

# Legislative Council

Thursday, 11 October 1984

**THE PRESIDENT** (Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

## COMMERCIAL TRIBUNAL BILL

*Reference to Standing Committee on Government Agencies: Motion*

**HON. G. E. MASTERS** (West—Leader of the Opposition) [2.38 p.m.]: I move—

1. That immediately following its second reading the Commercial Tribunal Bill be referred to the Standing Committee on Government Agencies;
2. That the committee have power, incidental to its inquiry, to consider any related proposed law;
3. That the committee report the Bill to the House not later than 8 November 1984.

This motion is very important for a number of reasons. It is fair to say that it is an historic move as far as the Legislative Council is concerned: It is the first time that such a motion affecting the Standing Committee on Government Agencies has been before the House. It must be handled with great care as it will set a precedent. The procedures must be absolutely correct and in the right form.

The Bill has been introduced into this House, and we have heard a speech from Hon. Peter Wells. The motion has been moved, and if it succeeds, and if the Minister so desires, the second reading debate can proceed and the House can vote on the second reading of the Bill. If the motion is carried, the Committee stage would then not proceed, and the standing committee would commence its work. Having completed its work, the standing committee would then report to this House within the time limit set out in the motion.

**THE PRESIDENT:** Order! A stranger is in the House and he has no authority to be here. I ask him to withdraw.

### *Point of Order*

**Hon. PETER DOWDING:** A message came to you, Sir, asking for permission for my officer to sit with me.

**THE PRESIDENT:** There is no point of order. You know as well as everybody else that the privilege for a Minister to have an adviser attending him is granted by this House. That privilege has been extended during the Committee stage of a

Bill. It was under the same conditions that the privilege was extended today. There has been no request of the Chair for any stranger to attend at this stage of the proceedings. No request has been directed to me for that purpose. If a request had been made, it would have been rejected.

**Hon. PETER DOWDING:** I apologise; but a request was made to you. It was directed to this motion, in view of the unique nature of the motion. I took it from your message sent to me that that had been clearly indicated to you. If it was not, I apologise.

**The PRESIDENT:** I accept your apology, and I extend my apology to you if you were of the opinion that I was assenting to something different from the normal. I took it that the request was that the adviser could attend during the Committee stage of the Bill. It was on that clear indication that I said the attendant would be permitted. While I accept your apology, I apologise to you because I misunderstood the request. Even if I had not misunderstood it, I would have refused.

### *Debate (on motion) Resumed*

**Hon. G. E. MASTERS:** I was talking about the important precedent that is being set by this motion put forward by the Opposition. I was talking about the steps that must be followed if, in fact, we are to give clear guidance to the Parliament in the future on the correct procedures to follow.

If this motion is successful, the Committee stage would be commenced after the standing committee completed its work. The report and recommendations of the standing committee would obviously play an important and substantial role in the way that the debate in Committee progressed.

We have no intention of taking away the normal operation of the Parliament, either at the second reading or Committee stages. What we are saying is that we have a Standing Committee on Government Agencies which was set up by this House to consider legislation; and this Bill is of the type that should be considered by the standing committee. After all, the Commercial Tribunal Bill is designed to set up a Government agency.

The recommendations of the standing committee will be considered during the Committee stage of the Bill. They will be debated, and they may result in amendments which will succeed or fail, depending on the views of the Committee and the members. In no way will this suggestion interfere with the normal process of handling the Bill. Certainly it will allow the most careful scrutiny of the legislation.

I am certain that the review function of this House will be enhanced by the increased scrutiny

of committees such as this one in the future. As time goes by, the role of the Legislative Council is changing—

Hon. Kay Hallahan: It needs to change more. It is just too unbalanced to have a committee system working in the way you want it.

Hon. G. E. MASTERS: If the honourable member wants to vote against the motion, that is her prerogative. I am putting forward a proposition that the Standing Committee on Government Agencies—a committee which was set up by the House to consider certain matters—should consider this Bill. I imagine we all support the work of the standing committee.

We are not trying to put off debate on the Bill. We are just saying that the review procedures of the Legislative Council are important. If the member acknowledges that changes need to be made, this is one change that we are proposing. All right, the changes are occurring not as quickly as Hon. Kay Hallahan would like. However, this motion reflects a genuine wish of the Opposition for change; and I imagine the Government will support it to improve the review functions of the Legislative Council.

The system we are proposing will enhance the increasing scrutiny by committees of legislation of this kind. I will not enter into an argument backwards and forwards; but it is important to put on record that this is an historic move. It must be followed cautiously and carefully as it sets a precedent.

I appreciate the discussions I have had with the Minister handling the Bill (Hon. Peter Dowding). I understand he supports the steps that are being proposed. I thank him for the discussions we have had to this stage. Whether he opposes the motion or not, at least he has been co-operative in the steps we have taken.

The Opposition is putting this motion forward out of a genuine wish to improve the operations of the Legislative Council and to deal with Bills such as the Commercial Tribunal Bill in the best possible way, not only in the best interests of this House and of the Parliament, but also in the best interests of the public.

HON. P. H. WELLS (North Metropolitan) [2.48 p.m.]: I support the motion. This Bill introduces a concept totally new to the State, and it has pretty far-reaching coverage. It deserves to have the scrutiny proposed, certainly in terms of the role of this House, as we have a committee that would be able to make the sort of examination that is desirable. That is important when a Bill is likely to have a great impact upon various groups of people in our community.

On this basis, it is reasonable to have a short pause before the Committee stage of the Bill commences. This motion will not rob any member of the House of his opportunity to take part in the debate. However, it will provide us with a basis on which to conduct the debate in the Committee stage of the Bill.

HON. PETER DOWDING (North—Minister for Consumer Affairs) [2.50 p.m.]: Opposition members remind me of the crusaders, who would whip into bloody combat, whop off a few heads and arms, skillet a few people with their swords and the like, step over the corpses on the ground, then march into the church, raise their visages, and with an angelic appearance, pray to the God of love and peace, and make all sorts of noises about being good fellows. That is a bit like Mr Masters' speech today, and I must say I appreciate his ability to make his remarks with a straight face.

The reality is that after many years of total conservative domination of this House and nine years of conservative Government, this House did not subject the legislation put up by conservative Governments to this sort of testing. It is nonsense to say that members opposite are seeking to give this House some new authority and new direction by instituting these mechanisms. The truth is that Labor is in Government and that it is the job of Opposition politicians to put as many obstacles in the way of the Government as they can without the people really finding out. That is the political perception of members opposite. However, if they genuinely want this House to be given the appropriate level of responsibility and acceptance it might deserve, they should vote for the fair representation legislation and for the reform of the Legislative Council; they would then have all they want very easily. But members opposite have the numbers, so I will deal with the specifics.

This is not like other Parliaments. If we were a unicameral legislature, saving the taxpayers whatever that would save them, perhaps there would be very good ground for doing what the Opposition asks. The Clerk of this House would be able to use the wealth of the experience he gained in New Zealand, and he would be able to assist us in ensuring that the unicameral legislature was able to perform as well as it does in New Zealand. But we are not in that situation and members opposite have the numbers, so let me consider the motion.

Hon. Gordon Masters did not go to the substance of the tribunal, and very properly so, because he knows, having been a Minister in the last Government, that this legislation was drafted by his own Cabinet. Hon. Peter Wells, who obviously was left out in the woods in these discussions

while his party was in Government, would perhaps not know what is contained in a document I have here—a wonderful precedent might I say for any Government—entitled “A Survey of Government Performance 1980-83: A Report of the Liberal-Country Party Government of Western Australia”. Members opposite will be pleased to know that their Government actually reported that it had introduced this legislation into the House. In fact, their Government had not got around to that because it had taken it a lot longer to get it up and running in an acceptably drafted form during its term in office. But the Government said in that document about its achievements, and this is found under the heading “Consumer Affairs”—

Uniform Consumer Credit legislation as agreed to by the Standing Committee of Attorneys General has been introduced.

That was a little premature at the time, but never mind. To continue—

This legislation supersedes the Hire Purchase Act and the Money Lenders Act and simplifies all consumer credit transactions.

Further on it states—

Introduction of Commercial Tribunals legislation. This would be enabling legislation which would pave the way for abolishing a number of Boards, etc.

All I can say to members opposite is that this is not a concept that really requires fresh examination by any committee of this House, when we remember that the parties represented in this Chamber have both, when in Government, accepted the proposal and either sought to put in motion its introduction or actually introduced it.

Hon. P. H. Wells: This is the first time we have had the words of the Bills.

Hon. PETER DOWDING: The member might have been out in the political wilderness while his Government was in office, but the previous Minister would have had much more information about this.

Secondly, as I understand it, this is a standing committee which would be looking at the setting up of an organisation and at an analysis of the necessity for it and the shape of it. But those things were determined prior to 19 February last year, they were known to members of the previous Government, and they were included in this laudatory document although, regrettably for members opposite, the people of Western Australia did not give them adequate time, did not give them another guernsey for another term in office, to do anything about it—although it has been recorded

here as part of the previous Government's performance. To say that there is a need for the Bill to be examined by a committee of this House is just a little thin.

Hon. G. E. Masters: Are you opposing the motion?

Hon. PETER DOWDING: All my remarks must be seen in totality; the member should just wait till the last line—as he used to say to me and as I now enjoy saying to him.

The third point I have to make is that members opposite should understand that this concept of setting up a tribunal which is to have the capacity to be an umbrella and is to take in a whole range of other bodies—

Hon. John Williams: And it is a splendid idea.

Hon. PETER DOWDING: It is a splendid idea and was regarded as an appropriate one to be recorded in a report of the Government Regulations Review Committee, a report which was dated February 1983. The report was from Messrs Smith, Lapsley, McCorkell, Davies and Ashworth, who reported to the Premier (Hon. R. J. O'Connor), and we find the following on page 39—

There has been a partial move towards uniform administration of certain like-occupational groups. For example, the Chief Secretary's Department, through the Registrar/Secretary of Licensing and Supervisory Boards, has an administrative interest in the following boards each of which has its own tribunal, chairman, inspectors and bond pool.

Finance Brokers and Supervisory Board

Insurance Brokers Licensing Board

Land Valuers Licensing Board

Real Estate and Business Agents Supervisory Board

Settlement Agents Supervisory Board

I ask members to take note of the following—

A business man wishing to be licensed to undertake more than one of the functions above would have to submit applications to each board and be considered by each independently.

The information needed by each of the boards about the applicant is basically the same, i.e. the information relates to the personal background of the applicant. However, information has to be given to each board separately. On the face of it, this is an unnecessary duplication of effort.

They then recommended that it would be appropriate to develop common licensing boards for like occupational groups.

I pay considerable tribute to my officer (Mr Paul Glanville) of the Department of Consumer Affairs. He has been very involved in this work, both prior to my Government's taking office and since. These are very sensible recommendations of the committee set up by the previous Government, and this tribunal is giving effect to these recommendations which we wholly accept.

My final comment is a reference to another letter we received, this time from a gentleman who was previously a Commissioner for Corporate Affairs. I refer to Mr Richard Warren, who wrote to the Attorney General last year in these terms—

And there would be obvious cost savings to the government in having only one licensing authority, instead of the multiplicity of them which have sprung up over the years—as well as to a fair variety of people in commerce, who would only need to apply to and deal with one licensing authority, which could give them a licence with as many endorsements as were necessary to enable them to carry on their business, in all its different facets.

Mr Warren is the former Commissioner for Corporate Affairs and I think those comments are eminently sensible. He has given us authority to quote from that letter today.

I make the point that the South Australian Act establishing a tribunal is operative not only in South Australia, but also in New South Wales and Victoria.

Hon. P. H. Wells: When will it be established? I believe it is to be in March next year.

Hon. PETER DOWDING: I do not know. What I am trying to put to members here is that there is no need to refer this Bill to the Committee. I have made the point that I query the bona fides of the Opposition in wanting the committee. I query the bona fides of referring it to the committee and the necessity for it. The Opposition has made its point of view known. As Hon. Gordon Masters said, I thought it not inappropriate to be as charming and co-operative as I normally am so that, despite the best endeavours of Hon. Peter Wells, we hope that this whole set of Bills can go through before the end of this year.

HON. G. C. MacKINNON (South-West) [3.03 p.m.]: I was intrigued with the stance of the Minister. I visualise him with a Bible in one hand and a knife in the other. His speech was in that vein. I am not too sure what Mr Masters has to do in order to please the Government.

Several members interjected.

Hon. Peter Dowding: Just vote when I signal! That is easy.

Hon. G. C. MacKINNON: It is always easy to make a speech when one gets as much help as that. The Minister's crunch lines are taken out of his mouth just before he can utter them. That was very good. Thank you Mr Penda!

As the House is well aware, I opposed the establishment of the standing committee. I opposed it for the reasons I gave at the time. I was at least consistent on that occasion because I had opposed the numerous requests put forward by a number of Labor Party people whilst they were in the wilderness for that millennium. The last protagonist in such a venture was the current Minister for Water Resources (Hon. Arthur Tonkin) who moved a motion in another place, a motion which was subsequently moved and carried by this House in almost the exact verbiage, for the establishment of an inquiry into the use of a committee system.

What staggers me is that the ALP has always had a predilection for committee activity, but, in Government, it has established that there are very real advantages in the use of advisers. Mr Masters moved a motion which would allow this Bill to be referred to this committee. When that Bill is referred to the committee, then of course the adviser—whom Mr Dowding wanted to have sitting alongside him in the Chamber—can appear before that committee and can argue the case with the members of the committee. Those members, with their expertise, can hear all the arguments—that is something we cannot do.

This is the argument put forward by a number of ALP members over the years. It is an argument that has been put forward cogently—

A member: Not very successfully!

Hon. G. C. MacKINNON: One can read the argument in *Hansard* as expounded by Hon. Arthur Tonkin. We would have imagined that when there is this sort of breakthrough, when Mr Masters suggests something to be tried in a sensible and proper way—something which the ALP had been seeking for a number of years—he might at least get some credit for it. Instead of that, Mr Dowding made a speech in which he accused Mr Masters of using numbers purely in a bludgeoning and bloodthirsty way—to use the allegory of the knights of the crusade trampling with their bloody boots over the bodies of the fallen Mahomedans. This was an unjust allegory, very unjust! If Hon. Peter Dowding had referred to Arthur Tonkin's speech and said, "I am glad that you have finally come around to accepting the wisdom of Mr

Tonkin" or words to that effect, there might have been some sense in it.

Hon. Peter Dowding: In which House do you want the committee set up?

Several members interjected.

Hon. G. C. MacKINNON: I do not think he was all that worthy, Mr Pendal.

Hon. Peter Dowding: No, committees of the House which are elected by some pretense of democracy no doubt.

Hon. P. G. Pendal: What are you doing there then?

Hon. Kay Hallahan interjected.

Hon. G. C. MacKINNON: Mr President, perhaps you could arrange for me to sit down and yield the floor to Mr Pendal and Miss Hallahan, with Mr Dowding sitting on the side and interjecting.

Such is the nature of their method of speaking that Mr Dowding has learnt that this sort of committee scrutiny of his Bill would suit him infinitely better because he is very good at this constant throwing in the odd one-liner. It does not go over very well in this place—it is not a suitable method of debate. Before a committee it would be ideal. He should have thought of these things and reflected on the history of the efforts of his party.

I am prepared to go along with this proposition because it is what the Government has always wanted. We are not utilising brutal numbers. We do not have brutal numbers in cases like this because I can think of at least three members who do not vote the way they are expected to all the time.

Hon. H. W. Gayfer: I only got nine votes last night, and none of them was a Labor vote.

Hon. G. C. MacKINNON: That is right. That is an interjection that I hope will be incorporated in *Hansard*.

I hope it is becoming obvious to everyone how very good at Committee discussion ALP members are, and how very bad they are at standardised debate which is the norm in this place. I think I have made the point that Mr Masters is not using the brutality of his superior numbers, because on a argument such as this he does not have to worry about numbers.

What he is using is a constantly reiterated request made by the ALP when it was in Opposition—in particular in recent years, the argument having been led by the Hon. Arthur Tonkin. The committee has been established; not with any support of mine as members are well aware. Nevertheless it is there, and I believe it is a proper exercise and function of this House. This is one of

those matters that should be discussed by a democratically selected group of members of this House. Those members can reach a decision which can be reported back to us. I think that is a fair and proper exercise of this House's authority. There is no way that it is an exercise in bloody brutality as was inevitably portrayed to us by Hon. Peter Dowding.

HON. P. G. PENDAL (South Central Metropolitan) [3.10 p.m.]: I support the motion moved by the Leader of the Opposition.

In a way it is quite an historical motion because it would mean that rather than the contents of a Bill being referred to a Select Committee of the House, the Bill would be referred to a standing committee of the House. Whether one talks about Ministers of the Liberal, Labor, or Country Parties, or any other sort of Ministers, it surprises me that, historically, Ministers of every political persuasion seem to be afraid to have their legislation subjected to any sort of parliamentary scrutiny.

Hon. Garry Kelly: It has certainly never happened here before.

Hon. P. G. PENDAL: A number of things have happened here in the last four or five years, principally sponsored by people such as Hon. John Williams, things which are in themselves new. Mr Kelly need not feel isolated or alienated in as much as we are trying something or suggesting that something new be tried.

The legislation partly associated with this Bill has been in the making for well over a decade, not only in this community, but also throughout Australia. On the whole the Minister handling the Bill in this House (Hon. Peter Dowding) is a very competent Minister and one who has had lengthy legal training. He is very capably assisted by the legal officer of the now Department of Consumer Affairs (Mr Paul Glanville). Therefore, on the Government side there is an array of legal assistance, competence, or capacity to properly advise on legislation. No-one would dispute that. We are in Opposition and it is not an unfair or unreasonable request that members on this side, even though many are familiar with some of the main contents of the Bill, should ask for a few weeks to study it in detail.

Hon. Peter Dowding: You have had that.

Hon. P. G. PENDAL: On the contrary; Mr Dowding knows when he introduced the Bill into this House.

Hon. Peter Dowding: And you know it had been made available prior to that date—

Hon. P. H. Wells: To whom?

Hon. Peter Dowding: To a number of people, but it has been made available since then on a very supportive basis.

Hon. P. G. PENDAL: That is not in dispute, and it goes back to something Mr Dowding's leader was going on about in the last day or two in relation to his industrial legislation. We were told frequently during that debate two or three days ago that we ought not to worry too much about that legislation because it had been approved by the Tripartite Council. Mr Masters fought over many hours of debate to convince the Leader of the House (Hon. Des Dans) that it was not just a question of Mr Dans' Tripartite Council being satisfied with the contents of the legislation, but also of the Opposition's being satisfied with it.

I would use that argument in response to Mr Dowding's interjection a few moments ago. The fact that this legislation is associated with other legislation to follow, legislation which has been drawn up over the past 10 or 15 years, is a good enough reason for the Opposition to ask for no more than a deadline of 8 November. We are not suggesting that the legislation be diverted for the next year, five years, or 10 years. It is a mere one month—about 30 days.

Hon. John Williams interjected.

Hon. Peter Dowding: It is not a very complex Bill.

Hon. P. G. PENDAL: Hon. John Williams has quietly interjected to say that the period up to the deadline of 8 November may not be used up anyway. It may be that the standing committee can report within two or three weeks.

I do not know of any suggestion to block this legislation. If there is to be a move to block the Bill and I do not know about it, it would be a matter which would arise during the course of debate when members became aware of a real reason to block it. At this stage I intend to give the Bill my full support, because, as an original member of the Standing Committee on Government Agencies, I referred to it the concept which was pioneered in Australian terms in South Australia for one central composite commercial licensing tribunal. At the time I suggested the standing committee ought to examine it I did not pretend to be an expert on the matter. Indeed, the reason I suggested it be referred to the Committee was not because I was not an expert, but because a number of people in the community suggested we could do a lot worse than follow the South Australian example.

Mr Dowding said that the contents of the Bill were made available prior to its introduction into the House. I do not dispute that. My point is that

Parliament is, if nothing else, the focal point of any community argument. Mr Dowding well knows it is often only when an argument reaches the floor of a parliamentary Chamber that information is disseminated among the community at large so that all sections who want to be brought into a discussion on legislation and comment on it may do so.

Because it is a Bill to set up a tribunal which has some pretty solid connections with the uniform credit laws which the Minister is sponsoring, it is not asking too much for the House to have extra time to discuss the ramifications of the legislation. It is not a reflection on the Minister concerned because I think the legislation he is sponsoring is in principle very good. It is not because members of the Opposition should have formal consultation, as Mr Dowding has had with his legal officer, (Mr Glanville) and his commissioner (Mr Fletcher).

There is another underlying important reason we should refer this matter to the standing committee: This legislation creates a new QANGO or statutory body, or whatever one likes to call it.

When this Government was elected in February last year, it made considerable play in the public arena about its suspicions, if nothing else, about the setting up of new QANGOs. This Government reminded the electorate it was a good thing to scrutinise carefully any plan to set up a new QANGO. As I understand the charter of the Standing Committee on Government Agencies, it is not there necessarily to get rid of QANGOs. As I recall, it is there to scrutinise the activities of QANGOs to the extent that any body which is past its usefulness and which should be wound up is brought to the attention of members of the committee.

The very fact that we are being asked, as a parliamentary Chamber, to set up a new QANGO is a good reason, quite apart from the reasons I have mentioned which, in themselves, are valid reasons, why this House should be satisfied to ask the standing committee to look at this Bill.

I do not think there is a member in this House on the Labor side, on this side, or on any other side, who would suggest that the Standing Committee on Government Agencies, which has operated for the last two-and-a-half years, has operated in any way in an irresponsible manner. The chairman of that committee is in the House now. It is a committee to which many matters have been referred. Hon. Neil Oliver, by vote of this House, moved for a matter concerning the Urban Land Council to be referred to the com-

mittee. There have been many other matters as well.

The question of setting up one single commercial licensing tribunal in Western Australia was suggested by me at one of the initial meetings of the standing committee. Therefore, I finish on the note by saying that there is nothing sinister about this move. It is, in effect, no more than a request that we delay the legislation for, at the maximum, 30 days, in order that the members of this House who are interested can have the same access to expert advice that Mr Dowding has to his legal officer, Mr Glanville, his commissioner, Mr Fletcher, and to other people. To my knowledge even the advice of those expert officers is not in any way in dispute. It is merely a question of saying that the members of this House are entitled to no less a consideration than that which the Minister is entitled to. With a lot of enthusiasm, because of my past association with the committee, I agree with and support the motion moved by the Leader of the Opposition.

**HON. KAY HALLAHAN** (South-East Metropolitan) [3.22 p.m.]: Following on from the comments of Hon. Graham MacKinnon, I make it clear in this House that the present Government has never agreed with the concept of a committee system based on a House that is not democratically or fairly elected. We have made that position clear time after time and it appears we will have to keep on doing that.

In principle, the idea of a committee system working from a democratically elected House has my support, but it does not come as anything acceptable to have a committee system constructed in such a way that it creates precedents that may take business from the hands of the Government. If that is an Opposition tactic, it is not acceptable to the Government and the Opposition would not accept that it would be.

Hon. P. G. Pental: I agree.

Hon. KAY HALLAHAN: I remind members of the Opposition that they have given an undertaking that this will not be used as a ploy to hold up Government legislation. That is an important fact. The point has been made that it would be held up for 30 days only. If we set a precedent whereby every piece of legislation relating to a Government agency is held up by 30 days, it would not be acceptable to the Government.

Hon. G. E. Masters: That is not the intention.

Hon. KAY HALLAHAN: We hear a lot of talk, and have heard a laudable speech from Mr Masters, about precedents and how we must all travel very carefully along this new path. I agree with travelling along new paths in a cautious man-

ner. However, my cynicism should be excusable when we have an Opposition wanting to explore such matters. I have not been in opposition, but I understand that the opportunity to explore things in a different way comes from being in Opposition. Maybe that is one of the things that is free for Oppositions to do. It is an extraordinary thing that when the Opposition was in Government there was resistance to this sort of move. I can assure members opposite that while this House is constructed in the way it is, any exploration into channelling off and developing more committees will be rejected and denied by the present Government at every turn. It is just fallacious to argue that this is a House of Review. That is not what exists and that is what I objected to in the opening remarks of Hon. Gordon Masters.

Hon. P. G. Pental: The present structure was set up when we were in Government.

Hon. KAY HALLAHAN: The present structure of what?

Hon. P. G. Pental: The first standing committee was set up when the Liberal Government was in office.

Hon. Peter Dowding: What was referred to it when you were in Government?

Hon. KAY HALLAHAN: Exactly! That is the point I wanted to make.

Hon. P. G. Pental: It is a valid point.

Hon. KAY HALLAHAN: In Hon. Phillip Pental's opinion it is a valid point.

The PRESIDENT: Order!

Hon. KAY HALLAHAN: The point I was making—

The PRESIDENT: Order, order! The member does not seem to be able to grasp, for some extraordinary reason, that the Standing Orders which are in her possession to read and comprehend clearly say that when I call "Order" she shall come to order. That appears to be quite simple to me—come to order. I suggest the member directs her comments to the chair, not to Hon. Phillip Pental who is completely out of order and who is being rude by making an interjection while she is speaking.

Hon. KAY HALLAHAN: Thank you, Mr President. All I can say is that Hon. Phillip Pental's interjection must have attracted me beyond your call for order. I did not hear you, Mr President, call for order. However, I will be more attentive in future.

This is not a precedent on which the Government can agree—the referring of legislation for consideration by that committee. It should be used where there is a definite need to explore legislation

and it seems doubtful, in this case, that there is that particular need.

I have made the point I wanted to make and I will vote against the motion.

**HON. JOHN WILLIAMS** (Metropolitan) [3.27 p.m.]: It had not been my intention to speak, for obvious reasons, but I must correct one or two erroneous pieces of thinking. I want the record set absolutely straight. When I was informed of this motion, I agreed to listen to it.

Unlike the Minister I have been in this House a little longer and, although I cannot name them off the top of my head, we have had pieces of legislation in this place which have not gone to a standing committee, but have been referred to a Select Committee.

I want to assure the Minister very strongly that when I was asked for a date I said that I would give it 30 days in case of accident or whatever. I can assure the Minister that if the business is referred to the committee it will be expedited as fast as I know how. I will have the support of my committee because it is a very hard-working and industrious committee.

The Minister's legal officer (Mr Glanville) along with the commissioner, have appeared before the committee on a previous occasion. They are quite familiar with it and I would have thought the Minister would welcome the idea that he would be invited to go before the committee and tell it what, why, and when. Do not forget that we will be in a very fortunate position as from Monday because we will have a legally qualified barrister and a solicitor from the department in Canberra which has been dealing in situations like this, to advise us, along with the Clerk of the House who is no slouch when it comes to law. I want to assure the Minister that we will get through the business and come back to the House with solid recommendations. I tell the Minister now that I will support his Bill because it is one of those things the committee looked at two-and-a-half years ago. The South Australian experience convinced us that we should be going along that track. The committee merely wants to look at the structure to ascertain if it conforms with certain principles that have been laid down for QANGOs.

There are one or two ways of looking at something like this. One may have a committee which comes back to the House to support one; one may have a committee of the whole and it will still support one probably, but then, out of sheer vindictiveness—do not forget the committee will still have the right to investigate that tribunal which has been set up—it can investigate the tribunal before it has been set up. With a tonne of

goodwill, a tribunal will get off to a better start without that over its head.

I admire the legal competence of the Minister's officer (Mr Glanville). This Bill will not be held up in any way out of sheer devilment. The committee I serve with would not let me hold it up any longer than it should be held up.

**HON. N. F. MOORE** (Lower North) [3.32 p.m.]: As a member of the committee I would like to say a few words in support of this motion. During its history the committee has developed an expertise about the way in which Government agencies operate. When we look at the accountability of Government agencies, one thing which has become obvious is the necessity for some uniformity in their legislative framework. I have made a recommendation to the committee, a recommendation which has not yet been deliberated upon, concerning legislation for new Government agencies. I think they should all be referred to the committee. I note Hon. Kay Hallahan has suggested that is not a very good line of attack to take, but I think there is a lot of merit in the proposal.

As a matter of course, in future when a new Government agency is set up or is proposed by legislation, that legislation should automatically be referred to the committee for consideration. No consideration of the political merits or otherwise of the Government agency would be involved. The way in which it is to be set up should be looked at. In other words, the framework or the structure should be examined to ensure the uniformity which we have discovered is necessary to rid the country of some of the problems which exist with QANGOs.

I am very pleased that the Leader of the Opposition has moved that this particular piece of legislation be referred to the Standing Committee on Government Agencies as a first step in what I hope will become a regular habit, and in fact, I hope it will become part of the Standing Orders of the House that all new QANGOs will be automatically referred to the committee.

#### *Point of Order*

**Hon. P. H. WELLS:** On a point of order, I am trying to work out whether I may use Standing Order No. 75 before the debate is closed. I seek indulgence to refer to a matter which was brought up in this debate as it implies an untruth or misleading information in connection with this particular debate, and an inference against me as one of the members associated with this Bill.

**Hon. D. K. Dants:** Just get up and speak.

**The PRESIDENT:** Standing Order No. 75 provides that by indulgence of the Council a member



may explain matters of a personal nature, although there be no question before the Chair, but such matters may not be debated. I ask the honourable member to repeat his request.

Hon. P. H. WELLS: During the debate the Minister implied that I had had access to the Bill and had referred to certain things. This should be corrected and explained. It is misleading and close to an untruth.

The PRESIDENT: The honourable member raises a point of order which suggests that he ought to be given the opportunity to explain a matter of a personal nature. Leave of the House is required. The question cannot be debated and I ask whether leave is given.

Leave granted.

#### *Personal Explanation*

Hon. P. H. WELLS: During the debate an interjection by the Minister indicated that the services of his office were made available prior to this Bill's being presented, and the information was that the Bill was available prior to its coming into the Parliament. As the Opposition member mainly involved with this measure, I can say I did not have access to the Bill prior to its coming before the Parliament. I have checked with the shadow Minister working with me on the Bill, and he did not have reference to it before coming into the Parliament. The Minister's implication that the Bill was available to the Opposition prior to its introduction in Parliament is a reflection on me as a member.

#### *Debate Resumed*

HON. G. E. MASTERS (West—Leader of the Opposition) [3.36 p.m.]: I am sorry that the debate on this motion has taken the direction and the form that it has. I mentioned, when I moved the motion, the importance of it to this House and the precedent it would set. I acknowledge that the Minister handling the Bill has been helpful in agreeing to the procedures which should be followed. They are important if we are to use this as a precedent in the future with similar Bills. The Opposition is not trying to hold up this Bill.

[Resolved: That business be continued.]

Hon. G. E. MASTERS: I was making it clear to the Government and to the Minister that there is no intention to delay this legislation. What we are doing is setting out a procedure, exactly as stated by Hon. Norman Moore and Hon. John Williams, whereby such legislation would be referred to the Standing Committee on Government Agencies as accepted practice.

Obviously it will change at some time or another, whichever party is in power, in the years to come, but this procedure basically will be accepted.

I have had reservations on such matters in the past, particularly as a Minister. The shorter the delay the better. Hon. Peter Dowding knows that very well. One gets legislation through the House if one can. There is always a desire on the part of the Minister to get his Bills through with the least possible trouble. That is what Hon. Peter Dowding is all about, and when I was on the Government side that is what I was about.

Hon. Peter Dowding: For the good of the country!

Hon. G. E. MASTERS: I am being absolutely sincere about this, Mr President.

Several members interjected.

Hon. G. E. MASTERS: The honourable member says, "Oh, yes", but I am. I know that when we are on the other side of the House, with such a motion being brought forward, we will want to move legislation through. I make that quite clear.

I have no objection to this, nor ever will I. I have moved this motion sincerely because I think it is the right thing to do. It will enhance the reputation of the Legislative Council, whatever changes take place.

We are talking about the procedure which should be followed in the future. That is important. I am sorry that the Minister spoke to this motion in the way he did. I wrote a few short, sharp comments, where I thought I would get stuck into him, but this motion is too important for that sort of bickering. The Minister brought down the level of the debate by the comments he made. Nevertheless I urge members—because of the importance and because of the care taken over the procedure and over the wording of the motion and the future effects on the operation of this House of Review, this Legislative Council—to support the motion.

Question put and passed.

#### **LEAVE OF ABSENCE**

On motion by Hon. Fred McKenzie, leave of absence for three consecutive sittings of the House granted to Hon. Tom Stephens (North) on the grounds of private business.

#### **QUESTIONS**

Questions were taken at this stage.

*Sitting suspended from 3.47 to 4.00 p.m.*

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

*Second Readings*

Debate resumed from 10 October.

**HON. P. H. WELLS** (North Metropolitan) [4.15 p.m.]: I wish to make it clear that I expect the Opposition to agree to the principles embodied in the overall intent of this legislation. Work on this legislation commenced some time ago under the previous Government. In fact, as I understand it, about 15 years of work has already gone into putting these Bills together. I make it clear: I believe that, in the long run, the Bills will prove to be effective. The idea of moving towards uniform legislation is very desirable.

Prior to my debating the Bills in the very scant way that I will debate them, I want to raise matters relating to the time limits which have been imposed on our considering this legislation because of the short time that it has been available for us to consider. I hope that the Committee stage of these Bills will be delayed for some time in order that we will be able to have an opportunity to consider them in much more detail.

The first question I raise is: Should we debate these Bills today? The Bills were introduced into the House on 19 September. Prior to the introduction of the Bills, the Minister had indicated that they were based on the New South Wales legislation. I was invited, together with the shadow Minister (Mr Trethowan) to speak with Paul Glanville. I am very appreciative of the Minister's giving me that opportunity. However, at that stage, we had not seen the legislation which is before us today. The Minister had indicated that the legislation was very complex.

Even though we had asked some questions and made many requests to see the legislation, we did not receive the Bills until they were introduced to this House. At that time, the Minister indicated that he would like to proceed with the Bills on the Tuesday after we had returned from the parliamentary recess. It is now Thursday. The Bills have been available to us for 23 days. In that time I have spent an hour to an hour-and-a-half on each of two visits discussing the legislation with the departmental lawyers. I do not believe that is enough time. The Minister, throughout each stage of the debate, will have available to him information and advice in relation to this legislation.

**Hon. Peter Dowding**: Mr Wells, could you help me with the date on which I offered you the briefing?

**Hon. P. H. WELLS**: To be honest, I am not sure, but I think it would have been a week or a fortnight before the Bills were introduced into the House.

**Hon. Peter Dowding**: It was in late August.

**Hon. P. H. WELLS**: It might have been. At no stage, however, did we have the Bills before us when we were talking about the uniform legislation. Although, at that stage, we were talking about the New South Wales legislation, we had to make requests to get copies of that legislation ourselves. Those copies arrived some time later. At no time did the Minister indicate that anything was forthcoming. I am not a specialist on these matters. I believe that complex legislation of this nature, which has taken 13 years to put together, should be supplied to members in plenty of time to allow them to consider it before it is debated in Parliament. I believe also that the people to be affected by the legislation should have the opportunity to have some input.

I wanted to see how this legislation would affect people in the community. I discovered that the Law Society had received its copy from the Government on 2 October. It will hold its first meeting in connection with these Bills tomorrow. The Australian Society of Accountants received its copy of the legislation about the same time and it has not had an opportunity to study it. The Perth Chamber of Commerce received from me a copy of the Bill which I asked it to examine. It is racing to get through it in time.

The Confederation of Western Australian Industry, again representing a large group of people affected by the legislation, received a copy of the Bills from me and it has not had a chance to give it more than a cursory glance. I have contacted individual retailers and major groups and the message has been the same; it is almost impossible for them to absorb and understand the provisions because of the complexity of the Bill. Yet these people will have to operate under these provisions.

I have discussed with the Minister the fact that this was the type of legislation that should be left to lie on the Table of the House for some time. His reply to that was that when the Liberal Party was in Government—I remind members that I have always been a backbencher and have always exercised my right as a member of Parliament to closely examine legislation whether my party was in Government or in Opposition—it presented Bills and gave similar periods for their examination.

As a result of the Minister's response I carried out a quick examination of the approach adopted by the Opposition when in Government with re-

gard to major legislation. In 1980 the Noise Abatement Act was introduced on 2 November and it was not debated at the second reading stage until 16 April 1981; a period of 159 days. In this case we have been given 23 days. I refer to major legislation to amend the Mental Health Act which was before the House for 105 days. The Misuse of Drugs Bill was given 42 days. In 1982 the Bail Bill, which the present Government has recently amended, was available for examination for 115 days. A period of 58 days was allowed for the Building Societies Bill. The Workers' Compensation and Assistance Bill was delayed for some time, and we had the assistance of Hon. Howard Olney when dealing with it.

The measures before the Parliament are major legislation. The Government has accepted the principle of allowing complex Bills to lie on the Table of the House for a reasonable period to allow people to study them. Therefore, I protest about the Government's present action. The Minister is bulldozing legislation through this House. I do not believe that members understand the Bill in its entirety because of its complexity, and the industries involved have not had an opportunity to make a major input.

This legislation is a take-off of the New South Wales approach and the people in the electorates have not been consulted. The Minister should allow the Bill to remain on the Table for some time to enable the responsible groups to which I referred, and others, to study the legislation.

Hon. Peter Dowding: Let me correct one thing. I wrote to the Leader of the Opposition on 8 August inviting the Opposition to participate in getting information for these Bills. I think you should be honest and frank about the length of time you have been proffered information about this legislation.

Hon. P. H. WELLS: I will take up that point; a period of two months was given. The statement I made was that first of all the community at large which will be affected by the legislation has not had copies of these Bills available so that people could analyse the contents. The Minister made offers regarding information that would be available to the Opposition, but he did not provide a copy or a draft copy of the Bills that we could analyse. We made some suggestions in that regard and we have been waiting for the Minister's reply as to whether the information would be available.

We made what efforts we could to get a copy of the New South Wales legislation. In fact, I have had a copy of similar New South Wales legislation on my file for two or three years, but I do not understand it. The question is whether we should

make our decisions based on legislation from the New South Wales Parliament.

Several members interjected.

Hon. P. H. WELLS: I had not made a detailed study of the New South Wales legislation at that time, but had only looked at specific areas. I point out that we are considering Western Australian legislation, and whether the people of this State—small business people and individual retailers—have had the opportunity to understand what is likely to happen under these Bills. In fact, I had to provide people within my electorate with details of the New South Wales legislation because no other information was available to me.

Hon. Peter Dowding: It took you nearly three weeks to get your act together to see Mr Glanville.

Hon. P. G. Penda: The Minister has had 18 months. Do not be insulting to the member. The Minister gave the Bill to him two weeks ago.

Hon. Peter Dowding: Eight weeks ago I offered some information. Do not talk rubbish.

Hon. P. H. WELLS: The Law Society, which received its copies on 2 October, is a responsible group. When I spoke to members of the Law Society they said that there was no hope of their being able to make comment on the legislation in four weeks because of its complexity.

The implication made by a member of the society was that the society had been seeking a copy of the legislation and seeking to learn when it would be introduced. That information was not forthcoming. As I understand it, the society was interested in making an input on the legislation, but it did not receive a copy of the legislation in order to make comments. If people with law training find that they require four weeks to consider this type of Bill, the 23-day period given to the members of this House to understand the complexities of the legislation is not enough.

Based on precedents set in this House, when previous Governments and other Ministers within the present Government recognised the need to table major pieces of legislation, the Government should table this Bill to enable the community and the people affected by it to learn its likely effects and make an input to it.

When similar legislation was introduced in Victoria—

Hon. Peter Dowding: You had nearly 60 days to have access to this information.

Hon. P. H. WELLS: That is totally incorrect.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. P. H. WELLS: I will correct an untruth presented by the Minister. I did not have access to the Bill for 60 days.

Hon. Peter Dowding: To the information contained in the Bill.

Hon. P. H. WELLS: All that was available to me was a briefing session. That did not give me the ability to ask questions because I did not see the Bills. The briefing may have taken one to two hours, and I was just told about what was going on.

Hon. P. G. Pandal: Ask him when it cleared the Cabinet. Perhaps you had better not, because that might cause a few red faces.

Hon. P. H. WELLS: It would appear that the method by which the Minister—

Several members interjected.

The DEPUTY PRESIDENT: I believe the honourable member is quite capable of making his own speech without interjections.

Hon. Peter Dowding: When will you talk about the Bill?

The DEPUTY PRESIDENT: Order!

Hon. P. H. WELLS: I am talking about the Bills and the precedent that a Bill of this complexity should not be discussed at this time, in view of the fact that Ministers of the present Government and the previous Government have had the decency to table Bills containing major changes. No-one can say that this Bill does not contain a major change in terms of the approach to credit.

When a similar Bill was introduced in Victoria in 1978—

Hon. Peter Dowding: You also asked me to allow the Committee stage to be delayed until next week, and I agreed to that. You asked me to hold it over to the following week, and I agreed to that. I have agreed to every request you made, except that I asked that you make your second reading speech today.

Hon. P. H. WELLS: From the beginning, I indicated to the Minister that I was not prepared to speak today. It is only in deference to the Minister and the arrangement he made with my leader, Hon. Gordon Masters, that I am speaking today. On behalf of the community, I have a reason not to proceed today. In fact, the community has not had enough time to consider the legislation. I should not be here today. I am stuffed up with the flu; I have been in a sweat all day; and I am feeling crook. The only reason I am here is that the Minister insisted that he would bulldoze the legislation through.

Hon. Peter Dowding: How could I bulldoze the Bills, through? You asked me to adjourn the Committee stage to the week after next, and I agreed. I asked that you make your second reading speech today, and your leader agreed to that. Do not go back on those undertakings.

Hon. P. H. WELLS: When the Minister spoke with me last night, I asked him if the debate could come forward in a fortnight's time. He said, "It's not on".

Hon. Peter Dowding: Don't ask me to make agreements if you cannot stick to them.

Hon. P. H. WELLS: Despite the fact that I should be in bed at the moment because I am sick, I am meeting the Minister's request in an agreement that he made with Hon. Gordon Masters to push this through, because he was unwilling to delay it any longer.

Hon. Peter Dowding: If you want to sit through January, that is all right. We will probably do that in any event.

Hon. P. G. Pandal: If that is what it takes to legislate properly, we will do it.

Hon. Peter Dowding: The agreement was that I delay the Committee stage at Mr Wells' request, and he would give his second reading speech today.

Hon. P. H. WELLS: I cannot accept that, but the Minister refused to do anything other than what was agreed to. He insisted that I proceed. If the Government is trying to bash the legislation through so the community has no opportunity of knowing what is going on, I will make my protest with the limited resources I have at my disposal. The people must know what is happening in the Parliament. Obviously I must tell them that I have no control over the timing. The only way I can delay the Bill is by convincing the Government that it is unfair in its handling of the matter.

The precedent for delaying a Bill of this type occurred when similar legislation was introduced in the Eastern States. That legislation was laid on the Tables of the Houses for an extended period; and during that period major inputs were made to the legislation. That led to the withdrawal of the legislation and the redrafting of parts of it.

The Government tells us that the problems have been sorted out in New South Wales, and therefore Western Australia should accept the legislation; so we will have legislation by New South Wales and Victoria. The Government is not allowing the people of Western Australia to have any input into the legislation. The people of Western Australia can do what the Eastern States tell them to do.

I am not saying that the principle in this legislation is wrong; I am saying that the principle is supported, but I wonder why—

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! Interjections shall cease.

Hon. P. H. WELLS: If the Government and the Minister could provide the community with the sort of understanding that occasionally, in a weak moment, the Minister appears to display, we would be better off. This legislation has taken some 13 or 15 years to put together; and it will not be enacted until next March. I believe that is the date on which the legislation in the Eastern States will be put into effect because the legislation there must go through a number of processes. I cannot understand why this legislation cannot be delayed for some 30 days to enable the people of this State to have an input into it.

Hon. Peter Dowding: When you make an agreement, you should stick to it.

Hon. P. H. WELLS: In terms of the agreement, let me make it clear that my first request to the Minister was that the Bill be delayed. I asked him for a fortnight at that stage. He said, "No, that's not on". In subsequent discussions he insisted that he wanted the Bill to go through and that he wanted me to make my second reading speech, but that he would delay the Committee stage.

Hon. Peter Dowding: Your leader and I had a number of discussions and an agreement was reached. You were a party to that agreement.

The DEPUTY PRESIDENT: Order! I believe both the interjector and the speaker are moving very close to repetition.

Hon. P. H. WELLS: I will proceed with the Bill under the protest I have already made.

I cannot give a detailed analysis of the Bill although I would like to do so. One of the major effects of the Bill is that it packages the thrust of credit in this State to bring about uniformity.

We have already dealt with a Bill that has been referred to in the notes provided to the Minister and we have taken out the Commercial Tribunal Bill so that it can be considered separately from this cognate debate covering these three Bills.

These Bills introduce a totally new concept when dealing with credit. Wherein previously goods were transferred to a person on the last payment, they will now be transferred to the ownership of the person after the first payment. The Bill introduces a fair number of new consumer protection ideas and indicates that there can no longer be repossession of goods unless the supplier makes certain representations to various bodies. I

am not certain what the situation will be with bankruptcies, where previously hire-purchase goods were able to be reclaimed and sold.

Clause 21(2) contains one of the main thrusts of the legislation because it enables a buyer to rescind a sale when he makes it known to the supplier and gives reasons for returning the goods. This raises a number of new areas of protection for consumers, while at the same time it raises questions of increased costs for the supplier and even the credit provider.

The Bill contains provisions that seem reasonable and provides that a supplier will not be able to force a person to go to a particular credit provider.

One of the interesting points, when talking about credit providers, is that the Bills introduce, for the first time, a provision that credit providers will be linked credit providers and they are to become jointly and severally liable to the buyer.

As I understand it, if I were to decide to buy a car and I found a person with one I wanted, I could tell the supplier that I had decided I wanted to buy the car on contract of sale. I would have the choice of going to my bank or to a finance or leasing company to obtain the money. The company I chose would have to decide whether I was a good risk; if it decided I was it would then provide me with the money. The company would then be subject to a claim against the supplier. The Bill seems to provide that henceforth, in many cases, credit providers will be linked with the suppliers of the goods.

Bankcard is involved here because I gather that if I had bought a car on Bankcard, the linked credit provider could well be linked and considered to be jointly and severally liable to the buyer in certain circumstances. Those areas of small business with which I have discussed this measure are very concerned about this provision in the Bill.

The Bill provides for the exclusion of Bankcard also, and one of the reasons involves the volume of sales or the fact that the linked credit provider could not reasonably have been expected to know there was likely to be any claim upon him. This is an airy-fairy area and we will spend some time on it.

I am not certain why Bankcard should be caught up here, because it seems to me that Bankcard is provided to people only after the credit provider has judged them to be a suitable risk to be given money. Therefore I do not believe there is any necessity for Bankcard to be linked with any goods that a person might buy with that credit card.

Surely if I go to one of the banks, building societies, or other credit unions, and ask for a credit card to the value of \$1 000, what happens is that, having checked my credit worthiness, their liability is that they have made judgment of me and their claim would come back, not on the goods I might buy, but on me as an individual. But this Bill links them with all companies such as AGC Ltd. and Custom Credit Corporation Ltd. and indicates that they could be liable for goods I might buy with my credit card.

The Bills provide that if credit providers have a formal arrangement they can be virtually considered to be agents of the finance company. Let us consider the instance of a local garage which will take Bankcard, and let us assume the owner has a used car he wants to sell, a car which I decide to buy using Bankcard. I do not know how we would measure the business of volume, but the Bill indicates that Bankcard would become liable, jointly and severally, with the supplier. I do not see the reason for that.

The Bill indicates that the company might not have suspected that there would be a claim, but let us consider someone who buys electrical goods. Electrical goods are notorious for having faults, no matter from which store they are bought. The company which sells the goods on Bankcard is considered to have an arrangement with the provider and is therefore caught up with the linked credit provider. In having that arrangement with the credit provider, we find it becomes jointly responsible. So in certain circumstances the bank or building society which has issued the credit card will become jointly responsible with the supplier.

Industry will need to examine this legislation in detail because two things are likely to happen. Firstly, certain provisions of the legislation will increase the cost of providing credit because of the increased responsibility of the credit provider. Secondly, the legislation will probably reduce the number of finance companies which will be willing to make application forms for loans readily available to the community. There is a danger that people will have to apply to companies to get credit clearances before being able to obtain credit cards.

It is interesting to analyse some of the transactions covered. The Bills provide under "services" an indication that it refers to performance and work, including the work of a private nature, and the provision of or the use of enjoyment of the facilities for amusement, entertainment, recreation or instruction.

I noticed in an advertisement that establishments reported to be fronts for prostitution have

been using Bankcard. Certainly in the Eastern States it is advised that the girls actually provide their favours for clients for Bankcard. I gather that those services would come within the classification under the legislation of "enjoyment" and "entertainment". Perhaps it is business.

Hon. Kay Hallahan: He is buying services.

Hon. PETER WELLS: That could well be the case. I have heard of the situation of women buying services. I would not like to be sexist in this case. Hon. Kay Hallahan has drawn my attention to the situation I have mentioned where males buy services. I do not want her to consider that I am one-sided. Magazines advertise for women also to buy those services and if she wants to look a little further, I am sure she will find magazines that provide that information.

Hon. Kay Hallahan: I won't do that!

Hon. PETER WELLS: If a person who attended one of these places of entertainment paid for services by a credit card and caught a disease, does the finance company become responsible? Under a clause of the legislation they are jointly and severally responsible for claims. I will read the definition.

Hon. P. G. Pendal: We should demand an answer from the Minister about that.

Hon. PETER WELLS: It happens to be a credit transaction. It is of no use saying it does not go on.

Hon. Kay Hallahan: Will you look at asbestosis too?

Hon. PETER WELLS: Hon. Kay Hallahan threw in a red herring when talking about asbestosis. I have been involved in problems of silicosis.

In this case my understanding is that the companies do not pay the people by Bankcard and hence no credit link relationship exists. It is an industrial relationship and other Acts cover the protection of people in those areas.

Ever since I have been involved with the workers' union and the Parliament, I have worked towards ensuring that people have the right protection. If I remember correctly, when we were in Government we passed some pretty responsible legislation in that area to increase coverage of that situation. That is not covered in the area I am talking about and that is ludicrous because if it were extended to this situation, the credit link, what would happen if one went to Boans and purchased an item?

Hon. Kay Hallahan: Cigarettes?

Hon. PETER WELLS: I thank the member very much. She has thrown in a certain situation which I will take up. I am grateful for her assistance. She has referred to the purchase of ciga-

rettes, but it could be any other type of "instrument" that could cause ill-health. It is very interesting. Perhaps a person could purchase food from a particular restaurant and become ill. If one pays by credit card, does the finance company become responsible? That is the ludicrous thing about this type of relationship.

One has to think about all these types of situations in reality before accepting complex Bills of this nature. I am really concerned that there should be some real understanding of this legislation before we move forward. I want to give one type of example about the link thread. Hon. Sandy Lewis took up this matter in connection with other people. In regard to another area relating to this Parliament we reversed the situation.

One of the things I am very interested in is that the Parliament and the members assembled here, I understand, have a responsibility to examine legislation that comes forward. The complexity of this legislation has allowed the Government to introduce a clause, the likes of which I have not seen in many other Bills. I am talking about clause 19 of the Bill which provides—

(1) The Governor may, by order published in the *Government Gazette*, declare that the provisions of this Act, or such of those provisions as are specified in the order—

- (a) do not have effect in relation to a specified person or to a specified class of persons;
- (b) have effect in relation to a specified person or to a specified class of persons to such extent as is specified;
- (c) do not have effect in relation to a specified transaction or matter or class of transactions or matters;
- (d) have effect in relation to a specified transaction or matter or class of transactions or matters to such extent as is specified;
- (e) do not have effect in relation to a specified transaction or class of transactions entered into by a specified person or specified class of persons or in relation to specified associated matters; or
- (f) have effect in relation to a specified transaction or class of transactions entered into by a specified person or specified class of persons, or in relation to specified associated matters, to such extent as is specified.

Clause 19(2) and (3) provides—

- (2) An order made under subsection (1)—

- (a) may specify the period during which the order shall remain in force; or

- (b) may provide that its operation is subject to such terms and conditions as are specified in the order.

(3) The Governor may, by order published in the *Government Gazette*, revoke or vary an order made under this section.

We could virtually start rewriting this Act the day it is passed. We could remove sections and insert new sections. Subclause (5) reads as follows—

(5) A person to whom an order under this section applies, including an order that is varied under this section, shall comply with the terms and conditions (if any) to which the operation of the order is subject.

Penalty: \$5 000.

On the advice I have received, the Government may vary this legislation within those areas by publishing such variations in the *Government Gazette*. Those people become liable and Parliament has no say whatsoever in connection with that order. There is no requirement within the Bills that it should be tabled in connection with the normal subordinate legislation. The nature of the legislation is such that the Government wants this clause because it may have to move very quickly. Variations are often necessary when bringing in revolutionary change.

Is it good for a House of Review or any House of the Parliament to pass legislation that provides no exemption and no right for this Parliament to make any input in the case where a Government may be doing something which could be considered to be totally wrong? It should be able to disallow that action.

To that degree, I give notice to the Government that it is my intention, during the Committee stages, to move an amendment to this clause which will provide and make very clear that these orders made and published in this area will be required to be tabled as is every other form of subordinate legislation in the House. I will move the following amendment to clause 19—

Page 35, line 27—Insert after proposed subsection (3) the following new subsection to stand as subsection (3A)—

(3A) An order made under this section, including an order that is varied under this section, shall be deemed to be a regulation for the purposes of section 42 of the Interpretation Act 1984 and the provisions of that section shall apply accordingly.

I believe that amendment is necessary. The bare minimum this House must do is to ensure that if legislation provides this Government, the Minister, or any other Government with the right to vary the range of liability of legislation it should include a mechanism whereby this House will be able to examine that area.

It is matters such as this which one finds in going through the legislation that indicate the need to delay this type of legislation. I think the Minister, on examination of the proposition I have put forward and after he has slept on it, will recognise there is nothing wrong in my proposal, and he is likely to accept it. I do not think he intended to insert a provision which usurps the power of Parliament. I have taken some time to check this part of the Bill with a number of sources and the information coming back to me is that the amendment I have foreshadowed is needed to make the Bill clear.

I refer now to other clauses in the Bill. One proposes to set up a licensing body to license credit providers. Under that part of the Bill, credit providers will be required to pay a licence fee. I gather the reason is to pay the cost of operating the licensing authority. That premise is generally accepted in relation to licensing laws—people should pay something to cover the cost involved in running a licensing authority.

It appears that because banks are licensed by the Commonwealth Government, no possibility exists for a State Government to license them in terms of the credit they provide. However, because they come under the provisions of this Act, in certain areas the situation will arise in which a large number of finance people will pay a licence fee and the banks will have an advantage because they will not.

The New South Wales approach to this aspect was referred to me. In that case the Liberal Party Opposition during the passage of the Bill proposed an amendment which would have required the registration of banks and the setting of a fee equal to that of the credit providers. I am not a great believer in setting up licensing authorities, but the control of credit which we accept in principle necessitates some authority being established. I am usually in agreement with the principle that the user should pay. I have to decide in the days to come before we reach the Committee stages of this debate whether it is correct to impose a disadvantage on other financial houses which have to pay a licensing fee while the banks have use of the same facility and do not have to pay.

The premise put forward in the New South Wales Act is that the banks are required to pay an

amount equal to that paid by other bodies. I will be interested to hear in the Minister's reply whether he will consider bringing this Bill into line with the New South Wales Act. Our legislation is not exactly the same as that of New South Wales, and that is one area of difference.

I want to dispel the impression when we use the word "uniformity" that we are looking at exactly the same legislation as in other States. I obtained from the library the CCH Australia Ltd. volumes relating to the uniform credit law proposals in 1978. They refer to the various Acts in New South Wales and Victoria. When one looks at those Acts one sees they are different. That being so, and as we are following New South Wales—and I have just shown our legislation is different in one respect—then Victoria and Western Australia also will be different.

So there are differences between the States and the magnitude of the differences is important. The House should not be led to believe that in introducing uniform legislation we are following the same wording of the Acts in other States. That is not true. I gave some consideration to reading out a table of differences between the Victorian and New South Wales Acts, but when I saw how many pages were involved I thought it would probably take up longer than the Government would allow me. I thought I would spare the House.

Hon. Peter Dowding: Never let it be said I want to rush you.

Hon. P. H. WELLS: The Minister might be happy to accept the suggestion that I be given leave to speak at a later date.

Hon. Peter Dowding: We will sit on as long as you wish to speak.

Hon. P. H. WELLS: This Bill embodies leasing arrangements in many situations. The idea is we will bring all consumer credit below \$20 000 under the provision of this legislation, and that will take in leasing arrangements. As I understand the situation in Victoria, leasing and such matters come under the Chattels Security Act. One of the legal people I spoke to, a person who knows the Minister's background, said he wondered why the Minister was not bringing forward such a Bill. I have not examined the Victorian Act closely, but I am led to understand it has a major difference from the New South Wales Act. If we are considering the differences between New South Wales and Western Australia I would point out—and I believe the Australian Finance Council is quite happy about this and it probably makes a lot of sense—the New South Wales Act does not



cover building societies and many other areas of finance.

I believe these Bills take in all consumer credit whereas in New South Wales consumer credit is handled under a separate Act. I have touched on a number of the differences between the various State Acts, and it would be wrong for members to think that this legislation is exactly the same as those in other States.

I omitted to mention that as I read clause 18, it indicates that Bankcard is not excluded from this Bill because 18(2) says the provisions of parts III to VIII do not apply "to or with respect to the provision of credit by a bank or a pastoral finance company where the credit is provided by way of overdraft or otherwise than by way of a credit sale contract, continuing credit contract or term loan".

The definition of the term "continual credit" should be included in the legislation. Not only do banks have Bankcard, but many people also have credit cards such as American Express. However, cards that operate on the same principle as American Express will not be subject to this legislation because those accounts are paid monthly and, therefore, the continual credit situation would not apply.

In terms of Bankcard and Visa, credit unions and building societies are moving towards a similar situation. To date building societies have provided loans for housing. Credit unions provide loan arrangements where people can buy goods in relation to the contract that is drawn up. The provisions of this Act exclude credit that is provided by means of an overdraft. I know this is available with banks and pastoral companies. However, there are arguments that banks should be excluded. I find in this day of deregulation that that is a little hard to understand.

I understand that the Campbell report and similar reports are moving towards deregulation of financial credits and it will not be long before credit unions and building societies will have the same facility available to them in relation to cheques as is available to banks.

Credit unions in the Eastern States have negotiated with the National Bank of Australasia Ltd. for credit arrangements, and I understand that negotiations are under way in Western Australia between the credit unions and the R & I Bank. The credit unions will be able to set up overdraft arrangements. I do not know how the system will work. Perhaps they will have a link arrangement with the bank.

If an arrangement is made with the credit union I ask the Minister why the overdrafts provided by PBS, the Teachers Credit Society Ltd., and others

should be exempted as is the case with banks and pastoral companies. Why is there a different arrangement for the finance of housing? It is strange that there is a difference because to date building societies have provided only building finance and credit unions have provided loans to members.

Does the Government accept the recommendations of the Campbell report in regard to deregulation? Is that the reason for clause 19? Will the Government create new laws when it considers it necessary, as long as it is in line with Government policy? A financial institution may be told that if its application is in line with Government policy, it will be approved, but if that is not the case it will have to wait until there is a change of Government. Do not say that sort of thing does not happen. It may not be written down in correspondence, but the implication is there. The legislation will allow this to happen and provide credit to people despite the fact they have separate credit facilities and they will be dependent on the Minister. If he is not co-operative, God help the industry.

In relation to clause 19 I have been asked what particular areas have been cut out and what are the examples.

Clause 21 refers to the opportunity to rescind a sale and I gather that this provision will allow for a sale conditional to finance being available. The clause states—

(1) Where a buyer, before entering into a contract of sale—

Remember that the contract of sale is a major change and that we will not have hire-purchase. It continues—

—of goods or services, makes it known to the supplier that he requires credit to be provided in respect of the payment for the goods or services and the credit is not provided by the supplier, the buyer, if he takes reasonable steps to obtain the credit but does not obtain the credit, may within a reasonable period after the contract is made, by notice in writing given to the supplier, rescind the contract.

This clause will be the subject of some dispute. I refer to the words, "beyond reasonable period". I can see a situation where a person will say he will buy certain goods and sign a contract. He will then have to make financial arrangements with a bank. For example, the person may reside in the country—I go back to my days in Norseman where there were not many financial houses in that town. For instance a person might sign a contract to buy a car, but advise the supplier that he will need to speak to the bank or a financial

institution, of which there are none in the town. However, as he is going to the city the following week, he advises the supplier that he will make financial arrangements then. At the meeting with the bank or the financial institution, the purchaser may be told that the money is not available. The supplier of goods has signed a contract and he is not able to sell the goods involved because he has a contract of sale. This Bill provides that within a reasonable period the purchaser can opt out of the contract. I ask the Minister what is meant by "reasonable period"? Will it have to be decided by the commercial tribunal?

I can give reasons that it may be decided to allow for 14 days. I wonder whether there is a necessity to fix that period of reasonable time. I do not know whether anyone could be forced to sell credit on those arrangements.

As an example I refer to a small supplier who may only keep 10 vehicles and 10 people—

Hon. Peter Dowding: If you said 14 days, it might be unreasonably long.

Hon. P. H. WELLS: I am glad to see that the Minister thinks that 14 days is an unreasonable period. He has now given some indication that there is some doubt about the time period. There are two parties involved and we want to protect both of them.

In other words, the person should be given a reasonable time in which to get the credit. In putting forward this regulation, what authority will determine what is a reasonable time? Will it be consistent? How will the business people cater for that if it is not something they can calculate?

Take a small business which has 10 items in short supply. If a contract of sale is made for those 10 items in the first week, and if that person then sells one of those items, he is breaking the contract and he might become liable, so he must remove those 10 items from sale.

#### *Point of Order*

Hon. LYLA ELLIOTT: On a point of order, I do not wish to interrupt the member's speech, but may I please prevail upon him to lower the volume of his voice? He is giving everyone in the Chamber an awful headache.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): While the point of order cannot be sustained, I think the speaker might take notice of the appeal.

#### *Debate Resumed*

Hon. P. H. WELLS: An interesting point. The complaint yesterday was that the speakers were too soft!

I have at times had some problems, when dealing with Bills under this Minister's portfolio, in being able to get through to him. If one pounds hard enough one gets through.

I will seek to accommodate the member. The Noise Abatement Act was mentioned and the member must be thinking we are in excess of 90 decibels! Perhaps if she has a monitor she may have cause to take action under that Act.

I am trying to illustrate the real situation. This legislation has a very broad control. The reason I think it needs to lie on the table for some time is that there are so many multiple situations with businesses which are likely to be affected by it.

I do not think the Government is interested in closing down businesses. In the examples I am giving, the person concerned may well not be able to carry on. If the tribunal decided 30 days was a reasonable time, and let us say that those 10 items cost something like \$200 000, that person could well be borrowing all that \$200 000, yet he might not be able to make a sale because the 10 items are tied up in some contract covering this reasonable period.

I am proposing a hypothetical situation, but I am asking what consideration has been given to providing for this type of circumstance to enable a person to provide for that reasonable time. I am not decrying the need to provide a reasonable time; I am asking why this Bill does not provide some fixed time.

If the reasoning is that it is not reasonable to provide a fixed time—I gather that may be the argument—is there any other method by which we can be assured businesses will be able to know what is going on?

Clause 24 has a provision for the exclusion of protection for people with Bankcards. Clause 24(2)(c)(ii) provides an exclusion based on volume of sales. It reads—

such other matters as appear to be relevant in the circumstances of the case.

I am not certain what is being referred to. The Minister might be able to answer me, but to all intents and purposes will he provide for every circumstance when a Bankcard is used? Will he take that action to exclude it or is he taking it within the Act? Does he want the Bankcard to be covered, and he will use the provision when he wants to?

The final part provides—

the linked credit provider, before becoming aware of the contract of sale or of proposals for the making of the contract of sale (whichever the linked credit provider first be-

came aware of), did not suspect, and could not reasonably have been expected to suspect, that a person entering into such a contract with the supplier might be entitled to claim damages

I have already indicated that, in dealing with a Bill of this nature, I should have thought it would be claimed that with every linked credit provider it may not be reasonable.

Then I come to the problem where I have given examples of buying cars, or perhaps washing machines. They are notoriously likely to break down. If one buys anything with a moving part, that would include practically everything. If one buys a vacuum cleaner, one cannot get exemption because it can be argued it has a moving part and there will be a claim in that particular area.

I cannot see how the owners of Bankcards will be able to claim in that particular area. Even if one shops at Boans, the only exclusion is the volume of business. Paragraph (c) says one may be excluded by volume of business. That is selective.

If one buys a washing machine or a vacuum cleaner from Boans, or even some cracked cups, because of the volume of sales involved in that store, the Bankcard one uses is caught up with the linked credit provider system. If one goes to Joe in a store in Bunbury and he sells only a small number of these items, he cannot be excluded by paragraph (c) in terms of volume of sale. The same applies to Meekatharra and Cue.

Hon. Peter Dowding: It is the business carried on by the linked credit provider.

Hon. P. H. WELLS: If that is the case, why should not Bankcard be excluded? What happens with Bankcard?

Hon. Peter Dowding: It is the type of business carried on by the linked credit provider. I do not want to interrupt you, you might want to deal with it during the Committee stage.

Hon. P. H. WELLS: I would like that made clear. Certainly a lot of other people do not see it in terms of the linked credit provider. If a member of Parliament makes an application to a credit union for a credit card, one is provided because the organisation knows where to find that member. It will lend \$1 000 because it knows our salaries go into the bank regularly. With the volume, that is acceptable to the Government. But all of a sudden my daughter belongs to the CSA Credit Union Ltd., or it may be the Teachers Credit Society Ltd. or some other small credit union.

Hon. N. F. Moore: The Teachers Credit Society is the biggest in Australia.

Hon. P. H. WELLS: Say the Fremantle Credit Union Ltd. It could decide to provide credit to its members and people who associate with it in the form of a Bankcard. Using the interpretation of the Minister's, does this mean that a member of that credit union can go into Boans, buy a vacuum cleaner, and then Boans and the Fremantle Credit Union are jointly and severally responsible?

Alternatively, the mineworkers at Norseman might get together and form a credit union. One of its members may go to a store in town and, using his credit card, buy the same model vacuum cleaner and the credit union plus the supplier become responsible. However, if I come in with my ANZ credit card and buy a vacuum cleaner in Norseman or Fremantle, only the supplier is liable. Where is the fairness in that? In both cases, when the person obtained the card, trust was being placed in him and not the goods.

Hon. Peter Dowding: It is not the person with the card, but rather the vendor who is liable.

Hon. P. H. WELLS: If there is a mineworkers' credit union in Norseman and it uses the same method to provide people with credit cards as does the Fremantle Credit Union—

Hon. Peter Dowding: It is not providing people with a credit card; it is providing the supplier with the credit facility.

Hon. P. H. WELLS: There are two ways of going about a transaction. I could walk into my bank or use the automatic teller machine to obtain \$100. I could then go to Boans and buy a vacuum cleaner. If I do not want to carry cash, I could use my credit card. In one situation the company to which I pay cash has no responsibility and, in the other situation, the company has all the responsibility.

I told the Minister at the beginning of my speech that not only do I not have all the information to enable me to deal properly with the Bills, but also the Law Society does not have it. If one is provided with adequate time and proper research facilities, one can reduce the time required to debate a measure, because one has the necessary information.

However, if the Minister wants to hoodwink members and keep members in the dark—

Hon. Peter Dowding: I object to that.

Several members interjected.

Hon. P. H. WELLS: I am not blaming the Minister for the lack of facilities for research by members, but their provision is long overdue.

A provision exists in the Bill under which a finance house becomes liable. Let us take the situation in respect of bridging finance. It may well be

that a person is able to arrange a loan through a building society in order to buy a house. In that case, the mortgage would be excluded from the provisions of the legislation.

However, in the current situation a person may obtain a loan for 95 per cent of the value of a property. I am sure that if a building society needed details of the transaction I am about to relate, it probably would not proceed with this type of loan. It could well be that a young person buying his first home could go to a credit provider and ask for a loan for the five per cent deposit on a house. That person may not say to the finance people, "I want a five per cent loan for a deposit on a house". He may say he wants the loan to buy some goods or he just needs some money. A contract may be drawn up and the money provided. Alternatively, the company may know that the money is being borrowed for the deposit on a house. That is a company which provides bridging finance and under this legislation it falls into the category of a linked credit provider.

In the event of default, would that company become jointly and severally responsible in respect of damages? Under clause 24 provision is made for responsibility. Would that company have some liability in respect of money which is loaned for the purchase of a house?

If, in this situation, a person goes to a credit provider, that money is loaned, based on the evaluation of the person by that credit provider. Therefore, doubt exists as to who would be liable in the case of default. It is nice to see you back in the Chamber, Mr President.

The PRESIDENT: Order! Will the member confine his comments to the Bill.

Hon. P. H. WELLS: I note in connection with the Bill that I have handled a number of real problems, but I have not covered many areas of a complex nature. The reason for that is that it would be impossible for one to do justice to this legislation based on the time available to members and others involved to analyse it. As a representative of the community I believe I must go out and look at the real life situations where this legislation will have an effect. It is in that area that I make my last plea that the Minister give consideration, not only to not proceeding with the Committee stage for some time, but also to not further proceeding with the second reading debate yet, because there is a good chance a number of small, distinct areas should be looked at closely and I believe the Government would willingly accept that.

I have given notice of only one area which I shall seek to amend and I referred to another area

relating to licensing which I may seek to amend also. However, that does not mean major changes will need to be made to the Bill.

Generally I accept the principles embodied in the Bills but I stress that accepting those principles does not mean I blindly accept everything in the Bills. The House will be doing an injustice if it allows the Bills to be dealt with without providing Western Australia with the amount of time necessary to examine their consequences.

I refer here to the sort of time which was provided to the community in the Eastern States to examine similar legislation. As members of Parliament it is necessary, on occasions, to say to the Government, "Pause for a moment. We know you have a good idea. We know it is the sort of thing that previous Governments, not necessarily this one, have been looking at". Surely if the Government can extend that courtesy, as it has done in respect of other major Bills, it should do so in this case so that the consumers and commercial interests in this State are able to examine the Bill before it is passed.

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

## COMMERCIAL TRIBUNAL BILL

### *Second Reading*

Debate resumed from 10 October.

HON. PETER DOWDING (North—Minister for Consumer Affairs) [5.40 p.m.]: The comments that are now relevant to be made on the second reading speech were made in relation to the motion moved this afternoon by Hon. Gordon Masters. I do not intend to delay the House further by amplifying those comments, but simply say to anyone reading this Bill for posterity that they should refer to the comments of the earlier debate and take it that the parties that addressed that motion intended their remarks to be related to this second reading debate.

Question put and passed.

Bill read a second time.

## GRAIN MARKETING AMENDMENT BILL

### *Second Reading*

Debate resumed from 10 October.

HON. H. W. GAYFER (Central) [5.42 p.m.]: This Bill before the House seeks to extend the perimeters within which the Grain Pool can borrow money. The definition of "borrow" does not allow the Grain Pool to raise funds by the issue of securities, and the purpose of this Bill is to allow the grain pool to draw, make, accept, endorse, discount, execute, issue and deliver promissory

notes, bills of exchange, unsecured notes, bonds, mortgages, securities, or any similar instruments or documents.

I will take the time of the House for a moment to read out the definition of promissory note, because I believe this will indicate to the House the reason the Grain Pool requires such legislation. I quote from the *Dictionary of Economic Terms*—

**Promissory Note** Simply a promise to pay a certain sum at a stated time in documentary form. Depending upon its credit standing such a note is negotiable. Promissory notes were introduced to the Australian money market in January, 1977, in denominations of not less than \$100 000. The time to maturity when payment becomes due ranges from 10 to 180 days. These promissory notes issued by large business houses, are covered by the Bills of Exchange Acts 1909-1973. They may be sold on a discount basis to mature at the principle amount. Sale and transfer does not require endorsement as in the case of a bill of exchange (q.v.). However the avoidance of this commitment restricts the use of these notes to such bodies as trading banks insurance companies, and superannuation funds i.e. to prime corporate borrowers having very high credit ratings. In this way, companies should be able to greatly extend the credit at their disposal.

Money houses these days are like shops, shops that sell money; and one has to shop around to keep the pencils sharp to obtain the best deal, even at the

expense of tradition which was once the prevailing feature that tied customers to certain financial institutions.

This Bill will seek to broaden the fields in which the Grain Pool can borrow money and those avenues which have been followed by many institutions. As a matter of fact, I do not believe it will be too long before the CBH may seek to put a similar Bill before the House. I trust that Bill will receive the same encouragement and quick passage through the Parliament as has this Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### *Third Reading*

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

## **EQUAL OPPORTUNITY BILL**

### *Receipt and First Reading*

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

*House adjourned at 5.48 p.m.*

# QUESTIONS ON NOTICE

275. *Postponed.*

## TOURISM: BROOME

*Report: Tabling*

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

I refer the Premier to a Press report in *The West Australian* of Tuesday, 2 October 1984, headed "Broome Ranked as Tourist Resort" and ask—

- (1) (a) Will the Premier table the Lands and Surveys Department report referred to in the article;
- (b) if not, why not?
- (2) (a) Has the Tourism Commission made any recommendations to the Government on the suitability of the Gantheaume Point site;
- (b) if so, what are the recommendations?
- (3) Is it proposed that the facilities at the Broome racecourse be moved to provide additional land for the project?
- (4) What is the estimated cost of providing essential services (i.e. roads, power, water, etc.) to the Gantheaume Point site, and who will pay these costs?
- (5) Has the Government sought the support and approval of the Broome Shire for the construction of the tourist complex?

Hon. D. K. DANS replied:

- (1) (a) Yes. I point out, however, the report is provisional and is currently in the hands of the Shire of Broome, whose comments are awaited. It will then be presented for endorsement by the Town Planning Board;
- (b) answered by (a).
- (2) (a) No;
- (b) answered by (a).
- (3) The report proposes retention of the existing race track, with relocation of associated facilities to the south side of the track.

(4) No detailed costings have been prepared. Anticipated release arrangements will require a selected developer to prepare, prior to approval of any development programme, a detailed feasibility study, which will include costings for essential services, and provision for their funding.

(5) Answered in (1) (a).

295. *Postponed.*

## WATER RESOURCES: DOWERIN

*Right-of-way: Savings*

296. Hon. H. W. GAYFER, to the Leader of the House representing the Minister for Water Resources:

- (1) Why, when money is so short, will not the Public Works Department listen to the Dowerin Shire Council in its quest to save money by installing water connections through a 'right-of-way' which was specifically granted for this purpose?
- (2) As the amount to be saved is a definite figure of \$3 702 and a probable figure in excess of \$5 000, will the Minister make sure that this matter is urgently and fully investigated?

Hon. D. K. DANS replied:

- (1) The Public Works Department's policy does not provide for water mains in a right-of-way for the following reasons—
  - (a) access to water meters at the rear of properties is difficult and involves interfering with the owners' privacy;
  - (b) internal water reticulation costs to be met by the owners are higher than with services at the street front;
  - (c) in most instances, there is no cost saving.
- (2) The cost of the water supply to the first stage of a Dowerin shire subdivision could be reduced by \$2 690 if the water main is located in the right-of-way.

However, in this event the additional cost to provide water to the second stage of the subdivision will more than double the amount of the initial saving.

## STATE FINANCE: GENERAL LOAN FUND

*Forests: Land Purchase*

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

In regard to Estimates of Expenditure for the year ending 30 June 1985 under General Loan Fund—Forests—will the Premier please advise how \$3 600 000 for land purchase is to be spent—

- (1) In which local authority areas will land be purchased?
- (2) What hectareage will be purchased in each district?
- (3) For what purpose will land be purchased?
- (4) Any other relevant information?

Hon. D. K. DANS replied:

- (1) to (4) Land will be purchased as suitable areas come on offer in the south-west. It is not possible to specify areas and localities as the Forests Department does not currently hold any firm options to purchase. The allocation provides for purchase of land for pine planting, but it may not be necessary to devote the full amount to this purpose, depending on the success of the Government's alternative proposals for joint planting schemes with private land owners.

298. *Postponed.*

## QUESTIONS WITHOUT NOTICE

## PLANNING: BROOME

*Town Planning Scheme No. 2*

83. Hon. N. F. MOORE, to the Minister for Planning:

- (1) Is it a fact that the Broome Shire was advised by the Minister's predecessor, Hon. David Parker, that the Broome town planning scheme No. 2 would not be approved if the shire insisted on the Kennedy Hill-Lookout Hill area being zoned for a hotel development?
- (2) If that is a fact, why did the Minister oppose the proposed rezoning?

Hon. PETER DOWDING replied:

- (1) and (2) I am not in a position to answer that off the top of my head, because I was not present at discussions which were held between Hon. David Parker,

as Minister for Planning, and the Broome Shire. However, I can tell the member that the Broome Shire Council, the Government, I, and other Ministers have engaged in very detailed consultation on a wide range of matters. We held a Cabinet meeting at Broome where matters of concern to the shire were well and truly canvassed. I do not think problems exist between the Government and the shire in respect of planning matters. The only matter outstanding at the moment is the approval of the Broome town plan. That is presently being polished up by the department prior to my approval.

EMPLOYMENT AND TRAINING:  
EMPLOYMENT*Statistics*

84. Hon. GRAHAM EDWARDS, to the Minister for Planning:

Can the Minister advise the House how this State has fared in the Australian Bureau of Statistics employment figures?

Hon. PETER DOWDING replied:

The Australian Bureau of Statistics' figures in relation to employment were released today and provide very clear evidence that my Government's policy for employment stimulation is on course. The most pleasing aspect of the figures is the very dramatic increase in employment opportunities for young people. In September 1983, we were looking at 27.3 per cent unemployment amongst young people aged 15 to 19 compared with a figure last month of 17.6 per cent.

These figures are still not good enough, but they are very much better than the figures in other parts of Australia and demonstrate that our concentration on the problems of youth unemployment is beginning to take effect.

Over the last month, employment has grown by 6 500 places, which brings to 31 000 the increase in employment since our Government took office. The unemployment rate of 9.3 per cent this month compares very favourably with the rate of 10 per cent at this time last year and puts us in a position of only two States having better figures than ours, while the Australia-wide figure is 8.6 per cent. The supply of labour in Western Australia

continues to grow dramatically and our participation rate has again jumped to 63.4 per cent compared with the Australia-wide figure of 60.9 per cent. This means that a greater proportion of our population is working or seeking work than in other parts of Australia. These figures vindicate the Governments' economic policies, both State and Federal, and I believe that the community of Western Australia will see the benefits which flow from these policies and from the Budget decisions announced this week.

#### PLANNING: BROOME

##### *Town Planning Scheme No. 2*

85. Hon. N. F. MOORE, to the Minister for Planning:

Further to my previous question I refer the Minister to the Broome Shire's town planning scheme No. 2. Are there any zonings or rezonings proposed in the scheme where there is a disagreement between the Government and the shire?

Hon. PETER DOWDING replied:

As I understand it, the document now is presented by the shire to the Town Planning Board for its approval and my approval, as a result of a process of dialogue between the Town Planning Board and the shire.

As I understand it, while shortcomings in the scheme have been identified, and without wanting to pre-empt either the Town Planning Board or my own decision, the scheme by and large has been agreed between the shire and the Town Planning Board.

The agreement is reached as a result of a process of toing-and-froing in which each party might advance a different position in relation to particular areas of land. By and large, as I understand it, the purpose of my directions to date have been to try to get the scheme up and approved; and fresh efforts have been made to patch up what are perceived to be inadequacies of the scheme.

#### PLANNING: REZONING

##### *Broome: Hotel Development*

86. Hon. N. F. MOORE, to the Minister for Planning:

Is the Government insisting that the Broome Shire Council's proposal to rezone the Kennedy Hill area for a hotel development not be proceeded with?

Hon. PETER DOWDING replied:

The Government is not insisting on anything proceeding or not proceeding at this stage. I am subject to correction, but I do not believe that that is part of the current town planning scheme.

#### EMPLOYMENT AND TRAINING: UNEMPLOYMENT

##### *Youth: Statistics*

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

My question follows an answer which the Minister gave to Hon. Graham Edwards. Does the Minister have additional figures relating to employment in Australia, figures which were provided by the Bureau of Statistics and which indicate that young people have been discouraged from registering as unemployed, but people who would be part of the unemployment statistics if they had registered.

Hon. PETER DOWDING replied:

I am sure that, as a result of the policies of nine years of State conservative Government and seven years of Federal conservative Government, the number of people, young and old, who were discouraged from registering as unemployed was very large. As a result of the policies of Labor Governments, both at a State and Federal level, that discouragement is beginning to decrease. I do not have the specific figures asked for by the member.

#### PORTS AND HARBOURS: MARINA

##### *Sorrento: ERMP*

88. Hon. P. H. WELLS, to the Minister for Administrative Services:

In relation to the ERMP report on the proposed site of Sorrento Marina—

(1) Has the Commonwealth Scientific and Industrial Research Organis-



ation at Watermans been approached to provide data and input for the ERMP assessment of the impact of this project?

- (2) If not, will it be invited to contribute?
- (3) Will the ERMP give consideration to the impact of any expected increase in traffic?
- (4) Are any traffic studies being carried out or being planned in relation to

the impact of the marina on local roads?

Hon D. K. DANS replied:

- (1) and (2) It is the Environmental Protection Authority's prerogative, not mine, to obtain advice on the consultant's environmental evaluation from any source.
  - (3) The ERMP is required to address matters of local and regional road systems and traffic and parking.
  - (4) Such data evaluation as is required before the ERMP will be carried out.
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