised by Mr MacKinnon. It is not subject to flooding, it is on top of a hill.

The Government should carefully consider areas like Balston Road in Albany and possibly others in the State in the light of what has happened in Bunbury. I drew this to the Minister's attention as it had been brought to my notice as being a point in favour of the argument I had put to allow an exemption of rates and charges to the people in Albany. One gentleman appealed some years ago against his rate charges and was prosecuted and forced to pay them. Two years after that, the area in which his property was located was exempted from drainage rates, yet he had paid a penalty and a charge for the area for many years. He received no apology or refund of payments.

I am glad Mr MacKinnon has brought up this problem which affects towns other than Bunbury, and in particular the area in Albany to which I have referred. I hope now it has been raised the Government will look again at the situation and take a sympathetic attitude towards the people in the Balston Road area.

**HON. G. C. MacKINNON** (South-West) [5.54 p.m.]: I thank members for their comments and interest in the matter I raised. I thank Mr Dans for going to the trouble of getting the information he obtained, unsatisfactory though it may be to me.

I fail to see the logic of the argument that Mr Smith can organise against a Liberal member who happened to be me and refer to a tax as being iniquitous, and all sorts of rough and tough terms, and yet when I accuse him of doing something he does a Bob Hawke—or Mr Dans does it on his behalf—and almost bursts into tears and shows emotion. I find that unusual and strange. If one plays at that game, it is all right for the other to do so.

My point is—and this is the third time I have raised this matter—that if it is fair to one group of people it should be fair to all. It is quite unreasonable that one man who pays his charges, $1 200 or whatever it was, should get it back and another not. Either all should get it back, or none should get it. It does not make sense to have three different groups and three different methods.

I know this explanation will not be satisfactory to the people in the area because it cannot be. I want everybody to benefit. If an area is not to be a drainage area, so be it. A case can be made for the whole town of Bunbury being treated in the same way. Those who have paid their money should be given the same benefit. In my book, they deserve it more than those who have been encouraged to protest and who, as a result, are let off.

Motion, by leave, withdrawn.

## ACTS AMENDMENT (CONSUMER AFFAIRS) BILL

*Introduction and First Reading*

Bill introduced, on motion by Hon. Peter Dowding (Minister for Consumer Affairs), and read a first time.

## GRAIN MARKETING AMENDMENT BILL

*Receipt and First Reading*

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

*Second Reading*

**HON. PETER DOWDING** (North—Minister for Planning) [5.59 p.m.]: I move—

That the Bill be now read a second time.

The Grain Pool of Western Australia was established under the Grain Marketing Act 1975, as a statutory marketing authority which compulsorily acquires and markets barley and lupins in Western Australia, and trades in oats.

The operation of the Grain Pool requires extensive borrowings to finance the purchase of these crops from growers, with repayment as sales are completed. Under the 1975 Act, the definition of the word "borrow" does not allow the Grain Pool to raise funds by the issue of securities.

In recent years, banks have charged a lower interest rate for promissory notes and other security bills. The Grain Pool requested an amendment to the Act to allow these cheaper sources of finance to be utilised.

At present, the Grain Pool's intention is to raise funds only through the issue of either commercial—or bank—bills or promissory notes. However, in view of the rapid changes occurring in the finance market it has been decided to keep the definition of security open and hence allow the Grain Pool to raise funds in a variety of ways. This broad facility is available to the State Electricity

Commission, the Australian Wheat Board, and other State grain marketing organisations. It is highly desirable that the Grain Pool be able to compete on an equal footing with the other grain marketing organisations operating in the same markets.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. H. W. Gayfer.

*Sitting suspended from 6.01 p.m. to 7.30 p.m.*

## EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

*Recommittal*

Resumed from 9 October.

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. Peter Dowding (Minister for Planning) in charge of the Bill.

*In Committee*

**Clause 3: Section 46C inserted—**

The DEPUTY CHAIRMAN: Progress was reported on the clause, which had been recommitted for further consideration.

Hon. PETER DOWDING: I move an amendment—

Page 2—Delete new section 46C and substitute the following—

Licensing of drivers.

46C. (1) Regulations may provide for the licensing by the Chief Inspector of the drivers of vehicles, or vehicles of a prescribed kind, carrying dangerous goods or dangerous goods of a prescribed kind or in a prescribed quantity, and prohibit the driving of such a vehicle by a person who does not hold an appropriate driver's licence issued under this Act.

(2) The Chief Inspector may refuse to issue a licence for the purposes of this section, or issue such a licence subject to such terms and conditions as he may see fit to impose, in the interests of public safety, and may, for the purpose of making any decision relating to licensing, have regard to whether a person has undergone a course of training approved by the Chief Inspector and attained a certificate or other evidence of proficiency recognized by the Chief Inspector.

(3) A driver's licence issued under this Act does not affect the requirement to obtain and hold an appropriate driver's licence under the Road Traffic Act 1974 and the holding of a licence under that Act does not affect a requirement to hold a driver's licence under this Act.

The wording of this amendment is as it appeared in the Bill presented to this Chamber initially. The purpose of the recommittal and the amendment to this clause was to enable the Chamber to reconstitute the legislation as it was proposed. Since the matter was raised yesterday, and on the authority of the Minister for Minerals and Energy, I suggested to Hon. Sandy Lewis that since this is enabling legislation to effectively draw up regulations to govern the issuing of licences, and since he has taken an interest in this type of legislation, he may wish to participate on the committee which will be working with the relevant division of the Mines Department to draw up the regulations.

I understand Hon. Sandy Lewis has expressed a willingness to participate on that committee and on that basis will seek to pass this enabling legislation which will, in fact, permit appropriate regulations for the industry to be drawn up. Hon. Sandy Lewis will make an input into that process.

Hon. A. A. LEWIS: I thank the Minister for his comments. It appears that although the Minister said he would table three letters last night, he decided to table one only.

The letter from the Road Transport Authority did not disagree with the Government's wording of this Bill. An officer from that department rang me and said that the authority did not agree with my amendment. The Minister has given the Opposition assurances, and I will not be pedantic about this, but I still stand by my idea that it is not the right way to handle the situation. I thank the Minister for allowing me to take part in drafting the regulations.

He can probably forget about dangerous goods and explosives, which ended in an explosive situation last night, until we get the regulations. I can assure the Minister that I will co-operate with the committee, but there will be a difference in philosophy.

Hon. P. G. Pendal: Is this the new consensus?

Hon. A. A. LEWIS: Yes. It is very interesting because when the Minister spoke to the Bill he said that the Police Department had told him certain things. However, I spoke to three of the people involved a week or so ago at Collie and they had not been consulted. I wonder whether part of the reason for getting our wires crossed is because some members speak to practical people and some members speak to legal people. Legal people make hay with confusion and practical people put things into practice.

Hon. PETER DOWDING: I thank the member for his support and assure him that the advice

received from the Police Department comes under the signature of the Acting Commissioner of Police. I believe the proper steps have now been taken and the committee can take charge of drawing up the appropriate mechanisms.

**Amendment put and passed.**

**Clause, as further amended, put and passed.**

**Bill again reported, with a further amendment.**

## PORT AUTHORITIES: REGULATIONS

*Disallowance: Motion*

Debate resumed from 20 September.

**HON. PETER DOWDING** (North—Minister for Planning) [7.42 p.m.]: A great deal of work has been done on the submission of Hon. H. W. Gayfer and I can give him assurances that the matters he raised have been very carefully canvassed with the Minister and the relevant authority.

The Government opposes very strenuously the motion to disallow these regulations. The effect of the motion and the purport of Mr Gayfer's proposal is to disallow the regulations because of the 5c per tonne increase in the wharfage rate. The position the Government takes is that to disallow this regulation would have serious implications for the Government's efforts to ensure we have sufficient ports.

On the information supplied to me, by this mechanism we are not requiring farmers to contribute to the financial running of port authorities by way of greater wharfage charges. As the Minister has circulated a letter to members in this Chamber, they will know that the grain trade in Albany accounts for 80 per cent of the port trade and contributes 60 per cent of the port revenue. The other major users of the port—those shipping phosphates and petroleum—contribute 18 per cent of the revenue. Because the charges are not on a par with the charges levied on other commodites—they have been too low over an extended period of time—it has placed an unfair burden on those freighting other commodities which use port facilities. It has also meant that some ports have built up deficits which have had to be funded by the taxpayers.

Port charges are only a small component of the total transport costs in relation to the movement of grain. I am told that the transport cost is less than $2 a tonne compared with the transport costs to export wheat. Members will know more than I about these charges, but I think it is something like $150 to $160 per tonne and wharfage is less than half that. The increase is 5c only.

The charges at Western Australian ports are well down on those for comparable ports elsewhere and are certainly well below the average for wharfage through other ports.

Albany has the highest grain wharfage rate, but it is 80c less per tonne than the wharfage rates in most New South Wales ports, and 60c less than in the port of Geelong. So the allegation that these wharfage rates are too high is not substantiated.

Mr Gayfer criticised successive Liberal Governments. Successive Liberal Governments imposed these wharfage charges. The charges were established over an extended period of time, and in the view of the Government one cannot now turn back the clock.

There is a need to ensure the good of local communities and local employment and put these ports on a sure footing. That has been a task of my Government, and particularly the task of Hon. Julian Grill. Since the original charges were imposed, looking over this extended period, costs have risen roughly in accordance with the CPI.

Members will understand—and I hope Hon. Mick Gayfer understands this—that the Government is concerned with putting these ports on an efficient basis. This means making them financially viable, and it requires sound financial management. Mr Gayfer suggested there were other ways in which ports could be put back on a financially sound basis, and he suggested some equitable management structure. This has been examined. It has been thought that at best this sort of management structure would produce no gain in the average finances of the ports, and at worst it could reduce the financial viability of various ports. In fact the risk is that without local management decisions being made, ports may not operate in the interests of the community in which they are placed.

There has been, as Hon. Mick Gayfer knows, a review of the ports throughout Western Australia; a review of port administration. I can assure this House that that review does not support the proposition that there are some hidden mechanisms for dramatically decreasing the costs, thereby saving what is a very small increase in wharfage charges.

I therefore urge the House not to support the disallowance of these regulations. I draw the attention of the House to the fact that in addition to the policy issues involved, it is not appropriate, in our view, for the upper House to be involved in disallowing what is effectively a review structure for these independent port authorities.

**HON. MARK NEVILL** (South-East) [7.50 p.m.]: I oppose the motion to disallow these port

authority regulations. My investigations of the Esperance Port Authority have brought me to the conclusion that the charges are both fair and reasonable. I have not looked at the situation in Albany or Geraldton, so I will confine my remarks to Esperance.

After an analysis of the wharfage and rental charges of the Esperance Port Authority, in my view the mover has not established a case to have these regulations disallowed.

If we look at the wharfage rates for the Esperance Port Authority, we find there was no increase in the grain wharfage rates in the 1983-84 year. In this financial year wharfage charges have increased from 70c per tonne to 75c per tonne for grain; that is a seven per cent increase in the last two years.

The member, to my knowledge, did not move for the disallowance of regulations when the wharfage charge rose from 40c to 70c between 1980 and 1982. When the wharfage charge for grain is compared with the charge for other outward cargoes such as mineral concentrates, it can be seen that the present wharfage charges for grain are fair and equitable.

Seltrust Holdings Ltd. who export minerals provide their own loaders, as does CBH in Esperance.

Let us compare the wharfage charges from 1969. Grain was 17.5c per tonne and mineral concentrates 40c per tonne—well over double the charge. In 1984 the charges were 75c for grain and 85c for mineral concentrates per tonne.

My conclusion from that is that the Esperance wharfage rates for grain were artificially low, and the previous Government was responsible for correcting that situation. As the previous speaker pointed out in relation to other Australian ports, the wharfage charges for grain at Esperance are also very low. Included in the components of Esperance Port Authority charges is the rental for installations. CBH pays 4.9c per square metre for its lease. That charge was negotiated in 1968. Seltrust pays varying amounts. In answers to a question I asked today, we were told it has three leases on the wharf. It pays 63c for the No. 1 lease—that includes its own shed. On the No. 2 lease it pays $1.11 per square metre, and on the No. 3 lease, which includes the rental of Esperance Port Authority shed—so it really cannot be compared—it is paying $6.69 per square metre.

The first two figures—the 63c and the $1.11 per square metre—compare very unfavourably with 4.9c per square metre, so CBH is being very fairly treated.

In regard to the Aerocell lease, Mr Gayfer said that that had increased by 1 495 per cent. In reply to question (4) today—"What is the current rental on the CBH Aerocell lease?"—the answer was that there is currently no charge as the negotiations of lease have not been finalised.

Question (5) asked, "Was the land on which the Aerocell was constructed previously leased to CBH?" The answer to that was, "No". So the 1 495 percent is related to 4.9c per square metre, the rental which was negotiated in 1968. It is very unfair to compare that with the charges which the other groups are paying on the wharf.

I will conclude my remarks there and say again that I do not believe a case has been established to disallow regulations as they apply to the Esperance Port Authority in particular.

**HON. W. N. STRETCH** (Lower Central) [7.55 p.m.]: I support Hon. Mick Gayfer's motion to disallow these regulations, because it is well-known that Albany is a very important outlet for Western Australia. That has been stated in this House very eloquently by many speakers. I add my weight to the motion because that port serves a very large hinterland. Much of that hinterland lies within the Lower Central Province. That is the province represented by Hon. Sandy Lewis and me.

My family and I have been users of the Port of Albany ever since we started farming in the Kojonup district 30-odd years ago. We have seen Albany grow from virtually a tourist town to a major shipping port for Western Australia. Sadly we have lost wool sales and shipping through Albany. That port at present is under serious strain. I do not believe that it can suffer any more increases in costs for transport of the produce of the agricultural industries which it serves.

I do not know how often the Government must be reminded that there is no fat on the rural carcase. Costs cannot be added to it continually. The wheat and sheep farmers are having one of their best seasons in memory, but let us not get carried away. The industry must carry many earlier lean years. The Government must not be carried away by the thought that it can keep loading costs on

the country because there are not many votes there. That attitude is immoral, and a danger to the future of the west.

I think that is sufficient argument in itself. Then we must look at the cost of keeping towns and ports like Albany going. I cannot stress too much how important it is to keep these centres viable. That project should be tackled with all the enthusiasm the Government can muster. It is not just a matter of winnning two seats in Bunbury or promising a few bob here and there. It is far more important than that. The Government owes it to those centres to do its utmost to keep them going. I do not believe it is doing that by increasing charges in this way. Certainly this does not sound like a big increase, but we are facing such increases nearly every day of the week. The rural sector is groaning under the weight of such increases.

When we discussed the Metropolitan Transport Trust, we heard a lot about the provision of services to Fremantle. The Perth-Fremantle railway service has been defended as a social cost. I submit to the Minister that maintaining Albany as a viable town should also be regarded as a social cost. The Government should look at it in this light. I support the move by Mr Gayfer.

**HON. H. W. GAYFER** (Central) [7.59 p.m.]: I do not think this argument can be dismissed as lightly as the speakers so far have intimated. Their speeches were certainly brief and full of wisdom.

In the first instance I must say to the responsible Minister (Hon. Peter Dowding) that I have made the observation that it is unusual in this House to move to disallow regulations, and particularly regulations concerning a money measure.

I had said that already. However, on the other hand, from my inquiries of the Clerks of the House I have found out that there is nothing irregular about it. Indeed, there is nothing wrong with it and it is not the first time it has happened in this place; so I want the Minister to remember that there is nothing wrong with what I am doing.

The motion certainly provoked a good deal of interest, and I am glad of that. It caused the Minister for Transport in another place to circulate a letter to all members of Parliament setting out his views as to why my motion should not be supported. That is a most unusual step. It just indicates that the Minister for Transport had no faith in the delegation of his authority to any Minister in this House. That is clear, because the Minister for Transport felt he had to approach directly every member in writing in order to get his story across to everyone, rather than leave it to the Minister here to do that. However, I bow to the wisdom of the Minister who handled this motion; he talked from rough notes—I could see that—and he handled the matter very well. Nevertheless, the Minister for Transport was sufficiently concerned to circulate a letter to all members, and I am rather pleased he did.

Hon. Garry Kelly: His letter was rather detailed, wasn't it?

Hon. H. W. GAYFER: Did the member understand the detail?

Hon. Garry Kelly: I think so.

Hon. H. W. GAYFER: I am surprised.

This letter forms part of the rebuttal of what I have put forward in respect of the disallowance of the regulations in regard to grain at certain ports. Because this letter is a rebuttal and the only form of rebuttal that we could possibly accept as being serious, I intend to deal with it at some length to ensure that the details are incorporated in *Hansard*.

Therefore, I must read the letter written to me by the Minister for Transport (Hon. J. F. Grill) on 3 October last. He said—

> Dear Sir
>
> Your motion to move for the disallowance of regulations made by the Albany, Esperance and Geraldton Port Authorities regarding increases in port charges has been drawn to my attention.
>
> I have written to all members of the Legislative Council setting out the Government's position with respect to your motion and enclose a copy herewith for your information.
>
> I am hopeful that it will be possible to arrange an early meeting between yourself and myself as suggested in your letter of 31 August to discuss the increases in wharfage on grain at the ports concerned and I have asked my Private Secretary to contact your office in this regard.
>
> Yours sincerely

All members are familiar with the contents of the letter circulated to them by the Minister for Transport, so I will not read it. However, I ask for the permission of the House to incorporate that letter in *Hansard*.

*Incorporation of Material*

*By leave of the House, the following letter was incorporated—*

28 September 1984.

Dear

Disallowance of Regulations Motion

Albany, Esperance and Geraldton Port Authorities

The Hon. H. W. Gayfer, M.L.C., has moved to disallow regulations gazetting in-

creases to port charges applying from July 1, 1984 at Albany, Esperance and Geraldton. It is understood that Mr. Gayfer, as Chairman of CBH, largely objects to the 5 cents per tonne increase to the wharfage rate for grain at the Ports of Albany, Esperance and Geraldton. There was no increase proposed at the Port of Bunbury, and at Fremantle a fixed charge of $300,000 per annum applies.

Wharfage was first levied on wheat and grain in 1965 and from September of that year, a rate of 17.5 cents per tonne applied with a rebate of 7.5 cents per tonne for coarse grains (barley and oats). By 1981 the wharfage rate had increased to 50 cents and 42.5 cents respectively. (Attachment 1 shows the main changes to wharfage rates for wheat and coarse grain levied over the years since 1965.) In May 1982 the Port Finances Committee, which consisted of representatives of the Treasury, Director General of Transport and the Department of Marine and Harbours, recommended that the wharfage rate for wheat and coarse grain be set at 70 cents per tonne and the rebate of 7.5 cents for coarse grains be abolished. This recommendation was implemented by the O'Connor Government and, after representations by CBH and the Grain Pool, the rebate on coarse grains was reinstated. In July 1983 the rebate on coarse grains was abolished and the wharfage rate remained at 70 cents per tonne at Esperance, Geraldton and Bunbury, but at Albany was to increase to 90 cents per tonne. Again, after representations from CBH and the Grain Pool, the present Government reduced the proposed wharfage at Albany to 85 cents. It also established a Committee to review the Future of the Port of Albany which has just completed its report (shortly to be dealt with by Cabinet). In July 1984, the wharfage rate for grain was increased from 70 cents to 75 cents at Esperance and Geraldton and from 85 cents to 90 cents at Albany.

Information supplied by the Bureau of Statistics indicates that the Consumer Price Index has risen by a factor of 4.4 since 1965 and, applying this factor to the wharfage rate existing in 1965, gives a 1984 rate of 77 cents, a figure only exceeded by the Port of Albany (90 cents).

However, it must be appreciated that port charges are a small part of total transport costs and represent less than $2 per tonne, or some 1% of the anticipated export price for wheat ($150-$160 per tonne). Wharfage charges are less than half total port charges and the increase Mr. Gayfer is opposing is just 5 cents or 7%. As a comparison, the wharfage rate in New South Wales ports is $1.66, in South Australian ports $0.97 cents and in Portland and Geelong, $1.00. Attachment 2 gives a comparison of the cost of exporting 17,000 tonnes of bulk wheat from a number of Australian ports. Whilst this assessment was based on charges which applied in June 1984, as can be seen, with the exception of the port of Bunbury, West Australian ports are well down on the list. Bunbury's high cost is caused by the fact that it has a slow grain loader which means that ships have to stay in port a long time thereby increasing port costs as some charges are time related. At Albany, which has the highest grain wharfage rate of all Western Australian ports, total port charges, as at June 1984, were some 80 cents per tonne less than New South Wales ports and 60 cents per tonne less than Geelong. Three South Australian ports were between 11 cents and 53 cents more expensive than Albany, one port was on a par and three ports were betwen 3 cents and 34 cents cheaper.

Governments have, particularly up until 1982, kept wharfage rates on wheat and grain artificially lower than would have been the case if normal commercial judgments had dictated the setting of an appropriate wharfage rate. This policy, followed by successive governments, has led to the situation where the Geraldton and Albany port authorities are currently claiming that revenue of some $4.5 million has been foregone which would have been earned if the wharfage rate on wheat and grain had been set on a par with other bulk commodities. Both ports have been troubled by deficit problems over the years and, whilst Geraldton with its wider trade base has managed to overcome this problem, Albany has not made a surplus on its revenue account since 1969/70. The grain trade at Albany represents some 80% of port trade yet contributes only about 60% of port revenue (the phosphate and petroleum trades, representing each come 9% of port trade, currently contribute 18% to port revenue).

Consequently, it can be argued that the financial position of these ports, particularly

Albany, has been seriously jeopardised by the inadequate revenues raised over the years from the grain trade. In the past this has resulted in other trades making a more than appropriate contribution to port revenue. The continual deficits have resulted in an inability to meet General Loan Fund interest repayments, and these have been funded by taxpayers.

CBH has also claimed that there are avenues to reduce port costs and control charges for expensive port facilities and that these alternatives (not specified by CBH but probably referring to a suggestion that all regional port authorities be abolished and a single central port authority created) should have been considered before a decision was made concerning increases in wharfage charges. The Co-ordinator General of Transport's Review of Port Administration investigated cost savings which might occur if there was one single port authority rather than the six authorities which currently exist. The Review indicated that, even with the most optimistic assessment, savings would be negligible.

Whilst the Government recognises the immense value of grain exports to the economy of this State, I believe that proceeding with this disallowance could impair the finances of these port authorities. The revenue raised by this 5 cents per tonne increase on the grain wharfage rate is $47,000 at Albany, $50,000 at Geraldton and $23,000 at Esperance. At Albany the loss of this revenue will mean the port will go further into debt. It already has a bank overdraft of some $0.4 million and owes $3.8 million in deferred interest liabilities accumulated in years when revenue was insufficient to meet loan interest payments. Consequently I strongly urge you to support the retention of the 5 cents per tonne increase in the wharfage rate for grain.

*Yours sincerely,*

Julian F. Grill
MINISTER FOR TRANSPORT

*Debate (on motion) Resumed*

The peculiar part of the letter to which I direct the attention of the Deputy President (Hon. Robert Hetherington) and the House is the first paragraph which reads as follows—

> The Hon. H. W. Gayfer, M.L.C., has moved to disallow regulations gazetting increases to port charges applying from July 1, 1984 at Albany, Esperance and Geraldton. It is understood that Mr. Gayfer, as Chairman of CBH, largely objects to the 5 cents per tonne increase to the wharfage rate for grain at the Ports of Albany, Esperance and Geraldton.

I was rather surprised that that terminology should have been used in a letter circulated to members of Parliament, a letter which objected to a course I took as a member properly elected to this House by my constituents in this State.

It matters not whether I be a Roman Catholic, a Jew, or a Protestant. My personal beliefs in that respect are irrelevant and, if I choose to be associated with a co-operative, and I happen to be Chairman of CBH, it matters not that that is a religion I particularly follow.

Therefore, when I moved the motion initially I was careful to point out in my speech that I spoke on behalf of the grain growers of Western Australia. Being a grain grower myself, and representing a grain growing area, I feel I am perfectly at liberty to speak on behalf of grain growers and, indeed, I know they support my actions. Therefore, it is my right to do so without its being said that I raised the subject purely and simply in my capacity as Chairman of CHB, another coat I happen to wear, a coat which I do not flaunt in this Chamber, and which I do not enjoy people throwing at me as they are wont to do.

I shall get that point straight to start with in order that anything else which hangs on this matter as far as CBH is concerned can immediately be forgotten. It should be realised I am fighting this measure on behalf of a very important industry in Western Australia. The fact that CBH is involved just happens to be ancillary to the problem of rising costs, which is the main reason I object to the provision in respect of this 5c impost.

Nothing in the Minister's letter refutes anything I said in my speech in respect of cost. He has only given members another side of what has happened, and I have no quarrel with what he said. The point I am making relates to the inability of the grower to stand the increase, and that is the point which is being carefully lost as we proceed through the Minister's letter.

These are the important points: Since 1965 payments to growers of wheat—which is the major crop—have increased by a factor of only 2.87 per cent—far less than the increase in the CPI. These are the points I make and Hon. Mark Nevill's constituents, who are paying the costs, will tell him this is the problem. I admit wharfage has increased only as much as the increase in the CPI or perhaps a shade more, but I stress the inability

of the industry to continue to do what the Government has in mind; that is, to continue indefinitely to pay these costs. That is my objection; nothing else.

Members should bear in mind the payments to the growers for the coming season, not only for wheat, but also for all grain, will be down on previous years. This will make matters worse, in spite of the fact that Mr Dowding quoted figures of $160 and the like for wheat. Coarse grain and lupins will definitely be down in price. Although the figures have not yet been released, the warnings indicate that the payments for grain for the coming season will be down compared to what we have received in the past.

In earlier times the imposition of wharfage was regarded as being objectionable and no-one approved of it, but despite the difficulties, the growers were able to absorb the costs. However, since 1974 a problem has existed because over that 10-year period, wheat payments have increased by a factor of only 1.38 per cent. Since 1965 wheat payments have grown by a factor of 2.87 per cent; but in the last 10 years they have increased by a factor of only 1.38 per cent.

During the same period, wharfage charges generally have risen by a factor of 4.3 per cent for wheat and 7.5 per cent for oats and barley. However, the Albany Port Authority has increased its wharfage charges by factors of 5.4 per cent for wheat and eight per cent for oats and barley.

Therefore, it can be seen, if members care to digest those figures, that the steep increases in wharfage over the past 10 years have been applied when growers are least able to afford them.

It has been said that the wharfage charge is but a small part of the growers' costs. Nevertheless, when that charge is considered in conjunction with the increases in the growers' other costs, every effort must be made to keep all costs within bounds. That should be the case no matter how large or how small they may be. The position in respect of rail freight charges is typical of the other costs with which growers have to contend. Over the last 10 years since 1974 the increase in rail freight charges has been a factor of 2.4 per cent.

I mentioned other figures in my original proposal and I will not bore the House by going over those. The costs have increased by 2.4 per cent compared to the growth factor in regard to the farmer's wage over the last 10 years of 1.38 per cent. When it is considered that the Australian grain trade competes on world markets without any Australian subsidies against such heavily subsidised nations as France—which can export grain to China and can compete with our expertise—in selling in that part of the world the United Kingdom, and that bastion of free enterprise, the USA, it can be seen that our growers who receive no subsidies whatsoever must watch costs or they will be finished.

The Bureau of Agricultural Economics' statistics on farm costs show that in the 1960s and 1970s the ratio of prices received for farm produce to prices paid to cover costs, was in the region of 1.5. That ratio has deteriorated to the stage where it was 0.84 in 1982-83, 8.2 in 1983-84, and the estimate for this season 1984-85 is 0.79. For the coming season growers will receive payment for a bumper harvest. However, if the revenue they receive does not cover their costs they will not be able to continue in business. Consequently the whole community will suffer as the general community reaps considerable benefit from this income in satisfying the farming community's requirements for goods and services, and this is well known. We only have to look at the reports put out by the rural hardship Select Committee and others to realise the plight of the farmer and country people generally. I think this is highlighted when we read the magazines and newspapers throughout Australia and we see the problem of increased costs at the moment.

As Mr Stretch put it, nobody would argue if farmers had enough money available to pay these costs. However, the Government does not seem to comprehend the situation and it is loading onto the growers costs that they cannot possibly contain, pay, or even have a say in.

Hon. C. J. Bell: It is strangling them.

Hon. H. W. GAYFER: It is strangling them, as Mr Bell says. What amazes me is the indifference such an argument receives in both Houses of Parliament. It is not a welfare matter so it is a matter that does not really concern anybody. Legislators perhaps should take the opportunity to read the newspapers more fully to realise that we are on the threshold of a farmers' revolt. Already marches have been conducted in Sydney, Canberra, and Melbourne by farmers taking their livestock and everything else through the streets. It will not be too long before this Government will have to face the same problem here because it has loaded onto the farming community costs which it cannot bear, and that is the strength of my argument. It is not a question of whether or not Albany, Esperance, or Geraldton needs this; it is a question of whether the people who have to pay these costs can afford to do so. That argument should be looked at in the light of the proposition before us.

If the welfare State is such that those people have to continue to be propped up, so be it—I have no argument with that. But, for God's sake, if we do not look out, what is happening beyond those hills will happen down here and then we will see a much more vocal demonstration than the likes of anything members have ever seen before—unless they were in this Parliament during the Gough Whitlam era and saw the Forrest Place incident. It will come again, members, make no error about that.

With respect to the comparative costs that the Minister and the Hon. Mark Nevill advanced in regard to Western Australian ports compared to other ports, it is in the interests of the Western Australian community that costs be kept below those of other ports and that agriculture continues for the benefit of the West Australian community as a whole. There is little doubt that if the world grain trade situation continues those countries which are not competitive will suffer a demise which, on the face of it, could hit the Eastern States growers first. I am enunciating that surely we as a House of Parliament should adopt a statesman-like attitude and read the newspapers again and look at what is happening so that we have a knowledge of it. We cannot allow the situation occurring elsewhere to occur here. We should say, "We are too good a Government, we understand fully the problem, and we want it solved". I intend to quote an article from the *National Farmer*. Hon. Peter Dowding would not have heard of it—he is frowning—because it is not *The Financial Review*, the *Law Court Monthly*, or *The West Australian*. In essence, it is not something that causes him to get a vote. It is just a newspaper that every farmer, particularly every wheat farmer, throughout Australia reads. It is an excellent newspaper covering a very good and important industry. Page 29 reads as follows—

> The Australian wheat industry is being taxed out of business—and is racing towards what could become a serious crisis. Skyrocketing freight and handling charges, tariffs, taxation, and other Federal and State imposts are stripping away what gains in efficiency and production the industry is making.
>
> Even with a stagnant world market that shows no signs of significant improvement, government is heaping more costs on to an industry that provides one of its biggest sources of foreign earnings, and which pumps hundreds of millions of dollars into the economy every year.
>
> Already, it costs about twice as much to grow a hectare of wheat as it did seven years ago, yet returns have increased by only about a third—without including inflation.
>
> And while the price of wheat has risen by an average two per cent a year in nominal terms since 1979-80, costs for NSW growers, for example, have soared 17.2 per cent each year.

I could quote page after page of cases of farmers throughout the Commonwealth who are reaching dire straits as far as costs are concerned. It would certainly fill *Hansard*. I could spend tonight quoting these instances for the benefit of bolstering my argument, but I am sure it would attract little more interest from members of the Government, in particular, upon whom I am also trying to impress the fact that there is a justifiable reason for my moving my motion.

Hon. Mark Nevill: Taxes and charges have risen by much less than inflation in this Budget.

Hon. H. W. GAYFER: We will get on to that when we come to the Budget.

Hon. Mark Nevill: You think all the charges have risen in the last year.

Hon. H. W. GAYFER: The member has said himself that wharfage charges have increased with the CPI. He said that, not I.

Hon. Mark Nevill: I said 7 per cent in two years.

Hon. H. W. GAYFER: With the CPI.

Hon. Mark Nevill: In over two years.

Hon. H. W. GAYFER: All right. Since 1974 the income from wheat has increased by 1.38 per cent. Work that out, Mr Nevill. It is nothing but a problem. If the industry could afford to pay, the situation would be okay, and that is the reason for my motion.

Hon. Mark Nevill: The dramatic increase occurred between 1980 and 1982.

Hon. H. W. GAYFER: One cannot keep milking cows when they have no milk. With regard to the cost being incurred by Western Australian port authorities, perhaps the following comments may be of some use to members. The Government or the Albany Port Authority should ask themselves a question as to whether it would have been necessary to build the new No. 3 deep water port had the Government in office in 1950 accepted the Tideman report. Mr Tideman was Chairman of the Fremantle Port Authority and was a most notable person who wrote many treatises and was charged to write many articles on ports of Western Australia and their development. Had the Government listened to him and his recommendation that the Albany wharf be built with sufficient strength to allow for the deepening of the harbour in the

future to a maximum of 40 feet the new wharf would probably not have been necessary and present-day growers would not be faced with the capital cost that was incurred two or three years ago in building and propping up No. 3 wharf. Under these circumstances would it not be reasonable to assume that it is in the interests of future prosperity that the Government should at least pick up the cost incurred in rectifying this error rather than expect the growers of WA to pay the charges simply because they are virtually, in the final analysis, the only users of the port? That is a fair request. Perhaps it is not too easy to understand, but I repeat that the costs incurred in providing an amenity for everyone are now being charged against the users of the port.

Hon. Peter Dowding: That is not true.

Hon. H. W. GAYFER: It is true. I have been through figure after figure and that is exactly what is happening.

Turning to Fremantle, I also mentioned the enormous cost that has been incurred by the growers in WA due to the Government's insistence that when the Fremantle terminal was rebuilt it would be rebuilt in the main harbour rather than at Kwinana where CBH wanted to go at that time. With this background knowledge of the industry, there is no doubt that that decision was made by the Government—in spite of the company's protestations that it would not stand up for long.

In fact, the Fremantle terminal was completed in 1964 and it was proved by 1969 that that terminal had reached its capacity and the then Government, after considerable representation by the company, was finally convinced that a new terminal should be provided at Kwinana.

This cost does not reflect entirely on the port. Nevertheless, today that move costs Western Australian grain growers approximately $400 000 per annum. With respect to Geraldton, the growers of Western Australia have experienced indecision and delay in the production of facilities which they would like to build to service grain growers in that area. Instead it has been necessary to provide temporary storage facilities in order to continue and Hon. Margaret McAleer knows this. Until the harbour draft problems can be resolved it appears that this situation will continue. If they are resolved, I suppose the cost will be loaded against the grain growers again as is done in Albany and other places, and this is entirely wrong. This does not occur anywhere else.

Hon. Mr Stretch used the illustration of the Fremantle-Perth railway line and the loss that it is incurring and I agree with him, but that cost is not being picked up by the users of the service. The loss will be picked up out of the public's purse.

Hon. Fred McKenzie: What about electric power in the country?

Hon. H. W. GAYFER: What about it?

Hon. Fred McKenzie: That is a much worse example of the public's providing a benefit for the country people.

Hon. H. W. GAYFER: Does the railway question hurt Mr McKenzie?

Hon. Kay Hallahan: He is making a comparison like you were.

Hon. H. W. GAYFER: It does not mean anything to me because there are amenities in the city and elsewhere that should be shared, and port expansion is one of tem.

Hon. Peter Dowding: These comments are closing the debate, are they? You are replying to what was said?

Hon. H. W. GAYFER: That is right. I am using as much licence as the Minister did, and I am replying to the comments made by the three speakers who preceded me.

Grain growers have been prepared in times of good return to pay for these increases, but in times when they do not have the wherewithal to pay, they see no reason that these costs should be loaded onto them. This point has been carefully missed in the rebuttal of what has been said. I do not believe the Government can go any further in applying these costs against grain growers. I do not believe Mr Dowding effectively answered the question when he said 80 per cent of the trade through the port of Albany supplies only 60 per cent of the revenue whereas nine per cent of the other port trade supplies 18 per cent of the revenue.

Hon. Peter Dowding: That is right.

Hon. H. W. GAYFER: I do not see any argument there. When this port was first established as a port for grain, the figures for users were much more comparable than at present. As people no longer used the port and took their services away, the situation has arisen in which the Government says those who are left should be saddled with the cost and should pay accordingly. That is what the Minister is saying and that is what has happened in Albany. It has been borne out in the report and investigations of port facilities.

Hon. Peter Dowding: We are saying the user pays.

Hon. H. W. GAYFER: Exactly, and the user has to pay for all the costs surrounding the port's activities; keeping it alive because they are the

only users of the port. That is wrong and that is where my argument lies in respect of the provision of the Fremantle railway service and other facilities.

The Minister is trying to say that if there were suddenly no users of electricity between here and Kalgoorlie, the people in Kalgoorlie should pay for all the line.

Hon. Peter Dowding: No.

Hon. H. W. GAYFER: Yes, the Minister is saying that; that is exactly what he is saying.

I know, and the Minister for Transport knows, and it can be proved that people have gone away from using those ports because of the costs and the ease with which they can go through one central port at a reduced cost. It means that those who are left must carry the baby. The industry can no longer carry that baby and pay the costs being foisted upon it.

Reference was made to the other States of Australia. The sooner we get away from thinking about them and remembering the growers in Western Australia, particularly those who are in trouble, the better we will progress and the longer the Minister will stay in office.

Hon. G. C. MacKinnon: Don't encourage that horrible thought!

Hon. H. W. GAYFER: I assume that is what Government members want.

Mark Nevill went on at great length about some questions he asked in the House today. I found the figures in the answers very interesting. There is one loader at Esperance which was owned by Lefroy Salt. CBH used to pass its grain over that loader, and after Lefroy Salt went out of existence, there was a certain amount of difficulty in determining who would own the loader. It was offered to CBH which bought and now owns the loader, and it is opened up so that other people have the right to use it. Now gypsum goes over the loader.

Hon. Mark Nevill: I do not dispute that.

Hon. H. W. GAYFER: The fact that it handles 750 tonnes of gypsum per hour against 600 tonnes of grain per hour is a furphy. One has only to work out the specific gravity of both commodities to realise the heavier one will give a greater tonnage over the belt. Those figures are meant to portray that a huge anomaly exists because a greater tonnage of gypsum is going out compared with that of grain, and therefore some relativity exists to wharfage charges.

Hon. Mark Nevill: I did not use those figures because they have no meaning to the argument.

Hon. H. W. GAYFER: Mr Nevill asked the question and he got the answer. Now he is admitting it has no relevance at all.

Hon. Mark Nevill: I was talking about mineral concentrates, not gypsum.

Hon. H. W. GAYFER: Having received that assurance, I will leave the subject as it has no relevance.

Hon. Mark Nevill: Refute what I was talking about.

Hon. H. W. GAYFER: Mark Nevill said, and I think *Hansard* will prove me correct, that he could not work out why there had been a 1 495 per cent increase in the cost of the Aerocell site in the last three years and that the Aerocell site in Esperance was not owned previously by CBH.

Hon. Mark Nevill: That is what I said.

Hon. H. W. GAYFER: I am not denying that. Later on in *Hansard* it will show Mark Nevill said, "At least I can see why he is using the figure of 1 495 per cent".

Hon. Mark Nevill: That figure has not been agreed to.

Hon. H. W. GAYFER: The proposal is spelt out in black and white. The growers of Western Australia at present are paying a lease on sites down there of $322 per hectare. Mr Nevill is from Esperance, he should know that; he should be a full bottle on it, but he denied it was so. Now the Aerocell site is proposed for lease at $4 813 per hectare. It is adjacent to the other sites, and it is reasonable to assume, *quod erat demonstrandum*, that this is the figure the other sites will eventually bear—

Hon. Mark Nevill: It is not reasonable, you are comparing the 1968 rental.

Hon. H. W. GAYFER: If the figure increases from $322 per hectare to $4 813 per hectare, it is a 1 495 per cent increase; it is as simple as that.

Hon. Mark Nevill: You have been using it for a year and you have not agreed on the rent.

Hon. H. W. GAYFER: We have not agreed on the wharfage yet; why should we? The costs are exorbitant and no industry can stand by, whether it be the Esperance Port Authority, the Albany Port Authority, or anybody else, while the Government continues to bleed the community in the way it is doing. It must stop. Mr Nevill said there were no bleats in 1982-1984.

Hon. Mark Nevill: In 1980-1982.

Hon. H. W. GAYFER: They were made. The member should look at the files. In those days the Government of the day would listen. In this case, the Government gazetted a 5c increase while the

argument was going on about a previous charge. The Government put on an extra 5c in January and that is the charge I am protesting about. We had not finished the argument about the last 5c increase struck in July 1983 and suddenly we got another 5c increase. It became quite humorous because the Government said it would put the charge up to 90 cents. Then it said we had won the argument and the charge would be reduced to 85 cents.

The farmers of Western Australia got the advice in the mail that the charge at Albany would be reduced from 90c a tonne to 85c a tonne. Then it was upped by 5c in the *Government Gazette* a couple of weeks later. Would Mr MacKinnon have done anything like that when he was in Government?

When one looks at these matters one can see the smartness and smugness with which this is carried out, the dexterity and deftness, and the way it is done purely and simply to load costs onto the farming community.

Hon. C. J. Bell: Devious!

Hon. H. W. GAYFER: Mr Bell is right.

Hon. Kay Hallahan: Let us have a competition.

Hon. H. W. GAYFER: What does Hon. Kay Hallahan have to say about it? These are the costs the farming community is expected to bear purely and simply because the Government of the day thinks they should be passed on. I do not treat this as a matter of mirth, Mrs Hallahan, and neither will the farmers who read this speech and those which preceded it and the comments and interjections of Mr Garry Kelly.

Hon. Garry Kelly: They will read it?

Hon. H. W. GAYFER: Do not worry about that. This matter is more important than Mr Kelly thinks. I repeat: There is growing anxiety out there in the bush that these charges must be contained.

Hon. G. C. MacKinnon interjected.

Hon. H. W. GAYFER: That is right. "Just you wait Henry Higgins, just you wait!" It will happen as sure as I stand here. There will be another Forrest Place demonstration.

Hon. Graham Edwards: If it does not happen you will make it happen.

Hon. H. W. GAYFER: It will happen.

Hon. Graham Edwards interjected.

The PRESIDENT: Order!

Hon. H. W. GAYFER: Why not? I thought I saw Hon. Graham Edwards marching in a peace rally on television not long ago.

Hon. Graham Edwards: I wouldn't be surprised if I was.

The PRESIDENT: Order!

Hon. H. W. GAYFER: That is right.

The PRESIDENT: Order! When I call "Order" the honourable member should stop his interjections, and the member on his feet should stop talking to the member who is interjecting and address the Chair.

Hon. H. W. GAYFER: I accept your criticism as always, Mr President, knowing the profound knowledge from which it emanates. You know, as an ex-employee of this institution which farmers have built up, that there is a limit to the costs which can be loaded upon farmers. I have heard you say the electricity system was so bad in your day you had to invent certain things to overcome the problems. There was a lack of money to provide proper facilities, or better facilities. I know you were responsible for inventing a particular type of electric plug which is still well-known in the company.

Our costs have reached the end of the line. If farmers were receiving $50 a tonne more for grain they might be able to meet these charges, but to go on increasing charges *ad infinitum* without any feeling at all for farmers' situation is something this Government should not do. It should listen to the industry when the industry comes to it.

Two inquiries have been held on this subject, as the Minister mentioned; one dealing with the possible reconstruction of port authorities, and the other with the Albany Port Authority.

Both proved nothing other than the facts of which I have spoken.

I said this was a serious matter and in the Chamber at present, the support is about half its normal number. I can tell the House that it is not the last time that this issue will be heard. I can assure the House that the port authorities themselves are becoming aware of the anxiety of the users of the ports and they are going to look somewhere else to try to attract money for their ports. The only way they can do it is to go back to the taxpayers as a whole, and they are exactly the people who should be paying for the provisions of ports generally around the nation.

As far as the Eastern States ports are concerned, I have said before that there is a vastly different situation in Western Australia to that in other States, and the fact that Western Australian farmers have provided all the facilities was the very reason that wharfage was not charged in previous years. That was the sole reason. It is only of recent times that this has taken place in Western

Australia, in the years when it felt the industry could support something.

I again quote from the *National Farmer*. An article on page 31 relates to South Australia. It is referring to a South Australian organisation, the United Farmers' & Settlers. It states—

> But the UFS reckons producers are being blatantly ripped off by the State Government's dockside belt loading charges: they rose 12pc last year.
>
> "The Department of Marine and Harbors says higher charges are necessary to meet the costs of upgrading the belts," Fisher says. "But they were upgraded ages ago, and the cost must be well and truly amortized by now.

I will not quote any further, but members must surely realise that these are not Government facilities in Western Australia. The farmers have provided them. They may be Government facilities in South Australia, and they may be justified in having increased charges on mechanical apparatus. In Western Australia the mechanical apparatus is owned by the farmers, and the realism of what takes place in other States should be the matters of which this House is aware. They should know what is going on in their own State.

I am quite convinced that these charges are wrong, not the basic principle of them, but the way the charge has been applied. There was an increase from 70c to 90c, then from 90c back to 85c, then from 85c to 90c—all in the space of 12 months. It is entirely wrong and the industry cannot afford it.

I support the motion for the disallowance of the regulations.

Question put and a division taken with the following result—

Ayes 9

| | |
|---|---|
| Hon. C. J. Bell | Hon. G. C. MacKinnon |
| Hon. V. J. Ferry | Hon. Neil Oliver |
| Hon. H. W. Gayfer | Hon. W. N. Stretch |
| Hon. A. A. Lewis | Hon. Margaret McAleer |
| Hon. P. H. Lockyer | *(Teller)* |

Noes 14

| | |
|---|---|
| Hon. D. K. Dans | Hon. G. E. Masters |
| Hon. Peter Dowding | Hon. I. G. Medcalf |
| Hon. Graham Edwards | Hon. N. F. Moore |
| Hon. Lyla Elliott | Hon. Mark Nevill |
| Hon. Kay Hallahan | Hon. P. G. Pendal |
| Hon. Robert Hetherington | Hon. P. H. Wells |
| Hon. Garry Kelly | Hon. Fred McKenzie *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Hon. D. J. Wordsworth | Hon. Tom Stephens |
| Hon. John Williams | Hon. J. M. Brown |
| Hon. Tom Knight | Hon. S. M. Piantadosi |
| Hon. I. G. Pratt | Hon. J. M. Berinson |

Question thus negatived.

Motion defeated.

## CHILD WELFARE AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed from 25 September.

**HON. G. E. MASTERS** (West—Leader of the Opposition) [8.55 p.m.]: The Opposition supports the legislation put forward by the Government. The Child Welfare Act at present allows the courts to make community service orders as an alternative penalty to a monetary fine. The amendments before the House will allow children who have failed to pay costs—and I emphasise costs, not penalties—or forfeited moneys to the Crown, to undertake community service work.

As I understand it from the Minister's explanation, if costs were not forthcoming in the past, then there was no option as far as the community service work was concerned. Clause 7 repeals existing section 126 of the Act and this prevents the identification of children, the publishing of names in newspapers and through the media, but allows the reporting of proceedings in the courts. It also protects the names of witnesses who may be children; and younger children are totally protected as far as I can see. Subsections (2) and (3) of new section 126 also afford protection in circumstances that necessitate that protection.

The Bill does provide a balance between the interests of the public and the privacy of the child and I think that is very important. I believe that the previous legislation intended to do what is now being carried out in this legislation, and it was a matter of tidying it up. Certainly we have every good reason, as an Opposition, to support the Government's proposals.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## YOUTH, SPORT AND RECREATION REPEAL BILL

*Second Reading*

Debate resumed from 25 September.

**HON. G. E. MASTERS** (West—Leader of the Opposition) [8.58 p.m.]: Once again, as with the

previous Bill, the Opposition supports the Government measure. The Bill as I understand it is very simple and seeks to repeal the existing Act that established an advisory body.

We can see that the Department for Youth, Sport and Recreation has become thoroughly established and is doing a great job. The original advisory body did a tremendous job and has served the youth, sport, and recreation area particularly well, certainly in its infancy. It can gracefully retire and allow the department, now well-established, to meet the further needs of the community. I do not think anything more need be said. The Opposition supports the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

*Second Reading*

Debate resumed from 19 September.

**HON. P. H. WELLS** (North Metropolitan) [9.02 p.m.]: The Opposition supports this Bill with some query with regard to the methods embodied in it. The principal purpose of the Bill is to provide additional money for the assistance fund which provides grants to qualified first home buyers for payment of stamp duty and other costs in connection with the registration of purchase of a home. The initiative was introduced by the Liberal Government.

Hon. Bob Pike introduced in this Chamber the concept of recognising that money which came from the real estate area should be put back into that industry to assist people buying homes. The fund assists low income earners with the costs involved in the purchase of their homes. It also benefits the real estate industry by making it possible for more people to purchase homes, thus increasing turnover in the industry.

The proposition was that interest from the moneys held on behalf of the real estate industry should be divided into three areas. Previously that money was divided into two areas. It was initially set up with the idea of covering consumers who may be affected by a collapse in a real estate deal. The fidelity fund was set up to cover such an event and it was also agreed to provide funds for education of real estate personnel. The moneys held by the board represented a given percentage of each real estate agent's trust fund deposits and the interest on that money provided the funds used for the fidelity and education funds. The fidelity fund is a fixed fund against which claims can be made.

The money in the education fund went to WAIT, TAFE, and other areas involved in the training of real estate people. The proposition was put before the House on that occasion to divide the interest received into three areas: fidelity, assistance, and education. It was decided to divide the money equally between the three funds. After discussion with industry representatives, it was considered that such a division would not interfere with the fidelity guarantee or the education side.

The proposition now before the House relates to the fact that money in the education fund has not been used. Therefore, in a once-off arrangement, certain money should be transferred from the education fund into the assistance fund to take up the increased number of first home buyers seeking grants. This increase was generated by Federal Government moves in this area to provide grants up to a maximum of $7 000 to first home buyers. The assistance fund provides $1 000 towards purchasing costs to qualifying low-income earners buying their first home, and as such provides welfare-type assistance.

In addition to transferring that amount, the second premise of the Bill states that on future occasions it will not be necessary for Parliament to decide what proportions go into each of the funds, but that the Minister, in consultation with the board, shall, by regulation, be able to alter the proportions. I query this provision. The Government is taking this issue away from public scrutiny by Parliament and placing it in the area of subordinate legislation. The scrutiny of subordinate legislation is not as close and there is some delay before matters come to the attention of the House. It would be possible to alter the amounts going into these funds on the day the House rises at the end of the year and this would not be brought before Parliament until March of the following year. Even though the real estate industry has said it will go along with this amendment, I suggest there is some danger in it.

The original purpose of this fund was the setting up of a fidelity fund to protect consumers in the event of a real estate transaction going wrong. The injured parties could then make a claim on the fidelity fund. That fidelity fund should remain fixed, and if there is any change in distribution, it

should involve the other funds; that is, education and assistance. I suggest the Minister should consider that option which will accommodate the provisions in the Bill; that is, one-third of the moneys should be put into the fidelity fund, as is happening at present.

The Minister has not indicated any intention of changing that distribution at this stage, but perhaps allowance could be made for that provision. The remaining two-thirds of the moneys could be distributed unequally, but I would prefer this type of decision to come before Parliament.

I am not in favour of the second premise in this Bill that the Minister may alter the proportions going into each of these funds. If he wished, the Minister, in consultation with the board, could direct that two-thirds went to the assistance fund, one-sixth to the fidelity fund, and one-sixth to the education fund.

Hon. Peter Dowding: We might put more into the fidelity fund. It may be that we shall identify a need to increase that fund.

Hon. P. H. WELLS: The move is not in that direction. I suggest that the Parliament, in setting up that arrangement, did so in the first premise on the basis of fidelity, and the others were support funds.

Hon. Peter Dowding: It divided the moneys equally. That is the problem.

Hon. P. H. WELLS: The problem has not come about in connection with the fidelity fund, but with the education fund. There was money in the education fund that the industry had not used. The education funds are not needed to improve the lower levels of education in the real estate industry because that could create an oversupply of real estate personnel. However, there is a need to lift the whole game of real estate people, probably more so at present. There is a need to run top level seminars so that people in the real estate industry have the opportunity to gain more experience. The real estate industry does not appear to have grasped that fact at this stage. However, it is looking at expanding in this areas and although this year it can see the value of shifting education funds into the assistance fund, in future greater use may be made of education funds.

I can accept the argument that there should be some flexibility between the assistance and education funds. However, I think there is some danger in removing the control which ensures that the fidelity fund is kept at a certain level.

The proposal contains a hint of syphoning off funds into the welfare area—the assistance fund—because section 115 is to be substituted. It will enable the board, in any case, to raise a charge against each of the real estate operators if the fidelity fund gets low. We are opening the way to decreasing the amount in the fidelity fund and strengthening the clause that will charge the real estate person more to bolster the fidelity fund. It may well be argued that prior to this legislation the money was in banks and not earning interest, but the money in this area has been taken from the accounts of real estate operators and it serves a useful purpose.

I understand that the claims on the fidelity fund over the last three years have been small; I understand that in two of those years the annual costs amounted to $33 000 and in the other year it was $39 000. The Minister can confirm that those claims related to administrative costs rather than claims against the fidelity fund.

In Western Australia we are the envy of other States. The Act is structured in such a way that claims are first made against the agent, and the fidelity fund is the backup if the agent does not perform in terms of that claim.

In the counterpart situation in the Eastern States, the claim is made against the fidelity fund, and this means that every time a firm collapses, the fidelity fund must meet the total amount. That provision in the structure of the Act is serving a good purpose by ensuring the protection of the consumer.

I stress the warning that the Government's proposal concerning the regulations is a little too liberal. It is better that we consider a fixed amount for the fidelity fund, and if any change is to be made, the Minister can play around with the other two funds.

I hope the Minister will have a look at this, if his leader allows him to do so.

Hon. Kay Hallahan: Come on!

Hon. P. H. WELLS: He may consider whether that is possible within the philosophy of the Act. Hon. Kay Hallahan said, "Come on!" I just wonder whether she agrees with the philosophical principles.

I am looking to the protection of the consumer in regard to whom there is a danger inherent. We should be ensuring greater protection.

**HON. PETER DOWDING** (North—Minister for Consumer Affairs) [9.17 p.m.]: I thank the Opposition for its support of the legislation. I assure the House that the appropriate levels of protection exist under the mechanisms proposed by the amendment to section 130.

I am not in a position at the moment to give the honourable member the figures he is seeking, but if he wishes me to obtain them, I will certainly

take steps to do so. The level of need for the fidelity fund, the education fund, and the home buyers' assistance fund obviously varies according to a rapidly changing scenario. The Government's move is designed to ensure that what has been identified as a specific need is met and that there is an ability to monitor any steps taken by the disallowance of regulations. Of course, it is up to the House to take remedial action if the political view is that the steps which have been taken are inappropriate.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Hon. Peter Dowding (Minister for Consumer Affairs), and transmitted to the Assembly.

## COMMERCIAL TRIBUNAL BILL

*Second Reading*

Debate resumed from 19 September.

**HON. P. H. WELLS** (North Metropolitan) [9.20 p.m.]: Before commencing to deal with the Bill, I record my thanks to the Minister for his willingness to make available the lawyer, Mr Glanville, on two occasions at our request to obtain background information in connection with this Bill and the associated Bills. The first occasion was some time before the Bill was introduced, and the later occasion gave us an opportunity to follow up. I indicate my thanks very sincerely because in this Bill and some of the associated Bills the matters are reasonably complex. They make considerable changes in the credit arrangements in this State. For a person not involved directly in the credit industry, they take a little understanding. I am indebted to the Minister for enabling me to come to grips with the situation, although there are still some areas about which I am not clear.

This Bill reflects the philosophy and direction of the Government because the method of handling the tribunal is a decision for the Government which it makes in terms of its approach to the subject. I am not certain that every State has a commercial tribunal, although New South Wales does. The tribunal sets up a framework or mechanism for the enforcement of the provisions of the proposed Credit (Administration) Act. It can bring various bodies under the provisions of the Act, but it goes further than that because, as the Minister indicated in his second reading speech, various boards in the consumer affairs area could be brought under the control of this tribunal. The Government will be able to introduce a range of Bills to put this into effect.

Hon. Peter Dowding: With the concurrence of the associated industry bodies.

Hon. P. H. WELLS: The Minister indicates that there will be some consideration by the associated industry bodies.

Hon. Peter Dowding: It will be done with the concurrence of the associated industry bodies.

Hon. P. H. WELLS: I gather that if they do not agree, an existing board will remain. I find it hard to believe that would happen. Is the Minister saying for instance, that the Real Estate and Business Agents Board or the Builders' Registration Board will not go under the control of the tribunal if they are not happy to do so?

Hon. Peter Dowding: The Builders' Registration Board is a particular case; but, by and large, we will seek the support of the boards before moving.

Hon. P. H. WELLS: In other words, the Minister indicates that the Government will do the boards the courtesy of asking for an input when it moves to take them over in this way.

Hon. Peter Dowding: No, that is not correct. We intend to move with the concurrence of the industry. Where an industry body concurs, that will be the first one to move under the umbrella.

Hon. P. H. WELLS: That still leaves the point concerning the ones which do not want to change. I am not saying there are any. I am trying to interpret what the Minister said. I have questions to put about this matter and the Government's stand on it. The Government will have discussions with the boards, but if they do not want to change, will the Government proceed?

Hon. Peter Dowding: That is a hypothetical situation.

Hon. P. H. WELLS: Within the structure of the tribunal, the position of chairman is established. He is to be a legal practitioner of not less than seven years standing. There is provision for the Minister to appoint two or more deputy chairmen of the tribunal. As I understand the provisions of clause 5, if 30 boards were involved, the Minister could appoint 30 deputy chairmen. Again, I am speaking of a hypothetical situation. If there were 10 boards, the Minister could appoint 10 deputy chairmen. Perhaps the Minister could indicate whether that is true.

I wanted to find the functions of the new tribunal in this structure. It is always nice to know the function of a body—whether it will entertain members of Parliament during their late night sittings, whether it will be an appeal board when the Government takes away people's 10 per cent, or whether it will be an arbitrator in certain situations. When I looked for the functions of this board, behold, I found that apparently the draftsman forgot to include them. I have read the Bill and I have consulted with other people. Perhaps the Minister can tell me where the functions of the board appear. I think it was just an oversight in the pressure and the complexity of drafting the credit Bills. Perhaps the Minister can point out to me where the functions of the tribunal appear.

Hon. Peter Dowding: The issue is clearly dealt with.

Hon. P. H. WELLS: I will be quite happy to be directed to them. I was looking for the functions. In many of the Bills, I could find the functions clearly laid out.

Hon. H. W. Gayfer: Perhaps they will come by regulation.

Hon. Peter Dowding: No, by Statute.

Hon. P. H. WELLS: Perhaps the Minister will be able to tell me the functions of this tribunal when he replies.

Hon. Peter Dowding: It is in clause 12.

Hon. P. H. WELLS: That sets out the powers of the tribunal, not the functions.

Hon. Peter Dowding: It is the jurisdiction confirmed by the legislation.

The PRESIDENT: Order! When I call, "Order!", it is an offence to continue talking. I ask members to cease their audible conversation.

Hon. P. H. WELLS: The Bill sets out that by various Acts the Government will be able to refer matters to the tribunal.

Clause 5(2) refers to the fact that the tribunal may have 30 deputy chairmen. It then goes on to set up a series of panels.

Hon. Peter Dowding: It does not set up 30 deputy chairmen.

Hon. P. H. WELLS: It allows the possibility of that being done.

Hon. Peter Dowding: It does not.

Hon. P. H. WELLS: I was going to move on to clause 6, but I will continue to deal with clause 5(2).

Clause 5(2) provides that the Minister may appoint a person—that is one—or each of two more persons, who would be qualified for appointment as the chairman to hold office as deputy chairman of the tribunal—there are two more at least. But it provides for "each of two or more persons", and more persons could mean three, ten, 20, 30 or more. When I went to school I was taught that more than one meant greater than the number there, and the number here is two. I am not a lawyer, so perhaps the Minister will qualify this matter for me later. That is one question.

Let me move to clause 6 and attempt to outline what I think was in the mind of the draftsman when he prepared this clause. I have said that some boards might not want the benefit of this legislation. This clause sets up a number of panels. Subclause 1(a) provides that the Minister will be able to establish a panel of people who will be required to be licensed or registered, so let us call these the traders. If we were talking about the Real Estate and Business Agents Act, they would be licensed real estate people. If it was the Painters' Registration Act, they would be licensed painters. So we could call them trades people or professional people, and they are to have a panel.

Clause 6(1)(b) provides for the appointment of a panel of persons representative of the public, so this would be the consumer panel.

Hon. Peter Dowding: You have an industry representative and a consumer representative.

Hon. P. H. WELLS: I am glad to find that I am going down the right path, step by step; the Minister has indicated I am moving in the right direction. Now, having set up those panels, a third is to be established. Clause 6(2) provides that the Minister will be able to establish a panel of persons whose expertise would, in the opinion of the Minister, be likely to be of assistance to the tribunal. I assume these are to be the advisers; they could be anyone the Minister desired.

Hon. Peter Dowding: An example would be that the Builders Registration Board has to deal with the financial circumstances of builders and it may be appropriate in those circumstances to have an accountant on the Builders Registration Board. It may be appropriate to have a quantity surveyor on the board.

Hon P. H. WELLS: The Minister has given an indication of what he has in mind. But this third panel can be made up of anyone the Minister desires to have on it. It could include ALP advisers, perhaps an ALP adviser on credit matters.

So we have the traders, the consumers, and the advisers. Instead of calling them advisers we might call them specialists. The clause does not say that they need to be specialists, but that they should have expertise which would be of assist-

ance, so it could be specialist expertise such as that held by an accountant.

Hon. H. W. Gayfer: The Bill provides that they be experts.

Hon. P. H. WELLS: I have heard the explanation of an expert before. It is a question of deciding where their expertise lies.

Hon. H. W. Gayfer: They could be lawyers or accountants.

Hon. P. H. WELLS: They could be experts on ALP policy—I am merely saying what is possible under the terms of this clause.

Further on in the Bill we find that it makes provision for the setting up of a tribunal, and this can be found in clause 12. The Minister said that this clause explained the functions of the Bill, but all it provides is that the chairman or his deputy and one person selected from each of the three panels provided for in clause 6—the traders' panel, the industry panel, the consumer panel, and one or more persons from the Minister's expert panel—will go to form the tribunal.

I wonder what would be the situation if, for instance, we were dealing with the Builders Registration Act under the terms of this proposed Act. The Builders Registration Act determines the qualifications of the people on the Builders Registration Board, and it provides that they will be taken from the housing industry, from the master builders, a union involved in the industry, and a consumer representative. What happens to the structure of that board when it comes to be affected by this legislation? Will those people be replaced by these panels?

This Bill provides that the chairman of a tribunal will select one person from each of the panels, not from the group embodied in, as in the instance I have used, the Builders Registration Act. Are the members of the Builders Registration Board, the people who have expertise in the area, to be replaced by another group of people selected by the Minister? The structure of the Builders Registration Board, as with similar boards, has been agreed to by previous Governments and this Government.

Are those members of the board, with all their expertise, to be replaced by people from these panels? This legislation provides no protection for them and they could end up with a board chosen at the whim of the chairman, and this could leave a structure that did not have the expertise that allowed the industry to be adequately represented. Is the Government saying that the structure of various boards set up over the years by previous Governments and this Government are not working and are not representative of the industries? What is intended in terms of those structures? What I see contained in this Bill leads me to raise this sort of question.

The Government at this stage has not gone to the industry because it is not ready to discuss this changeover. The industry will become bewildered by the propositions contained in this Bill.

Clause 11 provides that there shall be a person to be known as the Commercial Registrar who shall be the executive officer of the tribunal. I expect that at this moment there are registrars filling jobs requiring expertise in looking after the affairs of various boards. Are they to be replaced by the executive officer of this tribunal?

From my reading of the Minister's second reading speech it would seem that the Bill will engulf bodies such as the Hire Purchase Licensing Tribunal, the Motor Vehicle Dealers Licensing Board, the Real Estate and Business Agents Supervisory Board, the Finance Brokers Supervisory Board, the Settlement Agents Supervisory Board, the Builders Registration Board, and the Painters Registration Board.

I have not checked on all those boards, but I have spoken with the registrars of a number of them and I know they have developed an expertise in their particuar areas. Are they, as well as all these people who are currently nominees and people appointed under previous Acts, to be replaced by this panel?

Clause 11 (3) confers certain functions upon the registrar and provides that he may, with the approval of the tribunal or the chairman, exercise the functions of the tribunal in relation to prescribed matters. In other words, there are going to be regulations that will delegate those functions over which the registrar may exercise some authority. We need to know how this new structure is to fit within the present structure of registrars.

Clause 11(3) provides that the registrar may exercise the functions of the tribunal, but I have been unable to find the functions mentioned anywhere in the Bill. Clause 5 indicates the powers of the board, but it does not mention the functions of the tribunal.

Hon. Peter Dowding: That depends on the Act you attach to it.

Hon. P. H. WELLS: The Minister is saying that somewhere down the end of the line we will find the functions.

Hon. Peter Dowding: There are licensing functions, disciplinary functions, and regulatory functions, and they are all in the Acts covering the relevant industries. When the legislation for those amendments comes in to tack them onto this Bill,

you can debate the functions because they will be in those Acts.

Hon. P. H. WELLS: That is interesting. If we consider the Builders Registration Act we find that it does not define the functions of this tribunal.

Hon. Peter Dowding: Because when it is attached to the tribunal it will be attached by legislation. How can you spell out the functions of the tribunal when the functions change depending on what it is you give jurisdiction to do?

Hon. P. H. WELLS: Why did the Minister go to the trouble of putting in the relevant Act? Perhaps the Minister should have said that the functions of the tribunal will be those given to it by the Act referred to it.

Hon. Peter Dowding: No, because the relevant Act means the Act you attach.

Hon. P. H. WELLS: But this refers to the functions of the tribunal set up by the Commercial Tribunal Bill. What are the functions of the Commercial Tribunal Bill?

Hon. Peter Dowding: They are spelt out in proposed section 12(1) which provides that it is to exercise the jurisdiction conferred by a particular Act.

Hon. P. H. WELLS: That is the relevant Act, but the point is, I cannot see how the Minister can confer a claiming function on this particular area. The Minister is transferring functions from various Acts. If we are talking about a function of this Bill, it is reasonable for us to expect that it will be put into the legislation.

I do not want the Minister to think I have no sympathy for this Bill. I am just raising some questions, because when I have asked people concerned with this about this matter, they have not been able to answer me. This is the place where we should scrutinise a whole range of matters. I think industry should be given time to provide some input as to how they see this function.

Hon. Peter Dowding: I guarantee that it gives time to attach their relevant Act. It will be done by Statute, and it will involve consultation. That is a cast iron assurance. If we do not live up to it, you can have a longer debate on every one.

Hon. P. H. WELLS: I accept that promise. What I am saying is that the tribunal is going down a path it has not gone down before. In a sense, we are setting up a QANGO, and that is a part of Parliament. I think it is reasonable that the Standing Committee which has raised this issue should be given an opportunity to examine the Bill.

Hon. Peter Dowding: It is designed to reduce QANGOs.

Hon. P. H. WELLS: I cannot envisage that the Government could find a reason to object to the scrutiny of that Standing Committee. In that way, it is a wider scrutiny. We are moving into areas which have a lot of value. The Minister has said he will adjourn the debate; I trust we will debate this matter again tomorrow.

Debate adjourned, on motion by Hon. Fred McKenzie.

## CREDIT BILL
## CREDIT (ADMINISTRATION) BILL
## ACTS AMENDMENT AND REPEAL (CREDIT) BILL

*Cognate Debate*

On motion by Hon. Peter Dowding (Minister for Planning), leave granted for cognate debate.

*Second Readings*

Debate resumed from 19 September.

**HON. A. A. LEWIS** (Lower Central) [9.50 p.m.]: These are complicated Bills which tend to follow a line of consumerism which successive Governments have followed over a number of years. As we go down this path, we will get to a situation where the cost to the consumer will be higher than it was at first thought it would be. I am not blaming anyone for that, but I just wonder what the total cost to the consumer will be in the end. We have seen many of these consumer Bills which have added costs to a particular product, and thus a further cost to the consumer.

We heard Mr Gayfer speak this evening about the costs to our primary industries.

I have given the Minister a list of my notes on several questions, and on some of the practical problems I envisage with this Bill. I will highlight these comments.

The first concerns "credit" provider. I just wonder what the situation will be in the real world, when a man is selling a machine—I will deal with farm machinery because it is something about which I have some knowledge—which may cost $25 000 and the farmer says that it is worth $23 000, but that he will pay $25 000, although he cannot do so until February or March when he obtains the proceeds of his crop. How can we define that under this Bill? Maybe this is a matter which has not been considered. I hope that the Minister can explain to me this sort of *ad hoc* arrangement which is made quite often.

Another area of the Bill which interests me is the one which refers to a "credit sale contract".

This is on page 12 of the Bill where the definition states—

> . . . 5 or more instalments or by a deposit and 4 or more instalments . . . .

With farm machinery, for instance, seasonal payments are made in their annual payments.

Hon. Peter Dowding: It would still be under the Hire-Purchase Act.

Hon. A. A. LEWIS: I want to know, because I do not think it is. That is what I am worried about, because I am talking about a definition of a sales contract. Perhaps rather than the Minister answer me in every case, it would be better if he answered at one time, because other people may have similar queries.

It seems to me that maybe that is one matter which has been overlooked with regard to farm machinery and which may disappear from the Credit Bill. I wonder why we are retaining the definition of a "binder". I know a few binders are being sold, but I wonder whether we should not rewrite and update the definition of "farm machinery".

On pages 16 and 17 appear the definition of "guarantor" and I wonder whether one farmer could guarantee another, or whether one dealer could guarantee another for the performance of a guarantee. I wonder whether the wording of a "guarantor" may be lacking slightly.

A "linked credit provider" is of course the main linchpin of the whole Bill. I wonder whether the Minister will ration a dealer or a supplier to one credit procedure, because in real terms a dealer would have paper from four or five different companies and he would ring up those companies if he wished to purchase a header. Half a per cent of $150 000 per annum is worth saving, so a dealer goes to a fair bit of trouble to get the best quote and tells the farmer of the difference.

I am wondering whether this definition links one to one sort of finance. In the long term, this may be a costly exercise for the rural producer.

A "loan contract" is dealt with on page 18, and I wonder whether a farmer could be disadvantaged when purchasing a machine. I discussed the same sort of thing when dealing with the "credit provider" definition. I wonder whether the practicalities of how business usually takes place has been considered, or whether maybe the Bill is a little too legalistic.

I want the Minister to give me a far more rational explanation of the definition of the word "services". That definition takes up nearly a page of the Bill. I wonder whether that definition could be put into more simple language.

I found the definition relating to the trade or tie agreement to be also couched in the same difficult language. I have wondered about the free floor plan cost being tied to the manufacturer's costs and whether that cost which is included in any floor plan may be included in the final price of the machine or vehicle. I want the Minister to elaborate on that.

I wonder whether subclause (2) at the top of page 24 of the Bill could give some consideration to a manufacturer's rework of a machine. I wonder how that ties in. I am throwing all these queries at the Minister. I think we will have to have some discussions about these matters before we get to the Committee stage. If these Bills are to be passed, then it seems that the manufacturers, the dealers, and of suppliers of all sorts of equipment will have to be consulted, rather than our just consulting with the Australian finance conference and some consumer groups. We would have to get some information about costs to suppliers. I will read to the House a quote from a New South Wales trade magazine in relation to the New South Wales Bill before I finish this evening.

Subclause (3) on page 25 deals with the transferring of matters to the Commercial Tribunal of Western Australia from a court and vice versa. I wonder whether that is a good idea. I think we need to discuss those matters. I do not believe that courts should hand cases back to tribunals after those cases have begun. I think that tribunals could hand cases back to courts. However, I believe that the costs relating to this transference could become astronomical.

I wonder whether the supplier does not lose many of his rights under clause 8(2). It seems to be a very simple clause. However, I think it should be considered more closely than it has been.

I found the explanatory notes of little use in my trying to understand the Bill. The notes pointed out what each clause was about, but I do not think they were as clear as they could be in explaining the Bill to a non-legal mind. I am not blaming the Minister. It is one of those things. However, we should look at this matter more closely in the future. When these Bills are passed, a lot of non-legal people will be affected by them and, therefore, I believe that the Bills should be as clear as we can make them so that they are more easily understood.

I am not clear, also, about the rewriting of contracts nor about the extension of contracts for the non-payment of accounts for various reasons. I wonder what value would be left in the goods if those contracts were extended. It may be that the farmers who carry out seasonal contracts are not

covered by this legislation. If that is so, I believe that the Minister has to make up his mind about whether he wants to cover them or not, because obviously the thought behind the Bill was that farmers should be covered so we should write the legislation properly. I want the Minister to comment on that. If farmers use their machinery for contract work as well as for work on their own properties, that contract work does not come under the definition of "farming" and so contracting work would make his entitlement to come under this legislation null and void. To be fair, I think that farmers purchase machinery and do a small amount of contracting work. Maybe the legislation should be tightened to cover that situation. I presume also that, if the farmer is a body corporate, he is not covered by this legislation.

As I said earlier, I am a little worried about the opting-out provisions. Consumers often want to opt out of the purchase of goods—for example, the purchase of a $700 or $800 refrigerator or a $2 000 second-hand car. Can that situation be reasonably compared with the situation of a farmer who has purchased a combine harvester valued at $200 000? Many of the big agricultural machines cost about the same amount of money as the properties cost. It seems to me that if a farmer purchases equipment at that price, he knows what he is doing. In most cases the farmer is in a far better credit situation or financial situation than is the dealer from whom he is purchasing the equipment. Maybe, because I look after the interests of dealers, I feel that dealers are getting the rough end to the stick under this legislation.

I have some problems understanding the time limits in relation to litigation mentioned in clause 24(1). Here again, I am dealing with the industry I know best. Litigation hurts the consumer. Money is lost if a machine cannot be used when a farmer or a fisherman wants to use it. In the case of hay baling and ryegrass, one loses one per cent a day in protein value. Therefore, one cannot afford to lose many days with machinery being tied up because one is involved in litigation. I believe the Minister should have a look at that matter. Maybe we could make provision for the tribunal to provide interim decisions.

Hon. H. W. Gayfer: Why don't you use the words "primary producers"?

Hon. A. A. LEWIS: Very well. It is very interesting that Mr Gayfer should ask me that. However, here I am talking about farmers and fishermen. I am not talking about the primary industry. I was only using the word "farmer" because the word is used in the Bill.

I am worried about the probable costs related to court hearings referred to in clause 28. I am worried also about the penalty referred to in clause 32 because it is not always the dealer's principal who signs contracts. It seems to me that a penalty of $1 000 is a fairly stiff penalty for a mistake. It may not be a mistake; however, we would hope that is all it is. I do not think there are many types of people left in country areas who are business sharks. One of the Minister's predecessors used to call those types of people "typical used car salesmen". I do not think there are many of those types of people left in country areas. A person who has that attitude and who owns a business in the country does not last long.

I would like an explanation in relation to clause 35(1). I think I mentioned my concerns relating to clause 37 privately to the Minister. There is provision for a cooling-off period again in the middle of a season. A self-propelled combine harvester could work up to 23 or 25 acres an hour.

In 10 days 2 500 acres could be taken off and the farmer could then tell the dealer that he does not want to go on with the contract. I wonder how the Minister thinks this could be overcome. The Minister should give us the benefit of his long experience in these matters in connection with clause 49 and indicate how credit in normal business situations can be carried on.

I wonder whether clause 61(6) takes in the errors and omissions situation. I would be happy if the Minister could comment on that.

I do not believe that clause 64 is set out as well as it should be and I would like the Minister to explain the opening paragraphs.

I ask the Minister to explain the refinancing situation as set out in clause 69. Is the supplier as the link credit supplier still involved?—even though he does not get a chance to say whether there is refinancing. In most cases involving the rewriting of a contract the finance company, bank, or whoever is doing it, takes it from the supplier's hands. If the contract is rewritten with a finance company and the consumer agrees to that, I do not believe the original supplier should have any more liability. The performance of the machines would have been ascertained by that time and the supplier could be dropped from the refinancing.

Clause 74 needs a little elaboration by the Minister. The credit provider and the debtor look as though they are in a nice position, but there is no indication of where the supplier or dealer stands.

Clauses 95 and 96 make the job of the supplier even harder than it is now. If we want to kill all country businesses we are going the right way about it. The businesses are disappearing quickly

at the moment and we seem to be continually bringing in legislation to make it harder for people to run country businesses. In the long term that follows through, the primary producer pays the cost and thus we become more uncompetitive on the world market.

In his reply, I ask the Minister to give some consideration to ownership. I would like to see a flow chart of the ownership of the goods at each successive stage. Under the law as it stands most people have a pretty definite idea of where the ownership of certain goods lies right through their history. However, this will be one of the areas which gives great problems. I have talked about the delivery of machines which are not fully paid for. The sale is under consideration, and the purchaser can opt out of it, and I cannot make that any clearer. In the case of highly-priced farm machinery, perhaps the farmer must bear the brunt. Alternatively, the dealer could be left with the second-hand machine probably worth $20 000 or $30 000 less than when he sold it.

Clause 107 is shockingly drafted. Anybody reading it will get verbal indigestion. It means that the credit provider cannot foreclose if the debtor misses one or two payments. I think it could be spelt out in much better English.

In regard to clause 110, I ask the Minister to indicate why the Government has opted for a quarter of the total.

I refer to clause 112; as I have said previously, primary production is a seasonal business. If there is a 21-day delay in front of the tribunal, then it could be 12 months before the machinery can be sold again. There should be some method of short cutting that.

In connection with clause 115 I ask the Minister to explain who suffers the loss if the person who has purchased the machine has beeen given an extra 12 months and still cannot meet the commitment? On reading this Bill it appears that the supplier once more will suffer. He seems to have very little hope if the order is given—and I can see reasons that the order could be given in cases of drought or rural hardship. However, there must be some hard-headed business behind the whole thing if we are to be fair. I am sure that the Minister wants to be fair and I am sure the people drafting the Bill want to be fair. However, as it reads, the supplier cops the lot. It makes me feel that the people who draft this legislation believe that all suppliers are crooks from the start. Some of the purchasers are not that straight! If we consider the used car area, if a seller puts sawdust in the gearbox, when the dealer trades the machine in, who gets left with it? The supplier gets done again.

Clause 117 is the killer and probably will be the killer of all credit in rural areas. The whole system will be tightened up to such a degree that primary producers will not get the service they now get. They will probably be buying from a mail order catalogue before long, because nobody will be able to afford the new credit laws.

It is interesting to note clause 121 on page 137 referring to advertising. What happens if the dealer's name is included in an advertisement by a manufacturer? That situation occurs quite frequently. Can the Minister tell me where the liability will be and where is the manufacturer linked into that?

I ask the Minister to comment on clauses 124 and 146. I would like to know how many contracts the department feels would be reopened and what the cost of that will be to the consumer.

I ask the Minister to explain the bargaining power referred to in clauses 127 and 128. I do not believe that the clauses cover the relevant circumstances.

I refer also to paragraph (i) which relates to undue influence on the part of a salesman or a purchaser. If a farmer is in the middle of taking off his crop and his harvester breaks down, he will race in and want a new harvester quick smart. The influence the salesman has in that case will be different from the influence he has when the crop is off and there is no panic about getting a new harvester. The purchaser could feel undue influence had been exerted in the first case, because the supplier might say, "There it is. It will cost you $160 000. Take it or leave it". That could be considered to be undue influence if one is waiting to get one's crop off. I would be interested to hear what the Minister has to say about that.

I wondered also whether clause 169 would have an effect in the real estate field. I will not delay the House much longer on this matter. I have here *The Journal* of the Motor Traders' Association of New South Wales in which reference is made to the legal developments in the consumer credit law in New South Wales. Details of the legislation are set out. If the Minister wants to take this journal back to his department, he may do so, because some of the explanatory notes are very good. Reading this article, I found it easier to understand the position than I did when reading the other explanatory notes. The following is the recommendation made by the MTA in New South Wales—

> It is recommended that members obtain detailed advice on the effect of and obli-

gations imposed by the legislation on individual member operations.

In other words, they should obtain legal and financial advice which will cost money. Once again the small businessman has to put out money to protect himself in respect of this legislation.

I am sure the Minister understands what I am talking about and that we can do better than New South Wales. We can issue explanatory booklets which show liability in simple terms. Perhaps such a booklet could contain approximately 20 pages of examples of hypothetical deals so that the dealer, the supplier, and the vendor understand the position. I am sure that would be most helpful to all concerned and it would probably save a great deal of expense on the part of the consumer and, after all, that is what the Minister is on about.

*The Journal* says that the gestation period has been 20 years and I would say it will be another 12 months before the matter is sorted out in Australia. Victoria has some problems as has New South Wales. If the matter is to be sorted out, let us involve everybody in that process, not just the finance people and the consumer bodies. The suppliers should also have some say in the matter.

As I said at the outset, we are going too far down the consumerism path. At some stage of the game the individual consumer will have to accept responsibility for his purchase.

With those few words I will not commit myself as to whether I shall support the Bill. I want to hear the Minister's answers to my questions. I am sure that he understands my concern about the matter and he will give full and frank answers. I hope the Minister will let this Bill take its course quietly without trying to push it through. If that is done and if the matter is dealt with in a sane and dignified manner, we shall end up with sane and decent legislation. However, at the moment I have doubts as to whether the Bill will achieve the purpose the Minister envisages for it.

Debate adjourned, on motion by Hon. Margaret McAleer.

## ADJOURNMENT OF THE HOUSE

**HON. PETER DOWDING** (North—Minister for Planning) [10.35 p.m.]: I move—

That the House do now adjourn.

*Members of Parliament: Electorate Offices*

**HON. H. W. GAYFER** (Central) [10.36 p.m.]: One of my colleagues has received the following letter from the Department of Premier and Cabinet dated 4 October 1984—

> Thank you for your letter of the 18th September, 1984 concerning the photocopier installed in your office at Parliament House. You may be aware that the Hon. J. L. Williams raised this matter on behalf of all Members concerned and I have written to him in this regard.
>
> For your information the matter has been given further careful consideration, but the advice given indicates that there is sufficient photocopying facilities in Parliament House to meet existing requirements and therefore the Government has requested that those photocopiers which have been installed be returned.
>
> The Government wishes to reiterate that it never intended that those Members who have their Offices at Parliament House should receive a photocopier.
>
> As mentioned in my previous letter, the Administrative Officer of this Department will be in touch with you in the near future to arrange a convenient time for the pick-up of the machine.
>
> Yours sincerely,
> B. J. Beggs,
> DIRECTOR-GENERAL

And the letter is signed by somebody other than Mr Beggs.

I am extremely upset about this issue. I raised it in this Chamber a little time ago, but nobody has replied to the supplications made here on behalf of my colleagues, members of this place. We have not received one word in reply.

It is interesting that, while I was speaking on this issue previously, the Leader of the House indicated that these machines would not be removed from our offices and we could forget about the matter. Colleagues will remember that the Leader of the House did not speak, but one does not need to speak in such circumstances if one makes the necessary gestures which imply that we should forget about the matter and we believed that was to be the case.

However, instead of that, we, as members of Parliament, who I trust hold dignified positions in this place and who have been elected based on the trust of many people, must suffer being instructed by the Director General of the Department of Premier and Cabinet in a letter signed, in his absence, by another person.

This matter has gone far enough. We are now being dictated to in this House by the bureaucrats who are telling us what we should be doing and what we should and should not have.

There are far too many people wandering around this place for which you, Sir, are respon-

sible. They issue authoritative instructions to us when they have no right to do so.

The photocopier was placed in my room after I requested it and was told it was available. Photocopying machines were placed in other rooms adjacent to mine in the same way as they have been placed in members' electorate offices.

As that photocopier has been placed in my office, I see no rhyme nor reason that it should be removed. I know you, Sir, cannot reply, but I ask you whether it is fair that my room should be invaded and something should be removed from it without my permission.

I believe it is a gross infringement of a member's rights that he must lock his room when he retires at night or when he goes to lunch for fear that someone will come in and remove something from it. That is the stage we are at.

This tommy rot must cease once and for all. We were in this place for 90 years before we obtained the services of one person to help us—90 years! Now we have been given a piece of machinery to help us so that, along with that one person, we make a job of our electorate work.

Many members have offices in this place and those offices save the community thousands and thousands of dollars, because we do not have electorate offices. However, members with electorate offices are entitled to have photocopying machines. Members with offices in this place work at weekends, at night, and early in the morning, as do members in their electorate offices. We need to use modern photocopying machines to do our work and, if we do not have one in our offices, we do not have access to that facility, because the other photocopying machines to which members generally have access are locked away in various parts of the building out of office hours. We are being told that a member has no right to claim a photocopying machine for his own use, in his own office, in this building despite the fact that such a machine has been given to him. What right does any bureaucrat have to tell me what I can and cannot have in this place?

I am a member who has been lawfully elected and I repeat: I shall do all I can legally and otherwise to prevent any person coming into my room in this House and taking away what has been given to me.

I return to the point at which I started. When I spoke in this vein previously, the Leader of the House gave me a signalled message—I believe he gave other members a message in this House—to forget about it, not to worry about it, because it would not happen. Who the hell is this who is writing letters and requiring us to put up the shutters to prevent bureaucrats coming in and taking away what the Leader of the House said could stay in our offices? I think it is wrong.

**HON. V. J. FERRY** (South-West) [10.42 p.m.]: I am forced to speak on this occasion and support Hon. Mick Gayfer in his request regarding the photocopying machines. As he said, I spoke previously in this place requesting that the machines be left in the offices to which they have been supplied. In my case, I made a request in writing to the Department of Premier and Cabinet that a photocopier be supplied to my office. It was supplied and I appreciated that. Of course, subsequently we were told that that was to change.

Reference has been made to the fact that if a member has his own photocopying machine he can use it at weekends. I have done that since I have had a photocopier in my office and I have found it extremely useful. I represent a country area and frequently something will come up which will cause me to dash into my office, collect some information, photocopy it, get back into my motorcar, and hightail it out again. It is a convenience which assists one to service one's electorate and I am sure members who have offices in their electorates do the same thing. They operate under the same system.

However, if one does not have a photocopying machine in one's office in this building, there is no way in which one can photocopy material between Friday evening and 9.00 a.m. on Monday, whereas, if one wishes, one can have the use of that facility 24 hours a day, seven days a week if one's office is in one's electorate.

We hear the common cry these days that more electoral assistance should be provided. Members now have electorate offices and more recently they have been given the benefit of secretarial assistance. In most cases, members have photocopying machines and other aids to enable them to service the people they represent.

In the Consolidated Revenue Fund Estimates of Revenue and Expenditure for the year ended 30 June 1985, as tabled in this House this week, page 50, part 3, Deputy Premier, under item 8 we see the cost of parliamentary offices for the forthcoming 12 months is estimated at $1 012 000.

Yet they have supplied a photocopy machine to my office and now they want to take it away. The Government begrudges a few paltry dollars when it is spending over $1 million throughout Western Australia on parliamentary offices. This is a farce. The Government is behaving in a very foolish manner. A few members operate from offices inside Parliament House and in so doing they obviously save the Government an enormous amount

of money. I do not have all the costs and figures for electorate offices, but I can quote some costs at random.

One electorate office was established recently in the metropolitan area, and I believe it cost in the order of $16 500. Another established electorate office was relocated at a cost of $4 800 and I understand that another was established at a cost of approximately $10 000.

In 1983, an electorate office was established at a cost of $12 500. Of course, furniture comes from the Public Works Department together with necessary partitioning, air-conditioning, painting, etc.

Hon. H. W. Gayfer: We don't even have air-conditioning!

Hon. V. J. FERRY: Indeed we do not have air-conditioning.

Hon. G. C. MacKinnon: You have a nice big window, though.

Hon. Graham Edwards: You get your phone bills paid.

Hon. V. J. FERRY: Rent for offices is considerable and varies from place to place from something in the order of $180 to well over $500 per month. Variations occur between electorate offices.

Hon. H. W. Gayfer: Does that mean that if we shift to the other side of the road and take an electorate office there, we can have air-conditioning?

Hon. V. J. FERRY: The member could probably have air-conditioning.

Hon. P. G. Pendal: And goldfish bowls!

Hon. V. J. FERRY: The member could have all the pleasures of life over there. I do not know what it would cost, possibly $500 a month.

Hon. H. W. Gayfer: Do you have an office in your electorate?

Hon. V. J. FERRY: A member does not have to have one. Then we have cleaning. One room would not cost much to clean, but the asking price for cleaning electorate offices, I am informed, is $32.

Hon. H. W. Gayfer: If you don't have to have an office in your electorate, why have electorate offices?

Hon. Graham Edwards: I think you do have to have one.

Hon. V. J. FERRY: I guess it is a matter of terminology. Electricity charges average out at approximately $65 per month for an electorate office and if the building is purchased by the Government I suppose local government rates must be paid. Water rates certainly need to be paid and that is an almightily expensive item which varies from location to location. Costs for electorate offices around WA in the coming year will be of the order of $1 million, yet the Government wants to recall a few photocopying machines placed in members' offices in Parliament House.

Hon. H. W. Gayfer: They will take out the typewriters next week!

Hon. V. J. FERRY: We will return to blackboards, and I know that chalk is not easy to obtain these days.

Hon. Margaret McAleer: What about those members who did not even get their machines?

Hon. V. J. FERRY: It is scandalous that some members did not even get the machines in their Parliament House offices. Members should be supplied with these facilities and there should not be any discrimination between us.

Hon. Graham Edwards: Why didn't your Government supply them? Talk about whingers—my God!

Hon. Peter Dowding: You were as tight as "the proverbial" over this matter.

Hon. Graham Edwards: More has been done under this Government.

Hon. V. J. FERRY: It seems funny that those members who must have electorate offices are criticising their colleagues who are merely requesting that they retain what they currently have, and, maybe, have similar facilities supplied to those members who do not have offices. It is very strange that my own colleagues would deny me the opportunity to have a photocopier. The Government should be condemned if it carries through with this. I have put notices on my photocopying machine in my office to the effect that it is not to be removed without my written authority. That note is on the machine now. It will remain there, as far as I am concerned, and I will continue to pursue this matter.

I urge the Government to urgently reconsider its policy position in regard to the amount of money it is spending throughout WA on electorate offices.

Question put and passed.

*House adjourned at 10.51 p.m.*

## QUESTIONS ON NOTICE

### POLICE: PROSTITUTION

*Law Reform: Women's Information Referral Exchange*

273. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Women's Interests:

(1) Is the Minister aware of a public meeting (advertised in *The Sunday Times* of 30 September 1984) being held on Friday, 12 October 1984 at 7.30 p.m. at the Women's Information Referral Exchange, Superannuation Building, 32 St. George's Terrace, Perth, for the purpose of discussing prostitution law reform?

(2) Is the meeting being sponsored by the Government?

(3) Are the guest speakers, Roz Nelson and Debbie Homburg, residents of Western Australia?

(4) If not, in which State of Australia do they normally reside?

(5) What time, facilities and assistance may be expected from the staff of the Women's Information Referral Exchange in arrangements for and the conduct of the meeting?

(6) Will the staff of the exchange be involved in any overtime in these activities?

(7) Is it the intention of the Government to legislate to control or regulate prostitution in Western Australia?

(8) If so, when is legislation on this subject likely to be introduced into the Parliament?

Hon. D. K. DANS replied:

(1) Yes.

(2) No.

(3) and (4) The Government does not have access to detailed information on attendance or content of meetings organized by community groups which have made reservations to use the conference and seminar rooms at the Women's Information and Referral Exchange. These facilities are available to any group of women in the community on a first come first served basis. In accepting bookings the WIRE management committee has a policy of making no distinctions on political or other grounds in relation to women's groups which may wish to avail themselves of the facilities for lawful purposes.

(5) WIRE staff are not involved in arranging or conducting the meeting.

(6) No.

(7) and (8) This matter is under consideration.

### GAMBLING: CASINO

*Applicants: Delay*

274. Hon. P. G. PENDAL, to the Minister for Administrative Services:

What has caused the delay in choosing the applicant who will develop a casino in Western Australia?

Hon. D. K. DANS replied:

There is no delay. I am awaiting a report from the casino control committee appointed under the Casino Control Act.

275. *Postponed.*

### TRADE: EXPORTS

*Live Sheep: Regional Ports*

276. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Water Resources:

(1) Does the Government propose to provide a water supply to those residents who live at the "7 Mile" in Wyndham?

(2) If not, why not?

(3) If so, when will the work commence?

(4) Is the Minister aware that the local residents are prepared to contribute to the capital cost of the water supply?

Hon. D. K. DANS replied:

(1) and (2) Only if the property owners meet part of the cost as required by the Public Works Department's extension policy.

(3) When the necessary financial contributions have been received.

(4) Yes, but no finality has been reached.

## AGRICULTURE: WEEDICIDES

*Paraquat: Deaths*

277. Hon. MARK NEVILL, to the Leader of the House representing the Minister for Health:

(1) How many deaths in Western Australia have been attributed to products containing paraquat during the last five years by—

(a) accidental poisoning;

(b) suicide?

(2) Is the Minister aware that the use of paraquat has been banned recently in West Germany?

(3) What is the systematic name of the emetic in paraquat known as PP796?

Hon. D. K. DANS replied:

(1) (a) and (b) This information is not readily available and I will advise the member in writing.

(2) I understand its sale has been suspended for reasons more concerned with agricultural practice than human health.

(3) 2-amino-4, 5-dihydro-6-methyl-4-pro-pyl-s-triazel (1,5-a) pyrimidin-5-one.

## INSURANCE

*General Insurance Brokers and Agents Act: Fees*

278. Hon. P. G. PENDAL, to the Minister for Consumer Affairs:

(1) Has the Minister received approaches concerning the recent payment by some insurance brokers of the $90 three-year registration fee under the State Act?

(2) Is it correct that Commonwealth legislation is shortly to be proclaimed to cover this field of activity?

(3) If so, what is to be the fate of the State board and registration system?

(4) Will he ask the State board to consider refunding all or part of the $90 collected under the State Act?

Hon. PETER DOWDING replied:

(1) Yes.

(2) Some parts of the Commonwealth Act have been proclaimed. The licensing system provisions have not and it is not yet clear when this will occur.

(3) and (4) The matter is under consideration.

## LAND: CONDITIONAL PURCHASE

*Freehold Title: Mr Reg Birch*

279. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

(1) Has a Mr Reg Birch been granted freehold title over his conditional purchase block at the "7 mile" in Wyndham?

(2) What were the conditions which had to be met before freehold was granted?

(3) Has Mr Birch satisfied all of these conditions?

Hon. D. K. DANS replied:

(1) to (3) If the question refers to Wyndham lot 1290 in the area known as "7 Mile", the land is not subject to conditional purchase, but has been leased since 1977 to R. & M. J. Birch for "grazing and cultivation".

## GAMBLING: CASINO

*Burswood Island: MRPA Attitude*

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

(1) Has the Metropolitan Region Planning Authority yet discussed or decided upon its attitude to the siting of a casino on Burswood Island?

(2) If so, what is its attitude?

(3) If it has not formulated an attitude will the Minister request it to do so in view of the MRPA's responsibility in matters relating to regional reserves?

Hon. PETER DOWDING replied:

(1) to (3) If and when a formal proposal is prepared to locate a casino on part of the Burswood Island, it will be referred to the Metropolitan Region Planning Authority.

## PORTS AND HARBOURS: ESPERANCE

*Charges, and Loading Rates*

281. Hon. MARK NEVILL, to the Minister for Planning representing the Minister for Transport:

(1) What are the normal loading rates, in tonnes per hour, and the wharfage charges for the Port of Esperance for—

(a) mineral concentrates;

(b) gypsum;

(c) grain?

(2) What rentals per square metre are charged for land leased by the Esperance Port Authority to—

(a) CBH port installations;

(b) Seltrust port installations?

(3) When were the rentals for the leases in (2)(a) and (2)(b) last negotiated?

(4) What is the current rental on the CBH aerocell lease?

(5) Was the land on which the aerocell was constructed previously leased to CBH?

(6) Is it correct that the aerocell rental has been increased by 1 495 per cent?

(7) What were the wharfage charges for grain in 1970 and what changes in wharfage charges for grain have occurred in subsequent years?

Hon. PETER DOWDING replied:

(1)

| | Loading Rate | Wharfage |
|---|---|---|
| (a) Mineral Concentrates | 200 TPH | $0.85/tonne |
| (b) gypsum | 700-750 TPH | $0.85/tonne |
| (c) grain | 600 TPH | $0.75/tonne |

(2) Rental per M2 for port installations—

(a) CBH main installation 4.9 cents

(b) Seltrust (BP minerals)—

(i) No. 1 Lease—63 cents (includes own shed)

(ii) No. 2 Lease—$1.11 (weighbridge site)

(iii) No. 3 lease—$6.69 (includes rental of Esperance Port Authority shed).

(3) Leases negotiated—

(2) (a) CBH 17-9-68

(2) (b) Lease 1 & 2 1-2-80: Lease 3 1-2-81.

(4) CBH aerocell lease—currently no charge as negotiations of lease still to be finalised.

(5) No.

(6) Not applicable.

(7) 1970—$0.175/tonne
1976—$0.24/tonne
1978—$0.24/tonne
1980—$0.40/tonne
1981—$0.50/tonne
1982—$0.70/tonne
1-7-84—$0.74/tonne.

## CEMETERY: KARRAKATTA

*Grace Bussell's Grave: Modernisation*

282. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Local Government:

(1) Has the historic grave at Karrakatta of Grace Bussell been "modernised"?

(2) If so, was permission given by any member of the family?

(3) If not, on what grounds was the grave site and monumental work disturbed?

Hon. J. M. BERINSON replied:

(1) I am informed that as part of redevelopment of older sections of the cemetery, the Karrakatta Cemetery Board has removed some monumental work from the grave in which Grace Vernon Drake-Brockman (Bussell) is buried. The headstone is retained on the grave.

(2) The board received approval from a member of the Drake-Brockman family in May 1979.

(3) Answered by (2).

## PLANNING: GLEN IRIS

*Residents: Uncertainty*

283. Hon. V. J. FERRY, to the Leader of the House representing the Premier:

With respect to land planning in the Bunbury area—

(1) Is the Premier aware of claims being made by residents of the Glen Iris area, near Bunbury, that they are disadvantaged because of uncertainty of Government planning?

(2) Has he received a request from the Bunbury City Council for him to make a determination in the matter?

(3) In view of the Government's offer to land owners affected by the Dawesville cut plan, will he make a similar offer of compensation or resettlement to the residents of Glen Iris?

Hon. D. K. DANS replied:

(1) I am informed that planning for the Glen Iris area is proceeding in accordance with both the City of Bunbury town planning scheme No. 6 and also the Bunbury region plan with its associated studies. This is progressing well, to the extent that resolution of the zoning of

Glen Iris should occur in the near future, together with options regarding the purchase of land required for the expansion of the port facilities. It is common for planning studies to take some time to be finalised, but it is not considered that Glen Iris is any more disadvantaged by this process than other areas.

(2) No.

(3) The plight of Glen Iris residents arising from uncertainty of tenure and rights to property because of various Government works and proposals affecting the area is recognised. Presently the South West Development Authority is making a detailed investigation of all aspects of the problem and plans to make recommendations to Government incorporating solutions within the next three to six months.

## HEALTH: HOSPITALS

*Kununurra and Wyndham*

284. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Health:

(1) Is it correct that the X-ray and pathology facilities at the Wyndham hospital are being transferred to the hospital at Kununurra?

(2) If so, why?

(3) Is the Government intending to construct a surgeon's surgery at the Kununurra hospital?

(4) If so, why?

(5) Is there a surgeon's surgery at the Wyndham hospital and if so, how frequently is it used?

Hon. D. K. DANS replied:

(1) No.

(2) Not applicable.

(3) No.

(4) Not applicable.

(5) Regular visits are made by the resident surgeon at Derby and emergency visits as required.

## GAMBLING: CASINO

*Applicants: Investment*

285. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) What magnitude of development and investment is currently envisaged by the final two contenders vying for a casino licence?

(2) In view of the varying estimates, will the Minister indicate if the proposals envisage—

(a) a $100 million project;

(b) a $200 million project; or

(c) a $300 million project?

Hon. D. K. DANS replied:

(1) and (2) The proposals of the two finalists are as follows—

Swan River Park Ltd.—$130 million

Tileska Pty. Ltd.—$200 million

Tileska Pty. Ltd. is prepared to spend an additional $100 million for another hotel as a second stage development.

## MINISTER OF THE CROWN: PREMIER

*Aboriginal Groups: Meetings*

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

(1) Did the Premier or any of his Cabinet meet with any Aboriginal groups or organisations in Wyndham last week?

(2) If so, which groups or organisations were met?

Hon. D. K. DANS replied:

(1) A number of Government Ministers and I met with the Aboriginal Consultative Committee (East Kimberley) in Wyndham on 3 October.

(2) Answered by (1).

## ROAD: CANNING HIGHWAY

*Verges: Responsibility*

287. Hon. P. G. PENDAL, to the Minister for Planning representing the Minister for Transport:

Which public authority, if any, has legal responsibility for the care and maintenance of verges along Canning Highway in South Perth?

Hon. PETER DOWDING replied:

In practice the Main Roads Department accepts responsibility for the care and maintenance of the road reserve on highways and main roads between kerbs. The local authority accepts responsibility for the normal maintenance of the verge and footpaths.

In a practical situation the department and the local authority co-ordinate their activities and in some cases the department may maintain the road verge—for example, opposite drainage sumps.

*Point of Order*

Hon. V. J. FERRY: It is very difficult to hear the replies to the questions, and I request one of two things. Perhaps the Minister could speak just a little louder, or perhaps the other members could subdue their conversations.

The PRESIDENT: I have already indicated this afternoon that it is out of order and quite rude for members to have audible conversations. The practice is becoming more prevalent every day. Immediately I cease telling members to stop, they carry on the conversations where they left off. I do not mind the Whips going around giving instructions and information to their members, but it is going beyond a joke when members hold party meetings in the House. I ask you to cease, otherwise you will miss the answer to this question.

Hon. Peter Dowding: And they would not wish to do that, Mr President, I can assure you!

*Questions on Notice Resumed*

Hon. PETER DOWDING: If there are any practical situations which give cause for concern, the department will investigate them if the member will supply details.

288. *Postponed.*

## ENERGY: ELECTRICITY

*Power Station: Bunbury*

289. Hon. V. J. FERRY, to the Attorney General representing the Minister for Minerals and Energy:

With respect to the Bunbury power station—

(1) How many employees were engaged at the power station as at—

(a) 30 September 1982;

(b) 30 September 1983; and

(c) 30 September 1984?

(2) In view of the extensions to the Muja power station and the Government's commitment to build a new power station near Collie, what does the future hold for the Bunbury power station?

(3) Will the Bunbury power station be phased out of production?

(4) If so, what will be the time scale for the closing down operation?

(5) What arrangements are being made for re-employment of redundant workers at the Bunbury power station?

Hon. J. M. BERINSON replied:

(1) (a) 178;

(b) 179;

(c) 161.

(2) Bunbury will continue to generate at a reduced level dependent on system demand.

(3) Yes.

(4) Will depend on system demand. First step to full 2 x 7 operation will take place in September 1985.

(5) All will be offered alternative employment within the State Energy Commission.

## ENERGY: ELECTRICITY

*Laverton: Country Towns Assistance Scheme*

290. Hon. N. F. MOORE, to the Attorney General representing the Minister for Minerals and Energy:

(1) Has the Minister agreed that Laverton should come under the country towns assistance scheme for electricity supply?

(2) If so, when will the takeover be effected?

Hon. PETER DOWDING replied:

(1) Yes.

(2) 1 November, subject to commission approval.

## GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

*Bunbury: Reflective Window Glazing*

291. Hon. V. J. FERRY, to the Minister for Planning representing the Minister with special responsibility for "Bunbury 2000":

(1) Will the Austmark project to provide a new Government office building in Victoria Street, Bunbury, contain reflective window glazing?

(2) If so—

(a) what standard reflective material will be used on the project; and

(b) has proper consideration been given to the comfort of occupants of neighbouring buildings having regard for the reflection of heat from the windows?

(3) Have appropriate studies been carried out to determine the effect of any possible traffic hazard arising from the use of reflective material?

Hon. PETER DOWDING replied:

(1) to (3) Glazing to the office tower window strips will be slightly reflective.

The proposed glazing will have a maximum of 19 per cent outward reflectance.

Studies to date and currently underway have shown that the comfort of occupants of neighbouring buildings will not be adversely affected.

The same study currently being compiled shows that there is no detrimental effect on the Bunbury traffic.

## BUSINESSES: COMPANIES

*Incorporations*

292. Hon. V. J. FERRY, to the Attorney General:

How many companies were incorporated in the calendar years 1980, 1981, 1982, and 1983, and for the six months ended 30 June 1984?

Hon. J. M. BERINSON replied:

I am advised as follows—

calendar years—

1980—5 224
1981—7 401
1982—5 445
1983—2 867
1984—(6 months to 30-6-84)—1 889

## BUSINESSES: COMPANIES

*Failures*

293. Hon. V. J. FERRY, to the Attorney General:

How many insolvencies, appointments of official managers and receivers occurred in each of the financial years 1980-81, 1981-82, 1982-83, and 1983-84 analysed as—

(a) official management;

(b) official liquidation;

(c) member voluntary winding up;

(d) creditors voluntary winding up; and

(e) receivership?

Hon. J. M. BERINSON replied:

I am advised as follows—

| financial years | 1980-81 | 1981-82 | 1982-83 | 1983-84 |
|---|---|---|---|---|
| official management | 3 | 8 | 13 | 6 |
| official liquidation | 19 | 28 | 39 | 40 |
| Member voluntary winding-up | 149 | 187 | 219 | 217 |
| Creditors voluntary winding-up | 101 | 67 | 86 | 110 |
| Receivership | 30 | 50 | 93 | 60 |

## BUSINESSES: BUSINESS NAMES

*Registrations*

294. Hon. V. J. FERRY, to the Attorney General:

How many business names were registered in each of the financial years 1980-81, 1981-82, 1982-83, and 1983-84?

Hon. J. M. BERINSON replied:

I am advised as follows—

financial years

1980-81—35 282
1981-82—36 062
1982-83—37 942
1983-84—38 674

Registrations shown include new registrations and renewed registrations.

## QUESTION WITHOUT NOTICE

## STATE FINANCE: CONSOLIDATED REVENUE FUND

*Acquisition of Land and Property*

82. Hon. N. F. MOORE, to the Minister for Budget Management:

I refer the Minister to an item which appears under Part 5 of the Consolidated Revenue Fund Budget for acquisition of land and property. The expenditure in the year 1983-84 was $278 000. The estimated amount for the next year is $5 293 000, a massive increase of just less than $5 million. Can he explain the massive increase in funds allocated for the acquisition of land and property?

Hon. J. M. BERINSON replied:

I ask the member to put the question on notice.