Legislative Assembly

Thursday, 17 September 1981

The SPEAKER (Mr Thompson) took the Chair at 10.45 a.m., and read prayers.

ACTS AMENDMENT (LAND USE PLANNING) BILL

In Committee

Resumed from 16 September. The Chairman of Committees (Mr Clarko) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clause 1: Short title—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

Mr TONKIN: I apologise to the Chamber for missing the second reading of the Bill. I thought it was a custom of the House that when a Minister is not present and a Bill is brought on it is normally postponed until the Minister is here. This happens every day because Ministers cannot always be in the Chamber. I would have thought the same courtesy would be extended to members of the Opposition who have responsibility for particular Bills. The Bill could have been postponed by the Deputy Premier until the Opposition spokesman had arrived in the Chamber.

Clause put and passed.

Clauses 2 to 16 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MRS CRAIG (Wellington—Minister for Local Government) [10.49 a.m.]: I move—

That the Bill be read a third time.

SIR CHARLES COURT (Nedlands—Premier) [10.50 a.m.]: I explain to the member for Morley that my colleague the Deputy Premier was apologetic about the situation that developed yesterday. As members would know, it is his custom to be as considerate as possible. The Government does endeavour to accommodate the Opposition wherever practicable. Things moved a little faster than he expected yesterday and he found that the Bill had reached the Committee stage when the member for Morley was not present. No doubt the member can take advantage of the third reading to express any general feelings he has on the Bill. I am sure the Speaker will be tolerant in view of the misunderstanding that occurred.

MR TONKIN (Morley) [10.51 a.m.]: I accept the comments made by the Premier. Certainly the Deputy Premier is very considerate and no doubt these things are bound to happen from time to time. I have no complaints.

Question put and passed.

Bill read a third time and transmitted to the Council.

EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

Second Reading

Debate resumed from 20 August.

MR HARMAN (Maylands) [10.52 a.m.]: This Bill is before the House because the Department of Mines received legal advice that the regulations which provide the department with the opportunity to collect fees for various requirements under this Act needed to be firmly set and passed by Parliament to remove any legal doubt about the department's ability to collect them. The Opposition does not oppose the Bill.

MR P. V. JONES (Narrogin—Minister for Mines) [10.53 a.m.]: I thank the member for expressing the Opposition's support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr P. V. Jones (Minister for Mines), and transmitted to the Council.

LIQUOR AMENDMENT BILL

Second Reading

Debate resumed from 9 September.

MR JAMIESON (Welshpool) [10.55 a.m.]: I thank the Government for proceeding with this Bill at least to some extent at this time, because as you, Sir, are aware I shall be away for a few weeks as from next weekend.

In introducing the Bill, the Chief Secretary went to a great deal of trouble to indicate this is a non-party matter. However, I am afraid we on this side of the House cannot deal with the matter in that way. The Chief Secretary might be able to make such a statement as far as the Government is concerned, but I should like to point out the Opposition has wedded itself to certain features of the Bill and the party, therefore, will be voting as one on those. However, we have not made a final determination on some other matters in the Bill; therefore, members on this side of the House will satisfy themselves in regard to those issues during the process of the debate.

In the main, we support this legislation, because although we shall be critical of some of its features, at least, to some extent, it is a step forward.

Some time ago the Government established the Liquor Act committee consisting of the Chairman of the Licensing Court of WA, the Director of the Chief Secretary's Department, and the Superintendent of the Liquor and Gaming Branch of the Police Department. We have always suggested—our views have been confirmed by the report submitted by the committee and the legislation with which we are dealing at the present time—that the committee simply reinforced the preconceived ideas of its members.

In other words, over the years certain departmental policies have become evident and, in order that those policies might be contained in legislation, the committee to which I referred was appointed as a "committee of convenience" rather than as a committee of public record or activity.

The committee did not act in the same manner as the Adams Royal Commission which received evidence from various organisations. I acknowledge that, in answer to my questions, I was told approximately 33 organisations made submissions and some of them were received after the report was made available. However, the committee did not undertake the thorough inquiry which was desired.

It is 10 years since the setting up of the Adams Royal Commission and the proclamation of the Liquor Act. It is high time the ramifications of the legislation were examined fully and various points of view taken into account. It is clear from the objections I have received from the Association of Licensed Clubs, the AHA, and the Licensed Stores Association of WA that they are not happy with the way in which the Government Liquor Act committee conducted its inquiry. Those organisations believed many other issues should have been dealt with and I shall refer to those in the process of the debate.

Nevertheless, some of the committee's recommendations have not been accepted by the Government and these shall become apparent in this debate.

Mr Watt: Does the Opposition as a party agree with the Bill?

Mr JAMIESON: Was not the member for Albany awake when I enunciated clearly the exact position in this regard?

Mr Watt: I was certainly awake, but I did not hear you state the position.

Mr JAMIESON: The Opposition will treat this Bill as it treats all legislation; that is, the legislation which members on this side of the House determine to support in the party room, they support, and that which they determine to leave open, they leave open.

While I explained that, in the main, we will support the second reading of the Bill, I pointed out we had not committed ourselves on certain features of it.

Mr Watt: Thank you. There was no need to be nasty about it.

Mr JAMIESON: I was not being nasty about it; but I went to a great deal of trouble to explain the situation.

Mr Watt: The day you give the House your undivided attention I shall go along with what you are saying.

Mr JAMIESON: It is not a matter of giving the House one's undivided attention; but at least 10 per cent of interest in the matter before the House would be useful.

In his second reading speech on the Bill the Minister said—

> The decision by the Government not to conduct a full-scale public inquiry was made, having regard to the view that, with minor exceptions, the public appear to be satisfied with the liquor laws applying in this State.

I have not seen any evidence to suggest that statement is correct. Indeed, all the evidence available seems to indicate the reverse position which is that the various organisations concerned are not happy with the Liquor Act and a number of its ramifications. I can imagine also the views of the temperance people would not be in accord with that statement either.

The Minister went on to say—

> The committee met on 22 occasions between July and December 1980. It submitted its report to the Government in

December 1980, and the Government released the report to the public at that time.

Some of the recommendations made by the committee were not accepted by the Government. One such recommendation was the provision to allow bingo to be played in licensed clubs. Such a provision has been debated in the House previously and, of course, it has been rejected.

Recently we have seen a rather unusual situation arise in licensed clubs. Rather than allow bingo to be played in licensed clubs, the police, together with the Lotteries Commission, have allowed the clubs to install beer ticket machines in order that the clubs might make some extra money. These machines operate in such a way that a prize is awarded to the people to whom certain tickets are dispensed.

I asked the Chief Secretary the fundamental difference between beer ticket machines and poker machines. He said he did not know and, of course, it is clear there is no difference whatsoever between these two machines. Money is put into each machine and a prize is given. One dispenses money and the other dispenses tickets. Virtually no difference can be seen between them. A way around the law has been found because these machines are regarded as automatic ticket dispensers.

The Lotteries Commission gives permission to clubs to hold occasional raffles, and that permission lasts for three months. At the end of each three-month period the club can apply for and usually is granted another permit. The present system does not overcome the fact that gambling is occurring, although that gambling might be referred to as soft gambling rather than hard gambling. Whether a machine dispenses tickets for various kinds of prizes, which I will deal with in a moment, or provides money in a mechanical way, that machine is designed to obtain a percentage of the invested funds for the club which has the machine on its premises.

I do not object to clubs having beer ticket machines. The clubs sought permits to conduct bingo, but did not receive them. The clubs must have some other means of supplementing their incomes. I have noticed in my travels that in South Australia whichever hotel bar I have entered beer machines or other such machines can be found. Usually they are operated on behalf of a local football club. There is a form of bingo by which tickets are sold across the counter. The person buying the ticket just tears off a strip from the front of the ticket and if it has a certain colour underneath, whether it be red or yellow, a prize can be given. The word "bingo" might appear which would mean a certain prize would be given.

Mr Watt: Don't you mean beer machines? You mentioned beer machines earlier.

Mr JAMIESON: Other sorts of operations exist whereby tickets are sold across a bar. As I understand the situation, in the main the proceeds go to a local sporting club supported by the hotel.

I do not object to the use of beer ticket machines. I point to the fact that something is either lawful or not lawful. The Lotteries Commission evidently has given permits for the operation of these machines, but its action seems to be very much against the letter of the law. This action cannot go on forever. The head of the liquor and gaming section (Mr White) should not talk about gaming on the basis of containment and tolerance. Sooner or later the situation will erupt. If the law was changed to make the operation of these machines completely lawful, I would have no objection at all to the situation.

The regulations governing lotteries state that prizes must not include spiritous liquors; however, clubs have been allowed to run beer machines. Prizes including one, two, three, or more bottles of beer are given, and that is totally against the regulations.

What will occur when a club eventually is charged with breaking the law because it has operated a beer machine? Will the club go to court and plead containment and tolerance? Before long a charge will be laid against a club by some person, and a wise-aleck lawyer will plead his case before a magistrate on the basis of the Government's view about containing and tolerating this gambling. What would the magistrate do? Probably he would say, "Well, I have been hearing all about this containment and tolerance. Although it has no substance in law, obviously the Government believes in containment and tolerance".

Mr Coyne: He will be up the stream without a paddle.

Mr JAMIESON: That is so, because there would be no-one on which he can lean.

Mr Hassell: I intervene to make two points: Firstly, I have not had final advice in relation to beer tickets, and I have not been entirely satisfied with the material supplied to me so far; and, secondly, the position about giving prizes in liquor is different in licensed clubs from the situation which applies in other places because of the provisions of section 126(2)(b) of the Act.

Mr JAMIESON: During the course of the inquiry the police made certain statements whilst

the representatives of licensed clubs were present. The police said they realise it is against the law to operate beer machines—I refer the House to the transcript of the proceedings—but they choose to close their eyes to the situation.

Lotteries always have been operated, but it was not previously the case that spiritous liquor was provided as part of the prize. I am not objecting to the operation of these machines or lotteries; I am asking the Government to clean up the legislation. The present situation seems to me to be rather peculiar; the Government has adopted a strange attitude. What the Government regards as soft gaming is just as bad as any other form of gaming. I imagine one could say soft gaming is just as good as the other.

It is a great pity that notice was not taken of the Adams report which recommended that bingo be allowed to be held on licensed club premises. The recommendations clearly indicate that the situation needs cleaning up and that the legislation needs attention. I hope it is not too long before the Government gives this matter consideration. If it is found necessary to amend the Lotteries Control Act to cover the present situation, the Act should be amended. I am sure there would not be any great problem in doing that.

The change to open trading for liquor sales on Sundays is to my mind an excellent move. The present law is difficult to police. If someone wants a certain number of bottles of beer all he has to do is drive from one hotel to another. He could get a number of people to go with him to buy two bottles of beer each.

The objection raised by many people, including myself, is that it has not been possible on a Sunday to go to a hotel bottle section and buy just a bottle of wine for lunch. All one has been able to do is buy a bottle of stout or beer— the legitimate way for hotels to trade. That situation meant a monopoly was held on packaged sales on Sundays by the Swan Brewery. It was the only supplier. In future all sorts of liquor and packaged liquor will be available, which will put a stop to the present monopoly. The only liquor that previously has been sold other than Swan Brewery beer is a few bottles of interstate beer. The proposal to change the law is to my mind a sensible way of approaching the existing situation.

The proposed amendment to section 69 of the Act will cause considerable furore amongst licensed clubs. At present there is almost an open run for people to enter licensed clubs during normal trading times. People do not have to sign in, and on many occasions hundreds of people are involved. In future people will be required to sign in. The only people exempt from that provision will be people participating in a sporting event, or officials of clubs. In the case of bowling clubs the provisions may not be hard to follow because almost the sum total of people wishing to enter the premises are either participants or officials. In the case of large sporting events a considerable number of people would like to have a drink of beer or whatever after the sporting event they have seen.

It could be a football club, a rugby club, or other sporting club that has a licence. It is most difficult for this to be arranged. The Government needs to have a very clear look at this to make sure that it knows where it is going with it. There seemed to be no evidence in the original report that indicated that this provision was being abused in a way that made the Licensing Court feel it should be changed. On normal days, it is a different thing, but when a club is a venue for a sporting presentation, there should be a little tolerance, particularly during normal trading hours.

One amendment proposes to increase the minimum annual membership of licensed clubs from $2 to $20. This will not be tolerated. Many of the workers' clubs have an annual fee of between $5 and $10, and they are all making handsome profits. Of course, if this is forced upon the clubs, it will exacerbate the problems of the hotels and taverns. If the clubs are to make more profits, they will sell their liquor more cheaply and there may be more inducement for people to become members and the maximum membership will be reached very quickly. Other clubs are not so well off. Some of the golf clubs have very heavy commitments. We are talking of clubs that provide social venues for the membership, such as workers' clubs or country clubs.

Mr McIver: Don't put the fees up. I have just paid mine. Don't put them up again.

Mr JAMIESON: The member is lucky this year. The suggestion is that they should be greatly increased. My colleague, the member for Warren, has an amendment on the notice paper to provide for an increase of 100 per cent at this stage. Such an increase might not be objectionable, but to go to the extent of something like a 1 000 per cent increase is a little bit rich and quite unnecessary.

There does not seem to be any advocacy on anyone's part, perhaps except from the AHA, in support of such an increase. When it was explained to the association, it quickly scurried away from the idea of supporting it; the AHA

had not thought of the other side of the picture. After looking at that, it is not so keen on the idea.

The fact that hotels, taverns, and other licensed premises are to be given the right to close down. bars when there are insufficient people using them is very important. It appears to me that the present situation has probably caused an increase in the price of liquor because bars are being kept open and staff must be employed. It is also a very good idea that when a bar is kept open—whatever type of bar it is—liquor must be sold at public bar prices. I am sure the hotels would be quite happy if that is done, especially if it means employing one person rather than three or four. If there are only enough people to occupy the small lounge at a particular time of the day, it is better for hotels to trade at those prices than to have to employ more personnel. That seems quite a sensible approach to the problem which has been manifesting itself for some time.

The Bill provides for taverns to be able to offer meeting and catering facilities similar to hotels. Many of the taverns have been converted from hotels and naturally do have dining rooms or commercial rooms which are suitable for the purposes of catering. To me, that seemed to be something that was missed out when we decided that taverns should not be given the right to offer these facilities to local organisations as hotels do.

However, there is still some feeling in the community, particularly in the country—no doubt, some of the country members will have a few words to say about this—that clubs should be given this right, even if for a limited number of such functions each year. Many of them have very good premises—some are better than hotels and other taverns that are around.

Other organisations such as sporting or service organisations are looking for suitable venues in which to hold their functions. The law will not allow them to use licensed clubs unless, of course, there is no tavern or hotel in the area that could readily take this custom. Very often the hotel or tavern cannot take the patronage in the way that the club can.

The licensed cabarets will be able to open earlier, that is, 8.00 p.m. This is a little contentious in that naturally the AHA is not very keen on the idea. But, on the other hand, it would appear that it is a reasonable extension of hours for cabarets. If people are going to a cabaret at night, it seems rather stupid that if they want a drink beforehand, they must go to a hotel and then onto a cabaret at a later stage. People who are going out for the night usually like to make their way to where they are going as soon as possible. If they could go there at 8.00 p.m. and settle in, I think it would be a more sensible approach. They are then not being forced to go from one place to another, as is the case now if they require a drink before 9.00 p.m. I think there would be no great objection to that. As a matter of fact, several members, no doubt on both sides of the House, have received quite strong representations from some of the cabaret people in their areas for the purpose of having extended hours. Whilst it is not a great extension, it will help to improve the situation.

The amendments in the Bill in regard to licence provisions for vignerons seem to me to be fair and proper. It will allow them to sell bottled wine on Sundays for consumption on and off the premises within set hours approved by the court. This is a feature in the Hunter Valley, the Borossa Valley, and McLaren Vale, to name a few spots in the east. There are also those along the Murray River.

That is an area where there are a number of vignerons. One can have a pleasant drive around on a Sunday afternoon, taste, and select some of the wines, purchase a few bottles of wine, and proceed on his merry way. A number of establishments are in the McLaren Vale area, south of Adelaide, and the Hunter Valley area near Newcastle. Many people motor up there from Sydney for the day to do a tour through the area. It seems to be very popular with the Australian populace. I would suggest that we should encourage this type of thing here by giving people these licences and seeing how they develop. Western Australia has now established itself as a very important wine growing section of Australia.

The proposed amendment to section 122 was somewhat disappointing because it does not seem to go far enough. Although the Minister indicated that it would obviate some of the problems people have when they are refused service, there is still a tendency for people to be hard on others—be they Indians, Australian Aborigines or other races—because of their colour. Often, they are expected to be of a standard higher than many Caucasians who frequent their premises.

I am sure there will be a reaction to this amendment because people will consider we are being racist in our outlook. One of my colleagues in another place will have something to say about the problems associated with this section of the Act.

With regard to spiritous liquors, it seems unusual that we did not take the opportunity to close many of the loopholes which exist. We in Western Australia have a different spirit rating

than those which apply in the other States. I think the difference is 6 per cent between the percentage in our whisky, brandy, bourbon, and rum and that in these items in the other States. This rate is specified in our food and drug Acts. With other liquors the rate is the same as it is in the other States.

It seems rather stupid that we should have our own rating. Our Health Act regulations require 43 per cent of alcohol by volume whereas in the Eastern States it is 37 per cent alcohol by volume.

I am not impressed by the claim that the rate is different in the interests of the road toll. We should adopt a uniform code. When I asked the Minister whether another territory in Australia had a different rate he said they were all on an even par, except for Western Australia.

The Government should consider this matter before we proceed further. We should have an amendment to the Health Act to cover the regulations which prescribe alcohol rates. If the rates are uniform the drinks will be cheaper. As it is now the drinks have to be specially bonded just for the population of Western Australia.

The bonding organisations in Western Australia would have to lay off personnel if they were to abide by a uniform rate. Approximately 20 people are involved in these bonding organisations so the problem is not insurmountable. However, it is a problem which should be tackled as soon as possible.

It is proposed that the penalties be increased and with inflation they must be increased otherwise the stage could be reached where the penalties do not fit the crime. Of course, if the punishment is not severe it will not discourage people from committing crimes.

I have received a submission from the Australian Hotels Association with regard to the amendments to the Liquor Act. The association would like the removal of the two-bottle limit and feels that would be acceptable. It feels that the increase in the time of notice for an occasional permit from 48 hours to five days is unacceptable. I suggest that the Minister take note of this objection. I believe five days notice is acceptable for an initial permit because the police have to make inquiries about the suitability of the premises and whether they have sufficient toilet facilities, etc.

However, if the application is for a further permit it is quite unnecessary to require five days' notice. The section should be amended to allow for the two situations.

The AHA feels the provision in the legislation for a nominee for catering premises is quite acceptable because the responsibility can be seconded to someone else within its employ.

The association feels the matter of limited hotel licences and trading hours standards should be further studied. Limited hotel licences are provided basically for guests and their friends, in motel-type situations and do not seem to be used extensively. This provision is necessary also for functions held by motels and I cannot see any objection to this.

In respect of the provision in the legislation for trading hours for cabarets, the AHA considers this unacceptable. It is only an hour's increase and I think it is quibbling about it. Cabarets can be run from six o'clock in the evening in hotels and still be within the confines of the provision. I do not think those involved have much to complain about there.

As members can imagine, the AHA will not like the proposed new trading hours for clubs. I do not think by extending the hours for licensed clubs on Monday to Friday from 11.00 p.m. to midnight and on Saturday from 11.00 p.m. to 1.00 a.m. on Sunday that it will worry licensees to any great extent. Customers patronising the clubs would not normally return to hotels after the closing of licensed clubs, so it appears to me the AHA is quibbling about something which would not really affect its members. People allocate themselves a certain amount of money to spend on liquor, in the same way as they do for foodstuffs, and once the money has been spent during the weekend they have nothing left to spend during the week.

Mr Shalders: They may have to pay it to the RTA next week.

Mr JAMIESON: That is a good point to consider if one overimbibes. Clause 33 broadens the definition of the effective area of the licence. It seems to be one that was desirable and needed encompassing, and it is acceptable to the AHA.

Clause 40 proposes to increase the annual minimum club membership subscription. This provision was previously acceptable until some of us explained that it could be retroactive. I am not so sure that the association is so keen on that matter after all.

Section 120 of the principal Act is to be amended to allow the licensee to close some bars at his discretion. I dealt with this previously. It will give publicans the right to close some bars on their premises according to their own discretion, or if there are not sufficient drinkers to service other bars.

Clause 59 which amends section 122 of the principal Act deals with the licensee's rights to

refuse service to patrons. The AHA considers that this amendment would be acceptable. I doubt whether it goes far enough. However, it has to be tried as some improvement is better than nothing at all.

The Licensed Stores Association of WA Inc. forwarded to me a submission relative to this matter as late as 15 September and I think it is worthwhile relating it to the House. Incidentally, I would like to inform the House that since the original committee report was released a Labor Party committee has been carrying out further investigations. Representations were received from the Hotels Association, the Licensed Stores Association of WA Inc., and the Licensed Clubs Inc. These bodies made further written submissions and gave us information on certain matters about which we were not sure.

I refer now to the letter received from the Licensed Stores Association of WA Inc. which reads as follows—

> Sunday Trading
>
> In principle we still have strong objections to the philosophy of the Government Committee as expressed in the 1980 Report, that "existing trading hours and methods of operation give licensed Stores an ample share of the available liquor market and their operations should not be extended to include Sunday trading."

I follow the complaint that the association raises, but I do not know how far we can take it as legislators. It is one of the subject matters on which members of Parliament might care to express their points of view, because when open trading is allowed on Sundays obviously it is going to have some effect on the bottle shop proprietors.

Another point the association raises is in connection with the hours of operation for country stores, and this is a very valid point. For instance, I visited Gracetown, which is on the south coast, not so long ago and had occasion to go to the local store which sold everything, including alcohol. However, as it was a Sunday, alcoholic beverages were not permitted to be sold. It seems that this is an unnecessary restriction, and the point has been made by the association as follows—

> This portion of the amendments gives effect to Government action to interfere with market forces which have clearly established where the market for packaged liquor will rest, during the past 10 or 11 years in particular.
>
> The consumer-public will suffer in two distinct aspects:
>
> (a) The range of liquor available in hotels and taverns (and clubs) cannot compare with that in Stores. Similarly, the personal services, product knowledge and shopping facilities which are part of the normal Store operations will not be available.
> (b) The extremely competitive nature of the Licensed Store industry has resulted in prices in general being considerably lower than those in hotels and taverns.
>
> We would not be honest if we failed to say that not all Stores wish to trade on Sundays. But our members hold strong views on proposals which deny them equal trading opportunities. This is seen as a blatant injustice which should not be perpetrated by any Government or any Parliament.

The association then refers to the aspect of holiday areas as follows—

> We wish to make a special plea for Stores in Country areas which can be considered as "Holiday resorts"—Augusta, Dunsborough, Busselton, Dongara (Pt. Denison) are good examples.
>
> In these districts the population increase at Holiday times is dramatic to say the least and it is a galling situation for Licensed Stores to be told that they cannot trade in Liquor on Sundays but must watch Hotels and Taverns enjoy all of the available packaged liquor trade.
>
> The position is even more frustrating—and irrational and unfair—where the store is carrying full retail commodities for the community but cannot include Liquor in the customers' orders on Sundays.
>
> In most instances these Stores have a hand to mouth existence during the Winter and other "off-peak" periods and their Liquor turnover will suffer considerably if they are denied equal trading rights on Sundays.

This clearly sets out the views of the association and the Government should consider the possibility of extending the trading hours for stores in country areas.

Mr Hassell: Didn't the committee do that; and reach the conclusion that should not extend the trading hours to stores on Sundays? Do you think we should extend the hours?

Mr JAMIESON: Yes, I think the hours of trading should be extended. The only extension to licensed stores came after pressure from the management of Woolworths and Coles who

wanted to extend their hours of trading to include Thursday nights.

Mr Hassell: They all want that.

Mr JAMIESON: No, the others did not ask for it; it came as somewhat of a surprise. There is no point in shops which are not part of a large complex staying open an extra hour on Thursdays. However, I suppose it was a bit of a bonus for them.

The report continues—

> OBJECTIONS TO APPLICATIONS
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> The Government Committee rejected our request that Stores be given the right to object to applications for new Tavern, Hotel and Club Licenses for reasons that as Stores are confined to the sale of packaged Liquor they should not be permitted to object to Licenses which "cover the full range of Liquor trade activities."

This is a little narrow; if we are to allow one section of the trade to object, we should extend that privilege to all other sections. If there are two or three liquor shops in an area and a hotel and a tavern are proposed for the same area, obviously the locality will be overserviced. It should be possible for the licensees of those liquor shops to lodge objections; it is up to the court whether it takes note of their objections, or of the case put forward on behalf of the hotel or tavern.

The report continues—

> This is further evidence that other Licenses are to be "protected" from Stores—which on the admission of the Committee, are confined to Packaged Liquor Sales anyway.
>
> We believe there is considerable muddled-thinking in the rejection of our submission and that Stores should have the right to object to other Licenses which will affect the already limited area of the activity of Stores.

One of the provisions of this Bill which could cause considerable problems is that relating to the powers to be given to inspectors. The report has this to say about that matter—

> Powers of Inspectors
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> We are of the opinion that the provisions of Para 10 of the Amending Bill, referring to Powers of Inspectors, are far too wide and will lead to problems both in practice and in administration.
>
> We appreciate the need for Licensing authorities to close the gap on Liquor which is escaping from Annual fees but we think some reasonable suspicion should be present before such wide powers are exercised. This would appear to be only a matter of redrafting.

I ask the Chief Secretary to get his experts to examine this matter because, as I understand the situation, at any time an inspector can go to the licensee of a liquor store and say, "I want you to stocktake immediately". As members would realise, an entire stocktake could take a considerable time.

I accept that if there are reasonable grounds to suspect that the licensee is receiving liquor from interstate, or somewhere else, the inspector should have the power to order an immediate stocktake. However, he should not be permitted to bowl along at the busiest time of the day and demand an immediate stocktake to determine whether the licensee is receiving liquor from an unauthorised source. That would be a little hard on the licensee, but from my reading of the Bill he would be forced to comply with the direction to meet his responsibilities within the law. A clearer interpretation needs to be placed on this clause.

The report continues—

> General Comment
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> Our main thrust is to seek *equal* opportunities, *equal* rights in the matter of Sunday trading and we are disturbed to see quite the reverse situation in the amendments now proposed.
>
> Parliament is charged with the responsibility to see that legislation is just and fair by all reasonable standards. We think the amendments are the antithesis of justice and fairness in the matters we have raised.

Whilst I would not go into bat for a lot of the things they have said or want, the submission—particularly as it relates to country liquor licences—certainly needs examination.

The Association of Licensed Clubs presented its submission on 16 September, after the Bill was introduced. The association had the following to say about Sunday trading—

> Sunday Trading
>
> A. Request: On the basis that Sunday was a key sporting day, both summer and winter and, in so far as precedent existed for Sunday trading solely for clubs, we recommended trading from 11.00 a.m. to 8 p.m. We indicated the ludicrous situation of a player finishing a game and being unable to make use of the bar facility. Club bars are a major

source of revenue. Most other States have full Sunday trading.

B. Result: Rejected out of hand, as being not wanted by the majority of voters. This is patently not the case with club members.

I do not know how it was determined it was not wanted by the majority of people in the State. The submission continues—

Indoor Sports

A. Request: Players of indoor competitive sports and current non "prescribed" sports to be accorded the same provision as players of "prescribed" sports of football (all codes), bowls, golf and yachting, regarding signing in to the Host Club.

B. Result: There has been no proposal to change current "prescribed" sports, rather, the current system allowed under Section 35(3) of the Act which caters for non use of Visitors Books in clubs which have competitive outdoor sport as one of their main objectives has been removed. Imagine the debacle at major sporting clubs on conclusion of a game and members are attempting to "sign-in" their guests.

Members who have attended these functions should give a little thought to this matter when they deal with this part of the Bill. Probably I will not be present during the Committee stage; however, I take this opportunity to draw these matters to the attention of members so that they can give adequate consideration to the Bill.

The association made no request in regard to annual subscriptions, but made the following comment about an increase in subscription from $2 to a minimum of $20—

Increase from $2.00 to a minimum of $20.00. This represents an increase of the magnitude of 1000 per cent. It does not allow committees any flexibility regarding juniors, pensioners, associates, etc. We believe subscription levels to be a matter for individual club committees to determine. If the Chief Secretary is concerned that some clubs are mis-using the existing law under the current subscription, we suggest all clubs should not be penalised for the sins of the few.

The provision relating to the borrowing and loan of liquor seems rather harsh; licensed clubs will not be allowed to do what hotels are permitted to do. For example, if there are two clubs in a town and one experiences a shortage of liquor for one reason or another, the club cannot borrow liquor from the other club.

I accept the borrowing and loan of liquor would make it more difficult to determine liquor sales for the purpose of arriving at a licence rate. However, this does not seem to be an insurmountable problem. Perhaps some form of coupon could accompany any exchange of liquor. The association had this to say about the provisions relating to this area—

Borrowing/Loan of Liquor

A. Request: Clubs, as are Hotels, to be allowed to borrow/loan liquor in times of shortage, stoppages, etc.

B. Result: No change to legislation.

The association also made the following point in its submission—

Letting/Sub-Letting Dining Rooms

A. Request: Clubs be allowed to let or sub-let dining rooms.

B. Result: No change to legislation although the practice is spread throughout the liquor industry.

Apparently, a lot of this goes on when in fact it should not. Many clubs get away with it, but occasionally there is a clampdown by the licensing inspector and somebody finds he is in strife.

While I would not like the law relaxed to the extent that the people running the public houses or public taverns are penalised by it, more consideration should be given to this matter.

The next part of the letter is as follows—

Voluntary Associations Permits

A. Request: Change the system to individual case applications rather than have to "crystal ball" a twelve month period.

Under the present system, evidently, the associations have to submit a list of people they might want to entertain over a period of 12 months. There is no change to that part of the legislation. That is a matter of concern.

The next part of the letter deals with juveniles in clubs. This situation affects country people more than city people. The letter continues—

A. Request: As clubs are capable of self discipline, it was recommended that juveniles be permitted to accompany their parents to club social events. This is particularly important in country clubs where transport, baby sitters etc. are non-

existent. Further, it is recognised that not all clubs would make use of this section of the Act.

B. Result: No change to legislation.

Then the letter deals with the percentage of alcohol in spirits. The argument is the one I put forward. My argument was a matter of the practical and sensible adoption of the same percentage for spirits as that applying in other States.

The next part of the letter deals with the bingo question as follows—

A. Request: That clubs be permitted to play Bingo on their licensed premises.

B. Result: Even though a Royal Commission into Gambling and the current Review Committee recommended such action, the Government has rejected this issue for the third time.

Of course, in the letter the association does not say that, in the meantime, because of the machinations of the police and the Lotteries Commission, it became difficult to determine exactly which is the chicken and which is the egg. The beer ticket machines have been introduced, and although in normal circumstances one would not have thought they would attract much income, I am advised that in some places they are bringing in fabulous amounts. Whether it is desirable to have that type of gambling, I do not know. The letter continues—

Comment on the Bingo issue is relevant. This Association sees the Government to be condoning illegal gaming in Western Australia. Press coverage in recent months has named the establishments involved. Will the Government allow Licensed Clubs the same latitude?

In other words, we should return to the situation of containment and tolerance.

A submission on similar lines is as follows—

The Government has backed dog racing from public money to the extent of more than $1 million as the industry cannot survive because of the lack of popular appeal. Will the Government hand a similar amount to the amateur sporting bodies that are facing fiscal problems to replace the money we had anticipated making from bingo?

Of course, the bodies should not have anticipated anything, with a Government like this one.

The letter from the association continued—

We believe the Government to have no concise approach to gambling. On the one hand, it has established the TAB and allows it to campaign actively through the press showing people how to bet (at enormous cost), actively encouraging citizens to take out accounts and "phone a bet at city rates". On the other hand club members are to be denied a small "flutter" on Bingo in the privacy of their Club premises. Patently, you can gamble all your wage in one bet on horses or dogs or the multitude of other Lotteries, partake of illegal gaming in gambling dens, but do not, under fear of losing your club licence, play Bingo in your Club.

It has been ten years since the last liquor review. If some 150,000 voters are to be denied their wishes now, Western Australian club members will remain in a repressed situation compared to their fellow Australians, possibly for another ten years.

We have been informed by the Chief Secretary that this Bill is being presented by the Government on non-party lines. With this in mind, we, on behalf of your constituents who are club members, request your support and ask that it be given to them in a similar manner that they supported you when you requested their assistance.

That was signed by J. F. Kostera, president of the State executive of the Association of Licensed Clubs of Western Australia.

Basically, I have set out the three lines of opinion manifest by the liquor outlet organisations. I do not know that one needs to agree with all the submissions; but they are made with a genuine intent. The Chief Secretary should have a good look at them.

During the course of my preparation on this Bill, a problem was brought to my notice. The Licensing Court seems to be failing in one respect. It has been giving approval for the erection of hotels and taverns, and the local authorities have been approving them also. However, although some of these taverns and hotels have reached the stage that staff are being employed, no staff changerooms have been provided. The Act states specifically that staff changerooms must be provided; but for some reason the Licensing Court has been approving the premises without insisting on the provision of changerooms. Something is fundamentally wrong with the administration of the Licensing Court. A closer look needs to be taken at that situation.

I would like to deal now with a major amendment to which reference was not made the other day. It relates to the Air Force Association. For many years, the association has been trying to establish a club situation similar to that of the RSL. It has not been successful. For a time, the association had problems with its internal organisation, but they seem to have been resolved now. The provisions of the amending legislation enable the AFA, under the Liquor Act, to be exempted from a number of obligations that other clubs have.

Nobody would deny that the Air Force Association has a good set-up at Bull Creek. It has a country club, a number of old people's residences, a swimming pool, a bowling green, and motel-type accommodation. It has very good accommodation for an ex-service club.

One of the problems associated with the granting of a special licence was a provision of the Act which required clubs to comply with constitutional requirements. The Air Force Association has a Federal constitution, and it is not easy to amend it. Therefore, special provisions must be made. Nevertheless, the association's constitution is close to the requirements; and it would be advisable in the future to amend the section of the constitution that is creating the problem. It provides that ex-presidents shall become life committee members, virtually, in respect of certain administrative duties. If that problem can be overcome, it will remove the objections of many people who believe that the ex-presidents are given special privileges in having a life tenure in the administration of the association.

This provision should be granted to the association. It has done a great job with its premises at Bull Creek. It would have had a little more land if my colleague, the member for Warren, had not been so stingy when he was the Minister for Lands. However, it is a long time since that decision was made; and the association has "got by" with the land it has. The association has made use of most of it.

Those members who have not seen the aeronautical museum and other displays at Bull Creek should take the time to do so. I am sure they would be satisfied that the association has done the right thing. It had a bar for some time. It had a club under normal licence conditions, but due to differences of opinion within the administration it was forced to close a few years ago. The association is now moving in the right direction to have special coverage which will give it a country club atmosphere which probably will not be excelled anywhere else in Australia. If the association lives up to its expectations and abides by the trust the Government is putting in it by giving it this special licence, it will be well off. It will be up to those involved in the association to see that it is run in accordance with what the Government and I expect. There should be no more problems and they should have a happy organisation for many years to come.

I think I have covered most matters connected with this measure. As for Sunday trading, there is no extension generally, particularly in respect of the liquor stores, which are complaining that even though there is no extension, if hotels are allowed to sell packaged liquor, they themselves will be at a disadvantage. I agree. If something more needs to be done it will be up to members of Parliament to decide.

The new licensing hours seem reasonable. I favour making sure that any soft gambling taking place on club premises is conducted within the provisions of the law so that people are not in any doubt as to where they stand.

It will be good to see how the vigneron licences develop. It is to be hoped that the Licensing Court keeps tight control on them and does not allow people merely to set up a couple of planks on a log in a vineyard to sell wine, and that it insists on a reasonably tidy affair with perhaps a barbecue or two available for people coming to sample and buy wines.

I am pleased that theatre licences will be available for the sale of liquor on Sundays; this is very desirable.

I am sure the Minister has overlooked one feature in this proposal, and to handle this omission I have on the notice paper an amendment which will be dealt with by one of my colleagues. The provision for a licence for reception lodges is very good, but I do not think people who run them should be placed in a situation of having to race backwards and forwards to the Licensing Court to obtain casual licences. I am not particularly happy with a licence that will allow them to sell liquor only from 12 noon to 8.00 p.m. I believe this is ridiculous, because these days there are many weddings conducted on Sundays. Presumably, if one's daughter is married on a Sunday, when eight o'clock arrives one would have to say to the guests, "It is finished; the liquor is off". I believe eight o'clock is a little too early.

I have placed on the notice paper an amendment which I hope the Minister will have his people study closely. It is designed to allow the Licensing Court to grant for Sunday trading a licence similar to that available for vineyards. If

people want to open a reception lodge on Sundays to cater for the many people who hold functions on Sundays, they should be helped. Many ethnic people, and many Christians, use these facilities on Sundays. Probably there has been a foul up if these reception lodges are to be limited in their licensing hours to 8.00 p.m. on Sundays. They should be permitted to sell liquor later than that.

All in all the Bill constitutes an improvement to the Act although it does not go far enough. This subject certainly needs a thorough inquiry because there are many features of the Liquor Act that are considered unacceptable by various people who are closely associated with this subject. They believe the Act does not run as smoothly as it should. The Government would do well, perhaps next year, to create a commission to look into this subject and allow the temperance people and others to have another look at the situation, now that it has been in operation for 10 years, to ascertain what other amendments are needed to bring the Act up to modern standards which would suit everyone. We do not want people drinking liquor all the time, but we have to be fair when a demand exists.

If the views of the three organisations with which we have had contact were considered we could end up with a far better Act. I support the Bill in so far as it goes. It has its shortcomings. We have certain criticisms and I do have an amendment on the notice paper. But all in all there is no substantial reason that we should oppose the second reading of the Bill.

Debate adjourned, on motion by Mr Shalders.

METROPOLITAN MARKET AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [12.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Metropolitan Market Act to give the trust power to control the wholesale marketing of fresh fruit and vegetables within 70 kilometres of the Perth GPO.

For some time the trust has been concerned that if another wholesale market is established in the metropolitan region there would be difficulty in maintaining that new market and the existing metropolitan market as viable operations.

All State capitals that operate markets under statutory authorities have one wholesale market only and it has been estimated that the minimum population to sustain a wholesale market is about 700 000.

The trust's present area of control over the wholesale marketing of produce was established in 1929 and involves the municipal district of the City of Perth excluding Victoria Park and the endowment lands west of the city.

In order to give the trust authority to control the wholesale marketing of fresh fruit and vegetables within 70 kilometres of Perth GPO while leaving the marketing of other produce such as meat and fish unaffected, it has been necessary to define two distinct areas of operation.

The area now defined as metropolitan is similar to that defined in 1929, However, the opportunity has been taken to include a technical description of the area, to ensure that it is constant and not affected by changes to shire boundaries. The technical description will appear as a schedule to the Act and will refer to a lands and surveys miscellaneous plan number which will allow the area to be viewed on a map.

The term "prescribed area" has been given to the area within a radius of 70 kilometres from the general Post Office at Perth.

The Bill gives the trust control over the wholesale marketing of "prescribed produce" which is fresh fruit and vegetables within the "prescribed area".

A term "general produce" has been introduced which means "prescribed produce" and such other produce as is prescribed by the by-laws to be general produce.

The trust's authority to control the sale of general produce other than fresh fruit and vegetables is limited to the area defined by the technical description in the schedule to the Bill.

This arrangement allows items of produce currently handled in the markets to be prescribed by by-law under general produce and has allowed the deletion of reference to commodities such as chaff, straw, butter, and dairy produce, which are no longer handled through the markets.

The provision enables meat, fish, and cut flowers to be prescribed under "general produce" The specific sections of the Act relating to fish can, therefore, be deleted. The exemption now conferred in section 12(2A) regarding fish purchased from an auction in the market to be re-auctioned in the metropolitan area can be covered by by-law if required.

The Bill also provides for maximum penalties for offences against the by-laws to be increased from $100 to $400.

Provision has been made in the Bill for the trust to collect statistics on the volume of produce being delivered to the market. This information is

important to the trust for its overall planning for development of handling and marketing facilities.

The Bill also gives the trust, subject to the prior approval of the Minister, the authority to make grants or allocate funds for the promotion of the sale of produce.

In relation to representation of the Perth City Council on the trust, provision has been made to ensure that the representative is at all times a serving councillor. Should that person cease to hold office, as a councillor, the office of member of the trust held by that person becomes vacant.

In drafting the various amendments, the opportunity has been taken to correct terminology now out of date such as reference to the Municipal Corporations Act 1906, now the Local Government Act 1960.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Evans (Deputy Leader of the Opposition).

MARKETING OF LAMB AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [12.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Marketing of Lamb Act 1971-1977 to give the Lamb Marketing Board the powers to trade in live lambs under emergency circumstances and with the express approval of the Minister.

The intent of the Marketing of Lamb Act is to enable the board to—

acquire lambs delivered by producers to abattoirs;

process these lambs;

grade lamb products;

sell the products on the domestic or export markets;

pay producers for lambs delivered according to the weight and grade of the carcases.

As under the existing legislation, the board is unable to make payments to producers for lambs on a live weight basis, delays in slaughtering lambs disrupt the board's marketing operations.

Since the commencement of the board's operations in 1972 the live sheep export trade has increased rapidly from 550 000 in 1971-72 to 3.1 million in 1980. The development of this trade has been opposed by the Australasian Meat Industry Employees' Union on the grounds that it reduces the number of sheep for slaughter, and thus job opportunities for slaughtermen and associated workers. Numerous industrial disputes have arisen because of the AMIEU's attitude on this matter.

However, the loss of jobs for slaughtermen is mainly due to the serious decline in the State's cattle numbers rather than to live sheep exports. Despite the fact that exports of live sheep in 1980-81 were 3.15 million, 4.45 million sheep and lambs were slaughtered in Western Australia. This is the highest level since 1976-77. The development of the live sheep export trade has increased the prices for all categories of sheep, improved the profitability of the sheep industry and restored confidence in the future of wool and sheepmeat production.

In 1980 the AMIEU engaged in disruptive industrial action during the peak of the lamb killing season. Lambs are a perishable commodity and need to be slaughtered within a short period of delivery if weight loss and reduced payments to producers are to be avoided. If lambs are unable to be slaughtered because of industrial activity, alternative arrangements for their sale become necessary.

This Bill provides avenues for the board to dispose of lambs which have been delivered for slaughter, but are temporarily unable to be slaughtered because of industrial action. With the express approval of the Minister the board is empowered to either hold lambs in some appropriate place until they can be slaughtered, or sell lambs in the live form. For the purpose of making payments to producers for such lambs—which would have been acquired by the board—the Bill provides for an assessment in the live form of the weight and grade of the carcases that would have been obtained from the lambs if they had been slaughtered upon delivery.

The amendment contains a provision for the board to notify producers, wherever this is possible, of the board's live assessment, and producers in this position may elect to take redelivery of their lambs if they so choose. In such cases, for purposes of the Act, the lambs are deemed not to have been delivered.

Under the existing legislation the board is obliged to accept all lambs which have been delivered to it in the prescribed manner. The Bill contains an amendment so that the Minister, by notice, can suspend the obligation of the board to accept delivery of lambs because of the temporary inability of the board to slaughter lambs.

This suspension would apply either generally throughout the State or in any particular area. In this situation the board is required to notify

producers of the suspension of the board's obligation to accept delivery of lambs. This notification could be by radio broadcast or such other means as the board considers appropriate.

The Bill also provides for the board to trade in live hoggets in the same manner as with live lambs when slaughtering is temporarily disrupted. With this exception the Bill does not extend, or alter, the board's powers in relation to hoggets.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Evans (Deputy Leader of the Opposition).

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL

Second Reading

Debate resumed from 20 August.

MR EVANS (Warren—Deputy Leader of the Opposition) [12.25 p.m.]: When the last Bill to amend the Act was before the House I made the rather prophetic remark that we would see further amending legislation because of the hopelessly inadequate preparation of the original legislation. We now have the first change to the legislation since last I spoke on this matter.

I will deal with this Bill in some detail. Great exception must be taken to this measure. Most importantly exception must be taken to the provision which will allow aerial photographs to be used to obtain convictions against persons accused of violating land clearing bans. This provision goes against a basic tenet of justice. With very little imagination it can be seen that this authentication of the violation of clearing bans will be able to be extended to a vast number of situations in which photographs could be used.

If aerial photographs are accepted as prima facie evidence in this legislation they may be accepted as prima facie evidence in other further legislation. I also refer to the onus of proof being thrown back onto persons accused of certain acts. The concept espoused in this legislation has all sorts of mind boggling possibilities, especially if it is followed in the Road Traffic Act. In that case it would be seen readily that a photograph of an accident scene could be used as *prima facie* evidence instead of sworn evidence being required to validate a prosecution as occurs under the present system. A remarkable change could be effected by way of the concept to which I have referred.

This legislation will require an accused person to disprove aerial photographs; it removes the onus of proof from the shoulders of the Public Works Department, and that is just not acceptable.

Proposed new section 12EE emphasises the point I make. It states—

> 12EE. (1) In proceedings under this Part of this Act a document purporting to be—
>
> (a) a true copy of an aerial photograph marked so as to identify, and show the boundaries of, land according to official survey; and
>
> (b) signed and certified by the Surveyor General as being a true copy of a photograph taken on the date specified in the certificate and as correctly identifying, and showing the boundaries of, the land according to official survey,
>
> is, without proof of the signature of the Surveyor General, admissible as evidence of the matters so certified and of the condition, on the date so specified, of the vegetation on the land so identified.
>
> (2) Where, in proceedings for an offence against this Part of this Act, it is proved that land has been cleared, the person who was, at the time the land was cleared—
>
> (a) the occupier of the land is, in the absence of evidence to the contrary, deemed to have so cleared the land; and
>
> (b) the owner of the land is, unless the contrary is proved, deemed to have permitted the land to be so cleared.

It can be seen from proposed new subsection (2)(a) and (b) that the onus of proof will fall upon individuals, and that is the basic unacceptable part of this proposed new section. A scandal commences with a steady flow of events, and it becomes difficult to determine where the initial transgression occurred, as was the case with the Watergate scandal. In such circumstances no-one can say where it all started or where it will finish. There are a series of weakenings in the system and a series of precedents which become almost imperceptibly included in the system. Ultimately these changes become part and parcel of accepted justice. For the bureaucracy to place onus of proof on individuals in the manner envisaged by this legislation certainly should be totally unacceptable to this House. There must be further consideration of this legislation and some amendment to rectify the objections I have raised.

I refer now to the genesis of this Bill and the stealth which marked its introduction to this House. Also, I refer to the incompetence of the administration of this legislation.

When the legislation first appeared before the House it was seen as extending the clearing bans applying in the Wellington Dam area. The Minister of the time was asked specifically if that was the case and whether the restrictions would pertain to the other four catchment areas. The answer, without explanation, was, "Yes". It then fell upon individual members of this House to determine the restrictions that would apply. Details were not included in the legislation, nor in any regulations; they were contained in a departmental document referred to as "The Guidelines". That document was never brought before this House and was most difficult to obtain. It was some months before a copy of it passed into my hands.

Whilst communication did occur between the parties and organisation directly affected by the legislation—I know the Farmers' Union branches throughout the State and local authorities received a copy of the second reading speech from me—insufficient time was available for comments to be received from these parties and organisations to gauge the effects of the legislation upon those people. The legislation proceeded and I pointed out during its debate in this place that the then Minister, now the Deputy Premier, had not made inquiries of the people concerned and had not ascertained the effects upon people such as the farmers in the areas concerned. I pointed out also that because the Minister had not done those things there was no way in which the matter could be resolved satisfactorily, and the reason for that was obvious.

The Government did not know the boundaries of the catchment areas with which it was dealing. It did not even know the number of farmers within those boundaries, let alone the names of those farmers and the individual problems those farmers would confront. That was the manner in which the legislation was initially introduced.

To bring the House up to date, I indicate that the last answer I received from the present Minister was that the details of altered guidelines were not available. From inquiries I made a short period ago, it appears a committee is still examining the guidelines, and that indicates the incompetence which has been occurring for several years in regard to this matter. Still we do not have acceptable guidelines to apply to clearing bans in catchment areas, and we do not have a method by which compensation can be determined.

The Government is not obliged to present any guidelines to the Parliament. There is no schedule in any Act, or a provision in an Act or regulation setting out the procedures that will be followed. The matter is left with a departmental document which will require close adherence by everybody who comes under the provisions of this legislation. In particular I refer to people living in the designated catchment areas.

The whole situation is incredible. The management of the compensation aspect has been handed over to the Rural Adjustment Authority. Important questions can be raised in regard to the efficiency with which compensation is determined, and the exchange of land is expedited, and other such matters.

I refer briefly to the previous amending legislation. It dealt fairly extensively with the deficiencies that could be seen at that time, and that was in October of last year. A number of amendments were brought in to tighten the control over clearing bans, and provisions relating to penalties were incorporated. That legislation gave the department a clearer indication of the scope of its operations.

Adjustments had to be made to the method of compensation at the time and, all in all, it endeavoured to overcome some of the problems that had manifested themselves. The present Act restricted the power of the court to protect the citizens from bureaucracy.

Mr Stephens: It is being extended.

Mr EVANS: As the member for Stirling says, at that time it increased the power of the bureaucracy over the individual's rights. How much further is it going? This is the question. If the acceptance of aerial photography in the manner prescribed in this Bill is not creating a greater infringement, undermining and weakening of the judicial system, I do not know what is. It could well be that the initial start of Watergate was something akin to this.

The present amendments can be discussed under about half a dozen separate headings. Some of these deal with the catchment area; others do not, but have a general application. The first of them provides a more specific definition of "farmland" with the proviso that land normally classified as farmland will be continued to be rated on that basis. That does serve to clarify a situation that has become a little obtuse.

Secondly, I have already alluded to proposed new section 12EE which provides that aerial photography will be accepted by way of evidence under very dubious circumstances. By the use of the word "dubious", I mean dubious, legally. There is no doubt some of the trained legal gentlemen of this and the other Chamber will have a deal more to say on that.

The Bill also makes provision to allow an aggrieved party an appeal for the testing of water meters, whereas such testing can be initiated by the Minister at the present time. In the future, as this Act becomes effective legislation, the opportunity will be available for an aggrieved consumer to seek an appeal. At the same time it fixes a fee and it also rectifies or clarifies the situation where a dispute has occurred.

Another point refers to a statutory authority which is prescribing a disconnection and reconnection fee. I suspect here that the principle of a default in payment is going to give rise to quite a number of anomalies when disputes arise, and they can become very complex.

The further two matters covered in this amendment are the rateable area and the maximum rate for farmland during the rating period. With regard to farmland rating, previously it covered a distance of 1½ miles. Now that we have converted to metrics, it comes back to 2.414016 kilometres from the water main. This has been tidied up fairly neatly to 2.5 kilometres, which obviously is more sensible.

The maximum rating of 4.942c per hectare, which has been in force since 1964, is to be changed and the provision is to raise the maximum level to 30c per hectare. The increase is a rather steep one. The Minister again assured us in his second reading speech that there is no intention of raising the level to that maximum. I would imagine that the heavens would fall with considerable wrath if it were. Whether or not it is desirable to include a maximum in an Act or to leave it to regulation, as has been done in so many cases, I do not know. There is probably good reason on the part of the Minister and his department for introducing it in this manner.

Those, briefly, are the provisions of this measure before the House. While we have the Bill before us I will indicate some of the deficiencies and problems that have arisen. This has been going on for some considerable time. I suggest that one of the major problems has been that of communication. I am certain that had there been the opportunity for greater communication between the affected farmers and the Public Works Department, the Rural Adjustment Authority, the Department of Agriculture, and the Forests Department, there would have been far less abrasion and fewer problems than have been experienced up to the present time.

Just look at the bureaucratic red tape, the maze that the ordinary unprepared and probably not very experienced farmer is going to walk into when he tries to enter into some form of deal or arrangement with five separate Government authorities. We can refer also to the valuation difficulties that arise and the frustrations that are being felt by residents in these catchment areas. This has to be seen, discussed, and understood to be fully appreciated. There is no doubt that there is great frustration. It can be traced back to a very large extent to the lack of communication and the over-bureaucratising of what ought to be a straightforward situation, albeit complicated. It could be streamlined to a far greater degree than it has been at the present time.

One suggestion is the appointment of a liaison officer who could deal with the catchment areas. Even if one were appointed, he would be well and truly overworked. When one weighs that against the individual farmer making a trip from somewhere out in the country that is represented by the member for Stirling—and I would not be at all surprised if he joins in this debate—or from my area, having to go to Perth to keep an appointment involves quite a deal of travelling, time and expense. This happens time and time again. It is not just an isolated visit. There is no way that any individual has been able to resolve problems by only one visit and one appointment when he comes to Perth. There must be a series of visits.

Finally, he finishes up having to go to a solicitor, a valuation organisation, or some agent of this kind, again at fairly high cost. It is certainly not cheap to do these things and to do them in a manner that will overcome the problems that the bureaucracy has created for the individual landholder. Am I exaggerating?

Mr Stephens: No. I know one landowner who started in February 1979. It is not completed yet.

Mr EVANS: I will allow the member for Stirling to make his speech and to quote his own examples. I have one in my hand now which makes reference to the further problem and brings it forward in a way that I think needs to be expressed. This is the manner in which compensation is determined because of the procedures that have been set out by this Government, bearing in mind the absence of the guidelines.

Sitting suspended from 12.45 to 2.15 p.m.

Mr EVANS: Before the luncheon suspension I was talking about the problems associated with the payment of compensation to those farmers who are not able to clear land. This problem is occasioned, firstly, through the over development of the bureaucracy. Five Government instrumentalities are involved in this area. Every member in this House knows of the problems

associated with a single bureaucracy, but when five are involved in the same area the position becomes virtually impossible. As a result of this many farmers have been disadvantaged considerably.

Secondly, what is considered a fair and reasonable compensation to farmers who have suffered, through no fault of their own, is another aspect which requires consideration.

Many settlers in the member for Stirling's electorate and those bordering my electorate are new land farmers who took up their land on conditional purchase. It is all very well to say they went there at their own behest, but they received the greatest encouragement and in many cases were assisted to settle there.

Now, because the community has changed its mind, and transmitted this through Government policy, there should be no impost upon those people. No attempt appears to have been made to come to grips with the injurious effects of this change of mind on many farmers.

When a person is not able to clear a portion of his property, there is no way he can develop it to its full potential. If he has to resettle, he will have to purchase land at the existing market price for cleared land and in many cases it is difficult to do so. Many people have come to see me because they are not happy about the manner is which land has been disposed of.

One case involved a man who had cleared something like 500 acres of land on his property, leaving approximately 700 acres uncleared and he was asked to exchange this for a timber reserve which was adjacent to his property. He was told he could obtain a certain portion, but the rest would be retained for the future when someone else might require a portion of it. That does not assist this man at all. It means that having developed a property, over 15 years, to the stage of approximately half development level, he is confronted with very few options. The suggestions put to him at the time did not resolve his problem.

Another man wrote to me stating that claims for compensation should be based on the value at the time of settlement. He stated two cases where farmers sold their properties to the PWD and the values rose considerably in the 12 months it took to obtain finance.

The increase over a period of 12 months is considerable and that is not the maximum time it may take to obtain finance; some disputes have arisen and it has taken some 18 months to have them settled. This gentleman felt that the escalation of price should be taken into consideration. The farmer loses all the way down the line, and the members of this House should take exception to that.

The matter of injurious effects is one which has not been fully recognised. If it has been recognised by the Government its attitude appears to be "tough luck"—

Mr Mensaros: You would admit that this is not the subject of this Bill; it is the subject of the parent Act.

Mr EVANS: The Minister has made the point that I am speaking to the parent Act and not the amendment. To some extent he is correct, but as you have the perspicacity, Mr Speaker, to ascertain the actual subject matter, you know the amendment is part and parcel of the parent Act and that it cannot be divorced from it because we considered the facts in an endeavour to rectify the situation. Anyhow, it does not do any harm to remind the Government of the deficiencies in relation to this Bill.

The question of how compensation should be struck and whether or not compensation should be paid at the time of application or time of settlement are points which need to be sorted out. This should have been done at the time the parent Act was introduced and here we are, some years later, still trying to correct the deficiencies that exist.

There are some aspects that the member for Stirling would probably like to bring to the attention of this House and there are some other matters that I would like to discuss; but I will do this during the Committee stages of the Bill.

MR STEPHENS (Stirling) [2.24 p.m.]: Amendments to this legislation have followed an unhappy course ever since an amending Bill, commonly known as the "clearing bans" legislation, was introduced into this House. It was introduced by subterfuge and the Government misled this House by not clearly indicating its intention. The intention was known only to public servants and not to members of this House. Subsequently when the legislation was applied it was discovered in court, in a situation where a farmer was found guilty of clearing land without a permit, that the departmental officers felt they had the right to tell the farmer what to do. Fortunately for the farmer the court intervened and made a judgment not to the liking of the department. As a result of this in November last year legislation was introduced into this House which restricted the ability of the court to protect the citizen from bureaucracy. Today this legislation proceeds on this unhappy course and further restricts the right of the individual.

It was always my understanding that the role of this Parliament was to enact laws to the good of the State and the protection of the individual and that the courts were there to ensure that the laws were obeyed and applied. The way in which this Government is operating makes one wonder what is the difference between dictatorship of the left and dictatorship of the right because it is taking away from the courts any discretionary powers they have. In the Committee stages we will oppose that clause which is a denial of the commonly accepted standards of British justice; that is, the onus of proof will be on the Crown and not on the defendant. This is what this amendment seeks to do—to deny that standard of justice.

Mr Bertam: We have never had a dictatorship of the left in this State.

Mr STEPHENS: No, but it is argued by many that this is what members opposite would try to impose.

Mr Parker: Do you subscribe to that argument?

Mr STEPHENS: Legislation like this is a clear indication that both sides of the House are following the same direction, perhaps at different speeds, and it indicates the need for a party like the National Party to bring balance back into the system to protect the rights of individuals. Perhaps the National Party, when it has the numbers in this place, will be able to restore the decision-making powers to the Parliament.

Mr Brian Burke: When do you think that will be?

Mr STEPHENS: It may be after the next election. When that comes to pass the people of Western Australia will not be subject to the dictatorship which exists at the moment. We have a Government which is prepared to apply this type of legislation, but it is a fairly safe bet no voices will be raised from the back benches on the Government side. I will be waiting to see whether the National Country Party will be prepared to make a contribution to protect the interests of the farming community.

Mr Bertram: It may be a long wait.

Mr STEPHENS: I certainly will not be holding my breath while I am waiting. It is argued that at the moment we have two country parties but the fact of the matter is that we have two Liberal parties and only one country party, that being the National Party.

Mr Clarko: You are the rural rump.

Mr STEPHENS: Look who is talking!

Mr Pearce: You are the metropolitan rump!

Mr STEPHENS: At least we have a voice and we use it in this House.

Mr Mensaros: Tell me when you talk about the Bill and I will start listening.

Mr STEPHENS: The National Country Party is usually noted for its silence. Many of the points which I had intended making have already been made by the Deputy Leader of the Opposition and it is not my intention to traverse the same ground.

It seems strange to me the Government can introduce this type of legislation which will severely affect many rural areas and also the finances of those shires concerned but the Government is not prepared to assist shires in any way in overcoming the revenue loss that has ensued as a result of taking land out of production. There is an area of land north of Perth known as the Wooroloo Brook which has been made available to a very substantial company. The point I would like to raise is that a fresh water brook runs through the area. I understand a site has been set aside for the construction of a dam. By a simple act of regulation that area could have been brought under the Country Areas Water Supply Act. Clearing restrictions would not have allowed the company to clear large areas. So, we see a double standard being applied by this Government.

With regard to compensation, once again the farming community has been seriously disadvantaged. I do not intend to go into all the details; however, I know of three farmers at the moment who are trying to obtain compensation. Two of the cases go back to about February 1979; here it is September 1981, and the matters have not been resolved.

In another case, considerable negotiations went on before the farmer was prepared to accept the level of compensation eventually offered by the department. He wrote to the department and said he would accept its latest figure and also said he would accept interest on that figure from the time of the original offer. But no, the department said, "We are not going to pay interest from the time of the original claim for compensation, but only from the time you agreed to our figure". Whereas the original claim was lodged in May 1980, the actual figure agreed upon was not arrived at until January 1981 and the department is prepared to pay interest only from the latter date.

The member for Warren mentioned the escalation in interest rates and the increase in the value of land. I was rather surprised he mentioned that matter because when an amendment to this legislation was before the House last year, the

National Party moved an amendment seeking to provide that where payment for compensation was not made within three months of the valuation of the land involved, it should be subject to revaluation. I was exceedingly surprised the Labor Party opposed that amendment and now the Deputy Leader of the Opposition has seen fit to criticise the Government on this occasion. It may be that the previous episode escaped his memory; it was not one which did any credit to the Labor Party.

It is bad enough for the farming community to be denied the use of their land; it is worse when the Government procrastinates and further disadvantages the farmers with respect to the level of compensation which will be payable. The farmers also are denied the opportunity to utilise the money to purchase other land at a time when there is a tremendous escalation in the value of land all over the State, but more particularly in the southern area of Western Australia.

With those few comments, I indicate the National Party supports the second reading of the Bill, but gives notice that it will oppose certain sections of the Bill during the Committee stage.

MR MENSAROS (Floreat—Minister for Water Resources) [2.33 p.m.]: In a way, I regret the Deputy Leader of the Opposition was not more original in his speech. He played the same tune played by a very nice and interesting young lawyer of the Primary Industry Association, who carried out some legal exercises regarding the matter of aerial photographs. It was a commendable exercise, but he was entirely wrong to claim what he claimed; equally, the claim made by the Deputy Leader of the Opposition was wrong.

The pivoting point of the argument used by the lawyer and the member for Warren was that because the legislation would regard an aerial photograph certified by the Surveyor General as prima facie evidence, the Government was going against all the principles of law by shifting the onus of proof, and was infringing on the British system of justice. However, as life becomes more and more complex, increasingly the law will have to use this method—as, indeed, it has in the past. We may call it "prima facie evidence" as it is termed in many Acts or, alternatively, use the legal expression of "presumption" which in Latin is "*Presumtio Juris De Jure*", which means it is a presumption in the law that something has been proved, unless the opposite can be proved.

As the Primary Industry Association claimed this sort of provision had not been enacted before, I should like to give members a few examples of where it appears in existing legislation. I could give numerous examples, but will confine myself to rural related legislation. Section 87 of the Agricultural Products Act states—

> (2) In any proceedings in respect of an offence under paragraph (e) or paragraph (f) of subsection (1) of section three of this Act, the averment of the prosecutor that any wool the subject of the complaint is or was intended for sale or has been sold shall, if contained in a sworn complaint, be deemed to be proved in the absence of proof to the contrary.

That is a clear case of a prima facie evidence provision, and that is by no means a new Act.

I refer members also to section 38 of the Plant Diseases Act which provides for proof of ownership or occupancy; again, that section talks about the evidence and the proof which, according to the law, must be taken as prima facie evidence unless the contrary is proved.

I draw the attention of the House to section 58 of the Stock (Brands and Movement) Act, which is based on exactly the same principle. In order to abbreviate the proceedings and in order not to require undue procedures relating to proof, it was considered necessary to provide that certain facts shall be deemed to be evidence unless the contrary is proved. The same principle appears in sections 376 and 377 of the Health Act and in sections 98 and 98A of the Road Traffic Act. I mention that legislation only because the Deputy Leader of the Opposition said it would be horrendous if the principle were to appear in the Road Traffic Act.

It is also interesting to note—after a little more study, the Deputy Leader of the Opposition would realise this—that the same clause of the Bill contains two more prima facie evidence provisions. However, the honourable member chose to ignore those other examples, and highlight the one to which he referred.

Mr Evans: I did mention them.

Mr MENSAROS: Not only will an aerial photograph, certified by the Surveyor General, be taken as proof unless the opposite is proved, but also the owner or occupier of the land will be deemed to be the offender. The explanation for that is fairly simple: He is the person in whose interest any such offence would be committed. That was the main contention of the provisions of this Bill. I can understand the logic of the member for Warren, but his was a theoretical argument in a very involved situation.

If the honourable member would like to go to the extreme, he could perhaps have suggested that not only the person who took the photographs, but

also the camera manufacturer, should be required to testify in court. He should have to show it was a dinkum camera which had taken the picture.

We could go to the extreme in saying that this provision should not be in the Bill, but it is in many other Acts, including some introduced by the Tonkin Labor Government. The only reason behind this is that the theoretical legal argument concerns catchment areas in the south-west which are fairly large. They are not interwoven with a lot of roads, which makes it almost impossible to ascertain what is happening whilst driving a vehicle along a road without entering and combing through the properties. Hence, an aerial photograph is a very good device to ascertain whether any illegal clearing is being undertaken.

If the Bill did not contain this provision we would need a regiment of people employed by the Public Works Department or another arm of the Government to survey these areas. This would all mean additional expense. They would have to seek permission from a JP to enter a property and the whole procedure would be slowed down.

From memory both the Opposition and the National Party have accepted the principle that, as bad as it might be to the individual that we impose these clearing bans, it is in the interests of the whole community, and the farming community in particular, that we do so.

Mr Evans: And the community pays for it.

Mr MENSAROS: Perhaps in many cases the community does overpay for it, and I will explain this in a minute.

It would be only fair to demand that if someone is opposed to the provisions and opposed to bringing to court people who have infringed the law, he should say he is prepared not to make a prosecution easy and that it should be cumbersome and more costly to the taxpayers and the Government. I cannot agree with that.

The member for Stirling mentioned some cases without giving us names, and I would be grateful if he would give us names, because in most instances if there is a delay it is usually the fault of the applicant and not the department. I follow all these cases through, and in my experience most delays are the fault of the applicant. Applicants are advised by various people and groups, some of which have lately sprung up, to delay the case because they could get more interest or they have a chance of obtaining a revaluation.

Let us be objective about the situation of the community paying for this. In many cases it pays more than it should. Would it be correct to say that everyone who applies for compensation today would have been in a position, if there were no clearing bans, to develop the land immediately? Would everyone be in a position to have the credit to apply to clear the land and put it to agricultural use? I submit, quite objectively, that a large majority of farmers would not be in that position.

Mr Brian Burke: How do you know the majority would not be in the position to do that?

Mr MENSAROS: I am surmising. If the original legislation was faulty it might have been because it did not contain a provision requiring an applicant to prove he would have had the money or the security for credit in order to develop the land. Today a farmer does not have to prove this.

Mr Evans: All farmers have a clearing programme, otherwise they would not take up the land.

Mr MENSAROS: Many would not have thought about clearing land for another 10 years.

Mr Brian Burke: How do you know?

Mr MENSAROS: Because I am a realist and a pragmatist. Anyone who examines the situation would know what I say is true. In many cases the farmers get a considerable benefit rather than a disadvantage from this provision.

Mr Evans: Under the conditional purchase arrangements they have to clear certain land.

Mr MENSAROS: Yes, but how many applicants were there who had not cleared any land? They have cleared that land which under the conditional purchase arrangements had to be cleared.

One of the provisions of the Bill refers to the maximum rate which is set and the Opposition asks why this was announced in the Bill rather than in regulations. I suppose it is a safer way. Had it been the other way round the Opposition would have criticised the Government and asked why the maximum was not spelt out in the Bill. Logically, one of the reasons must be that whereas in the Metropolitan Water Board legislation there is nothing spelt out about exactly how much we can charge, it is spelt out here because this service is so heavily subsidised. The MWB is not subsidised, and the consumers pay for the service themselves.

The Deputy Leader of the Opposition also mentioned a lack of communication. My experience is quite to the contrary, and I know that a number of officers of my department are constantly communicating with the farming community and giving advice.

As for the guidelines, they are not really rules in the proper connotation of the word. They make

it easier for the farmer to understand and use the provisions of the Bill. There was no final decision made by Cabinet about the new guidelines, but I assure the Deputy Leader of the Opposition that when a decision is made, which I hope is very soon, he will be on the mailing list to receive a copy.

The Deputy Leader of the Opposition also indicated that not enough was being done about injurious effect to farmers. I mentioned this earlier.

As far as values are concerned, I would say with quite objective deliberation that it might well be the clearing bans and the consequent compensation or purchase of land by the PWD added a lot to the increase in values. Quite objectively this point must be made. If everything had not occurred the way it did, possibly there would have been a lower number of transfers of property, and the values would have increased to a lesser extent.

Mr Evans: The big problem is with replacement.

Mr MENSAROS: That is so. The same situation applies in other circumstances of resumption. The member suggested it should not be the time of application, but the time of payment when the value is set. That is a laudable principle, but I do not think any Government of the day would be able to implement such a scheme. I relate those remarks not just to clearing bans and resumptions involved with those bans, but also to the general resumption of land. If something is used not only as a property to earn an income, but also to provide a home such as in the case of a farm or a property like that, the person from whom the property is resumed must replace his property so that he can enjoy a similar situation to that which he had before the resumption. However, we know that anywhere resumption of land takes place and consequent compensation applies, exact replacement is not a principle applied. Certain rules must be followed. I do not know of any place in Australia or any other country where resumption takes place purely on a replacement basis. The principle is laudable, but I do not think any Government of the day could implement it when the restraints applying to any Treasury are considered.

The member for Stirling virtually advocated the flouting of the law. I was not happy to hear his remark.

Mr Stephens: I wasn't advocating the flouting of the law. I said we should let the courts protect us. You are trying to misrepresent what I said.

Mr MENSAROS: No way exists by which an accused could honestly go to a court and say that he did not know what illegal action he had taken. I will refer to the department's taking someone to court, which it has done only twice; and it has strict instructions from the Minister of the day, who happens to be myself, that it should not do so unless the matter was properly discussed and some arrangement was attempted to be made with the person accused. However, once the department comes to the situation of taking someone to court, the only advantage of not having the photograph accepted as prima facie evidence is that the accused would be able to buy time.

There is no doubt that if an accused has not cleared land said to be cleared he only has to say so and the department would be foolish to continue if that were the case. The department would have to obtain witnesses and spend time on legal matters, and all this would involve justices of the peace to gain entry to the accused's property, etc. Ultimately the accused would be in the same position. To advocate not having photographs regarded as prima facie evidence is far from being in the interests of justice or of the community as a whole.

The cases which I have enumerated relating to prima facie evidence are not the only cases in which something is accepted as fact not evidence. I refer to every-day occurrences. If the member for Stirling were to buy a property he would accept the signature of someone from the Office of Titles as being proof of the authenticity of the plan on the title. He would not ask the person who prepared the plan to prove that the plan is proper. We accept the signature of the responsible person, in the Office of Titles.

We do not doubt the high standing of the Surveyor General. That position is one of the oldest in this State. Perhaps it was the first office in this State. His staff should be able to ascertain that the area a photograph covers is the area to which an action relates. That is really the essence of this provision in the legislation.

Despite the fact that I understand the principles behind the comments made I do not think they are proper, and I believe the Bill should be read a second time.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Sibson) in the Chair; Mr Mensaros (Minister for Water Resources) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 12EE inserted—

Mr EVANS: The Minister cited a number of Acts in which the onus of disproof of an accusation falls upon the person accused. He referred to the Plant Diseases Act, the Stock (Brands and Movement) Act and the Road Traffic Act as examples. However, that is not quite the situation. Such legislation cannot be compared with an attempt to have an aerial photograph taken as prima facie evidence. I put the argument this way: If aerial photographs are consistent with the requirements as laid down, and they are signed by the Surveyor General, what redress does the accused have? We have the signature of the Surveyor General as proof of the authenticity of the photograph; however, in disproving the contention of the department the accused must in some way or other ensure that the aerial photograph is accurate. He would need to have a ground search carried out or have the photograph retaken, and that would mean the chartering of a plane to take another photograph, and a proper assessment of that photograph.

These things would not be at the expense of the department or whoever was making the charge. It is not fair to load onto an individual farmer this onus of proof. How would he disprove the charge to the extent of satisfying a court?

I will reiterate the two aspects. Firstly, the acceptance of the onus of proof falling upon individual farmers is distasteful and, certainly, cannot be compared with legislation such as that cited by the Minister. Secondly, great cost, inconvenience, and time would be involved in an attempt to disprove the claim of the department. The farmer would have to show that he was not liable for prosecution or some other action, which is the basis of the provisions in this clause.

I believe the wording is far too clumsy and should be referred to the Crown Law Department which has the necessary expertise to rectify it.

When we consider proposed new subsection (2)(a) and (b) we note it indicates that the onus of proof should not rest with the individual.

The Minister stated that some farmers are suddenly clearing their land. Farmers are being inspired to carry out clearing because clearing bans have been imposed. This is not being done for that reason only; all farmers have clearing programmes. If they do not clear or develop their farms they will not be able to produce to their maximum capacity. A farmer who sits on 500 cleared acres for 10 years will not do so for much longer; he must work that land to ensure he is running a viable concern.

The Minister has come to the wrong conclusion because it is a fundamental fact that a farmer has a development programme; if he does not he will not be farming for very long.

The onus of proof is never palatable and involves a tremendous impost on an individual who must argue against an aerial photograph which has been shown as prima facie evidence against him.

Mr STEPHENS: The National Party opposes this clause and would like to correct one point the Minister made in his second reading speech. The Minister said that I was advocating the flouting of the law. Nothing could be further from the truth. The Parliament should protect the people and give courts the opportunity to make judgments rather than place courts in a rubber stamping situation. If the Parliament continues in this manner we will have legislation to state that an officer's word is prima facie evidence. If that occurs we will have a serious situation on our hands.

The fact that the ownership proof is in some other legislation is no justification for its being in this legislation. If we accept that argument, the onus of proof will apply to every situation before very long. The Minister spoke about the saving of expense. If the Minister wishes to use that argument, the Government will be saying next that whenever an individual is charged on any matter the onus is on him to prove his innocence.

The Minister has admitted that there have been two prosecutions. The legislation, as it stands now, is able to achieve prosecutions. So, why change it? Let us have the legislation as it is operating at the moment and give the courts the right to dispense justice to the public. We oppose the clause.

Mr MENSAROS: I wish to deal with the three points raised by the Deputy Leader of the Opposition. The first was that the provisions in various other Acts, which I gave as examples, are different and do not shift the onus of proof as directly as the provisions of this Bill. For example—to prove the opposite—in the Stocks (Brands and Movement) Act, section 58 states, "For the purpose of any prosecution or action independent of the Act, any registered brand or earmark upon any stock shall be prima facie evidence of the ownership of such brand and the ownership of such stock".

We do not even mention the brander, his boss or anyone such as the Surveyor General. It is simply stated that the "brand or earmark" is prima facie evidence. The Surveyor General, or anyone else, is not required to countersign.

Mr Evans: That could involve many difficulties in a case I mentioned.

Mr MENSAROS: Nevertheless, I maintain that the provisions in this clause of this Bill deal with the situation in a more circumspect and secure way.

The second point raised was: How is disproval carried out? I submit that if a person is accused of illegally clearing land then it is not something which is obscure, especially if the person accused did not clear the land, despite the fact that the area was photographed. A search of photographs would not be required to disprove the accusation. A witness would not have to go to a justice of the peace but could give evidence in court. There could be one or two witnesses who live in the area and know the territory who could say that the land was not illegally cleared. The court would accept that evidence.

Again the defendant would not be involved in great costs because if the prosecutor—in this case it would be the PWD—is proved wrong then the defendant would be awarded the proper costs.

Thirdly, if I understand the Deputy Leader of the Opposition correctly, he argued that there are other provisions in this clause which state that the occupier is deemed to be the person who committed the offence and that it is a situation different from that of the prima facie evidence.

As I read the provisions of the Bill, I find they are not different at all. The very words that "they are deemed to be" contain that presumption of the law that they must do the disproving. That is precisely what we call prima facie evidence. I commend the clause to members.

Mr EVANS: The Minister has made light of the problem which would face an individual in the court, bearing in mind when the prosecution says that an area has been cleared, it is not a case of black or white. It is probably a question of the degree of clearing and the state of the land before clearing commenced.

Things such as the position of patches of regrowth and the age of a stand of trees could make a difference. Complex matters could arise, and whether they could be determined by a photograph in every case is not clear. Without qualification of the provision, I do not think a photograph should be taken as prima facie evidence. Even a period of six months can alter a landscape tremendously—regrowth could be three foot higher in that period. That would change the whole picture.

Photography would be an excellent guide to the department to enable it to police the conditions and regulations imposed under the Act. However, particularly where an issue is not a straightforward one, the use of photographs as prima facie evidence will create difficulties. I feel in this area there are more shades of gray than black and white. For this reason we continue to oppose the clause.

Clause put and a division taken with the following result—

Ayes 22

Mr Clarko	Mr MacKinnon
Sir Charles Court	Mr Mensaros
Mr Coyne	Mr Nanovich
Mrs Craig	Mr Old
Mr Crane	Mr Rushton
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Trethowan
Mr Grewar	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Shalders *(Teller)*

Noes 19

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Stephens
Mr Terry Burke	Mr A. D. Taylor
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman
Mr Harman	*(Teller)*

Pairs

Ayes	Noes
Mr Young	Mr Bridge
Mr O'Connor	Mr Hodge
Mr Hassell	Mr McIver
Mr Spriggs	Mr Skidmore
Mr Blaikie	Mr Parker

Clause thus passed.

Clauses 4 to 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

BORROWINGS FOR AUTHORITIES BILL

Second Reading

Debate resumed from 18 August.

MR DAVIES (Victoria Park—Leader of the Opposition) [3.16 p.m.]: This Bill was introduced in this House on 18 August. Since that time my office has prepared copious notes on it as it was our intention to let the Government know in a

fairly detailed way what we think of the contents of the Bill. However, looking at the time of day, I advise the House that I have condensed the notes somewhat in the hope that the legislation can be passed in this House today. If we do that, we will be able to clear this and four other Bills from the notice paper.

You will recall, Mr Speaker, that you agreed there could be a cognate debate on these Bills. I do not think any move is required by anyone to allow the debate on this and Orders of the Day Nos. 8 to 11 to proceed cognately. Do we rely on your judgment to tell us if we overstep the mark?

The SPEAKER: The way has been made clear for a cognate debate on all the Bills. That is in fact the question before the Chair at the present time. At the conclusion of the cognate debate, the second reading of each Bill will be put separately.

Mr DAVIES: Thank you, Sir. I do not intend to refer in great detail to Orders of the Day Nos. 8 to 11 because those Bills are consequential upon the Borrowings for Authorities Bill.

Members who were present on 18 August will recall that the Bill authorises the Treasurer to borrow money here and overseas for the purposes of obtaining loan capital for the State. Proposed section 5 of the Bill provides for the State—and that, of course, means the taxpayers of the State—to guarantee the repayments of all money raised through borrowings, both on the domestic and the overseas financial market. The Government can use this legislation to borrow an amount of funds equivalent to the aggregate of the borrowing requirements of all the State authorities, and therefore it can obtain moneys at marginal rates of interest, reduce financial costs associated with borrowings, and facilitate the realisation of loan capital requirements of authorities.

Other advantages that could accrue to the State by the proper use of the legislation include reduced competition for funds by authorities, and an avoidance of fragmented approaches to the market. They include the packaging of borrowings for a single project or for several projects related to the provision of infrastructure and the maintenance of continuity and a strong borrower name in the market; that is, for raising all of the State's loan requirements. Of course, the Treasurer did not indicate that this was going to be done. He indicated it would be used for raising money for State instrumentalities which wanted to be involved and needed to be involved in various projects.

However, the application of the principles of the Bill could be somewhat fragmented if the wisest use is not made of the power which the Parliament expects to give to the Government to set up this authority.

Decided advantages are likely to accrue to the Government if the measure is used properly. Eventually benefits will flow to the taxpayers as a result of the operations being conducted through this one authority. It is important that the best possible use be made of the powers which we will give to the Government.

The proposed legislation provides for the State to guarantee the repayment of all moneys borrowed under this Bill, so it is reasonable to suggest that the legislation should be used to optimise the advantages to the State under this legislation, and to ensure that the taxpayers will derive the maximum benefits from these advantages.

We could not say that the Government was not concerned, or that it did not want the taxpayers to obtain the maximum benefits, because in the final analysis the Government could use this legislation to ease cost pressures of increasing interest and other charges associated with borrowing. By so doing, and by enjoying the advantages which could be or would be made available to the taxpayers, they can meet the increases in the rates, taxes, and charges for the provision of the basic services of electricity, gas, sewerage, and drainage.

If there was any saving in borrowing money, and any saving of costs associated with the borrowing, and if there was any saving of interest rates or lowering of interest rates, eventually the effect of all those could be beneficial to the public.

The borrowing policy of the Treasurer, as foreshadowed in his second reading speech, means that the borrowing mechanism established by the Bill will be used only for the purposes of obtaining funds for infrastructure associated with various resource projects. I suppose the Treasurer has some pet projects, as opposed to the projects which he favours less. Many of those projects will be controlled by overseas interests. The Treasurer can be selective in his use of this authority; and that means he could favour one project over another. Depending on the project which is favoured and which receives preferential treatment and so receives the benefits I outlined earlier, it may mean that the benefits are flowing to overseas companies.

In his second reading speech, the Premier said—

> ... it is not intended that a central authority would replace the borrowing

activities of existing major borrowers such as the State Energy Commission, Westrail, and the Metropolitan Water Board;

Clearly, the manner in which the Treasurer proposes to use this legislation will result in a continuation of the Government's existing fragmented approach to raising capital in domestic markets. More importantly, it will involve one significant change also, and that is the addition of another major competitor on the domestic scene. That competitor, of course, will be the Treasurer of the Government of Western Australia.

Already, too many bodies are competing for funds on the loan market. I am certain that the Treasurer is acutely aware of the demand for funds at present, and especially for funds on the Australian market.

Perhaps I could be excused for saying that this Bill is a result of the Fraser Government's policies which have been inflicted upon this State and which mean that the Government has been left with little alternative but to follow. It is a matter for some regret that that kind of situation has developed.

The Treasurer's foreshadowed borrowing policy threatens to exacerbate the existing conditions, and also it threatens to have serious repercussions on the State's semi-Government authorities and the community generally. I spoke about that earlier, but let me recap. Firstly, as the Treasurer will recall, the elementary monetary economics of increases in the number of Western Australian authorities competing for funds on the domestic market will place upward pressure on interest rates and jeopardise the chances of each of the major authorities in the State to raise sufficient capital to meet their borrowing requirements. It will place greater pressure on those authorities to incur debts at relatively more expensive rates of interest in order to realise their borrowing requirements. One can imagine the situation in which the State Energy Commission, the Metropolitan Water Board, Westrail, and other organisations will be found. The competition will be fiercer, and the money will be dearer. The only way they can cope with these increased charges—and that relates to interest as well as general charges—is to increase the costs to the consumers.

Whilst several provisions of this Bill require modification and improvement—and I have placed on the notice paper some amendments to effect improvement—the Opposition's major objections relate to the selective borrowing policy which has been foreshadowed by the Treasurer. I have gained an impression of that policy from the Treasurer's second reading speech. I do not say that is entirely how the position will be; but I am left with the distinct impression that the Treasurer will be selective in how this authority is used.

Perhaps there is advantage in centralising the borrowing authority. Dare I use the word "centralise"? I suppose it is all right to use it in this sense. If we were to centralise all our borrowings on this authority, some advantages could flow to the consumers or to the taxpayers, because the taxpayers have to guarantee the repayments of all these loans.

The Treasurer indicated that the use of the authority as a borrowing source would have benefits. He indicated quite clearly in his second reading speech that that is the case; and that is why we are prepared to support this legislation.

Whilst several provisions in the Bill require modification and improvement, the Opposition's objections relate to the selective borrowing policy foreshadowed by the Treasurer, but which is not contained in the Bill. The Government can use the proposed legislation to facilitate and co-ordinate the overall borrowing programmes of all authorities requiring loan capital. The initial advantages of such an approach have been outlined; but these advantages would be passed to the community, as I have said already, through the easing of increases in service charges.

Already the public are being hit very considerably because of the huge sums of money which have been borrowed. I will not argue at this stage whether those sums have been borrowed legitimately or whether the projects for which they were borrowed had to proceed at that particular time; but it is quite obvious that, because of the huge amounts of money which have been borrowed and the charges which have arisen from them and because of the skyrocketing interest rates, the debt to the community is reaching alarming proportions.

This is not a flight of fancy on my part. Indeed, the member for Kalgoorlie, who will follow me, recently has asked a number of questions on this subject. I was alarmed to see just how much money was involved and how indebted the public were becoming.

I am quite certain when I complete my speech, the member for Kalgoorlie will be able to give the House the benefit of the research he has performed which will indicate that the magnitude of some of the skyrocketing increases in charges—particularly water and electricity charges—can be attributed directly to the way in

which money has been borrowed and the cost of borrowing that money. I am quite certain members will listen with a great deal of interest to what he has to say. I might have been tempted to deal with that aspect myself were the hour not so late.

There may be some handicap in using the authority in the form I am suggesting; but if the authority could co-ordinate all borrowing, I am quite certain there would be a saving to the community.

In effect, we are saying to the Government, "Congratulations on setting up the authority, but as far as we can see it, it does not go far enough". In his second reading speech, the Premier said that complete independence will be maintained by the SEC, Westrail, the MWB, and other individual authorities. I hope the authority the Government envisages setting up will co-ordinate all our borrowing and, therefore, result in a saving in charges to the community.

As we read the Bill, we feel it does not protect adequately Consolidated Revenue Fund money. In the situation where there are insufficient funds in the borrowings for authorities account established under this legislation, the Bill authorises the transfer of the funds from CRF to the BFA account for the purpose of meeting loan repayments with respect to money borrowed by the Treasurer. I do not know how often such a situation is likely to arise or whether in fact it will be a rare situation; but it has been found necessary to insert that provision in the Bill on the offchance an occasion might arise when there is insufficient money in the borrowings for authorities account and, therefore, the Government can swap a little bit from the CRF to the BFA account—if that is what it will be called.

Although the Bill provides for the payment of funds from the CRF, there is no provision for charging interest on such funds borrowed for the purpose of bridging fund deficiences in the BFA account. I shall explain further what I have just said. Under the Bill, if the Government runs out of money in the BFA account, it can borrow funds from the CRF; but there is no provision in the Bill for the payment of interest or any other charges which may be incurred. One might say, "It is not likely or reasonable that the Government should charge itself interest", but, as I have heard the Treasurer say so frequently in this House, the days of old-time financing have long since passed and we are required to adopt current-day practice. As I understand the position, when one borrows money under the system these days, one is required to pay interest on it.

Let me remind members of a statement made by the Premier in answer to a question asked of him on Tuesday, 15 September. He said—

> The Public Moneys Investment Act envisages cash balances being invested to earn at prevailing rates of interest until required. Advances from the account advance to Treasurer are provided from balances in the Public Account which would otherwise be invested. For this reason, if the advance is required for a commercial or income-generating purpose, interest is charged by the Treasury to offset income foregone.

What that means, of course, is the Government accepts the principle of charging interest from the CRF under the Treasurer's advance, even though he might not have legislative authority or might need it to do that. However, if the Treasurer accepts the principle of payment of interest under those circumstances, he must accept also that interest should be charged on funds transferred to the BFA account using the overdraft facility with the CRF.

I am saying I need to be convinced by very substantial argument that there is good reason for not charging interest. If I am not convinced in that regard, I could not agree to the legislation in its present form.

This Bill acknowledges the long-established need for a centralised approach to raising capital for the public sector in Western Australia; but, in doing so, the Treasurer and his Government have ignored an even greater need for similar mechanism to raise development capital in the private sector.

Members will recall that prior to the last State election I proposed on behalf of the ALP the establishment of a financial institution which was termed the "Western Australian Development Corporation". We hoped that would operate in a manner similar to a development bank and mobilise capital from within Australia and overseas for on-lending to Western Australian-owned enterprises.

The principal object of the institution was to raise capital to facilitate increasing West Australian equity and participation in resource development in our State. Even given the possibility of a chairman of the calibre of the person we proposed—that is, Mr Robert Holmes a Court—the Premier and his Cabinet insisted on describing the proposal as "a mini-Khemlani borrowing stunt" and "a millstone around the taxpayers' necks". That statement appeared in the *Daily News* of 13 February 1980.

If the Treasurer still holds that view, bearing in mind that he failed to examine the proposal in any detail whatsoever, he should give closer attention to the Bill he has introduced, because, according to the impression I gained from his second reading speech, the measure more closely resembles a "mini-Khemlani borrowing stunt" than the institution I proposed over 18 months ago. I do not believe either of the proposals falls into that category.

I am aware that, at election time, we are prone to make statements which might seek to give us instant political advantage; but, knowing what we have proposed—if it was studied in some detail—and looking at the detail of the proposal before us at the present time, I am sure members would have to agree there is a great deal of merit in both proposals. However, our proposal sought to obtain money, hopefully within Australia, for Western Australian projects. But in this case, of course, as members are well aware, money can be raised both in Australia and overseas, so I hope we do not get any "mini-Khemlani" dollars drifting into the BFA account.

Of course, under our proposal, in the short and long term there would be greater Western Australian participation and equity in our development. Some of the benefits would include greater incomes, more business opportunities and employment to West Australians, an increase in the level of income *per capita* in Western Australia, an improvement in our standard of living relative to other States, and less of our State's wealth being exported overseas in the form of super-profits being earned by overseas-owned transnationals. More funds would be retained in Western Australia for reinvestment in this State, and there would be less overseas control of our State's development and, therefore, our future. I am sure everyone would say those objectives are laudable and that we should put Western Australia first, Australia second, and the rest of the world last. That is what we had hoped to do and it is to be hoped the Government will be able to use the proposed authority in this way.

Until Western Australian companies can have greater access to capital our State cannot hope to gain a greater role in the future development of our State. A tremendous amount of money is available in Western Australia which could be directed better with the correct terms and conditions. I do not know whether this authority will be the correct way to direct it. Hopefully, initially the Government will start looking around Western Australia for any capital that might be available.

The amendments which we have placed on the notice paper are self-explanatory in relation to tidying up those things I have mentioned in my brief remarks this afternoon. We want to make certain that when money is borrowed from the Consolidated Revenue Fund interest is paid on it. Also when the Government tables the report—as it is required to do according to the proposed Act—we want it to set out in some detail the material we require. That is proposed in an amendment to clause 14.

We have been very disturbed with the Public Moneys Investment Act. I do not want to highlight that debate again, except to say that despite the fact that the Premier said we did not know what we were talking about earlier this year he did bring in amending legislation along the lines that we had proposed when we initially made certain charges against the Government. I just want to remind the House that we did not disagree with what the Government was doing. We were just saying that the Government was not doing it legally in accordance with the Act and we wanted to know why the Government did not amend the legislation. That, of course, was subsequently done and we can be satisfied.

For some 20 years since 1961 that had been a very useful piece of legislation, but had never been seriously reviewed. We believe a situation should not be allowed to develop where this legislation needs to be updated from time to time, but is ignored. It is a very important measure.

The Premier stressed the need to have the authority for the State to borrow tied up without any doubt whatsoever. That is what this Bill proposes to do. We can still set a pattern and continue doing the things we might start out to do and then, because the Act has not been looked into, find out that we are acting illegally, despite the fact that we could be 100 per cent behind what is being done.

We propose to add a new clause which appears on today's notice paper. It is to stand as clause 16 and provides that there shall be a periodic review of the operation of the Act—at least every five years—to ascertain whether it needs amendment. There is nothing wrong with that proposal whatsoever. We do not want to get into a position similar to the situation we faced with the Public Moneys Investment Act. We all agreed with what was being done in that instance. We knew it was being done illegally. With this type of innovative legislation, because it may not work as we expect it to, and because there can be some difficulties that have not been foreseen, our proposal for a five-yearly review is a very reasonable and proper one. After all, if we make mistakes, there is only

one person who is going to pay—the taxpayer, each and every one of us. Whilst I have great concern for my fellow taxpayers, I also have a great concern for my own pocket. I think it is a very proper provision that needs to be put in to ensure that the operation of this Bill is not forgotten, and that it will be reviewed at least every five years. Five years is a long period. During that time we can follow the reports tabled in this House, particularly if the Act is amended, to ensure that the detail we want is provided in them.

We can follow up the position and, hopefully, take an interest in it. By the same token, it is not possible just by looking at reports to assess whether or not the Act is working properly. The only way is to provide within the legislation a specific requirement for periodic review.

I do not want to say very much about the remaining Bills involving Orders of the Day Nos. 8 to 11. We are having a cognate debate on those together with Order of the Day No. 7. The requirements in the other Bills merely set out quite clearly the naming of the department. I understand that some time ago the requirement in relation to reference to Ministers was fixed so that there would be no doubt about to which Minister one was referring. But from time to time the names of departments changed, as did names of Ministers' portfolios. I understand that it has been found to be a little embarrassing at times when a person thought he was dealing with an organisation under one name, which had been renamed although, in effect, it was doing exactly the same job it had always done.

So the provisions in these following Bills will make it quite clear as to how the Government will overcome these difficulties. We have no objection to them whatsoever. We are happy to see the initiative the Government has taken in this BFA Bill. We hope that it will work as well as the Government hopes it will and that there will be benefits to the community. We would much rather the authority be used as a central authority for the borrowing for all Government departments. We believe they can effect savings. If we effect savings, costs can be reduced. If costs are reduced, the burden on the pocket of the taxpayer is reduced.

With those remarks and qualifications, we support the Bill.

MR I. F. TAYLOR (Kalgoorlie) [3.48 p.m.]: I join with the Leader of the Opposition in congratulating the Government on at long last bringing this Bill before the House. There has been quite some delay in that process. I am sure the delay was caused by problems faced by the infrastructure scheme at the moment. Those problems relate, to a large degree, to the actions of the Prime Minister in that some time ago he asked the States to consider bringing forward their electricity generation programmes for coal-fired power stations.

As a result of this the Prime Minister was surprised at the large amount of funds required by the State Energy Commission to build these power stations. However, the Opposition recognises that the Bill is a very important and significant piece of legislation and one which it basically supports. As our leader mentioned, the Opposition believes there is a requirement that some modification be made to the legislation. The legislation itself, if handled with some wisdom and foresight, could have far-reaching effects in the Government's borrowing strategy well into the future. My former Treasury colleagues will agree that this legislation will enable some rationality to be brought into the State Government's borrowing programmes.

In reading the Treasurer's second reading speech I find a number of proposals put forward which are supported by the Opposition. There is a far greater range for this borrowing authority to take than that mentioned by the Treasurer. I note the Treasurer had the following to say in the first part of his speech—

> The main purpose of this Bill is to provide a means of co-ordinating and consolidating the borrowing of diverse Government authorities which may be involved in the provision of infrastructure for resource development projects.

We consider the borrowing authority to be established, could do far more than that and the proposed empowering of the Treasurer to borrow could enable the Government to raise funds, as the Treasurer tells us, in a most efficient way and on the most efficient terms. That, I believe, is quite true if the authority is allowed to work in the way we consider it should be allowed to work. The Treasurer, with reference to borrowing overseas, goes on to say—

> This new dimension has brought with it new responsibilities and has required the development of considerable expertise in the workings of international financial markets and the marketing of loans in these areas.

We do not disagree with that for one moment. He also stated—

> ... it is important that overseas borrowings be undertaken in substantial amounts at any one time and only by authorities which,

> recognisably, have the financial strength to service the debt.

I believe financial strength to service such debts would be much more important and better for the State as a whole if this authority did the borrowing on behalf of all Government departments and instrumentalities and in particular I refer to the State Energy Commission, Westrail, and the Metropolitan Water Board.

The Treasurer has given good reasons for setting up the authority, and in his second reading speech advised that in addition the proposed authority will be able to carry out the following—

> . . . package borrowings for a single project or for several projects, avoid fragmented approaches to markets, maintain continuity and a strong borrower name in the market, reduce the number of separate loan agreements and therefore the fees involved and, in many cases, borrow at marginally lower rates.

Those are five good reasons for this authority to be used to borrow on behalf of the State as a whole including all the instrumentalities. The borrowing authority has emerged as an answer to the future capital funding problems of this Government, and that applies also to any future Government and its instrumentalities. The Treasurer also stated—

> Apart from marketing considerations, there is also considerable merit in centralising the rather extensive administrative procedures associated with loan raisings and repayments. In this regard the Treasury is well equipped to handle the necessary arrangements and it would provide the necessary administrative support to the Treasurer in arranging collective borrowings on behalf of other authorities.

I am quite certain the Treasury has the expertise to arrange those borrowings and I am certain that within the Treasury itself some people would be happy to have a far greater say in borrowing activities of semi-Government instrumentalities.

We have before us a Bill which sets the stage for a new form of borrowing in this State. In short it is a more efficient, centralised, and possibly cheaper method.

The Treasurer went on to inform us—

> I should point out that it is not intended that a central authority would replace the borrowing activities of existing major borrowers such as the State Energy Commission, Westrail, and the Metropolitan Water Board; but it is recognised that there may be occasions when it is opportune economically to include part of the requirements of those authorities in a particular borrowing package if required for a particular project.

The Opposition, as its leader stated, is concerned to ensure that the proposed borrowing authority acts, at all times, in the best interests of taxpayers. We believe that the exclusion on a majority of occasions as the Treasurer seems to indicate of the State Energy Commission and other borrowing instrumentalities would allow the current fragmented approach to borrowing to continue and would add further competition for funds by including a new authority, that being of course the authority of the Treasurer to borrow on behalf of Western Australia. Rather than be selective, the Opposition believes the authority should facilitate and co-ordinate the overall borrowing programmes of all authorities requiring loan funds.

I am particularly concerned about the borrowing activities of the State Energy Commission. It is the largest semi-Government authority and it has many problems, even at this time, in meeting its commitments. Members will be aware that in 1979-80 the State Energy Commission concluded the financial year with an operating deficit of $6.869 million. That operating deficit was achieved, if that is the correct word, by the State Energy Commission in spite of the tariff increases over that period which amounted to 22 per cent. Since that time consumers throughout this State have been faced with larger increases in electricity and gas charges. Interest payments contributed significantly to the loss achieved by the SEC. I would like to quote from the annual report of the State Energy Commission as follows—

> The increasing cost of labour and materials and significant increases in the level of interest rates on borrowed funds were other factors which made the financial year difficult . . .
>
> Interest expenses increased by 33 per cent during the year, partially because of the general rise in the level of interest rates in Australia but more importantly as a result of the continuing high level of financial commitment necessary to fund the Commission's capital works programme. The effect of this increase on the operating account was contained as interest costs associated with borrowed funds used for major projects are charged against capital during the construction period, then

amortised over the estimated working life of the plant.

It may be found that whilst interest charges are actually capitalised during the construction period, as was pointed out to the House last night, there comes a day of reckoning when the State Energy Commission, or consumers of energy from the commission, have to pay those costs. The costs are absorbed into the State Energy Commission's operating costs and they must affect tariff levels as expenditute in the form of depreciation.

Leave to Continue Speech

Mr I. F. TAYLOR: I seek leave of the House to continue my speech at a later stage.

Leave granted.

Debate thus adjourned.

QUESTIONS

Questions were taken at this stage.

House adjourned at 4.24 p.m.

QUESTIONS ON NOTICE

INSURANCE

General Insurance Brokers and Agents Act

1881. Mr WILSON, to the Chief Secretary:

(1) Is he concerned about the apparent anomaly in the regulations governing the administration of the General Insurance Brokers and Agents Act whereby an estimated 5 000 agents who have no credit facilities with the insurance companies and who do not hold client money, will be contributing $450 000 in fees, while an estimated 100 brokers whom the Act was designed to control, will pay only $10 000 in fees to finance the operations of the licensing board in the first year?

(2) Is any consideration being given to altering this fee structure so that agents pay only a nominal registration fee and the brokers contribute the major part of the moneys required to finance the board's operations, particularly in view of the fact that the agents are not even represented on the board?

Mr HASSELL replied:

(1) There is no anomaly. It is not known at this stage how much revenue will be generated by brokers' and agents' fees because the appointed day under the Act, by which date brokers must be licensed and agents registered—31 October 1981—has not yet arrived.

It must be appreciated that the process of registration, and the identification of who are agents and who brokers—as required to make the Act effective—involves significant administration. In commercial terms, the fee set for registration by agents, $20 per annum, is not heavy, and is likely only to cover the cost of administration of the registration process, which includes provision of forms, receipt of completed forms, consideration of content leading to classification, filing, establishment of a register, and amendment to that register from time to time.

(2) The Government has fixed the fee for registration as an agent at $20 per annum. This is less than the fee originally proposed. As already undertaken by the Chief Secretary in his consultations with agents, if experience shows that anomalies exist, the provisions of the Act and regulations will be reviewed.

WATER RESOURCES: MWB

Meeting

1886. Mr DAVIES, to the Minister for Water Resources:

Who were the members of the board present at the meeting held on 24 July 1981?

Mr MENSAROS replied:

Mr A. McA. Batty. (Chairman)
Mr J. W. Dallimore.
Mr P. J. Farrell.
Mr. H. J. Glover.
Mr B. H. Houston.
Mr D. C. Munro. (Acting member appointed during Dr C. Georgeff's leave of absence).

1887 and 1888. *These questions were postponed.*

STOCK: SHEEPSKINS

Treatment

1889. Mr EVANS, to the Minister for Agriculture:

(1) Does the registration and control of agricultural chemicals in Australia come under the authority of State Governments?

(2) If "Yes", does the Government intend to ban the sale of "Clout" until wool and skin buyers are certain that this chemical does not harm wool in a way which decreases its value considerably?

(3) (a) Have the views of wool buyers on the effect of using "Clout" on sheep been sought, and if so, what are their views;

(b) if these views have not been sought, why not?

Mr OLD replied:

(1) Yes.
(2) No.

(3) (a) No;
(b) "Clout" has been available commercially in this State for seven months. Full wool fleeces from treated sheep are not yet on the market.

1890. *This question was postponed.*

WATER RESOURCES: SALINITY

Wooroloo Brook

1891. Mr COWAN, to the Minister for Water Resources:

(1) Have salinity levels of the Wooroloo Brook been recorded at—
(a) Noble Falls;
(b) Walyunga;
(c) Balup Road?

(2) If "Yes"—
(a) what were the results of those recordings;
(b) what are the comparative salinity levels between Wooroloo Brook at Noble Falls and the salinity levels of the Frankland, Denmark, Warren, Kent and Collie rivers at potential or constructed dam sites?

Mr MENSAROS replied:

(1) (a) Yes;
(b) yes;
(c) no.

(2) (a) Noble Falls—
Salinities vary over the range of 950-8 900 milligrams per litre total soluble salts.
Walyunga—
Salinities vary over the range 350-1 000 milligrams per litre total soluble salts;
(b) a simple comparison between the salinities of the rivers mentioned is not possible. Salinities of river flows vary throughout the year and with the magnitude of flows. A general comparison can be made by comparing mean annual salinity. Values for Frankland, Denmark, Warren, Kent and Collie Rivers are contained in the "Resource 1" document published in September 1979.

WATER RESOURCES: SALINITY

Wooroloo Brook

1892. Mr COWAN, to the Minister for Water Resources:

(1) Has there ever been a State or Federal authority, organisation or department conducting a programme which resulted in underground water being pumped into the Wooroloo Brook or its catchment area?

(2) If "Yes"—
(a) when did this occur;
(b) what volume of water was pumped from the underground supply;
(c) what was the level of salinity of the water?

(3) Is it proposed to install a desalination plant on a dam in the Wooroloo Brook catchment area?

(4) If "Yes"—
(a) where will the plant be located;
(b) will there be any discharge of highly saline water into the brook?

Mr MENSAROS replied:

(1) No such programme is known.

(2) (a) to (c) Not applicable.

(3) No.

(4) (a) and (b) Not applicable.

TOWN PLANNING: HYDEN

New Townsite

1893. Mr COWAN, to the Minister for Urban Development and Town Planning:

(1) Has a survey of the proposed new Hyden townsite been completed?

(2) Has a town plan been adopted?

(3) What is the proposed programme for the development of the townsite?

(4) When will the first blocks of both commercial and residential land be available for sale?

Mrs CRAIG replied:

(1) No.

(2) No. However a design has been approved in principle by the Shire of Kondinin and the Town Planning Board.

(3) After settling final details of the plan an initial development area will be selected, pre-calculation plans will be prepared, cost estimates will be obtained and the project listed in the Department's budget submission for the 1982-83 financial year.
Initial indications are that development costs will be high.

(4) It would be expected that lots will not be available until late 1982.

WATER RESOURCES: DAMS

Country Areas

1894. Mr COWAN, to the Minister for Water Resources:

(1) Since 1969 inclusive, in what years was water carted to the Holt Rock and Purnta tanks, at Government cost?

(2) What was the volume of water carted each year?

(3) What was the cost involved each year?

(4) In 1979-80 the Department of Agriculture, through an officer, recommended that two earth dams be constructed at Captain Logan's Rock and Bushfire Rock—

(a) why was this recommendation rejected;

(b) what was the estimated cost of constructing the dams by the—

(i) officer of the Department of Agriculture;

(ii) planning, design and survey branch of the Public Works Department;

(c) what are normal departmental standards for dams constructed for emergency water supplies; and

(d) why does the department object to the cheaper method of construction?

Mr MENSAROS replied:

(1) The farm water supply advisory committee, which is the body that administers water carting in rural areas has records dating back to August 1976. Information in respect of earlier periods is not readily available.
Since August 1976 water was carted to Holt Rock in the 1976-77 and 1979-80 summers.
No water was carted to Purnta tank in the same period.

(2) The volume of water carted to Holt Rock was—

1976-77 2 903 kl.
1979-80 539 kl.

(3) The cost involved was—

1976-77 $23 441.
1979-80 $6 236.

(4) (a) The recommendation was rejected because it was considered that the construction of a dam at either Captain Logan's Rock or Bushfire Rock which would benefit only 15 farms would not fully secure the situation against droughts and could not be justified.

(b) (i) $18 000 each; i.e., $36 000 in November 1979 costs;

(ii) In the order of $200 000 each; i.e., $400 000 in January 1980 costs.

(c) normal departmental standards for dams constructed for emergency water supplies require the dam to be structurally sound, substantially watertight and of such dimensions that water is stored efficiently in terms of evaporation losses. Dams include features to ensure that scour damage and siltation are properly controlled, thus minimising maintenance costs.

(d) the department is concerned that the low cost type of facility may not be structurally sound or watertight and could develop scouring and siltation problems leading to high maintenance costs.

MEAT

Beef: Adulteration

1895. Mr McPHARLIN, to the Minister for Agriculture:

(1) In the recent export beef scandal, can it be ascertained from which State or States the horse and kangaroo meat came?

(2) Has any one State supplied greater quantities than the others?

(3) Can the suppliers be named?

Mr OLD replied:

(1) to (3) This information is not available. It is hoped that the information will become available as a result of current investigations and Royal Commission findings.

FUEL AND ENERGY: ELECTRICITY

Power Station: Kalgoorlie

1896. Mr I. F. TAYLOR, to the Minister for Fuel and Energy:

(1) What is the maximum load that can be generated at the Piccadilly Street power station in Kalgoorlie?

(2) What was the maximum load imposed by consumers on the Piccadilly Street power station—

(a) last summer;
(b) last winter?

(3) Has the Piccadilly Street power station any overload capacity?

(4) (a) If "Yes" to (3), what is that capacity;
(b) if not, why not?

Mr P. V. JONES replied:

(1) Maximum installed name plate rating of power station at rated atmospheric conditions is 18.16 MW. Rating at summer conditions is 15.98 MW. The plant is capable of meeting this standard performance.

(2) (a) Maximum summer load 11.9 MW;
(b) maximum winter load 12.8 MW

(3) All generating units are capable of 10 per cent overload for one hour at ambient temperature of 38°C.

(4) (a) For one hour 17.6 MW under summer conditions and 20 MW under winter conditions;
(b) not applicable.

CONSERVATION AND THE ENVIRONMENT

Hamilton Hill

1897. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

(1) Has the Minister received complaints from the residents of Hamilton Hill, and others, relative to coal dust being blown into their homes from the nearby industrial area?

(2) What has been done to ensure that dust from the coal pellet heaps from South Fremantle power station does not blow over the residential areas?

(3) Has this action been effective and, if not, what action will be taken to ensure the coal dust does not cause a nuisance to people some kilometres away?

Mr O'CONNOR replied:

(1) No.

(2) I understand that normal practice is being implemented involving compaction and water sprinklers.

(3) I have asked clean air officers of the Public Health Department to keep the area under surveillance.

ZOOLOGICAL GARDENS

Animal Housing

1898. Mr BARNETT, to the Minister representing the Minister for Lands:

(1) What steps have been taken by his department to get business houses to sponsor some of the animal housing at the South Perth Zoo?

(2) What success rate has been achieved with these approaches?

Mrs CRAIG replied:

(1) and (2) There is no current policy to such sponsorship of animal housing at the South Perth Zoo but investigations into various methods of fund raising are being undertaken.

ZOOLOGICAL GARDENS

Redevelopment

1899. Mr BARNETT, to the Minister representing the Minister for Lands:

(1) Is it a fact that the South Perth Zoo redevelopment plan was formulated in 1973 and launched in 1974?

(2) Was this a 10-year programme?

(3) How far has the 10-year programme progressed since its inception?

(4) How much money so far has been spent?

(5) How much was it originally envisaged would need to be spent over the 10-year programme?

Mrs CRAIG replied:

(1) Yes and work commenced in 1975.

(2) Yes.

(3) Approximately half.

(4) $1 381 166.

(5) Approximately $1.5 million for the first five years.

TOURISM: DEPARTMENT

US Warships: Visits

1900. Mr BARNETT, to the Honorary Minister Assisting the Minister for Tourism:

(1) Since the onset of visiting United States warships, has there been a significant increase in the demand for services offered by the WA Tourist Authority?

(2) What is the nature of this increase?

(3) Have any steps been taken to facilitate such an increase?

(4) What direct steps are being taken by the Government Tourist Bureau to assist both Government enterprises and private enterprises within the metropolitan area and the rest of the State, to benefit from the tourist dollar accruing from visits of United States warships?

Mr LAURANCE replied:

(1) Yes.

(2) Significant increase in reservations through the Government Travel Centre for day tours, extended and safari tours of short duration, hire cars and accommodation.

(3) Yes.

(4) The Department of Tourism has held wide-ranging discussions over a considerable period with naval personnel and numerous operators relative to the development of services to cater for the interests of the visitors. These discussions are on-going.

Specifically—

(a) Considerable assistance was extended by the Government Travel Centre to the editors of a comprehensive booklet which is distributed exclusively to the members of each visiting warship prior to arrival.

(b) Specific details of a wide range of operator's tours are made available by the Government Travel Centre to the vessels prior to their arrival. This enables pre-booking of tours and maximisation of time spent in the State.

(c) Operators in the goldfields, south-west and mid-west regions have been involved by the Government Travel Centre in developing tours and services suitable for the duration of the visit. This is in addition to a wide range of operators in the Perth and metropolitan area.

(d) A research study involving the visiting naval personnel is currently in operation. This was done to gain a better understanding of the needs, behaviour and expenditure patterns of the US naval visitors to WA.
It is anticipated that the study will be completed by the end of the year. The recommendations made will form the basis of the development of services to better meet the future requirements of the visitors.

The Department of Tourism will continue to work with the local tourist industry to maximise the benefits from this important and growing source of visitors to Western Australia.
In 1980 13 632 US naval personnel visited Western Australia with an estimated expenditure of $4.5 m.
The member's interest in this important industry is surprising particularly in view of his stated opposition to ships of the US Navy visiting Fremantle.

TOURISM: DEPARTMENT

Wildlife Sanctuaries

1901. Mr BARNETT, to the Honorary Minister Assisting the Minister for Tourism:

(1) What action is taken by the Western Australian Government Tourist Bureau to direct overseas visitors to such places as the South Perth Zoo, as opposed to other smaller wildlife sanctuaries around the metropolitan area?

(2) Is he able to advise where the widest available collection of Australian wildlife can be found in the Perth area?

(3) Is this the place to which overseas visitors are directed?

Mr LAURANCE replied:

(1) The Western Australian Government Travel Centre distributes large numbers of publications referring to attractions in Perth and the metropolitan area. The major publications include references and directions to the Zoological Gardens.
All visitors, whether domestic or overseas, requiring information on wildlife parks would be advised of the Zoological Gardens.

(2) I understand the Zoological Gardens exhibits the greatest number of Australian animals.

(3) Answered by (1).

WATER RESOURCES: EFFLUENT

Point Peron

1902. Mr BARNETT, to the Minister for Water Resources:

Would he please provide me with a map showing the precise position of the proposed effluent pipeline off Point Peron?

Mr MENSAROS replied:

The plan requested will be forwarded to the Member. The final position of the proposed pipeline may need to be slightly modified by results of the present feasibility studies.

MINING: IRON ORE

Koolyanobbing

1903. Mr GRILL, to the Minister for Mines:

(1) What is the short to medium term prospects for Dampier Mining's Koolyanobbing iron ore mine?

(2) Is it likely that production from the mine will be suspended or severely reduced?

(3) What factors will be, or are, contributing to a decision in this matter?

(4) When will he be able to make a definitive statement on the matter so as to relieve the real concern felt by workers and their families for their future in Koolyanobbing?

Mr P. V. JONES replied:

(1) to (4) Ore from Koolyanobbing has been used in the Kwinana blast furnace and, over a period, quantities have been shipped to BHP's east coast steel works.
Continuation of supplies to these two areas have been affected by the downturn in the iron and steel industry, and by access to overseas markets.
The outcome of current marketing efforts by BHP in South-East Asia directly affects the Kwinana blast furnace. The matter is receiving every attention, and the Government is keeping in touch with the company.

EDUCATION: PRIMARY SCHOOL

Clackline

1904. Mr McIVER, to the Minister for Education:

Is the former Clackline school available for purchase, having regard for the fact that the Clackline community intends constructing a community hall at Clackline?

Mr GRAYDEN replied:

The Clackline property previously used as a primary school is under consideration for vesting in the Shire of Northam for community use.

QUESTIONS WITHOUT NOTICE

HOUSING: INTEREST RATES

Mortgage Assessment and Relief Committee

498. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

(1) Is he aware of dissatisfaction on the part of many people seeking assistance from the Mortgage Assistance and Relief Committee with the apparent lack of knowledge on the part of building societies about the operation of the committee?

(2) If the Minister is not aware of this dissatisfaction will he undertake to investigate whether the guidelines have been properly disseminated and that assistance is being provided whenever it is appropriate?

Mr LAURANCE replied:

(1) and (2) All the lending institutions in the State have been provided with guidelines on the workings of the Mortgage Assessment and Relief Committee. In fact, I have had indications from the Registrar of Building Societies in this State, and from associated banks, that they are prepared to take part in the exercise and have received the material which gives them everything they need to know about the operations of the committee. It has been made public on many instances both in this House and through the media, as well as to the lending institutions, that anyone suffering from hardship as a result of increased repayments caused by rises in interest rates must first approach his lending institution. The guidelines are quite clear; in fact, a copy of the guidelines has been tabled in this House for the information of members. The guidelines provide that if the lending institution cannot assist in any way to improve the borrower's situation, his case shall be referred to the Mortgage Assessment and Relief Committee.

I have received also an undertaking from the various lending institutions that not only are they aware, at a senior management level, of the operations of the committee but also they are making sure the guidelines are known to the people who are handling the public. The member will appreciate that many people approach building societies from time to time, and there is a responsibility on the part of the societies to ensure that the people doing the up front interviews with clients know about the workings of this committee.

A steady stream of inquiries, both by telephone and letter, has been received both by me and the Registrar of Building Societies. Each inquiry has been followed up and the person advised in the same way as I have just advised the House.

EDUCATION: WA SCHOOL OF MINES AND FURTHER EDUCATION

Future

499. Mr I. F. TAYLOR, to the Minister for Education:

(1) Arising out of yesterday's meeting on the future of the WA School of Mines and Further Education, would the Minister confirm that he now has before him alternative proposals on the future of the college?

(2) What are those proposals?

(3) Taking into account the urgency of the situation, when would the Minister expect to make a decision on the future of the proposed college?

Mr GRAYDEN replied:

(1) to (3) Discussions have been going on for some years about alternative forms for the college. A working model was decided upon several months ago and there has been no change of policy in respect of that proposal. Discussions have been held over the last two days. Yesterday, representatives of the parties interested in this matter met under the chairmanship of Dr Pullman, of WAPSEC. In the afternoon, I met with the interim council, and further discussions took place this morning with the Chamber of Mines and the interim council. Other discussions will take place between now and Monday. It is hoped the matter will be resolved early next week.

HOUSING: INTEREST RATES

Mortgage Assessment and Relief Committee

500. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

I ask a supplementary question of the Honorary Minister as follows—

As the Minister displayed a good knowledge of the workings of the Mortgage Assessment and Relief Committee, could he indicate to the House approximately how many cases have been dealt with by the committee and in how many of those cases has assistance been provided?

Mr LAURANCE replied:

The building societies themselves have received a number of approaches for assistance but at this stage none of those cases has been referred to the committee because the people concerned have been requested to supply the details which will enable the building societies to

determine whether they can provide help. The first guideline is that where possible, lending institutions should offer assistance to applicants from within their own organisation by extension of term, debt consolidation, or interest only payments. A number of applications are being processed in this way.

If the building societies cannot help in any way, the cases will be referred to the committee. The member will appreciate these people must provide information in the way of family income and outgoings, etc. in order that the genuineness of their hardship may be ascertained. When these details are available, the building societies will determine whether these people can be helped within the building society system; if they cannot, their cases will be referred to the committee. When details of those referrals are available, I will provide them to the member; however, at the moment there is none.

HOUSING: INTEREST RATES

Mortgage Assessment and Relief Committee

501. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

I do not know whether I heard the Honorary Minister correctly; perhaps he can confirm that what he said, in effect, is that although this committee now has been operating for more than a month, it has not dealt with a single case.

Mr LAURANCE replied:

If the member is asking whether any assistance has been provided to any particular case referred to the committee, the answer is, "No". However, in terms of dealing with the building societies and assisting them to help their clients, a number of people who made application to the building societies have been assisted. I do not have the details yet.

Mr Brian Burke: But they were doing that all the time, prior to your announcing these guidelines.

Mr LAURANCE: Exactly.

Mr Brian Burke: What I am saying is that the committee you established in such a blaze of publicity has not considered one single case.

Mr LAURANCE: If that is the case, it has been stunningly successful.

EDUCATION

School-to-work Transition Funds

502. Mr PEARCE, to the Minister for Education:

(1) Will he clarify the situation with regard to the future of the school-to-work transition scheme?

(2) Is it a fact that as a result of the rejection by all States of Commonwealth funds for this programme because the Commonwealth deducted from the source the State matching grants for these funds, there will be no Commonwealth funding for this programme after 31 December this year?

(3) If that is the case, will the Minister explain whether the programme in Western Australia will cease at that point, or does the State in fact intend to take up the burden from its own funds?

Mr GRAYDEN replied:

(1) to (3) I am advised by the Federal Minister for Education that the Premier will receive a telex today from the Prime Minister to the effect that the Commonwealth has relaxed its policy in respect of its recent announcements concerning the school-to-work transition programme. Apparently, the telex will contain some good news, and some bad news. Obviously, we must wait until we receive it; however, I understand it will arrive this evening.

PUBLIC WORKS DEPARTMENT

Staff

503. Mr DAVIES, to the Premier:

I address my question to the Premier, due to the absence of the Deputy Premier and Minister for Labour and Industry. My question relates to the picket line which has been established outside Parliament House by members of the electrical trades union of the architectural division of the Public Works Department. I believe their take-home pay is about $190 a week, and I

am advised they are far below the outside award for their trade, and have had the greatest difficulty in getting through to the Government to have their award reviewed. My question is as follows—

(1) Is the Premier aware that yesterday the Deputy Premier arranged talks with a representative of the Public Service Board and a deputation of striking workers after he had interviewed striking members of the union?

(2) Is he aware that the talks continued last night and, whilst the Deputy Premier was present, good progress was made, but that the position deteriorated badly once he left the meeting?

(3) Is he aware that, despite the good faith which apparently existed between members of the deputation and the Deputy Premier, it appears that this morning, the Public Service Board in effect said, "Do not bother to talk to us again"?

(4) If so, could the Premier arrange meaningful talks, with the Deputy Premier present if necessary?

Sir CHARLES COURT replied:

(1) to (4) My understanding is that the proper authority, namely, the Industrial Commission, rejected their claim. My understanding of the next phase of the matter was that the Deputy Premier did in fact meet some of these people last evening and that talks were then carried on between the authorised union people. I have no knowledge of what came out of that meeting, but my understanding is that the Deputy Premier and those other officers of the Government who are involved in these matters are always ready to discuss them with the appropriate people.

Mr I. F. Taylor: They have been waiting four years.

Sir CHARLES COURT: Members must bear in mind it would be very wrong of me to express an opinion one way or the other, because I do not know the facts of the case. However, I do understand their case has been properly considered but that the employees feel aggrieved about the matter.

The information which came to me yesterday was that these people were concerned because they had been on strike for a considerable period and were short of money. The simple answer to that is, "Return to work and you will get some money". It makes good sense to stay at work while a case is being argued.

EMPLOYMENT AND UNEMPLOYMENT

Community Youth Support Scheme

504. Mr WILSON, to the Premier:

(1) Can he confirm that he has undertaken to put to the Commonwealth Government a proposal for the Commonwealth Youth Support Scheme to be continued in Western Australia on the basis of shared Commonwealth-State funding?

(2) Subject to Commonwealth approval, is a State commitment to such a joint funding proposal a firm commitment at this stage?

(3) What is the estimate of the State's share of such a joint funding proposal?

(4) When and in what manner is he intending to put this proposal to the Commonwealth Government?

Sir CHARLES COURT replied:

(1) to (4) I received a deputation at the request of the member for Bunbury, the member for Albany, and the Hon. Lyla Elliott. At that meeting, the people from the CYSS—I think it was the chairman of the State committee—and a representative of the YMCA stated their case and set out their understanding of the scheme and why they believed it had some priority over the proposals of the Commonwealth Government.

The member would know the Commonwealth has agreed to put a lot more money into this type of work than was provided for in last year's Budget, but is not prepared to allow some of that money to be used on the CYSS scheme. The report which appeared in the Press the next day was not from me or my Parliamentary colleagues; it must have emanated from one of the deputation. It gave the impression we were talking about the basis upon which the funding of the scheme would be shared by the State and local authorities.

In point of fact, the delegates were told there was very little prospect of the State Government involving itself in this scheme because it just did not have that sort of money in the light of its budgetary commitments.

I did undertake that I would first of all examine the work that had been done by the CYSS groups in a number of parts of the State. I said I would make representations to the Commonwealth to see whether it was prepared to relent in its attitude towards the CYSS. The other proposition was perhaps that the money would be shared three ways if the Commonwealth was adamant it would not participate. The delegation suggested I should give consideration to the money being shared three ways, by community organisations, such as the YMCA and some of the service clubs, local government, and the State Government. I think those present at the deputation, including representatives from the CYSS committee plus the YMCA, would have gained the clear impression that there was little prospect of the State Government making a contribution in view of its budgetary situation. I did undertake to examine the Commonwealth's position and it has reaffirmed that it is not prepared to change its mind. I have approached it twice on this matter because of some indications a couple of days ago that it might be relenting and considering a partial relaxation of its attitude. However, it is not prepared to change its mind.

I have written a letter, which I do not think would yet have been received by the delegation, in which I explain that the State Government can make no contribution. I think it has been announced already by the YMCA that it intends to carry on with its programme anyway. That is where the matter rests.

MINING: ROYALTIES

Committee: Report

505. Mr DAVIES, to the Minister for Resources Development:

Can he tell us if the Cabinet subcommittee's report on royalties has yet been finalised and when he is going to table it or tell us what it contains?

Mr P. V. JONES replied:

No, and as the Leader of the Opposition would know it will come in two forms. It will relate to the decisions that have been made relative to those operations under agreement Acts, and the major part of the royalties under the Mining Act will be tabled with the regulations for that Act.

CULTURAL AFFAIRS

WA Film Council

506. Mr PEARCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

My question 1852 of yesterday asked—

What payments have been made to film producers by way of grant, loan, or subsidy by the WA Film Council in each of the last three years?

The Minister replied—

The answer to this question will take some time to collate and as soon as it is available I will transmit it to the member by letter.

The Minister's answer needs an explanation. Is it a fact that the WA Film Council does not keep readily accessible records which relate to money which it gives out by way of grants, loans, or subsidies?

Mr MacKINNON replied:

The member should know that the council, being a Government body, is audited by the Auditor General and is required to keep proper accounts, which it does. The reason for the delay is that the director of the council is only a part-time position. On receipt of the member's question we tried to contact him, but he works part-time also for a private company. He was to be in his office today to provide the information which I have undertaken to give to the member by way of a letter.

WATER RESOURCES: MWB

Chairman: Overseas Travel

507. Mr DAVIES, to the Minister for Water Resources:

My question follows others I have asked of him about the Chairman of the Metropolitan Water Board's trip overseas and further relates to last weekend's Press report on this ongoing saga. Has the Minister or his staff been able to contact the chairman and, if so, have they been able to obtain from him details of the work he is doing on behalf of the board?

Mr MENSAROS replied:

I have had no contact with the chairman of the board. I have already said that when he arrives back he will be asked to furnish a report, the contents of which will be no secret.

WATER RESOURCES: EFFLUENT

Point Peron

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

This evening I asked the Minister a question about the precise position of the proposed effluent pipeline for Point Peron and he agreed to provide me with a map. I am pleased to say I have received the map. The Minister would know that in the past the Premier and he have been highly critical of me because of statements I have made about this matter. They have accused me of making only half truthful and misleading statements. One of the reasons for this is the lack of information made available to members. The map I have received is really only a part of a map; it is a half map. In view of the fact the Minister believes I have been making misleading statements and in the interests of getting truthful statements, would he please provide me with a full and complete map?

Mr MENSAROS replied:

Even glancing across the Chamber it appears the map contains the area where the pipeline is to be established. I could suggest to the member that the map might be extended in either direction.

Mr Barnett: I would like it to cover a little bit south.

Mr MENSAROS: I take this opportunity to mention to members that they are invited to attend a seminar to be held in the Select Committee room at 10.30 a.m. on 30 September, where all sorts of visual displays will be available and where questions will be answered.

WATER RESOURCES: MWB

Reorganisation

509. Mr JAMIESON, to the Minister for Water Resources:

How close is the Government to restructuring the Metropolitan Water Board? Earlier in the year a number of statements were made about it being restructured to become an authority.

Mr MENSAROS replied:

The "restructuring" of the MWB will not occur in the same way as did the restructuring of the SEC when a short Bill was introduced dealing with the commission itself. A Bill which covered the overall provisions connected with the SEC followed three or four years later. We have endeavoured to do the whole thing in one hit, and this is what is causing the delay, rather than the structure of the board itself, which is relatively simple.

The Crown Law Department is more than busy, and with our existing budgetary restraints we are unable to appoint additional staff to assist. The instructions in the form of a rough draft of a Bill are ready, but for the reasons I have given, nothing can be presented as yet.

CULTURAL AFFAIRS

Film Corporation of WA Pty. Ltd.

510. Mr PEARCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

What involvement, if any, does the Government have with the Film Corporation of WA Pty. Ltd. and what

efforts is it making to get the investors in that corporation to invest their funds in projects in this State rather than in other parts of the country?

Mr MacKINNON replied:

There is no relationship between the government and the Film Corporation of WA Pty. Ltd. The principal of the company (Mr Geoff Pearson) is well known to me and we have met and discussed possible projects in this State. I cannot be specific about our discussions because I would not want to disclose anything before he announced it. We will continue to be in close liaison in the hope that some projects will be filmed in Western Australia.