

Legislative Council

Tuesday, 14 September 1982

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

THE LATE HON. C. R. ABBEY

Condolence: Motion

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.31 p.m.]: I seek leave to move, without notice, a motion of condolence concerning the death of the Hon. C. R. Abbey on 2 September 1982.

Leave granted.

The Hon. I. G. MEDCALF: I move—

That this House express its deep regret at the death of the Hon. Charles Roy Abbey, a former member of the Legislative Council for the West Province, place on record its appreciation of his long and meritorious public service and tender its profound sympathy to his widow and the members of his family in their bereavement.

It is my sad duty to move this motion occasioned by the death of the Hon. Charles Roy Abbey on 2 September.

The Hon. Roy Abbey was elected to the Legislative Council in May 1958 as member for Central Province and subsequently as member for West Province in 1965. He retired in 1977. On his entering Parliament, Roy made it clear to the House what his prime role would be when delivering his maiden speech. He said on that occasion—

I am a farmer and have a vital interest in the primary industries in Western Australia.

Those who knew Roy during his parliamentary career came to respect him greatly for his intimate knowledge of agricultural matters which, I might add, he imparted to this Chamber at every opportunity. In this regard he reflected the feelings of a large and important section of our community.

To many of the members who sat in this House with Roy perhaps he will be best remembered for his regular and learned contributions on the subject of brucellosis in cattle. I doubt whether a session passed in his 19 years as a member of Parliament that the subject was not raised by him.

Roy Abbey was an active participant in local affairs having served as Vice Chairman of the Beverley Road Board, as a member of the

Beverley Hospital Board, as President of the Beverley Trout Club and as Vice President of the Beverley branch of the Farmers' Union.

Roy was a quiet person but dedicated to his public duties. He had a tidy mind and kept his public and private duties separately organised. He was loyal and steadfast of purpose. He was helpful to new members of the House and popular with members of all parties. He was held in the highest esteem by all who knew him, particularly by his constituents.

He will be sadly missed by his many parliamentary friends and colleagues past and present, but in particular our sympathy goes out to his widow, Win, and her family in their bereavement.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [4.34 p.m.]: I second the motion moved by the Leader of the House. Roy Abbey was in this Chamber when I entered it as a new member and I very quickly formed an association with him. Whilst our political ideologies were not as one, I had a deep respect for him. Some of the things he outlined to me when we spoke four or five years ago about what may happen in this country, unfortunately now appear to be occurring.

Roy Abbey was a gentleman. He was a quietly spoken and very sincere person. He was a person whom not only I, but other members, were very pleased to call a friend.

I very much regret that as I was in another area I could not attend his funeral in Beverley. It is sad that a gentleman of the undoubted ability of Roy Abbey, did not enjoy a long retirement.

I join with the Leader of the House in paying my respects and extend my sympathy to the members of his family that he left behind.

THE HON. V. J. FERRY (South-West) [4.35 p.m.]: I wish to be associated with the sentiments expressed in the motion moved by the Leader of the House and supported by the Leader of the Opposition, in respect of the untimely sad passing of our former member, the Hon. Roy Abbey.

Roy was a tremendous friend, as far as I was concerned, both in and outside Parliament. He was a man of tremendous character and maintained wonderful principles in his life. He had no hesitation in expressing his views on things about which he felt strongly. He did not speak only for the sake of speaking, but when he did speak I believe all members and, indeed, the public—and certainly his constituents—respected him for what he said and did. It has been said he was held in great respect by his constituents over some 19 years, but the fact that he was in this Parliament

for that period is a sure testimony to the character of the man.

I attended his funeral in Beverley 10 days or so ago and I noted that he was honoured by the presence of a large number of people from throughout Western Australia, which indicated the high respect in which he was held.

I, too, extend my personal sympathy to his wife and family at his passing.

THE HON. N. E. BAXTER (Central) [4.36 p.m.]: I join with other speakers in extending my condolence to the Abbey family at the loss of their husband and father, Roy. I knew Roy a long time, going back to 1950, and we were quite good friends. Although he defeated me for my seat in 1958, that did not stop us from being friends for many years. We had a wonderful association over the years.

I express my deep and sincere sympathy to his wife and family and join with those who have spoken their sentiments.

THE HON. D. J. WORDSWORTH (South) [4.37 p.m.]: I, too, want to be associated with this motion. I sat with the Hon. Roy Abbey on the back bench over there for six years and he became a very close friend who guided me in my early years in this House. Not only did we have politics in common but also, of course, a very keen interest in agriculture. Our only disagreement was that Roy Abbey believed that a bull should be white and I believed it should be black; apart from that, we had a lot in common. We regularly passed the time of day in discussing the various political and agricultural problems of the time. I very much appreciated our close relationship.

I, too, extend my sympathy to his wife and family.

THE HON. I. G. PRATT (Lower West) [4.39 p.m.]: I want to associate myself with this motion. Unfortunately, I was not able to attend the funeral of the late Roy Abbey, much as I wished to do so. My association with Roy Abbey goes back long before I entered Parliament when I was involved in a community organisation in the Armadale area and Roy was one of our members. At that time our Assembly member and Minister, Gerry Wild, was very busy and as a result Roy was required to do a lot of work in the Armadale area. He was involved in the formation of the Armadale High School, and P & C members from time to time have spoken to me about the active assistance Roy gave at that time in their endeavours.

Later when I was a member of the Armadale-Kelmscott Shire Council I was closely associated with him and I always found that he was

a person who was willing to help and give of himself on every occasion. Since entering Parliament I found him a warm colleague. He was a person with whom one could discuss a problem quietly and he had tremendous wisdom to impart to new members in this place. Roy Abbey had a good sense of humour and enjoyed a joke and many of us will remember him for that. I join with other members in this House in expressing my condolence to his wife and family.

THE HON. G. C. MACKINNON (South-West) [4.41 p.m.]: I would like to add my words of condolence and convey my sympathy to Roy Abbey's wife, Win. I came into this House in 1958 and Roy Abbey came a couple of years later. Roy, as everyone has said, was a thoughtful and heart-warming member of this House and a man who was fully involved in his personal life and agricultural pursuits. We had the impression that he did not care whether cows were white or black as long as they brought in a good profit! He was successful as a stud breeder and a politician and in this life where one tends to narrow down acquaintances and friends, the loss of a person like Roy Abbey is felt even greater.

I wish to be remembered as one of those who regarded Roy Abbey with affection and I join with you, Sir, in expressing sympathy to Mrs Abbey.

THE HON. TOM KNIGHT (South) [4.42 p.m.]: I wish to be associated with the condolences expressed by members in this House. As you would be aware, Sir, in company with yourself and the Hon. Vic Ferry I attended the funeral of Roy Abbey in Beverley last week. I was honoured to be asked by Roy's wife, Win, to be a pallbearer.

I was a close friend of Roy Abbey when he was in this House and during his retirement I kept in close contact with him. I was aware of his illness and I visited him on several occasions while he was in hospital in Perth and maintained contact with him when he returned home. His wife rang me and advised Roy had passed away the previous day and asked me to be a pallbearer. The Premier asked me to represent the Government and Cabinet at the funeral. From the comments made by the Premier it was obvious that C. R. Abbey, affectionately known to us as Roy, was held in high esteem by all who knew him. He contributed greatly to this House, the Government and the people outside. His contribution to agriculture and the shorthorn cattle society will be long remembered. His gentle understanding of people was his greatest virtue.

Roy became involved with nursing homes and this showed his concern for people. He was responsible for a large sum of money being spent on the care of other people by the establishment of these institutions.

I would like my condolence passed through this House, to his wife, Win, and family. This State has lost a statesman and we have lost a dear and sincere friend.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [4.45 p.m.]: I wish to be associated with remarks already expressed and I would like my condolence passed to Roy Abbey's family. I was fortunate when I came into Parliament because I shared the West Province with Roy Abbey. I learned to have a great regard for him and I took notice of his wisdom and advice. Everyone has said he was a quiet gentleman, but he had a tremendous feeling for people and helped wherever he could. I was under the impression that Roy went about his job in the West Province quietly and did not seem to be fully involved in many of the activities in the area. However, when the time for elections came he always beat his opponent and he certainly retained his popularity in the electorate.

I hope his family enjoy their future and the memory of Roy Abbey will live on with them and members of this House.

THE PRESIDENT (the Hon. Clive Griffiths): As is customary on an occasion like this I would like to add my personal expression of condolence on the passing of Roy Abbey. I was fortunate enough to serve with him for 12 years in this Parliament. I came into Parliament in 1965 in the days when several members shared the same office—there were about four of us in each office. Roy Abbey drew the short straw and had me imposed on him. He listened to every speech of mine three times and he did it with dignity and a sense of well being. He listened to my speech in rehearsal, in the House and again when we went over it afterwards and he was very tolerant towards me.

His redeeming features have already been mentioned by previous speakers and I concur with all the remarks made. With other members of this House I attended his funeral and I have extended to his wife, on your behalf, our sincere sympathy to her and her family. I would ask honourable members, as is customary, to observe the passing of this man by rising in their places for one minute.

Question passed, members standing.

BILLS (10): ASSENT

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

1. Stamp Amendment Bill (No. 3).
2. Industry (Advances) Amendment Bill.
3. The Commercial Bank of Australia Limited (Merger) Bill.
4. The Commercial Banking Company of Sydney Limited (Merger) Bill.
5. Supreme Court Amendment Bill (No. 2).
6. Administration Amendment Bill.
7. Workers' Compensation Supplementation Fund Amendment Bill.
8. Carnarvon Banana Industry (Compensation Trust Fund) Amendment Bill.
9. Western Australian Meat Industry Authority Amendment Bill (No. 2).
10. Consumer Affairs Amendment Bill (No. 2).

The PRESIDENT: Are there any notices of motion for the introduction of Bills?

[Interruption from the Gallery.]

The PRESIDENT: Order! I ask the stranger in the Gallery to cease interjecting, and to sit down if he wishes to remain.

[Interruption from the Gallery.]

The PRESIDENT: Order! I suggest that, if you wish to stay, you sit down and refrain from making any comment.

QUESTIONS

Questions were taken at this stage.

BILLS (2): THIRD READING

1. Bail Bill.
2. Acts Amendment (Bail) Bill.

Bills read a third time, on motions by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

LOTTERIES (CONTROL) AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 24 August.

THE HON. GARRY KELLY (South Metropolitan) [5.30 p.m.]: The Labor Party does not oppose this Bill but it does have some reservations which I wish to raise.

There is some concern that an instant lottery will undermine the existing standard lotteries, as

the introduction of Lotto has undoubtedly undermined the lotteries existing before it was introduced. It is clear that the number of draws each week has declined substantially. If the instant lotteries will undermine the so-called standard lotteries it is felt that there could be a consequent drop in the revenue made available to the traditional beneficiaries of lotteries: hospitals and charities.

To the knowledge of the Labor Party and myself, the Government has given no firm undertaking that the funds generated by instant lotteries for sport and culture will be in addition to the funds provided already by the Government for these purposes. When introducing instant lotteries to help fund these organisations, the Government should give a commitment that the funds so generated will be in addition to the funds that these organisations and bodies receive already.

On the general question of gambling and the activities of the last few weeks, the Government must really get its act together, especially on the matter of illegal gambling. We have a policy of containment and tolerance which might be all very well, but apparently it does not extend to games such as two-up. Another game called "heads and tails", a most innocuous form of gambling—if in fact it can be called gambling—is played often at quiz nights held by small organisations to raise money. Judging by the number of raids by police in recent weeks this gambling is not to be tolerated; these functions will be raided and the people brought before the courts.

Under this "non-policy"—that is the only way to describe it—of tolerance and containment—

The Hon. P. G. Pender: John Tonkin used it.

The Hon. GARRY KELLY: —the untaxed turnover of Northbridge casinos does not benefit sport or culture or anyone else in the State; except of course the casino owners.

If the Government made an effort to get its share of the gambling dollar from these lucrative illegal casinos, perhaps the necessity for introducing new forms of gambling would be obviated because the amount of money that is turned over in these casinos is quite substantial.

These illegal casinos are contained; anyone who tries to open a casino is prevented from doing so whilst those in existence are allowed to continue. However, the State Government receives no rake-off at all; it is a loss to revenue.

If the Government is serious about controlling gambling, it should look at these questions and come to grips with the problem of illegal gambling.

I reiterate, the Opposition does not oppose the Bill

THE HON. N. E. BAXTER (Central) [5.32 p.m.]: I cannot let this Bill pass without commenting on some issues which I feel should be questioned.

Provision is made that the commission shall apply to the Minister for permission to conduct a lottery in the prescribed form, and this is contained in the principal Act. It is provided that the Minister may grant a permit for more than one lottery at a time—a series of lotteries.

I am wondering whether the same will apply to instant lotteries as a result of an application by the commission to the Minister to conduct, say, a dozen or nine lotteries. When those lotteries are under way and some have been drawn will the commission be able to apply for another six or nine lotteries? Will the new lotteries be conducted in a similar manner to the standard lotteries?

Another question refers to the Minister for Recreation, the Minister for Cultural Affairs, and the Chief Secretary. The Bill provides that those Ministers shall distribute the funds, in consultation with unspecified persons. We note that the Minister for Recreation is also the Minister for Cultural Affairs and the Chief Secretary.

It does not seem to be a satisfactory provision that one Minister should distribute funds. This distribution could involve \$2.5 million and I believe it will create some contention amongst sporting bodies. It could be that \$1 million is made available for football and \$250 000 each to tennis, soccer, and hockey. We could then come to the situation where we have to consider whether a darts club constitutes a sporting body and whether it should receive part of the distribution.

Some formula should be drawn up, on a percentage basis, in accordance with what it is believed the sporting bodies should receive. We know football has a large following and there is a much smaller one for soccer and tennis. The distribution of funds will be a difficult task for the Minister. A formula along the lines I have suggested should be devised, and I ask the Minister to give that some thought because I anticipate some problems in the future.

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [5.36 p.m.]: The Hon. Norman Baxter referred quite properly to the existing section 7 of the Lotteries (Control) Act which states—

7. (1) The Commission shall, when it wishes to conduct a lottery, apply in the prescribed form to the Minister for a permit not

less than 14 days before the proposed commencement of the lottery.

The amendment to which the honourable member refers relates to section 7. I inform members that one permission would be given by the Minister to cater for what is regarded as the unique nature of instant lotteries because an instant lottery is continuous; 500 000 \$1 tickets will be in the continuous process of being sold.

These lotteries are run on a continuous basis in other Australian States. When I looked at the situation in totality in Melbourne I noticed they were continuous, and this amendment to section 7 was considered to be necessary.

Another point to which the Hon. Norman Baxter referred is important and is one of the main sections of the Bill which deals with the distribution of funds. It is proper to say that the Chief Secretary and the Minister for Recreation and Cultural Affairs is for the time being the same person but it is proper to anticipate that may not be always the case. The provision has been constructed in such a way that the Minister for Recreation and Cultural Affairs, for the time being, will be responsible for the distribution of 10 per cent of the gross take of the lottery to culture and sport respectively.

The final question is a difficult one. The member thought that consideration should be given to a percentage basis for distribution to the various cultural bodies. I have given that some thought and it will be my intention, in the main, for those funds to be distributed on the recommendation of the existing Western Australian Arts Council.

With regard to the Department for Youth, Sport and Recreation, the member will be aware that the distribution of funds is proposed to be the function of the Minister, not a statutory committee—and to suggest for instance that canoeing should receive a percentage of the fund would be undesirable because the activity may have appeal at present but may not in the future. The same could apply to lacrosse and any other sporting activity. To distribute funds on a percentage basis to each sporting activity would become untenable, impracticable and inoperable.

It is the intention of the Government to structure an advisory committee which will have representatives from the existing sporting organisations in Western Australia. The composition of that advisory committee has yet to be determined.

I assure members that this legislation is something of a breakthrough in terms of Government attitude to authority, particularly statutory authority; because in the past Governments of both colours have seemed to be wedded to the prop-

osition that money should be spent willy-nilly by statutory authorities. It is not a practice to which I hold. I draw the attention of members to the community recreation and sporting facilities fund, which allocated \$1.5 million last year. I do not know the amount for this year. The allocations are made through the local authorities to sporting organisations. The advisory committee advises the Minister, who then makes a decision as to where the funds will be directed. In that way it is possible to take the proper action on existing commitments for local authorities and sport. It has a direct relevance because it is a sporting facility fund.

In the case of lottery funds, the Minister, through his advisory committee, will be able to make a proper ministerial determination.

I congratulate the Hon. Garry Kelly for the points he made because to the best of my knowledge it is the first occasion on which he has dealt with a Bill. I think that is significant.

The honourable member said that instant lotteries may undermine the existing lotteries and Lotto. In 1978 the turnover for lotteries was \$22.7 million and in 1979, when Lotto was introduced the turnover was \$21.4 million for lotteries and \$2.344 million for Lotto. If that is related to the turnover as at 30 June 1982 we note that the turnover for lotteries was \$19.1 million—a reduction of approximately \$2 million since 1978—and the turnover for Lotto was \$23.65 million; making a total of \$42.75 million. That means since 1978 the turnover has increased from \$22.7 million to \$42.75 million. The turnover for Lotto has clearly increased and lotteries have held their own.

The information I have on this matter reveals that lotteries, throughout the totality of the Commonwealth, are in a slight regression and the turnover has been taken over by Lotto. Favourite numbers have made inroads into the traditional turnover in this State also.

The point the honourable member made in regard to funding and the consequent decrease in the amount of money available will not occur because this Bill is structured in such a manner that the same percentage of money from Lotto, lotteries and instant lotteries will be paid to charity as has always been the case. He sought an undertaking that the amount of money taken from instant lotteries for sport and culture in Western Australia should be in addition to the existing CRF funding rather than instead of that funding. The point is well made. I am not at liberty at this stage to indicate what is the Budget determination, but members would be aware that

to secure funds for my portfolio at Cabinet I have to be like a one-eyed football supporter, and I give an assurance that that has been the case. It has always been my express intention that the funds from lotteries and Lotto should be, as far as possible, in addition to the CRF funds for the arts in Western Australia, and not instead of it. The honourable member's general comments on gambling were matters of opinion and were made in a very structured way. I do not say I agree with them, but they have no relevance to the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. I. G. Pratt) in the Chair; the Hon. R. G. Pike (Chief Secretary) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 9 amended—

The Hon. N. E. BAXTER: I take issue with the Minister in regard to this clause, particularly in relation to the distribution of funds. In his reply the Minister said there would be an advisory committee and other persons would be consulted. Nowhere in the Bill or in his second reading speech can I find any reference to an advisory committee. The Bill at page 8, line 6, says—

(1c) The Minister for Recreation and the Minister for Cultural Affairs may for the purpose of deciding on the distribution of moneys under subsection (1b) consult such persons and bodies as they think fit.

In other words, as the Minister thinks fit until the portfolios are split. In his second reading speech the Chief Secretary said—

Under the provisions of the Bill, those Ministers shall distribute the money in such proportions as they think fit among bodies engaged in the conduct of sport or cultural activities. For the purpose of deciding on the distribution of the money, the Ministers may consult such persons or bodies as they think fit.

Nowhere is there any mention of an advisory committee. If there is to be such a committee it should be set out in the Bill, along with its personnel. Under this clause the distribution of the money will be in the hands of the Minister, or if the departments are split, of the two Ministers. One will distribute the money to sport and the other to cultural affairs. At present one Minister handles the distribution of money from both departments. This proposal creates a difficult situation and the Minister should think again about

this clause and make some provision to include in the Bill, an advisory committee and who shall be on it.

The Hon. R. G. PIKE: The honourable member said this matter is not in the Bill because I said in my second reading speech that the Minister will consult an advisory committee. It is not the Government's intention to have a structured advisory committee within the Bill. The Government takes the view that it is elected to govern, and it is the business of Ministers to make decisions. If we adopt a policy of having a statutory authority make decisions for Government, or having a structured advisory committee in the Act, government is restricted. My experience with the community sporting and recreational facilities fund which has on it representatives of Treasury, the chairman of the principal advisory committee of the Department of Youth, Sport and Recreation, and representatives of local government, business and sport, and which last year handed out \$1.5 million directly to sporting bodies or through local authorities, is that it is a practical and good example of the way Governments should function.

Without the strictures of bureaucracy they get down to the business of making decisions on the state of the community and in this case, sport, at the time. I do not see any difficulty, nor do I see any future Minister being placed in a difficult position. I have given an undertaking that as a Minister I will seek advice. In regard to the WA Arts Council, the bulk of the money will be spent on the recommendations of that existing structured body. The money for sport will be distributed as a consequence of a final decision by the Minister on the advice of an advisory committee which has yet to be structured.

The Hon. N. E. BAXTER: Is it not much better to have a statutory authority under the Act than an *ad hoc* one set up by the Minister? Any *ad hoc* committee will be under suspicion by the bodies which receive the money. It will create a difficult position when funds are distributed in the future. I refer to the WAFL and the approach it made about the distribution of TAB funds and wanting some of that money. The Minister cannot tell me that the WAFL will be satisfied with an allocation from lottery funds by the Minister and an unknown body. It will not be satisfied if it does not get what it considers is the appropriate amount. The Minister is making a bed of thorns for himself in putting forward a Bill without a statutory advisory committee. At present the \$1.5 million to which the Minister referred is distributed in small amounts. The proposals in the Bill are a different proposition. The Minister and the

Government should have given this matter more thought when the legislation was drafted and should have provided more safeguards so that there cannot be any reaction from any sport about their allocation.

The Hon. R. G. PIKE: It is my experience as a Minister that the determinations which are made are under suspicion whether or not the body making the allocation is a statutory body. The WA Arts Council which is a statutory authority is a classic example of that. The Arts Council is always subject to criticism, and when the Bill was introduced by the Hon. John Tonkin, both he and Mr Ross Hutchinson made the point that its decisions would be subject to query.

The community sporting and recreational facilities fund, which is a body set up in the time of the Hon. Graham MacKinnon, is a very responsible body. The sums of money it handles are not small as the Hon. Norm Baxter said. A sporting body can receive up to \$10 000. Local authorities can receive, and have received, from that organisation up to \$50 000 and \$100 000, and in some cases, \$200 000. The determinations by that advisory committee have not been challenged, and it works very well with a minimum of bureaucracy and of fuss.

The Hon. G. C. MacKINNON: I have been most blameworthy in that I have not looked at this matter until it was drawn to my attention by the Hon. Norm Baxter. The Chief Secretary has had brief experience as a Minister. Any Minister who takes the sorts of risks that he is taking in this Bill should go back and do a little learning. He is taking a risk in Government and a greater risk in Opposition. I do not approve of the political nature currently being given to the Arts Advisory Council. It was set up to remove the allocation of grants from criticism, but it is becoming a very political exercise. The Chief Secretary said he would set up a "buddy-buddy" committee to tell him who would get the money. We have enough trouble when the committee that advises on allocating the money is at arm's length from the Minister. The Chief Secretary is correct in saying that I set up the committee with the assistance of the current Under Treasurer. The whole idea was to keep the committee at arm's length. The greatest single danger facing any member of Parliament, and in particular a Minister, is of being branded in any shape or form as having wrongfully used money.

The whole parliamentary system is designed, to a very large extent, to remove the possibility of graft and corruption, and it has been extremely successful. However, I would point out to members who, perhaps in the future, face the possi-

bility of occupying such positions, that they should look at the Bill very carefully. As Mr Baxter pointed out, under this legislation, people could face grave consequences and finish up in a most invidious position. The only line of defence is the Auditor General—there is no-one else.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. G. C. MacKINNON: Prior to the tea suspension I was trying to assist the Minister by pointing out one or two serious flaws in his thinking in regard to this piece of legislation. It is an extremely difficult job, because the Minister has a well known antipathy towards statutory committees, and I can understand that. I have tried to point out the value committees serve, particularly where money is involved.

I would not expect the Opposition to cavil at this. I would think, in its present situation, expecting to win the next election—quite apart from the fact that it will be disappointed—it would alter its thinking.

The Hon. D. K. Dans: Have you ever heard of an Opposition which does not think it will win the next election?

The Hon. G. C. MacKINNON: No.

The Hon. D. K. Dans: Then why make such a stupid assertion?

The Hon. G. C. MacKINNON: Whoever will be the future Minister for Recreation and Cultural Affairs will look forward to the proposition of putting money precisely where he wants it to be for political purposes. That might suit a member who is in Government; it might suit a member who expects to be in Government; but I suggest it should not suit people who are here to legislate for the welfare of the community as a whole. Members should bear in mind there is a distinct difference in this situation but, on the floor of the Chamber, our votes have the same value.

When members become part of the Government they may believe their votes are worth a lot more than other votes, but that is not true. However, I suggest a distinction exists and we owe a debt of gratitude to the Hon. Norman Baxter for pointing out that in this Bill we are placing one of our colleagues, who is a Minister, in a situation of peril and we are placing ourselves in the situation of having to answer all sorts of questions in regard to the unfair distribution of funds. However, with a properly constituted committee standing between the Minister and the constituency at large, a safety measure is built in, and it alarms me that has been forgotten.

This tended to be forgotten when the committee was talked about initially and this high-

lights the fact that I was right at that time, because here we are leaving ourselves in the situation of relying on the integrity of the particular Minister—in this case that integrity is undoubted—and the Auditor General.

In the whole framework of the Westminster system that has never been considered to be enough and that is why all types of safeguards have been required. This is an important matter. I never cease to be amazed at the Hon. Norman Baxter's perspicacity and his assiduous attention to his duties as a member of Parliament even on the eve of his retirement, and I pay tribute to him for that.

This matter deserves very serious consideration and I beg the Minister for his own protection and for the protection of those who follow him, to think very carefully before he makes a firm decision to force the matter through on the numbers.

The Hon. R. G. PIKE: I thank the Hon. Graham MacKinnon for his measured and thoughtful contribution and I am mindful of the points he has made. Of course, this decision has been supported by the Government, the Cabinet, and others.

As I understand it, the Hon. Graham MacKinnon indicated he was responsible for setting up the committee which advises on the community recreation and sporting facilities fund.

The Hon. G. C. MacKinnon: I said that I did so in conjunction with the present Under Treasurer, but the Under Treasurer had a bigger part to play in it than I did.

The Hon. R. G. PIKE: I merely make the point that that fund has existed for a number of years and, on average, has spent \$1 million to \$2 million a year either through local government authorities or through direct grants to sporting organisations with a maximum of \$10 000. Therefore, for the purpose of this debate in which we are talking about contributions to sport, its functions are not entirely dissimilar. The committee was comprised of representatives from the Treasury, local government, the Department for Youth, Sport and Recreation, and the business sector associated with sport, and the chairman of the principal committee, who at present is Mr Dettman. That is an advisory committee which makes recommendations to the Minister in precisely the same way as is proposed in the Bill in respect of the funds from the sports-cultural instant lottery. There is not one iota of difference between the two. Both end up on the Minister's desk and he then makes a ministerial decision.

Both the Hon. Norman Baxter and the Hon. Graham MacKinnon have served with great distinction as Ministers in this State. As I recollect, both once held the massive spending portfolio of Health. Therefore, daily both of them would have been making decisions with the authority vested in them when they received their commissions. They would have been spending much larger sums of money than those proposed to be spent under this Bill.

The Hon. G. C. MacKinnon: Always with official advice.

The Hon. N. E. Baxter: And with the permission of the Cabinet.

The Hon. R. G. PIKE: Members should bear in mind exactly the same structure will pertain in this situation. The community recreation facilities advisory committee makes recommendations to the Minister, who refers the matter to Cabinet and the same structure will devolve here. Both members are aware Acts do not exist covering the structure of departments. Most of these matters are covered by Executive Council decisions.

As far as the funds allocated to sport are concerned, recommendations will be referred to Cabinet for verification. I see no departure from the norm here, and I ask the Chamber to support the clause.

The Hon. TOM McNEIL: I agree with the comments made by the Hon. Norman Baxter and the Hon. Graham MacKinnon. The Minister is being left open to an enormous amount of pressure. In saying that, I do not for one moment forget the recent lobbying by the WA Football League which I believe sought approximately \$1.5 million, representing 50 per cent of the \$3 million it hoped to glean from surplus TAB expenditure. I do not think the picture has changed greatly. I know the WAFL was disappointed when it was decided it should not be granted a portion of TAB funds.

The proclamation of this legislation would place an enormous amount of pressure on the Minister. I am not sure as to exactly the manner in which an advisory committee should be constituted, but I assume the Department for Youth, Sport and Recreation would have a big say and the committee could be set up in a manner similar to the WA Sporting Federation. However, it would be possible to establish a body of men able to make recommendations to the Minister.

It is to be hoped the Minister will heed the suggestions made by some of the more experienced back-bench members and adjourn the debate for further examination of the legislation.

The Hon. P. G. PENDAL: I shall make a brief contribution to the debate in support of the clause. One of the important principles overlooked previously was that this Bill seeks to require a Minister to be responsible directly to the Parliament for any actions he might take. I believe that is the import of the Bill and perhaps the Minister could indicate the position by a nod or a shake of the head. I understand the Hon. Norman Baxter and other members were taking exception to—

The Hon. N. E. Baxter: I was not taking exception at all.

The Hon. P. G. PENDAL: —the clause which will not permit a statutory body to hand out the goods.

The Hon. N. E. Baxter: No.

The Hon. P. G. PENDAL: In that case, I misheard the honourable member, because he was followed by at least two other speakers who stressed the underlying point made earlier by Mr Baxter, that being that a Minister would come under enormous pressure in deciding in the ultimate where these funds should be distributed amongst the sporting and cultural organisations of the State.

I am surprised to hear some of the more experienced members say that, because, as I understand it, the Minister for Works in this State has enormous powers, for example, to sign contracts. Indeed, the Hon. Graham MacKinnon once served in that portfolio. In that case we are talking about the scrutiny of a Minister who handles up to \$500 million-worth of public money each year.

We are talking about no more than \$2 million or \$3 million a year, and in any case it is not the amount of money that is questioned, it is the principle, and in this case the same principle applies. If I am on the wrong track one of the previous speakers may be able to indicate that to me, but we seem to be taking objection to a clause in a Bill which may be passed by this Parliament to become an Act of Parliament under which the Minister will be responsible directly to this Chamber.

The Hon. H. W. Gayfer: That is not what Mr Baxter took objection to.

The Hon. P. G. PENDAL: I am not talking about what Mr Baxter took objection to. My understanding of Mr Baxter's objections is that he called for some sort of statutory body to be established by this Parliament to distribute the money in the fund.

The Hon. G. C. MacKINNON: I must hasten to comment on the Hon. Phil Pendal's remarks. As a Minister for Health I was impressed by the

fact that I was responsible for the expenditure of many millions of dollars, but in practice the only money I counted was the money which once a week my junior typist requested from me, and that was the two shillings, subsequently 20c, for tea money. Some members may not find that to be humorous, but I find it to be a humorous side view of the activities of a Minister.

Mr Pendal with a bit of luck may find out one day that a Minister is distanced from the responsibility of actually handling money in the way this measure will make the Minister directly responsible. Time proven procedures distance a Minister from that actual responsibility, and a very good reason exists for that. Virtually all the faults of our system can be traced directly to that reason; that is, the necessity to avoid graft and corruption, to avoid the merest taint of graft or corruption. The procedures followed require a reasonable and legitimate explanation for the expenditure of money so as to avoid any accusation that money is expended for political reasons.

Certainly a Minister signs contracts, but the system is devised so that it is virtually impossible for, say, the Minister for Works, to mention to a friend that if he pays to the Minister \$x the Minister will ensure he gets a contract. I do not know of any way such a thing could be done under our system.

The Hon. N. E. Baxter: Neither do I.

The Hon. G. C. MacKINNON: We have the method of calling tenders, and other procedures which must be followed. I know this Minister has not included this provision deliberately for the purpose of using money for political reasons, but he has done so as a result of his lack of experience and political judgment in these sorts of things. I suggest most forcefully that the provision allows for the possibility of his being accused at some time in the future.

The Hon. N. E. Baxter: Or any other Minister.

The Hon. G. C. MacKINNON: I intended to make that point. This Minister has an obligation to cater for those who follow him, and surely as night follows day they will.

In reply to the previous speaker, the administrative procedures laid down in the various Acts exist to safeguard a Minister from accusation by ensuring that he does not have direct involvement in a way which would allow him to say to a builder, "Look, you put \$x in my bank account and I will see you get the contract." I do not know of any way that could be done. I do not know that any Minister has even come close to doing such a thing. As I said, when I was a Minister the only direct contact I had with money was when I paid

20c for tea money. All other money was expended on advice. Certainly I had a will of my own, but no money was expended directly by me. I suggest seriously and genuinely that the traditions built up to ensure that what I have suggested does not happen, have been transgressed by this provision.

I do not know how it got past Cabinet, although I have seen funnier things get past it. I remember Cabinet decided that the price of haircuts should be increased from 1s6d to 2s, and introduced a measure to that effect upon which we had to vote. In fact, the Cabinet has made mistakes, and I suggest this provision is such a mistake. The Minister ought to give more serious thought to this provision and take it back to the Cabinet while he has a talk with somebody about it.

I am most genuine in the remarks I make; I know how easy it is to make a little but fatal slip that can lead not only to a person's loss of position and status, but also to quite unwarranted distress. The clause in its present form could lead in that direction. I am quite sure Mr Baxter would agree with me.

The Hon. H. W. GAYFER: I think the purport of the debate has been lost somewhere. I heard, and I am sure Mr Baxter heard, the Minister say earlier this evening, that after consultation with the proposed committee certain things would take place. Mr Baxter raised the issue that no mention has been made in the legislation of the formation of such a committee; it is as simple as that. Some discussion took place and the idea of a committee being an advantage loomed up, and reached the proportion of being the matter we are now considering. If the Minister checks the speech he made earlier this evening I am sure he will find his reference to advice he could take from an advisory committee. However, such an advisory committee does not exist, and provision for its existence is not made in the Bill, or any other measure that has come before the Chamber. This is the point I know Mr Baxter was debating.

Mr Pandal said he doubted whether Mr Baxter's idea was any good, but Mr Baxter was not debating the necessity for such an advisory committee. The Minister said he would talk with an advisory committee, but we do not know who will comprise such a committee, and certainly it is not mentioned in the Bill. What gives? What is it all about?

I agree with some of the sentiments of the Hon. Graham MacKinnon and the Hon. Tom McNeil that a committee could well be needed, but that was not Mr Baxter's argument. His question related purely to who comprised the committee to which the Minister only an hour-and-a-half ago

alluded. That is the point that members should remember we triggered.

The Hon. R. G. PIKE: Dealing with the point made by Mr Gayfer, I repeat the point I made earlier so that it is not misunderstood. The fund was initially structured to spend up to \$2 million a year, and was structured in such a way that it does not appear in any Statute. The advisory committee is merely one to advise the Minister, and has worked very well for years. It is the system under which the Hon. Graham MacKinnon worked when he was the Minister for Cultural Affairs and Recreation.

It is my intention to structure the advisory committee in a similar way. Perhaps as the Hon. Tom McNeil suggested, the Western Australian Football League should be represented, and it is proper that it be represented. I support a return to ministerial authority; I happen to think that it is not unreasonable, and that is why the structure of the advisory committee is not mentioned in the Bill. Frankly, I do not think a necessity exists for it to be so included.

The Hon. Tom McNeil referred to the amount of pressure that could come upon the Minister. That is no different from the situation in which he would find himself in regard to the community sporting and recreational facilities fund under the present grants structure.

The points made by the Hon. Graham MacKinnon in reply to the Hon. Phil Pandal are those which he had made previously, but did so with greater emphasis. He made the point that the Cabinet has decided on this matter, and even though I happen to be a Minister of only seven months, my view was shared by the Cabinet.

The Hon. N. E. BAXTER: I am quite within my rights to rise again, and I do so to express my sincere concern, my grave concern, in relation to this matter. The Hon. Graham MacKinnon referred to how Ministers can spend money. The greatest restrictions are applied to Ministers when the expenditure of money is involved. When I was Minister for Health a scheme was introduced to assist physically incapacitated people so they could be transferred from hospitals to their homes where they could get around. In one instance we provided funds for the installation of a lift in a two-storey dwelling. The incapacitated person could not get up the stairs, and the wheelchair could not be carried up the stairs.

The Minister was allowed to spend up to \$2 000 on any one person, but tonight we have heard this Minister say that he will be able to spend up to \$10 000 on any one organisation under this recreation scheme. That is a big sum of money, and

we should not forget that although the limit of the fund is at present \$2 million, it is estimated that next year it will be \$2.5 million, and as the years go on it will undoubtedly increase from \$2.5 million to \$3 million to \$4 million, etc.—the fund will reach huge proportions.

The Minister will be faced with the problem of doling out this money. I am sure as the fund increases in size, greater demands will be made by organisations such as the WA Football League. That is as certain as that I stand here. We are aware of the attitude of that organisation towards obtaining money.

The Bill does not commit the Minister to consult anybody in any way at all. The clause states that the Minister "may" decide on the purpose of distributing, but he does not need to consult anybody. He can decide that he loves football and that he will provide \$1 million for that sport, but that soccer should receive only \$250 000. This Minister is putting himself in a dangerous and invidious position; he is creating a precedent for Ministers who follow him. Is there any harm in the Government's further considering this matter and deciding that a statutory committee be appointed to advise the Minister?

We must look at sport and see how much each sport requires and how much will be allocated to it. The Minister cannot do that on his own without a statutory advisory committee which explores the whole situation deeply and advises him how much should be allocated to each sport. If I were a Minister, I would be horrified if I were handed the responsibility of allocating money without safeguards of this nature, and I suggest to the Minister in a very kind way for his own protection that in everybody's interest the best thing for him to do is to have a statutory committee.

I am not trying to stir up a problem. Perhaps I do not express myself very well, but I am doing this in a kind way to advise the Minister and the Government that they are making a mistake and that they should have a second look at it. At this stage I advise the Minister to report progress on this clause and to talk to the Government, his department and the Crown Law draftsmen and see whether something can be done about this clause.

The Hon. P. G. PENDAL: I was more than happy when I resumed my seat the last time to listen to the advice given by older and more experienced members of Parliament in the hope that I could learn that the position I took 10 minutes ago was somewhat inaccurate; but everything I have heard since then only confirms my original fear about what those speakers had to say.

I will draw another analogy: The Minister for Education does not have a statutory body to help him decide on the distribution of roughly \$530 million a year for education. His ultimate adviser is the Director General of Education. The Director General of Education and a host of other sectional heads, are the people who recommend to a Minister that money be spent on certain schools throughout the year which, incidentally, is as open to any possibility of corruption as that suggested earlier by the Hon. Graham MacKinnon.

It is absurd to be getting terribly upset in this place about the disbursement of \$1 million, \$2 million, or \$3 million annually in sport and cultural affairs grants when in the same Parliament we tend not to put a great deal of store on the fact that the Minister for Education is handling \$500 million or \$600 million annually for the Education budget. He does that, I repeat, on the advice of the Director General of Education.

It has been pointed out already that in this case the Minister for Cultural Affairs and Recreation will be relying on the advice of people in those departments as already happens in the Department of Education. Frankly, it seems to me that the people who are expressing concern about this, albeit, I accept in a genuine way, perhaps ought to be expressing concern in respect of where the real money is spent in this State rather than tackling the position of a certain Bill that will disburse at the most \$3 million in any year.

The Hon. G. C. MacKINNON: I will not answer Mr Pendal's comments. I was Minister for Education and I know what that entails, but I suggest to him, also in a very kind way, that he see Mr Clarko and asks him if he can have a look at the budget proposals and safeguards built into them. I want to pick up an idea that was put in my mind by Mr Pendal when he suggested that this Bill makes the Minister responsible to Parliament. I think that is a first-class idea. I have always been a great believer in the responsibility of Ministers and I suggest to the Minister that a simple way out of what I consider to be his dilemma—which he does not accept, by the way; I wish I had accepted the advice of a few people who had told me the same thing during the latter stages of my term as Minister for Education—is for him to consider a simple amendment to the effect that no matter from where he gets his advice with regard to the allocation of funds, he must table it and make himself responsible to Parliament. He should table the advice before the distribution of the funds so that members of Parliament can accept that he is a responsible Minister

and they can consider what he proposes to do with funds he has to distribute.

This idea was implanted in my mind by the Hon. Phillip Pental when he was talking earlier and I want to give him full credit for originating the idea because it is a good one. So far as I am concerned, it would overcome any problems that I see with this legislation and it would remove any political chicanery if, by some unfortunate chance, we happen to find the Labor Party in Government.

The Hon. N. E. BAXTER: I go along with what the Hon. Graham MacKinnon said in a kind manner to the Hon. Mr P. G. Pental and suggest that not only does he go to the Minister for Education (Mr Clarko) and examine and talk to him about his budgets, but that he also go to the Minister for Health who has a budget of approximately \$300 million, and has a look at that Minister's budgets, including the capital expenditure budget. Two different budgets must be vetted by Treasury before the Minister for Health can spend a penny.

Very little of the Minister's funds cannot be expended at will. There is a certain small fund in respect of which he cannot do this. Treasury does not have to examine every penny, but it eventually oversees all expenditure and if the Minister overspends or there is anything wrong, it will jump on his big toe very hard. Talk like that is absolutely wrong, because what we are discussing tonight has no bearing on Ministers' budgets or what they spend. A Minister cannot spend willy-nilly.

The Hon. P. G. Pental: It sounds like they can't do anything.

The Hon. N. E. BAXTER: They have expenditure limitations. The Minister must go to Cabinet. If he wants more money from Treasury he has to fight hard to get that extra money. As Mr MacKinnon and I know, in Cabinet other Ministers can be envious of big budgets and they try to get some of one's money, which makes one claw like anything to hold on to it. It is also subject to examination. The original budget is submitted and chopped down by Treasury and then when one is in Cabinet one has no chance of spending a large sum of money without a close examination. Let us have a close look at it and protect not only the Minister of today, but the Ministers of the future.

The Hon. ROBERT HETHERINGTON: I am brought to my feet by the odd and specious arguments presented by the Hon. Mr Pental, in which he drew a false analogy. It seems to me that the

Minister is ill-served by his friends and at this stage is better served by his critics.

The Hon. P. G. Pental: That is a stupid remark to make. Little Sir Echo for a change!

The DEPUTY CHAIRMAN (The Hon. I. G. Pratt): Order!

The Hon. ROBERT HETHERINGTON: Am I to understand by the member's interjection that he is not a friend of the Minister? In which case I will accept that and say that the Minister is perhaps ill-served by the people who are ostensibly defending him. Perhaps the honourable gentleman would prefer that remark.

The point I got up to make has already been made by Mr Baxter, but we cannot compare the budget of a ministerial department, which has to be drawn up, presented and must appear in the Estimates, and which does not give the Minister a lot of discretion, with the kind of thing that is being discussed by the clause which gives the Minister discretion to allocate funds between client groups. This clause gives the Minister patronage at his discretion. He can play favourites if he wants to.

I resented the remark made by the Hon. Graham MacKinnon about a future Labor Minister, which was a touch of his old style that we have, mercifully, had very little of late, and I hope we do not have too much more of it in the future.

The Hon. G. C. MacKinnon: Come on!

The Hon. ROBERT HETHERINGTON: Perhaps he was doing a typical psychological transference from the Ministers of this Government to the Ministers of the future Government. The Minister would do well to ignore the kind of defence that Mr Pental made because it has no relationship at all to anything in this clause. If the Minister is going to deal with arguments, he should deal with those that have been put.

As a matter of fact, I am not terribly annoyed with the Hon. Graham MacKinnon. I thought his suggestion that the Minister might table his allocation of funds so that Parliament could in fact inspect it and the Minister become responsible to Parliament, was a good one. Obviously, the Minister because of his past associations does not want to go hunting the QASO, but wants to have some independence; and if he wants to do that, he should do what he has said about QASOS in the past and make himself responsible to this Parliament. Perhaps he should consider the remarks that were made in such a kindly manner by the two gentlemen who have made some criticisms of this clause of the Bill and perhaps he should report progress and think about it, because it seems to me that his gentle critics seem to have an argu-

ment and his defenders seem to have nothing germane to say to this clause at all.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Sections 10A and 10B inserted—

The Hon. GARRY KELLY: Can the Minister say where the tickets for the instant lottery will come from and who will supply them? Will the tickets be printed in Western Australia as is the case with normal lotteries? I understand the tickets used for the instant lottery require a special process.

The Hon. R. G. PIKE: I thank the Hon. Garry Kelly for his question. The answer is that there is a patent on the system of printing tickets, which deals with the peculiar surface quality of the paper which is manufactured so that the surface cannot be peeled off the paper, nor can it be held up to the light and what is on it read. The consequence of that decision is that the tickets initially will be printed in South Australia by a printing firm that presently prints tickets for South Australia, Tasmania and Melbourne and will be printing instant lottery tickets for the New South Wales Government which is introducing an instant lottery that will commence at the end of this year.

Being mindful of the necessity for this business to come to Western Australia, I have asked the Lotteries Commission to negotiate with the franchise holders of the patent with a view to having the tickets printed in Western Australia as soon as possible. Therefore, the answer to the member's question is that negotiations are presently taking place.

It is hoped the holder of the franchise will agree with the transfer of that franchise in relation to the production of tickets in WA in the future.

The Hon. GARRY KELLY: Could the Minister tell the Chamber whether the company which will lease the franchise to the Australian company has any association with the Bally Corporation in America?

The Hon. R. G. PIKE: As far as I understand the answer is "No." However, I inform the member that I have issued an instruction that under no circumstance are any negotiations to take place with the Bally Corporation which as members know is alleged to have Mafia connections in the United States.

The Hon. P. H. WELLS: I ask the Minister: What measures have been taken to ensure that the lotteries will not be available to juveniles and will not in any way encourage gambling among juveniles?

The Hon. R. G. PIKE: The same measures will be implemented as those that exist in relation to lotteries in this State at present. I am told that in South Australia, Victoria, and Tasmania there are no problems regarding breaches of regulations in regard to these tickets by juveniles. It simply does not happen.

Clause put and passed.

Clauses 11 to 13 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.17 p.m.]: I move—

That the Bill be now read a second time.

This Bill is for the purpose of introducing early retirement into the coalmining industry and allowing administrative personnel to use their expertise in the industry beyond the now compulsory retiring age of 60 years.

The arduous nature of the work in the coalmining industry was acknowledged in 1943 with the introduction of a 60-year compulsory retirement scheme and, although over the years mechanisation has reduced the manual effort, the duties of a coalminer are still quite demanding.

This Bill is designed to meet the needs of the coalmining industry today by introducing 58-year optional retirement for mineworkers and allowing those persons eligible to be a member of the Association of Colliery Management or covered by division "A" of the colliery staff award 1955, the added option, with the agreement of the colliery, to extend their working life to 62 years.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

BULK HANDLING AMENDMENT BILL

Second Reading

Debate resumed from 17 August.

THE HON. J. M. BROWN (South-East) [8.20 p.m.]: It seems to have taken quite some time to get this bottom-of-the-harbour legislation to the second reading debate stage. It is a very remark-

able amendment to section 13 of the Bulk Handling Act, which is an Act to improve the provisions for the handling of grain by the company registered as Co-operative Bulk Handling Ltd., and for incidental and other purposes. This is exactly what CBH does in relation to grain. The Act is explicit and this amendment to it is very minor and will allow the company to purchase 40 per cent or two-fifths of the shareholding instead of one-fifth, and to any observer this would appear to be a simple amendment.

However, when I consider the import of the amendment in relation to grain growing in Western Australia it is my opinion and, indeed, the ALP's opinion, that it is an ominous message to the primary producers. The number of farmer shareholders of CBH in the State of Western Australia is 11 749. Those shareholders, through their activities, deliver wheat, lupin, sorghum, linseed, rapeseed, oats and barley through the CBH facilities. Because CBH is their handling agent they are entitled to a shareholding of the company from the proceeds they receive from the grain they deliver—a \$2 shareholding is their entitlement.

A grower is described in the parent Act as follows—

“grower” includes the legal personal representative of a deceased person, a trustee, the liquidator of a company, a person entitled to a share of a crop, under a share farming agreement, and a corporation, organisation or body delivering grain to the Company;

A corporation or partnership is treated as a single grower or shareholder and it is in this sense that I consider the amendment is ominous as far as the grain growing industry in Western Australia is concerned.

In 1960 we went through the syndrome of farmers either becoming big or getting out. A large development programme took place at that time to open new lands, in each case equivalent to one million acres, or 400 000 hectares. Today, there is still a demand for the opening up of new land. In less than a decade we have lost 10 per cent of the shareholders—or as I consider it, 10 per cent of our farmers. We should look at this academically and clinically and decide which way we are heading.

The message in the amendment to this Act is a timely warning to members in this Chamber to act to safeguard our country and the farming industry and to look at what is happening to our land. I am of the opinion that we are quite competent to grow the volumes of grain required in the existing areas under cultivation, subject to

favourable seasonal conditions, without opening up further land.

The abuse that has taken place in regard to our land has been the subject of considerable debate in respect of the Soil Conservation Act. Members spoke at length on land utilisation and considered that what was taking place was alarming and that the disappearance of farmers was of great concern to the welfare of our State. If the number of producers is dwindling, naturally it will have a snowballing effect on rural communities.

We have witnessed a decline in the population of country areas and we have witnessed the denigration of our land. We should encourage the young farmer, the families of farmers, the share farmers and the students from agricultural colleges to take a more active part in our farming industry. We will certainly not attain that success by giving the go-ahead to a Bill such as this.

The object of the amendment on the notice paper is that it is not necessary to have the restriction of 40 per cent; it could be any figure. In the first instance I thought that the amendment was quite sound but if in the future we have to have another Bill to regularise section 13 of the Act, we have not been doing our job.

It would be natural for anyone to ask: What are we going to do to stop the deterioration of our land and the “get big or get out” syndrome? The Government had an excellent opportunity to act when the AMP Society sold large tracts of land in the north of the State to a couple of gentlemen—I cannot recall their names but one of them came from Claremont and was an entrepreneur in the business and he subsequently sold the land to several other farm investors within the industry. I believe that was a chance for the Government to negotiate with a firm like the AMP Society, which owns large tracts of land throughout Australia and from time to time, depending on activities of management and marketeers, decides to sell land.

Another area of concern is the large tracts of land about to be released in the Esperance region. Those people who received allocations of land in effect are receiving a bonus from the State. In my opinion, those who wish to leave the land should be compensated at market value for the land and improvements. However, there must be a way in which we can preserve the land for future generations of young farmers, rather than having such holdings swallowed up, not necessarily by neighbours but by overseas corporations.

We have all read the publicity surrounding foreign ownership of Western Australian land. As

recently as 10 September, *The West Australian* contained a report in the following terms—

The WA Government expects a report soon on ways of controlling overseas ownership of State land.

An interdepartmental committee is nearing the end of its task since beginning the study last January.

That report has serious consequences for the farming industry, as well as the cities and towns of our State, and is another area which can be investigated.

I am gravely concerned at what is happening in regard to land use, and the disappearance of the family farm; that is why this matter is of such importance to the people of Western Australia. In May 1981 we saw the introduction of the Bulk Handling Amendment Bill, the predecessor of this Bill. At that time, a concerned debate took place about the operations of Co-operative Bulk Handling Ltd., about the introduction of varietal control, and about the penalties then being paid by producers in this State.

I have not travelled widely. However, with the Hon. Fred McKenzie, I had the opportunity to look at the grain-growing industry of China, and the flour mills of Peking. I am sure my colleagues would confirm the industrious nature of the Chinese. We were greeted with a large notice board which contained the message, "Welcome to our Australian friends" printed in both Chinese and English. Indeed, they expected a shipment of Australian grain within the next 10 days.

As I said, we took the opportunity to look at their industry. If any member has any fears about our grain quality, I suggest he look at the quality of grain put through the mills of Peking to make flour. I do not wish to denigrate their industry; it is the way the grain is produced. They must cut and stalk the grain. They dry it by the roadside after they have thrashed it out either by hand or by a system of rollers attached to motor cycles. Naturally, the grain is pinched, stained, and small; there would be no comparison with our grain. The standards of our Western Australian grain have improved year by year, and there is still demand for the quality to improve even further.

The debate of May 1981 also concerned the quality of grain and the penalties which are applied against producers of grain in the drier areas of this State. I still maintain those penalties are not justified, and I will continue to fight for their removal, particularly as they apply to growers in the eastern wheatbelt. However, the debate had the result that the penalty would be no higher

than \$3 a tonne, and the producers of the State knew their welfare was being protected in Parliament.

As the Minister responsible for the legislation, the Hon D. J. Wordsworth replied to the debate. His remarks appear at page 1665 of *Hansard* of Thursday, 7 May 1981. He made the following statement, with which I am sure we would all agree—

I believe this is all tied up with the matter of CBH being a monopoly, as Mr Gayfer quite rightly said. Not only has CBH a monopoly, but also the Australian Wheat Board has a monopoly. Those monopolies have occurred entirely at the choice of the growers.

Various committees have considered this problem. The most notable of those committees was the Rae committee, which pointed out various shortcomings with these sorts of monopoly organisations.

That comment is a source of concern to me. I happened to be at a meeting of growers at which Senator Rae was told in no uncertain terms what the farmers thought of his investigations into the activities of the Australian Wheat Board. He went away with the clear message that while there may have been shortcomings in the board's operations, the growers were very satisfied with the representation they received and with the way the board conducted its affairs.

I believe that if we attended any meeting of growers today, the same sentiments would be expressed about CBH. Some 100 farmers must have attended the field day at Leon Riley's property at Trayning; they came from many areas of the State, as well as from the University of Western Australia. I was rather surprised at the volatile response of growers in favour of the preservation of the monopoly of the Australian Wheat Board. Of course, I know that the board's efforts were most beneficial to the wheat growers of Western Australia; indeed, anyone who remembers what happened in the past would support the contention that the board was the best thing ever for the orderly marketing of our grain.

I have had ample opportunity to study this amending legislation and the Act itself. The responsibilities of the company are clearly defined. In fact, the purpose of the Act is common knowledge amongst growers. For a start, the company must insure the grain at its own expense. It must be a very good manager in this respect, because according to the latest balance sheet, this cost has reduced from over \$800 000 to just under \$600 000. It is true that buildings and assets do depreciate. However, I question why the figure

was \$654 000 in 1979, \$803 000 in 1980, and \$593 000 in 1981. Of course, it could be because further expansion has taken place; however, more probably it is because favourable premiums have been able to be negotiated on such a large volume of assets.

I do not know which company insures these assets, but it would be beneficial for CBH to take advantage of the expertise of the State Government Insurance Office.

Section 12 of the Act provides that CBH must present a balance sheet and revenue account to the Minister, who shall cause a copy of both to be laid before both Houses of Parliament as soon as may be practicable after their receipt. This provision has always been complied with, and I have had the opportunity to peruse the balance sheets for the last two years so that my observations may be backed by facts rather than by hearsay.

It is important to appreciate the activities of CBH, and its future within the grain-growing industry of this State. Clause 2 of the Bill seeks to amend section 13, which relates to the power of the company to purchase shares. I am not concerned so much that the company has been acting illegally in purchasing more than the maximum percentage of shares; rather, I am concerned about where our farmers are going. Large tracts of land have been thrown open, and even more land is to be released, yet we are losing people from the country areas hand over fist.

I am also concerned about the operations of the company, where it is heading, and its responsibility to Parliament and to the growers.

Section 17 of the Act relates to the calling of polls in respect of vacancies; a penalty of \$40 is provided for any breach of this section. At present, the company is calling for a poll on two vacancies which have occurred—I do not refer to casual vacancies—in respect of district No. 7, for whom the candidate is Mr H. W. Gayfer, and for district No. 10, the candidate being Mr H. M. Browning. I took the opportunity to telephone CBH and ask the returning officer (Mr R. F. Howell) the areas of the two districts concerned, the term of the appointments, and the terms of Mr Howell's appointment. Mr Howell was most obliging and gave me the information I required. I was informed the positions were for five-year terms, and that Mr Howell was appointed returning officer by resolution of the board.

He told me the board has 10 members. That raises the question of whether there is one-vote-one-value within the operations of Co-operative Bulk Handling Ltd. as far as the shareholders are concerned, because one shareholder may deliver

one tonne of grain, and another shareholder may deliver 10 000 tonnes. It is worth looking at the number of directors. When we have a dwindling number of farmers, do we require 10 directors for the State? I ask that question, but I am not reflecting on the directors.

If one asked farmers to comment on the operations of CBH, they would be laudatory of its activities. As I pointed out, it is a monopoly which acts creditably, not only for the growers but also for the consumers or the clients in the long term.

It is noticeable that, under the Act, the Minister has unlimited powers as far as the operation of CBH is concerned. He can demand that it establish new buildings or storages, alter inadequate facilities, and keep its bins in good condition. Facilities have to be provided when the Minister so requires. Probably that has never happened; but certainly the Minister has unlimited powers under the Act.

I do not know whether any members of the House realise that the Bulk Handling Act provides that in addition to the Board of Directors of CBH, a shippers' delivery board is constituted. In a very important provision, the Act says that the members of the board are not entitled to any remuneration for their services as such. That is in clause 28.

The Hon. W. M. Piesse: The Bill does not have 28 clauses.

The Hon. J. M. BROWN: They certainly have a great responsibility. The members of the board shall be the Commissioner of Railways or his nominee, a person appointed by the Governor to represent the various port authorities, a person elected in the prescribed manner by the merchants operating, and a person appointed by the company. The members of the board shall elect one of their number as chairman.

The Hon. R. J. L. Williams: Are you talking about the Act?

The Hon. J. M. BROWN: Yes, I am talking about the Act. The amending Bill is only a very small one.

The Hon. D. J. Wordsworth: It does not give you much to talk about.

The Hon. J. M. BROWN: I am talking about CBH and the implications of this amendment. This Bill means a great deal to the people of Western Australia, and yet some members look at my contribution whimsically, and question whether I have the right to present my comments on it. However, the measure has far-reaching effects on the operations of the company and the State. I am exercising my responsibility to draw

to the attention of the House what CBH does, what it means, and what I believe should be debated in the Parliament.

Great charges are made on the country people, and this House lays down how much they should be. Sometimes the charges ought to be reviewed. As a result of my investigations, I have many more comments to make, and I will put them as I see best in my presentation to the Bill which is to amend section 13 of the Bulk Handling Act.

The wheat foundation toll cannot exceed \$2.94 per tonne; and the port equipment toll cannot exceed 73c per tonne. The Act provides the amount that may be charged in relation to any other seed, and also a special object charge. That is limited to 75c per tonne, and it cannot be imposed unless the company does several things. The company has to call an election in each district from which a director is elected, and the Act provides also for the rights of the shareholders in this regard.

It is fair to mention the importance of the Skelton Weed and Resistant Grain Insects (Eradication Funds) Act of 1974 in which CBH is called upon to be the collector of revenue. Sometimes the directors may feel that this is an imposition on them, but every grower has agreed to that collection. CBH is certainly a tax collecting firm, if one considers what the principal Act requires.

According to the legislative requirements, CBH shall receive all grain that is tendered in bulk. It has no alternative. It has to do that under the Act. However, an important matter is that under section 42(2)(b) it is not obliged to receive any grain except at a reasonably convenient time and at a place nominated by it. Unless the Minister so directs, it is not obliged to accept grain which has been transported more than 100 kilometres by road. That is a matter of concern to CBH, and I shall refer to that in a few moments.

As far as the Act is concerned, I want to say finally that the Treasurer may, for and on behalf of the Crown in the right of the State, advance moneys for facilities operated by the company. We have seen that happening already. The Government extended a guarantee to CBH in relation to the terminal at Kwinana which is of such importance to the export of grain from our State.

I do not want to miss several points regarding CBH. I referred to the report of the general manager which is produced at approximately the same time as the financial statement. That is sent to every grower in the State. In a concise booklet, the facts of the operations of CBH are pointed out. There is no reason that a grower should not be aware of what is happening. The booklet con-

tains a foreword by the Chairman of Directors, one Harry W. Gayfer. It contains the general manager's report also.

I direct the attention of the House to the latest report—

The PRESIDENT: Order! I have been listening to the honourable member with a great deal of interest. I have been endeavouring to connect his comments with the proposition in the Bill before the House. With respect, I suggest to him that I am finding it extraordinarily difficult to relate what he has been saying, and what he is about to embark on in referring to the latest report, to the proposition to amend section 13 of the Act. Perhaps the honourable member can tie his comments in to the effect that the amendment to section 13 will have. If he can, I would be very grateful.

The Hon. J. M. BROWN: Certainly. It should be remembered that section 13 refers to the shareholders of CBH. I appreciate the point you have made, Sir; but you are not greatly associated with the grain growing industry and the importance of CBH. Many people can work for an organisation and still not know what takes place in that organisation.

The Hon. G. E. Masters: I would stop there. You are getting in deep.

The Hon. J. M. BROWN: I am saying this quite sincerely, because I do not believe that this is a matter for frivolity. It is a matter of grave concern to the State of Western Australia. I am talking about the shareholders. This Bill will allow a decrease in the number of shareholders because of the decrease in the number of farmers in Western Australia who deliver to a CBH facility.

The Hon. D. J. Wordsworth: Mr Dowding might take a point of order on you, you know.

The Hon. J. M. BROWN: This is a serious matter, and it should be canvassed well and truly. When I am talking about the operations of CBH, I am referring to the shareholders and what is to happen. This matter is causing some concern among the shareholders. Perhaps this is the reason that they are leaving the industry and the reason that costs are escalating all the time. It is not easy to refer to the amendment without commenting on the effect on CBH. That is my belief of what will be the effect of the application of the amending Bill and the Act.

Rail transport might be one of the reasons. A three-year contract for freight rates has been let. The rates did not go down; they went up. This might be one of the reasons the shareholders are disappearing, because the farms in the outer re-

gions are becoming bigger and only a few farms are left. The landholders have large areas of land.

The conflict between the Primary Industry Association and the Minister for Transport is indicated by the following—

The Primary Industry Association's grains section president, Mr Flugge and his association needed to face up to realities on the grain wagons issue, the Deputy Premier and Minister for Transport, Mr Cyril Rushton, said last week.

He said that it was an emotional problem as far as grain handling was concerned. A timely reminder is contained in the general manager's report as follows—

We are continually emphasising to Westrail that the programme of wagon replacement needs to be accelerated, both in the interests of containing our costs and maintaining industrial relations harmony. The time could come when staff will refuse to unload these old and unacceptable wagons.

Now, that is the Primary Industry Association against the Minister for Transport. I could elaborate on that, but I do not believe it would have any effect on the Bill. However, it is a cause of concern, just the same as the shareholders are concerned about being regimented as to where their grain deliveries should take place, and whether they can deliver direct to the port.

In my words of warning I add that we should consider the freight charges to the outer regions. That could be one of the reasons the farmers are disappearing. We should do something about that. I represent Bullfinch, which is probably one of the centres in the State with the highest charges. Is one of the reasons for the disappearance of farmers the fact that they are required to pay \$20.80 per tonne for their freight deliveries?

Another matter of considerable concern is the restriction in section 42 (2) (b) of the 100-kilometre rail delivery which has caused a great deal of strain on the directors and management of CBH. This prevents farmers from delivering their grain direct to the ports because of the orderly delivery arrangements. CBH has had to build bulk installations which may not be used to their fullest. That may be another reason we are losing our farmers, but I do not think it is. I have already explained the reasons that farmers are leaving the industry.

The Chairman of CBH sends out a news brief to shareholders. He has accepted an invitation to chair day 2 of a two-day international conference on grain, to be held in London. That is quite a distinction and it is a commendation of his ability.

I do not think anyone would question his ability. The same applies to the confidence in Sir Leslie Price.

But our concern is mainly with section 13 of the principal Act which we are amending so as to increase the company's shareholding from 20 per cent or one-fifth to 40 per cent or two-fifths. In no way does it reflect on the activity of CBH.

The Minister in his second reading speech said that the number of shares held by CBH has now increased to the point where the value slightly exceeds the 20 per cent of paid-up capital. The figure of 2 875 represents 20 per cent of the 11 749 shareholdings and CBH exceeds that number by 885, giving it a total of 3 760 shares. That needs to be considered.

The company has to watch its expenditure in the interests of the shareholders. I should mention also the importance of the staff who operate in this State. In the off-season CBH has 1 182 permanent staff to serve 11 749 shareholdings. In the peak season it has 1 774 staff which is just under 600 extra, and this demonstrates a commendable effort on the part of the staff.

While the company is worried about cost increases and rising wages, I notice that the directors received an increase in their fees and expenditure, which was probably well and truly justified; however, their fees increased from \$49 598 to \$86 149. That is not an insignificant amount, and there may be good reasons for it; but it does represent a concern among the shareholders of CBH as they consider the future of the farming industry when such legislation is introduced.

There is no way that the members of the Opposition will support the amendment on the notice paper unless arguments in support of it can convince us to do so. If we allow CBH to have a 40 per cent shareholding we are not doing our job as legislators.

The reason I have undertaken so much investigation and research into the Act covering CBH is that unless members of the farming community wholeheartedly support it and do not endeavour to bypass the system, they may abuse the system and create friction between the growers themselves and the transport organisation, and increase the costs to CBH. If we all hop in behind CBH there would be lower charges, as was the case in 1981-82 when compared with grain handling charges in 1980-81. This is important in times of rising prices. CBH has a great job to do this year on behalf of its shareholders. While there are areas of stress in this State I think CBH

will exceed its tonnage of last year if we receive reasonable finishing rains.

We have to be the watchdog in this situation. I would not be doing my job for my constituents or for all the people of Western Australia for that matter if I did not mention my concern at the disappearance of the family farm. The family farm makes a great contribution to the economy of our State and to the welfare and social life of country communities; it does so possibly more than any other single concept in the country.

I warn members that this is a serious amendment we are regularising and one that will have a severe consequence on the people of this State if this trend continues. I support the second reading of the Bill.

THE HON. TOM McNEIL (Upper West) [9.08 p.m.]: I support the intent of the Bill. I think everyone recognises that this is retrospective legislation in regard to CBH's performance and I see nothing sinister in the fact that we will legalise the proportion of shares it now holds which, according to the Act, should be no more than 20 per cent of the total shares.

I have an amendment on the notice paper which I will introduce during the Committee stage, but I do consider that the intent of the Bill represents a need for this legislation. The Bill has my support.

THE HON. D. J. WORDSWORTH (South) [9.09 p.m.]: I shall speak briefly on the chief purpose for this amending Bill, which is to allow CBH to buy back its own shares. It is a very good principle and should be supported.

I happen to be a shareholder in a dairy co-operative in Tasmania. At the age of 16 I milked a cow and sent away a miner's quart pot of cream to the local butter factory which was a co-operative, and later the first cheque came to me as a shareholder. I have had two shares in that company ever since and there is no way in which I can get rid of them; unfortunately, the company does not have provisions allowing me to do so. It has to keep me as a shareholder presumably until I am dead—even then I am not sure what it will do with the shares. I have received various dividends from the company which have ranged from 6d to 2s 6d. It seems it cannot cast me away and goodness knows what it costs the company to keep me as a shareholder.

The Act covering the operations of CBH make it clear that once a person is no longer a grain grower he cannot be a shareholder in the company. That is a sensible provision and it should remain. I do not know whether there is any way around this or whether perhaps Mr Gayfer

should consider a bonus issue to get rid of all the extra shares. It amounts to the same thing. I wholeheartedly support this amending Bill.

THE HON. H. W. GAYFER (Central) [9.11 p.m.]: It has been extremely interesting to hear honourable members speaking to this Bill as I am sure it will be when the Minister rises to his feet. I commend the thought and work done by the Hon. Mr Brown and I am sure, Mr Deputy President (the Hon. V. J. Ferry), that you will allow me the same freedom allowed Mr Brown so that I may refer to several matters he raised. He commented in a most sincere manner and for that reason I will comment on one or two matters in answer to his questions.

Firstly, dealing with the shares, at the present time CBH's nominal share capital is 100 000 shares at \$2 each. Basically, we have to remember that is the shareholding of the capital. Members should know that 15 509 of these shares were issued up to 31 October 1969. This followed all the rush, turbulence and high pace of wheat growing at the time with many people coming into the industry. It is a requisite of the Act that when people deliver grain to the installations they should be accorded a shareholding. Since 1969 there has been a steady decline in the number of growers recorded as delivering grain to the company due mainly, as Mr Brown rightfully said, to the amalgamation and consolidation of farm holdings. As a result, at 30 October 1981, the end of CBH's financial year, the company found itself holding 3 760 shares. Under the Bulk Handling Act and the company's articles of association, it is permitted to hold 20 per cent of its share capital, which was equal to 3 102 shares.

When the company's holdings first exceeded the permissible limit the matter was reported to the relevant authority and it was suggested that the Bulk Handling Act be amended as the company at the time was holding 3 486 shares.

The company was advised that due to the volume of legislation before the Parliament at the time the matter should be deferred because it was only a machinery problem in the Act. Subsequently, in the years from 1931 to 1981 the number of shares held by the company increased to 3 760. The matter was raised again and a letter was written to the Department of Agriculture. As so many questions have been raised on this matter, I would like to read that letter to members to illustrate the attitude of the company. The letter was sent on 17 June 1982 and stated as follows—

The Company is experiencing difficulty in complying with the requirements of Section 13 of the Bulk Handling Act 1967-1981

which limits the number of its own shares which the Company as a co-operative may hold. The following sets out the position and it would be appreciated if some action be taken to amend Section 13 to relieve the position.

Although Co-operative Bulk Handling Limited is registered under the Company's (Co-operative) Act 1943, as amended, there are certain aspects of the Company's share structure which are overridden by the Bulk Handling Act 1967-1981.

Section 174 of the Company's (Co-operative) Act provides that a Co-operative Company may purchase out of its reserve funds any shares of a member of the Company but the shares so purchased, and held, by the Company at any one time shall not exceed 5 per cent of its total paid up capital.

Section 13 of the Bulk Handling Act specifically overrides the above provision and allows the Company to purchase and hold, at any one time, shares equivalent in value to 20 per cent of the paid up capital of the Company.

Section 31 (6) of the Bulk Handling Act provides that out of the Foundation Toll collections from each new growers first deliveries the Company shall cause one fully paid \$2.00 share of its capital to be issued or transferred to every grower. The Company's Articles provide that where a grower fails to deliver for two (2) successive seasons (except because of drought, fire, flood or other untoward happening to his crop) his membership lapses and his share is bought from him by the Company at its full face value and is subsequently transferred to a new grower who has qualified to become a Shareholder. Thus only active growers are Shareholders and as a result the Company remains within the control of those growers who have an active interest in the grain industry.

The single share held by each grower enables him to vote for the election of Directors, attend Shareholders meetings of the Company and vote on various matters in accordance with the Memorandum and Articles of Association of the Company. The share can not be bought or sold by outside parties and its monetary value remains at \$2.00.

Because of changes in farm holdings in the cereal growing areas there has, despite the expansion of acreage sown, been a decrease in the number of growers entitled to be

Shareholders of the Company. As a result the shareholding of active growers has reduced and the shares held by the Company now exceed the 20 per cent allowed under Section 13 of the Bulk Handling Act.

As the Company wishes to conform with the intent of the Act—

This is important and it is the reason that I will be opposing the Hon. Tom McNeil's amendment. To continue—

—and the Company's Articles of Association that only active growers participate in the affairs of the Company it would be appreciated if consideration could be given amending the Bulk Handling Act to increase the percentage of the Company's capital which may be held by the Company from 20 per cent as provided in Section 13 to 40 per cent.

Although the company's articles of association provide for the company to hold 20 per cent of the shares, an amendment to the Act to increase the company's holding to 40 per cent would over-rule the company's articles of association. While there is no need for an immediate amendment to the articles, this could be done at some future time, by direction from the shareholders, if the company so wished. There is no need to do that because the principal Act—the Bulk Handling Act—according to legal advice, overrides both the Companies (Co-operative) Act and the articles of association.

The Hon. Jim Brown expressed concern about where the company was headed. I think that could be best answered by referring to the amount of work done and the service the company has provided to its shareholders. Certainly the shareholders are becoming less in number, but it is interesting to note the second last page of the 1981 report, which Mr Brown has, shows that in 1931-32 when CBH first commenced receiving grain it received 31 000 tonnes. In 1934-35 it received 300 000 tonnes. If we consider 10-year intervals until today, we will note the expansion in tonnages handled by the company. The tonnages have increased by approximately 100 per cent every 10 years. For example, in 1941 the company handled 754 000 tonnes; in 1951 it handled 1.253 million tonnes; in 1961 it handled 1.93 million tonnes, and in 1971, 3.6 million tonnes. The amount of grain handled in 1981-82 was five million tonnes. That should answer the question: Where is the company headed? I would say it is headed in the right direction, especially when we consider it has been able to handle such terrific increases in volume. The company has had a

lesser number of shareholders, but certainly a greater amount of work.

The company has had to provide for tomorrow without knowing what is around the corner. It has not been able to afford to allow its shareholders to be caught with their pants down at any time. I agree with the Hon. Jim Brown that the company and its directors have a responsibility to their shareholders, as indeed the Hon. Jim Brown has a responsibility to Parliament.

The Hon. Jim Brown said that with the reduction in the number of shareholders the company should perhaps look at the number of directors. I was most intrigued when he said he had to ring the company to find out about the directors and their districts. He said he did this after seeing an advertisement. He could have obtained that information from the same Co-operative Bulk Handling Ltd. report of 1981. The report shows the directors, their districts, and the sidings.

I would have thought that, being a shareholder in CBH, Mr Brown would have received a copy of the report.

The Hon. J. M. Brown: I am a shareholder in a small family partnership.

The Hon. H. W. GAYFER: That was one of the member's arguments: He said that more companies were involved. Perhaps they are involved for the purposes of family ownership and taxation—

The Hon. J. M. Brown: You are confusing the issue.

The Hon. H. W. GAYFER: I am not at all. I was just saying there was really no need to ring the company because every shareholder received a copy of the annual report.

Mr Brown referred to the dwindling number of farmers and said that the number of directors should be lessened. That is not a job for Parliament; it is for the shareholders to decide. There is no provision for the Parliament to specify the number of shareholders in a co-operative. Parliament has very little to do with the company except in respect of its obligations under the Act, and they do not relate to the formation of the co-operative.

The co-operative has a responsibility to its shareholders and its administration. The co-operative has a replaceable asset valuation in excess of \$700 million.

Whereas at one time the co-operative had five directors, it now needs 10 directors to represent the State fully. Believe me, they do represent the State and they are active in all their pursuits.

The Hon. Jim Brown said that the co-operative has a monopoly on grains. The definition of "grain" at the beginning of the Act refers to wheat and barley. CBH has a monopoly on wheat and barley, but not on all grains.

The Hon. J. M. Brown: I read that from the Act.

The Hon. H. W. GAYFER: The member read "grains", he did not read the definition.

Mr Brown mentioned tolls and said that the foundation toll could be as much as \$2.94 and the port equipment toll 73c. He may not know that they were combined several years ago under the Act. Perhaps it is not news to him because he mentioned that there has been a rather large reduction. They have been reduced by the amount of increase made previously. In other words, to use the parlance, the toll is back to 5c a bushel—where it was before. The shareholders decided that, in order to cater for the predictions of the future, the building should be increased to such an extent that it could handle a possible eight million tonnes.

Possibly we are the only State which has ever managed to reduce tolls in that manner. The new terminal at Albany is expected to be completed in three years' time at a cost of about \$25 million, which could result in handling charges being a little higher than they were last year.

The Hon. J. M. Brown: Would that be the case even if there were an increased tonnage?

The Hon. H. W. GAYFER: I do not know; certainly, some areas of the State are not quite up to par; however, there is quite a time before the year ends.

In addition to the \$25 million which will be spent in Albany over the next two or three years, the company currently is spending \$24 million on buildings in other country areas; shortly, it will release next year's building programme and the charges which will meet this programme are to be struck at a directors' meeting to be held in October, or as soon as crops are headed.

I agree with Mr Brown's comments that the Bulk Handling Act in effect makes CBH the vehicle for collecting taxes, particularly the skeleton weed levy. This is not a new matter; Mr Brown will find that while I sympathise with the skeleton weed problem and with the imposition of the levy—I am not sure how else we could raise such an amount of money—on every occasion the matter of the levy has been discussed, I have consistently declared my opposition to the principle of requiring CBH to be the vehicle by which the tax is collected. I have always declared that the levy

could be the foot in the door and could mean that the Act could be used for other taxing measures.

The Hon. J. M. Brown: I was also quick to add that the levy was accepted by the farmers.

The Hon. H. W. GAYFER: Perhaps; however, the shareholders, as distinct from all farmers, some of whom do not deliver grain, are concerned that their Act could be used in such a way.

Mr Brown mentioned the requirement of the company that wherever possible, all grain shall be delivered in bulk. "All grain" includes wheat and barley; generally, the company endeavours to implement this requirement. I do not intend to comment on the report of the general manager.

Mr Brown mentioned also that the diminution in the number of shareholders was due to the high cost of rail freights, particularly to remote areas. I am not too sure whether I can agree with him on that point; I do not know of any holdings which have gone out of business; perhaps individuals have sold, and left the industry.

The Hon. J. M. Brown: I said it could be; I was responding to a query by the President, who wanted me to relate the comments I was making more closely to the Bill. That was one of the points I made.

The Hon. H. W. GAYFER: Mr Brown said it was a point which should be considered by Parliament, and that was why he brought it forward. The Government has considered this matter. Indeed, one of the vehicles it is using in an endeavour to implement some equity in the matter of rail freight costs is its standing committee on rail freight, which is due to meet within the next week. The achievements of this committee have allayed a great deal of the fears of farmers in respect of rail freight charges. However, if rail freights are a reason for the reduction in the number of shareholders, I hope those fears will be allayed by the proposals which are being invoked, and the formula which has been adopted to date. It may well be that, because of recent Federal action, an effort is made to alter the agreement; that remains to be seen. I have no doubt the committee will find it an extremely interesting exercise before it finishes with that matter.

Mr Brown also said CBH would have to watch its expenditure; I assure him it does so at all times. However, I refer Mr Brown to the figures I quoted earlier showing an increase in tonnage handled over the last 10 years and an expenditure of \$250 million on storage facilities in Western Australia over the last 12 years. He must realise a proportionate increase in the work force of CBH is required to cater for such expansion. Mr Brown pointed out the permanent staff of CBH

numbered between 1 100 and 1 200 and that in 1974, with the addition of temporary staff, the figure increased to 1 800. Total employment has been known to go as high as 2 000, depending on the harvest and the ripening period throughout the State and the need to staff the wheat bins, generally by way of university colleagues.

Mr Brown also pointed to the fact that directors' fees and expenses attributable to directors had increased. This is inevitable, and the shareholders have recommended such an increase. However, I believe this is a matter for the shareholders of the company to decide; it is hardly one for this Parliament. I hope we will never get to the stage where the Government interferes with the running of CBH. It is a private co-operative working under its own Act.

The Act provides that in respect of shares, certain things shall apply. It is the implication of the word "shall" which is sought to be amended. I hope all members realise there is no ulterior motive behind the company's request, notwithstanding a report on the subject which appeared in the newspaper. I repeat that even if the company were delivering grain on its own behalf, it could not use all the shares in its possession to give it a majority vote. If the company were producing and were delivering grain, it could use only one share, because each grower shall receive only one share when he delivers grain, and be entitled to only one vote.

The Hon. Tom McNeil has an amendment on the notice paper, which I intend to oppose for the following reasons—

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! I appreciate the honourable member is trying to relate his remarks to the Bill; however, the appropriate time to discuss the amendment is in the Committee stage. Perhaps the member can confine his remarks to the content of the Bill.

The Hon. H. W. GAYFER: That is fair enough, Mr Deputy President. I do not believe the company would wish to move away from the original intent of the Act. I must say that I am rather surprised at your direction, Mr Deputy President, because I was under the impression amendments appearing on the notice paper were permitted to be discussed during the second reading stage. However, I defer to your ruling, and let the matter stand at that.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [9.42 p.m.]: I thank members for their general support of the Bill, although I understand the Hon. Tom McNeil has an amendment on the notice paper. I particularly

appreciate the comments of the Hon. Mick Gayfer; certainly, no-one in this Parliament and very few people in the State would know more than he the background and operation of Co-operative Bulk Handling Ltd. and the great work it has done for the rural community. I was particularly interested to hear the honourable member give a background of the reasons for the proposals now before the House. We know of the enormous responsibility placed on CBH in respect of the management of its operations and its labour force and in relation to the handling of grain in Western Australia. As the Hon. Mick Gayfer rightly pointed out, the success it has enjoyed so far has been because it has anticipated increasing demands and production and in responding to the needs of the industry.

It is not my intention to reply to all the matters raised by the Hon. Jim Brown; most of those matters were adequately covered by Mr Gayfer. I will endeavour to stick to the content of the Bill.

I appreciate Mr Brown's comments because clearly, he has the industry very much at heart. He did a great deal of research towards his speech, and made an important contribution to the debate.

CBH has a great deal of which to be proud. It has set the standards in the maintenance of grain quality. It applies probably the most modern techniques in the world in the handling of grain, and it has placed great emphasis on hygiene. For that reason, our overseas markets have been maintained and protected for the future. The facilities of CBH are the envy of the world; this is due to the progressive policies of the company over recent years.

The Act certainly recognises the special circumstances that apply to CBH in the way the co-operative operates. This is the reason for the special arrangements for the way the shares can be moved, as set out in the Act and the Bill before us.

I was particularly interested when the honourable member mentioned the total investment in CBH. I knew it was a large amount, but I had no idea that its assets were in the order of \$700 million. That is an enormous investment and a great contribution in one way or another for the economy of this State, in building programmes, and in the maintenance of a very good policy for grain handling.

The Hon. H. W. Gayfer: CBH is the biggest constant employer of building labour in this State and it has been for many years.

The Hon. G. E. MASTERS: This reinforces my comments about its very important contribution to the State.

I would like to take issue with one or two of the comments of the Hon. Jim Brown. He said that the Bill contained an ominous message, and by that I guess he was referring to the reduced number of farmers who bring grain to the centres. He said it is a serious matter for country towns that the total number of farmers and producers has been reduced. Certainly the Bill before us acknowledges that fact. I accept his concern, but we must understand that although it is a fact of life that the number of producers has been reduced, we must remember that this has been brought about as a result of the amalgamation of farms as well as by improved efficiency to meet the demands of increased costs. I suppose farmers must get bigger and more efficient to meet the increasing costs.

The Hon. J. M. Brown: What about foreign ownership?

The Hon. G. E. MASTERS: I will talk about that in a moment. We understand that it is likely to continue at least for a time. Circumstances may change, and if that is the case, the number of producers could increase. In the short term I do not think that is very likely. I do not believe we have lost many producers through erosion and salinity problems. Certainly a large amount of the land has been affected but this has not reduced the number of producers greatly.

The Hon. J. M. Brown: I do not think so either.

The Hon. G. E. MASTERS: The Government has introduced legislation to try to solve these problems on an area-by-area basis. Hopefully we are gaining some ground in regard to soil degradation which resulted through over-clearing and just plain bad management. There is a case for saying that Governments will need to keep an eye on foreign investments and, indeed, the Commonwealth Government does just that. My understanding is that any investment of more than \$100 000 must be approved by the Commonwealth Government of the day. So there is already certain control on foreign investments. The Commonwealth Government and State Governments must look carefully at any large investments of overseas capital. The Hon. Jim Brown would know that in the case of investment in property the situation is considered carefully if the investor does not intend to reside on the property concerned. That is the objective, and clearly the matter must be approached cautiously.

The Hon. David Wordsworth summed up the problems and difficulties that would arise if the

existing arrangements for the management and handling of the shares of CBH were any different from what they are at present. The idea of families holding shares for life would be unrealistic.

The most important point put forward by the Hon. Mick Gayfer was that the people who have bought shares and who have voting rights must be active in the industry. In this way, the shareholders have a proper understanding and appreciation of the problems and it leads to better control of the company.

Again I thank members for their support. I appreciate the great contributions they have made and the depth of their research. I ask the House to support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Labour and Industry) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 13 amended—

The Hon. TOM McNEIL: I move an amendment—

Page 2—Delete paragraph (b) with a view to substituting the following—

(b) by deleting the words 'but to the extent only that the shares so purchased and not sold or disposed of do not, at any one time, exceed one-fifth part of the paid up capital of the Company,'.

Therefore, the principal Act would read as follows—

Notwithstanding the provisions of section one hundred and seventy four of the Companies (Co-operative) Act, 1943-1959, or any provision contained in the memorandum or articles of association of the Company, the Company may purchase, out of its reserve funds, any shares of a member of the Company . . .

The words to be deleted are—

. . . but to the extent only that the shares so purchased and not sold or disposed of do not, at any one time, exceed one-fifth part of the paid up capital of the Company;

My enthusiasm is not dampened because the Hon. Mick Gayfer has suggested that not for one moment does he intend to support the amendment. I am an optimist and I realise we act as a House of Review. I know the legislation which

comes before this Chamber will be given every consideration by a very open-minded Government, and, therefore, I approach this matter with great enthusiasm!

The Hon. Peter Dowding: You are joking!

The Hon. TOM McNEIL: I remind members of an incident which occurred three years ago. I introduced a private member's Bill relating to insurance companies. I did so quite confidently expecting the merits of the Bill to be discussed fully, as a result of which its benefits would be obvious to the members of this august Chamber. The Leader of the House at that time suggested the Bill was not worth supporting and indicated the Government intended to introduce legislation at a later stage that would be more comprehensive than the private member's Bill I had introduced. Legislation was introduced by the Government 12 months later, but that Bill was exactly the same as the private member's Bill I had introduced. The Government's Bill went through this Chamber without a dissentient voice and was passed as Government legislation.

I hope the position has changed since then. I do not seek to knock CBH by moving this amendment. I simply ask the Government and the Minister responsible for the Bill in this Chamber why the amendment is not acceptable. When the Hon. Mick Gayfer was permitted to touch very lightly on this matter he said he did not intend to support the amendment, because CBH intended to stay very close to the Companies Act.

Section 174 of the Companies Act states, in part, "...shall not at any time exceed one-twentieth part of the capital of the company". Since then section 174 has been overridden by section 13 of the Bulk Handling Act which gives CBH the right to hold 20 per cent of the shares. According to my calculations, the figure is running currently at 24 per cent.

I do not know what has prompted the Government to suggest a figure of 40 per cent would stay close to the provision of the Companies Act. I am not aware of the Government's figures in relation to family partnerships, corporate farming, etc., which may cause CBH to redeem some of the \$2 shares.

I simply ask why this amendment is viewed as being so sinister when, touching again on the Hon. Mick Gayfer's speech, CBH indicated it looks forward to the Government not interfering with its operations. All I am saying is, let us free its hands. We are referring to non-voting shares and the fact that CBH may sell shares to a new producer.

The amendment has very far-reaching implications for CBH. It would make the company more autonomous and it would not be responsible to the Government for the number and percentage of shares it holds.

The articles of association were mentioned, but I do not think I need to take that matter any further. CBH is a very productive and efficient organisation and this amendment simply seeks to free its hands so that it can hold whatever percentage of the shares are eventually returned to the company without saying, "In a few years' time you may have to return to the Chamber and make a further amendment to the legislation."

The Hon. H. W. GAYFER: It is very interesting to hear the observations of my colleague, the Hon. Tom McNeil, in putting forward what appears to be a straightforward request for the Government to initiate certain movements in the Act which would support his amendment. However, I remind the Committee that, during the course of my second reading speech, I read a letter from the company to the Government—not from the Government to the company—requesting that certain actions be taken along particular lines to help the company in respect of shareholding. Therefore, the important action taken by the Government here is to comply with the company's wishes and not its own wishes. The Government has taken the company at its word. The company has requested 40 per cent and the Government has said, "All right, this is what we will agree to", and so far the Chamber has agreed to that point.

In making that request to the Government the company would have considered the possibility of their being no limitation at all on the purchase of shares. However, being a responsible company—responsible not only to the Government but also to its own shareholders and particularly to the co-operative federation in Australia of which it is a member, and being a leader of the co-operative spirit—it felt that in terms of its articles of association and so as to be within the confines of the Companies Co-operative Act, and considering that in future years should a desire arise to change 40 per cent to some other figure, the company had to come to Parliament as would any other similar body to effect the change. In other words, the company does not want a blank cheque.

Several ways could be found perhaps to overcome this obvious problem with the shareholding. One such way would be to issue bonus shares as suggested earlier by the Hon. David Wordsworth. Similarly, we could double the shares to each shareholder in the company. However, as there

are roughly 11 000 active shareholders this would mean 22 000 shares would have to be issued, and only 15 000 have been issued to date. The company would have to issue a further 7 000 on top of that and it would not be long before the company would be hoist with its own petard and faced with the same problems with each shareholder needing to have the same number of shares.

I can say honestly that the company in its wisdom, when approaching the Government, gave thought to the possibility of there being no restrictions. However, it is weighed down with a desire to protect its shareholders should anything untoward happen at any time. This way the company has the right to come back to Parliament to have the figure increased if desired.

I repeat that the whole matter arises from the letter I read to members in which CBH requested that it be allowed to hold 40 per cent of the shares.

The Hon. J. M. BROWN: In my second reading speech I said I saw no reason to support this amendment. I remind members of legislation we passed last year to extend the rights of Co-operative Bulk Handling to receive, handle, and deliver grain exclusively until the year 2000. I suggested then that perhaps CBH should be able to handle grain *ad infinitum*. The Government did not take notice of my recommendation and I do not know whether it is a fair parallel to the company's request for a 40 per cent shareholding.

I cannot support this amendment because the figure is getting up to 30 per cent. When it gets to 40 per cent in another 10 years perhaps we will have another look at the grain-growing industry in an effort to stop the loss of farmers from the industry.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [10.07 p.m.]: I move—

That the House do now adjourn.

Airlines of Western Australia: Bus Services

THE HON. TOM STEPHENS (North) [10.08 p.m.]: Before the House adjourns I want to bring

to the attention of members some correspondence I received today from the office of Mr W. W. Mitchell, the endorsed Liberal Party candidate for the seat of Gosnells. I looked at the envelope and wondered whether I had received information on bottom-of-the-harbour schemes and tax avoidance, but it proved to be a Press release for Airlines of Western Australia in which the airline was announcing its decision to cancel its bus services throughout the State, which operate particularly in the north between the towns and the airports.

This announcement is a matter of considerable concern to me because the bus service has become a very integral part of the airline service to North Province. Townships like that of Wyndham have come to rely on this bus service to ensure that the people have a regular delivery of mail, newspapers, and freight, apart from ensuring that they receive regular passenger transport to the jet routes that take them to the city.

The announcement has come unheralded, very quickly following upon the Dyson review and before the Government has announced its intentions in relation to that review. The announcement has come in such a way as to cause me concern that every time a suggestion is made about competition being introduced into the operation of air services in Western Australia, the major airline appears to hold a gun at the head of the Government and to indicate that its services will be reduced. An airline bus service is essential in the isolated parts of this State.

The residents of the town of Wyndham recall very well that when the air service to Wyndham was re-routed to Kununurra only a few years ago, MMA promised they would be provided with a free bus service to Kununurra. Soon after that bus service came into operation a tariff was imposed on its users, and now the service is to be cancelled altogether. The announcement that the service will be cancelled came without any response from this Government, a Government that has stated its concern for the north. In this situation of an airline withdrawing an essential service for northern residents the Minister for Transport has been silent. He has not indicated what alternatives will be introduced to assist northern residents to overcome their isolation from regular passenger services. This isolation applies particularly in places like Wyndham, and certainly in other population centres which will next month have the airline bus service withdrawn.

I draw to the attention of this House my concern over this proposed cancellation of an integral service provided by this airline that has a privileged and protected position in its operations

within this State. It seems to me an unsatisfactory situation that an airline can jettison those unprofitable or marginal operations it so wishes to jettison, and can restrict itself to the many profitable operations it has throughout the rest of the State. I am concerned that the airline will continue in this direction of jettisoning essential services in order to streamline its operations and to continue in only profitable operations and services.

THE HON. N. F. MOORE (Lower North) [10.12 p.m.]: I indicate briefly that I did not think I would ever see the occasion when I agreed on any matter with the member for North Province who has just resumed his seat. On this occasion I express my concern for the matters he raised because this cancellation of bus services affects Exmouth, which is in my electorate. I was concerned when I read that Airlines of Western Australia intended to remove certain bus services. The airline has indicated to me that the difficulties may be resolved by other facilities, either by way of a private bus company providing the services, or whatever. I will wait to see the alternative before I become very cross about this cancellation. But at present I can say that if nothing is provided in place of the existing services we will have the situation in Exmouth of people landing at Learmonth and having to travel some 30 miles without any public transport service available.

I am concerned that when the honourable gentleman introduced his topic he chose to denigrate Bill Mitchell by referring to bottom-of-the-harbour schemes. His reference was grossly unfair and uncalled for, and smacked of the attitude of Senator Peter Walsh.

THE HON. PETER DOWDING (North) [10.14 p.m.]: It is interesting that the Hon. Norman Moore was not prepared to say anything on this critical issue until he was given some assistance by the new member for North Province.

Several members interjected.

The Hon. PETER DOWDING: I understand the Hon. Norman Moore is becoming a bit nervous about his seat; that is why he leapt to his feet.

A point which has not been made but which needs to be made in the context of this debate is that the bus services are due to cease next month but the Government has said nothing. It is quite ludicrous that the carrier made a public announcement of a change which will affect the livelihoods and personal situations of people in the north without first communicating with the Government. It did not first seek the Government's comments and did not first give the Government an option to make some examination

of the alternatives. Had those steps been taken the Government would have been in the position when the announcement was made last Friday to give some assurances to the people of the north.

For those honourable members who do not understand the situation—the Hon. Norman Moore said he may not understand—we are not talking simply about airport-to-town bus services. In the case of Wyndham we are talking about a much more significant service than, say, the service from Perth airport to Perth city where there is a great variety of alternative means of transport. It is one thing to cancel the service from the Karratha airport to the Karratha shopping centre, but it is another to cancel the service for the people of Wyndham. To cancel the service at Karratha will inconvenience some passengers, but not many; often I am the only person on the bus.

The Hon. I. G. Pratt: I'm not surprised.

The Hon. PETER DOWDING: Certainly I would prefer not to be with the Hon. Ian Pratt; I would avoid that at all costs.

The Hon. I. G. Pratt: I would be much too fast for you.

The Hon. PETER DOWDING: In the case of the people of Wyndham, they will lose a significant means of transportation to their major airport, which is an hour's drive away. The present service is the only public transport available to give access to the airport. These issues are serious, and I am amazed the Government should allow this matter to come and go without making an announcement. I regard that course as an example of that of which the Hon. Tom Stephens spoke in his maiden speech, the Government's neglect of the north.

The Hon. Peter Dowding: Misrepresentation

THE HON. I. G. PRATT (Lower West) [10.16 p.m.]: We should not adjourn until we straighten out another of the Hon. Peter Dowding's sleight of hand tricks which he serves up and expects us to swallow.

The Hon. Peter Dowding: I do not do anything for you, Mr Pratt.

The Hon. I. G. PRATT: The member is dead right; he does nothing for me at all. When the Hon. Tom Stephens spoke he gave no indication

that he did anything on behalf of his constituency to try to solve the problem. When the Hon. Norman Moore spoke he said he had made inquiries and had ascertained that the company was considering alternatives. In other words, he got to his hind legs and tried to do something for the people he represents.

Several members interjected.

The PRESIDENT: Order!

The Hon. I. G. PRATT: The Hon. Peter Dowding rose after the Hon. Norman Moore and made a few remarks that were not quite straight, remarks which need to be straightened out.

The Hon. Peter Dowding: Like what?

The Hon. I. G. PRATT: Does not the member listen to himself?

The Hon. Robert Hetherington: We are listening to you now. We are waiting to hear the corrections, if you have any.

The PRESIDENT: Order! The member will direct his comments to the Chair.

The Hon. I. G. PRATT: The Hon. Peter Dowding said that the lack of announcement by the Government was a sign that the Government did not take any interest in the north. He suggested the Hon. Norman Moore was following a lead set by the Hon. Tom Stephens, and I suggest that remark was totally untrue because the Hon. Norman Moore was the only one of the three speakers who had taken some concrete steps to do something about the problem. The Hon. Peter Dowding did not say what he had done to help his constituents; he merely attempted a sleight of hand. The Hon. Norman Moore is the only member who did something. We should not let the rubbish of the Hon. Peter Dowding go unchallenged.

Question put and passed.

House adjourned at 10.18 p.m.

QUESTIONS ON NOTICE

LAND

Restrictions

430. The Hon. D. J. WORDSWORTH, to the Minister for Labour and Industry representing the Minister for Fisheries and Wildlife:

- (1) What is the number of unresolved cases where landowners are being restricted in the use of their land under the Wildlife Conservation Act?

- (2) In what districts are these holdings, and for how long have they been unresolved?
- (3) What size areas are affected, and what relationship has the unusable land and that enclosed with it to their total workable holdings?
- (4) How many such negotiations have already been resolved satisfactorily?

The Hon. G. E. MASTERS replied:

- (1) to (4) The attached schedule outlines the position with respect to species of rare flora which have been found on private property and the landholder has been notified of the presence of such rare flora on his property.

Species	Districts	Total Land Area	Area Under Cultivation	Area of Rare Flora	Number of Plants	Status
<i>Eucalyptus johnsoniana</i>	Victoria Land District	3 500 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	3 600 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 500 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 880 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 000 acres	unknown	unknown	few	Preservation of rare flora acceptable to landholder.
	Victoria Land District	3 600 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 500 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 000 acres	unknown	unknown	few	Awaiting response from landholder.
<i>Eucalyptus pendens</i>	Victoria Land District	3 658 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 600 acres	unknown	5 acres	95 plants	Awaiting response from landholder.
	Victoria Land District	4 000 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 000 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 500 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	3 600 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	3 000 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	3 800 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 300 acres	unknown	unknown	few	Awaiting response from landholder.
	Victoria Land District	4 000 acres	unknown	unknown	few	Preservation of rare flora acceptable to landholder.
	Victoria Land District	4 500 acres	unknown	unknown	few	Awaiting response from landholder.
<i>Acacia anomala</i>	Swan Land District	15 acres	unknown	< 1 acre	6 plants	Awaiting response from landholder.
	Swan Land District	approx 30 acres	unknown	< 1 acre	3 plants	Awaiting response from landholder.
<i>Acacia guinetii</i>	Victoria Land District	approx 1 850 acres	unknown	< 50 acres	< 600 plants	Awaiting response from landholder.
	Victoria Land District	unknown	unknown	< 150 acres	< 6 000 plants	Negotiations continuing.
	Victoria Land District	unknown	unknown	unknown	< 7 700 plants	Awaiting response from landholder.
	Victoria Land District	unknown	unknown	unknown	< 6 000 plants	Awaiting response from landholder.
<i>Banksia goodii</i>	Plantagenet Land District	888 acres	800 acres	area of rare flora now cleared	none	Flora destroyed before receipt of departmental advice.
	Plantagenet Land District	1 500 acres	approx 1 250 acres	approx 250 acres	2 790 plants	Negotiations continuing.
<i>Darwinia carnea</i>	Williams Land District	unknown	unknown	< 1 acre	6 plants	Preservation of rare flora acceptable to landholder.
<i>Dodonaea hackettiana</i>	City of Cockburn	unknown	Residential develop	< 20 acres	1 100 plants	Preservation of rare flora acceptable to landholder.
<i>Drummondia ericoides</i>	Victoria Land District	unknown	unknown	< 100 acres	approx 300 plants	Negotiations continuing.
<i>Eremophila virens</i>	Avon Land District	1 200 acres	unknown	< 10 acres	536 plants	Awaiting response from landholder.
<i>Eucalyptus caesia</i>	Yilgarn Land District	1 900 acres	unknown	unknown	few	Awaiting response from landholder.
<i>Eucalyptus carnabyi</i>	Melbourne Land District	422 acres	421 acres	< 1 acre	1 plant	Preservation of rare flora acceptable to landholder.
<i>Eucalyptus pendens</i>	Melbourne Land District	2 900 acres	unknown	unknown	few	Awaiting response from landholder.
	Melbourne Land District	375 acres	unknown	unknown	few	Awaiting response from landholder.
<i>Eucalyptus rhodantha</i>	Victoria Land District	4 500 acres	unknown	unknown	600 plants	Preservation of rare flora acceptable to landholder.
<i>Franklandia triaristata</i>	Wellington Land District	80 acres	approx 75 acres	< 5 acres	54 plants	Awaiting response from landholder.
<i>Kennedia macrophylla</i>	Augusta Townsite	< 1 acre	Nil	< 1 acre	< 10 plants	Preservation of rare flora acceptable to landholder.
<i>Verticordia staminosa</i>	Roe Land District	1 666 acres	unknown	< 20 acres	180 plants	Awaiting response from landholder.
	Roe Land District	800 acres	unknown	< 2 acres	40 plants	Awaiting response from landholder.

EDUCATION

Non-Government Schools: New Registrations

431. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) From the list of newly registered non-Government schools registered in WA during 1982, supplied in reply to question 396 of 18 August 1982, will the Minister indicate those which operate an accelerated Christian education (ACE) programme?
- (2) Will the Minister list those schools in WA which presently operate an ACE programme and receive State Government funding?

The Hon. R. G. PIKE replied:

- (1) Of the 11 non-Government schools newly registered in Western Australia during 1982, two schools operate an accelerated Christian education programme. They are—

Faith Christian Academy, Perth
Hedland Christian Academy, South Hedland

- (2) The non-Government schools in Western Australia currently operating an accelerated Christian education programme and which receive State Government funding are—

Faith Christian Academy, Perth
Hedland Christian Academy, South Hedland
Nollamara Christian Academy, Nollamara
Kingsway Christian Academy, Kensington.

TRAFFIC: MVIT

Statute of Limitations

432. The Hon. J. M. BERINSON, to the Chief Secretary representing the Minister for Local Government:

With reference to the actions of the Motor Vehicle Insurance Trust in relying on the Statute of limitations under circumstances severely criticised by the State Full Court on 22 June 1982—

- (1) When did the Minister receive the report of the Crown Law Department which she indicated on 3 August was expected within a few days?

- (2) What action has been taken in respect of that report, and when can some substantive statement by the Minister be anticipated?

The Hon. R. G. PIKE replied:

- (1) On 6 August.
- (2) Following receipt of the Crown Law report, the Minister raised a number of questions with the trust and received a comprehensive reply, including an analysis of the situation by a Queen's Counsel.

The trust's policy of applying the provisions of the Limitation Act was adopted in 1976 on the advice of its senior legal adviser.

No criticism can be levelled at the trust or its executives for following the advice, even though it has now been shown to be inappropriate. They were entitled to rely upon such advice.

Having reviewed the position, the Government believes that it would be desirable for anyone who wished to enforce a claim against the trust to know clearly the time available for this purpose. It would also appear desirable to require that every claimant be served with a notice informing him of the position with respect to time.

The Minister hopes to be in a position to introduce the necessary amendments during the current parliamentary sitting for incorporation into the Bill to amend the Motor Vehicle (Third Party Insurance) Act which is already before the Parliament.

RAILWAYS

Sleepers

433. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to question 405 of Wednesday, 18 August 1982, relating to the sale of Westrail sleepers, will the Minister advise—

- (1) To what locations did the tenderers wish to transport the sleepers?
- (2) In each case, what was the quantity involved?
- (3) What freight revenue, if any, did Westrail receive in each case?

The Hon. G. E. MASTERS replied:

- (1) Unknown.

- (2) Not applicable.
- (3) The majority of sleepers from the three contracts were transported by rail to the metropolitan area. A large number of sleepers from the two Tapub contracts are known to have been subsequently forwarded by rail from Kewdale to the Eastern States. Westrail received freight revenue from both of these movements. As these contracts spanned some four years, the detail of rail revenue applicable to individual consignments is not available.

FUEL AND ENERGY: GAS

North-West Shelf: Dampier-Perth Pipeline

434. The Hon. FRED McKENZIE, to the Leader of the House representing the Minister for Fuel and Energy:

Referring to question 379 of Tuesday, 17 August 1982, relating to "The contract price of gas to Alcoa will reflect its share of the cost of constructing the Dampier Perth pipeline", will the Minister advise—

- (1) If, as stated, Alcoa is not directly advancing funds for the pipeline, by what method is it indirectly advancing funds?
- (2) Through what body are the funds being advanced?
- (3) Will the State have to bear any costs of—
 - (a) purchase of gas;
 - (b) capital; and
 - (c) interest;
 up to the break-even point?

The Hon. I. G. MEDCALF replied:

- (1) Alcoa will reserve approximately half the Dampier to Wagerup pipeline capacity for 20 years, and pay appropriate reservation charges and costs on a regular basis over the contract period.
- (2) Funds will be raised through financial institutions.
- (3) (a) to (c) The State Energy Commission is responsible for financing, constructing, and operating the pipeline, purchasing onshore gas to be supplied from the North-West Shelf stage 1 development, and re-selling such gas to end-use customers, including Alcoa.

APPRENTICES

Number

435. The Hon. D. K. DANS, to the Minister for Labour and Industry:

- (1) Will the Minister confirm that there are now statistics available which indicate a significant downturn both in the probationary intake and indentures registered of apprentices for July 1982?
- (2) If so, what action is being taken to maximise the number of apprentices in training?

The Hon. G. E. MASTERS replied:

- (1) Statistics do indicate a significant downturn in the number of probationary and registered apprentices recorded in July 1982. However, these should not be considered in isolation. The total number of apprentices in training at 31 July 1982 is only marginally less than in 1981.
- (2) The matter of apprentice employment is being closely monitored by the Western Australian Industrial Training Advisory Council.

TRANSPORT: BUSES

MTT: Brian Murrell Turpin

436. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to question 391 of Wednesday, 18 August 1982, relating to Mr B. M. Turpin of the Metropolitan Transport Trust, will the Minister advise—

- (1) What were the exact dates when Mr Turpin was in Germany in 1979?
- (2) Is, or was, the MTT aware of any other visit to Germany by Mr Turpin if such was the case?
- (3) What were the exact dates when Mr Turpin was in discussion with the State Transport Authority SA in 1979-1980?
- (4) What were the nature of the discussions?
- (5) Was a report submitted on the discussions?
- (6) To what areas was this report circulated?

The Hon. G. E. MASTERS replied:

- (1) From 3 to 11 February 1979.

- (2) No.
- (3) From 11 to 22 February 1980.
- (4) Mr Turpin was seconded to the State Transport Authority, South Australia to discuss problems in the STA bus building program.
- (5) No.
- (6) Not applicable.

437. *This question was postponed.*

QUESTIONS WITHOUT NOTICE

EMPLOYMENT AND UNEMPLOYMENT

Job Displacement Statistics

100. The Hon. D. K. DANS, to the Minister for Labour and Industry:

With reference to my question 331 of 4 August 1982, will he provide the House with that portion of the answer relating to job displacements in this State as outlined in his correspondence to me?

The Hon. G. E. MASTERS replied:

The information sought by the Leader of the Opposition was forwarded to him on 31 August 1982. However, for the sake of the official record, and in view of the length of the answer, I seek leave of the House to have the information incorporated in *Hansard*.

By leave of the House, the following material was incorporated—

- (a) Associated Minerals (Bunbury)—Cut operations by about 40 per cent in March 1982 due to slumps in world market conditions: 15 retrenched in July and 17 in August 1982.
- (b) Agnew Clough—Retrenchment of 90 at Wundowie vanadium refinery because of depressed overseas markets—January 1982.
- (c) S T Etherington Traders Pty Ltd—a potato distributor closed down its operations in June. The company employed approximately 30 workers.
- (d) Sands and McDougall—a prominent printing company closed down its operations in June. The company employed 29 workers and closed due to the printing area no longer being a paying proposition.
- (e) MBP Pty Ltd—a Wembley foundry, has closed down in June as a result of the age of the foundry's machinery and equipment. The company employed approximately 40 men.
- (f) Kailis Shipyard—retrenched 30 workers in June due to a slump in demand for prawning boats and the effect of wage rises and the 38-hour week for metal workers.
- (g) Comeng and Anvil Constructions—two major steel fabricating firms are reported to have sacked up to 240 workers and 17 apprentices during May.
- (h) Woolcombers (WA) Pty Ltd—a Fremantle wool-processing firm closed down its operations in April because of a fall-off in demand by overseas buyers. The company had employed 89 workers.
- (i) On 12 March 1982, 85 workers were retrenched by South Bunbury Beef Exports due to the lack of sheep for slaughtering caused by the recent floods.
- (j) North Kalgurlie Mines—retrenched 63 employees on 26 March 1982 and a further 10 on 29 March 1982 following its decision to limit its operations at its mineral treatment plant.
- (k) Australian Iron and Steel (AIS)—which is a subsidiary of BHP, made approximately 500 workers at their Kwinana operation redundant at the end of April 1982.
- (l) Greenbushes Tin—retrenched 40 employees in June 1982 due to a fall in tin prices.
- (m) Transquip—closed on 18 June 1982 resulting in 13 employees being retrenched.
- (n) Bunbury Structural Engineers—are scaling down operations due to falling orders.
- (o) Bunbury Foods Pty Ltd—placed in the hands of a receiver-manager with little likelihood that it will trade out of its difficulties. Employs 59 people.
- (p) Western Mining Corporation—retrenchments in the exploration division and natural wastage at Kambalda has led to a reduction in its workforce of about 200 in the past few months.
- (q) John Holland Constructions laid off about 54 of its 70 employees at its concrete sleeper factory at Meckering.

- (r) Thomas National Transport is to lay off 200 employees across its Australia-wide operations. No information is available as to the exact lay-offs that will occur in this State.
- (s) Gandy Timbers retrenched 12 employees on 30 July 1982 and Millars advised on 10 August 1982 that a further 36 employees were retrenched.
- (t) Midland Brick has reduced its workforce by 100 over the last two months.

POLICE: CRIMES COMMISSION

Merits

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

In view of the importance of the subject, and in view of the vagueness of the discussions so far, would he be prepared to make a statement to the House at an appropriate time, detailing the nature, function, and the Government's view of the merits of both the proposed national crimes commission and his proposed alternative of a national criminal intelligence commission?

The Hon. I. G. MEDCALF replied:

I shall give consideration to the request.

IMMIGRATION

Skilled Labour

102. The Hon. D. K. DANS, to the Minister for Labour and Industry:

In view of the figures from the Commonwealth Department of Immigration and Ethnic Affairs indicating some 17 200 new settler arrivals in Western Australia in 1981-82, has he or the Government learnt of any difficulties being experienced in the placing of skilled tradesmen among these arrivals?

The Hon. G. E. MASTERS replied:

Some difficulties have been brought to my notice although I have not the exact details. I understand some difficulties have been experienced.

IMMIGRATION

Skilled Labour

103. The Hon. D. K. DANS, to the Minister for Labour and Industry:

Can he detail the steps taken by the State Government to reduce the number

of skilled migrants coming to Western Australia; and when were these steps taken?

The Hon. G. E. MASTERS replied:

Quite clearly, I am aware that some steps are being taken; but in view of the need to be absolutely precise on these matters and in view of past remarks from the member, I would ask that the question be placed on notice.

ABORIGINES: SACRED SITES

Millstream Station

104. The Hon. PETER DOWDING, to the Minister for Cultural Affairs:

- (1) Is the Museum aware of claims by Aboriginal groups in the Pilbara that the Millstream Station area, and in particular the Fortescue River, are of great sacred significance to them?
- (2) Has the Minister made any representations to the Minister for Works about this issue in relation to the proposed resumption of Millstream Station, and if so, when and what was the basis of the representation; if not, why not?
- (3) What material has been given to or sought by the relevant Minister on this issue from the Museum prior to the initiation of the moves to resume Millstream Station?
- (4) What proposals, if any, have been made by the Museum as to the future management of the area having regard to the interests of the Aboriginal people?

The Hon. R. G. PIKE replied:

- (1) I am advised that the Millstream Station area is known to the Museum to contain a number of significant Aboriginal sites. Investigations in 1978 located 38 sites of either ethnographic or archaeological importance. One protected area has already been declared under the Aboriginal Heritage Act as a site of outstanding importance.
- (2) Yes. I forwarded comments from the WA Museum to the Minister for Works concerning known significant Aboriginal sites and others not yet surveyed or assessed at Millstream Station on 22 July 1982.

- (3) None specifically, although investigations by the Museum under the Aboriginal Heritage Act resulted in the declaration of the protection area referred to in (1) above.
- (4) In respect of sites likely to be significant under the Aboriginal Heritage Act, and for which it is responsible, the Museum asked for an assurance that an opportunity would be given to the Museum to examine the area concerned prior to any development. By letter dated 4 August 1982, the Minister for Works confirmed that; although it is most unlikely that any further water development will take place within the Millstream water reserve until after the year 2000, co-operation between the Museum and the Public Works Department will continue and ample opportunity to examine the area prior to any future development will be given. In addition, I understand that the results of the Museum's investigations have been made available to the Aboriginal Lands Trust.

ABORIGINES: SACRED SITES

Millstream Station

105. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Waters Resources:

- (1) Is the Minister aware of claims by Aboriginal groups in the Pilbara that the Millstream Station area and in particular the Fortescue River is of particular sacred significance to them?
- (2) Has the Minister or his department received representations from either Aboriginal communities in the Pilbara or the WA Museum on this issue; and, if so, when and what was the basis of the representations?
- (3) What action if any has the Minister or his department taken in relation thereto?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) Yes. The latest was a deputation from the Aboriginal Lands Trust including several Aboriginal representatives from Roebourne which met with the Minister for Water Resources on 31 August 1982 concerning, among other matters, possible protection of a sacred site in the region.

- (3) All requests have received consideration. Senior departmental officers are meeting with an Aboriginal group in Roebourne today. It is understood members who met the Minister on 31 August will be present.

INSURANCE: SGIO

Life and Property Insurance

106. The Hon. PETER DOWDING, to the Chief Secretary:

- (1) Is he aware of the 1974 recommendation that the SGIO be permitted to enter the insurance fields of private property insurance and life assurance?
- (2) Is he prepared to support the enlargement of the SGIO's charter to permit it to enter those fields?
- (3) If not, why not?

The Hon. R. G. PIKE replied:

- (1) to (3) I inform the House that the Government does not intend to extend the franchise now available to the State Government Insurance Office.

The Hon. J. M. Brown: What a disgrace.

The Hon. P. G. Pandal: A good decision.

The Hon. R. G. PIKE: We have the philosophy and intention of minimising the extension of Government into direct competition with the free enterprise market place. In the past this has been evidenced by the sale of the Labor Party established State brickworks, State sawmills, and State hotels.

The Hon. Lyla Elliott: That was a disgraceful act.

The Hon. R. G. PIKE: The comprehensive area of insurance into which it has been suggested the SGIO should extend is already well and adequately handled by the private enterprise insurance companies existing in the market place. I make the point that this is a very good example of the dichotomy between the socialist philosophy of the Opposition and the free enterprise philosophy of the Government. The following can be found on page 14 of the Labor Party platform, "The existing State Government Insurance Office will be extended to provide comprehensive insurance for all." I make the point that the Opposition, tethered as it is to the socialist peg, has absolutely no compunction in

this House or anywhere else in the State to admit that it is bound hook and crook to the instructions given to it by the Labor Party. When I say the "Labor Party", if the House has any doubt whatsoever about this party, let its members consider the last conference of the State ALP when, in the dying moments—

The PRESIDENT: Order!

The Hon. D. K. DAns: You might go to the bottom of the harbour if you keep going—with your mates.

The PRESIDENT: Order! If honourable members wish the questions without notice session to continue they should come to order when I call them to order. I suggest to the Chief Secretary that he confine his comments to answering the question asked.

The Hon. R. G. PIKE: I make the further point in answering this question that the Labor Party in this State and in this House—certainly the leader of that party, Mr Brian Burke—is seeking to convince industry leaders that they should not take too much notice of the written Labor Party policy.

Point of Order

The Hon. LYLA ELLIOTT: I submit that the Chief Secretary's reply has nothing to do with the question and that he is out of order.

The PRESIDENT: I ask the Chief Secretary to proceed with answering the question and to confine his remarks to answering the question.

Questions (without notice) Resumed

The Hon. R. G. PIKE: I make the point that when a question is asked totally without notice, which is always the case with Mr Peter Dowding—

The PRESIDENT: Order! The Minister cannot make those sorts of comments.

The Hon. R. G. PIKE: In conclusion I repeat that the answer to this question has been given, which is that the Government has no intention of extending the franchise of the SGIO. Further I repeat the point, which I think is relevant, that this decision represents a clear dichotomy of philosophy between the socialist Labor

Party and the free enterprise coalition Govt.

INSURANCE: SGIO

Property Insurance

107. The Hon. PETER DOWDING, to the Chief Secretary:

In considering that the people of Western Australia are well served by the present shackles on the State Government Insurance Office, did he take into account any consideration of the people in the north of this State who have to pay very high property insurance rates because of the difficulty of local insurance companies establishing themselves in the north?

The Hon. R. G. PIKE replied:

Proper account was taken of all the market place in Western Australia in regard to insurance when this determination was being arrived at. Again I repeat the point that the socialist Labor Party has a clear concept that, somehow or other, the Government will be able to do things more efficiently than the private enterprise market place. We hold the view that this is clearly not so, even though the ALP is at present endeavouring to convince the small businessmen in the State that the strict policies that exist in its platform do not exist, when they do. Mr Burke is a decoy endeavouring to convince the free enterprise people in this State—

Point of Order

The Hon. LYLA ELLIOTT: The Chief Secretary is again not answering the question and is therefore out of order.

The PRESIDENT: I agree with the Hon. Lyla Elliott that the Chief Secretary is not answering the question and is making a speech about something that goes beyond the question asked. I ask him to answer the question.

Questions (without notice) Resumed

The Hon. R. G. PIKE: For the elucidation of the Leader of the Opposition, who obviously is not listening very carefully, I repeat the point that proper account was taken of all the services provided by insurance companies in this State when

the Government made its proper judgment that the free enterprise market place is adequately looking after insurance in this State, including the point made by the Hon. Peter Dowding in his question.

INSURANCE: SGIO

Life and Property Insurance

108. The Hon. PETER DOWDING, to the Chief Secretary:

Having indicated his displeasure of a mixed economy which involves Government enterprise and private enterprise, will he indicate whether it is his intention or desire to see the SGIO limited in its existing area of service or is the Government content with the SGIO's present charter and operation?

The Hon. R. G. PIKE replied:

This question is contrary to Standing Order No. 154 because the member clearly asks for an opinion. I have no intention to give the opinion for which he asks.

INSURANCE: SGIO

Charter of Operations

109. The Hon. PETER DOWDING, to the Chief Secretary:

- (1) Does the Government intend to make any change to the present charter of the operation of the SGIO?
- (2) Is it the Government's attitude that the SGIO's present operation is a proper one?

The Hon. R. G. PIKE replied:

- (1) and (2) For the benefit of the Hon. Peter Dowding I draw his attention to the clear and concise statement made in reply to his first question. The Government does not intend to extend the franchise now available to the SGIO.

LEGISLATIVE COUNCIL

Public Gallery

110. The Hon. D. K. DANS, to the Attorney General:

Is he prepared to tell the House what the person in the Gallery is complaining about?

The Hon. I. G. MEDCALF replied:

I have never before set eyes on the person in the Gallery.

NEWSPAPER LIBEL AND REGISTRATION ACT

"The Kimberley Echo"

111. The Hon. PETER DOWDING, to the Attorney General:

- (1) Is he aware of a complaint about the publication known as *The Kimberley Echo* and particularly a complaint that it is a newspaper that ought to be but is not registered under the Newspaper Libel and Registration Act?
- (2) Has he received a complaint on this issue?
- (3) Has he investigated the complaint?
- (4) What action, if any, has he taken on the complaint?
- (5) Will he explain the delay in acting on the complaint?

The Hon. I. G. MEDCALF replied:

- (1) to (5) I have received a complaint from the Hon. Peter Dowding on this matter; I have not received complaints from anyone else. I do not believe there has been any delay in acting on the complaint. As I have already explained to the member, the matter was referred by me to the Crown Law Department. That department has just replied to me and supplied me with particulars. I propose to write to the member shortly in answer to his letter to me.

NEWSPAPER LIBEL AND REGISTRATION ACT

"The Kimberley Echo"

112. The Hon. PETER DOWDING, to the Attorney General:

Is it a fact that the complaint about *The Kimberley Echo* was made to him before 19 August 1982 and that no action has been taken to prosecute the owner of *The Kimberley Echo*?

The Hon. I. G. MEDCALF replied:

I cannot remember the date of the member's letter; I assume that as he asks me whether it is a fact that the complaint was made before 19 August, he is aware it must have been made before 19 August. I cannot verify that, but it probably was; the member would know better than I would. I do not carry a copy

of the letter around with me. As for any action being taken, I have already advised him in answer to his previous question that I am about to write to him.

NEWSPAPER LIBEL AND REGISTRATION ACT

"The Kimberley Echo"

113. The Hon. PETER DOWDING, to the Attorney General:

- (1) Has he or his officers taken any action on the complaint about *The Kimberley Echo* other than to prepare a letter to me; in other words, has he prosecuted the publisher of this newspaper for failing to register under the Newspaper Libel and Registration Act?

(2) If not, why not?

The Hon. I. G. MEDCALF replied:

- (1) and (2) It will all be made clear in the letter that the member will receive.

The Hon. Peter Dowding: This is in marked contrast to the—

The PRESIDENT: Are there any more questions without notice?

The Hon. Peter Dowding: You have to be—

The PRESIDENT: Order! I ask the Hon. Peter Dowding to refrain from commenting when I am speaking.
