Legislative Council

Wednesday, the 2nd November, 1977

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

QUESTIONS

Questions were taken at this stage.

BILLS (2): RECEIPT AND FIRST READING

1. Transport Commission Act Amendment Bill.
2. Acts Amendment (Student Guilds and Associations) Bill.

Bills received from the Assembly; and, on motions by the Hon. D. J. Wordsworth (Minister for Transport), read a first time.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by the Hon. G. C. MacKinnon (Leader of the House), and read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.45 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that section 129 of the Electoral Act, dealing with assistance to certain electors was amended by Parliament last year so as to provide that the presiding officer should mark the ballot paper of any elector who satisfied him that his sight was so impaired or that he was so physically incapacitated that he was unable to vote without assistance, where such elector failed to appoint a person to assist him.

In addition, the amending Bill contained a provision that if an elector satisfied the presiding officer that he was so illiterate that he was unable to vote without assistance, the presiding officer, in the presence of scrutineers or another electoral officer or a person appointed by the elector, should mark the elector's ballot paper according to the instructions of the elector, and fold and deposit the ballot paper for the elector.

However, the Government has been concerned that the phrase used in the Act, "according to the instructions of the elector", may still leave room for doubt, and that presiding officers may have genuine difficulties in interpreting such instructions in the absence of any further direction in the Electoral Act or any official advice from the Electoral Department. Further, presiding officers have complained that the position is unclear and the Government feels it has a responsibility to lay down some ground rules as to how the elector's instructions should be given or elicited in order to assist presiding officers in the performance of their duties and in order to prevent electoral abuses which might otherwise occur, perhaps inadvertently.

The Government believes that there has been ample demonstration of the kind of problems which may arise if the present situation is allowed to continue, and considers that no reasonable objection can be taken to the course of action proposed. The Government believes that it is proper that the provisions of the Act should be clarified, thereby removing opportunities for alleging that the votes of innocent illiterate persons may have been manipulated.

The Bill will contain provisions amending section 129 which will have the effect, once the presiding officer has satisfied himself as to the physical condition or illiteracy of the elector, of requiring the presiding officer to take the following action—

> If requested by the elector, to state the names of the candidates in the order in which they appear on the ballot paper; and to mark the ballot paper in the order the elector says he desires to vote.

As it is considered that an illiterate person can have his vote misdirected by someone who gives him a proposed voting order in writing—which being illiterate the elector is unable to read—the presiding officer will not be permitted to accept as the instructions of the elector the tender by or on his behalf of anything in writing with a preference or order of preference indicated thereon.

Nor will the presiding officer be able to prompt the elector by naming one particular candidate or one particular party, as this might, in effect, suggest to the elector how he should vote when it is his privilege and prerogative to make up his own mind.

The Bill also contains a provision in relation to postal voting by marksmen. Most of the Australian States and the Commonwealth do not permit postal voting by marksmen; that is to say, by persons who cannot sign their own name.

If a person has to complete a declaration form by making a mark and subsequently exercise his vote through another person—not a presiding

officer—this provides an opportunity for his vote to be misdirected or cast without his specific knowledge or authority.

It should be noted, of course, that persons in institutions which are visited by mobile polling booths will be able, even though they be marksmen, to cast their votes in accordance with the procedures laid down.

Further, any marksman who is able to attend a polling booth will be able to cast a vote under section 129. The only persons whom the proposed amendment will affect are those persons not in regular institutions or who are unable to attend a polling booth and who are so blind, physically incapacitated, or illiterate that they are unable to sign their names.

Both proposals in the Bill are designed to prevent abuses in future elections.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

MARINE NAVIGATIONAL AIDS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and transmitted to the Assembly.

CRIMINAL CODE AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 1st November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.51 p.m.]: I know that it is getting towards the end of the session and the Leader of the House finds it necessary to speed things up, but I think the Opposition does not get much chance, especially considering our numbers—and the Government ought to be aware that an effective Opposition is necessary—to discuss these measures. I believe more time should be given between the Minister's second reading speech and the time when it is necessary to give a considered opinion about the attitude of the Opposition.

From the cursory attention I have been able to give this measure, it appears to be necessary following certain High Court and other decisions, and the Opposition will not offer any argument against it.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.52 p.m.]: This Bill has been very clearly explained, I believe, in the second reading as simply being a different way of expressing what we already have. In other words, it is an extension of the application of the criminal laws of the State up to a limit of 100 miles. This provision was already in the Act, and we are not doing anything revolutionary.

The provision was agreed to in 1975 and, in fact, it is similar to what has already been agreed to by most other States, including Tasmania and South Australia. It is simply to make sure that people in off-shore areas, who commit crimes, are able to be dealt with in accordance with the law of the State, and that they do not escape the law as they otherwise would do.

It is in the public interest that we have such a law for the preservation of the peace and good government in the off-shore area. The measure has nothing to do with any conflict with the Commonwealth Government, so there is no confrontation or anything else. It is entirely in line with section 14A of the parent Act which was included in 1975.

I do not believe the Opposition requires any further time to study the measure. Had a request been made to me that the Bill be deferred for some additional time for study, on some reasonable grounds, I would have most certainly entertained the suggestion. In fact, I would have been prepared to discuss it with anyone making such a request, but no such request was made.

The Bill contains nothing which is substantially different. As I said during my second reading speech, it tidies up the wording of the Act to make sure that it will hold water should there be prosecutions during the next few months before we have a new agreement between the States and the Commonwealth. During my second reading speech I did say that the Commonwealth and the States are now seeing their way clear to dividing up this area in some satisfactory way so that the criminal law—either relating to the State or the Commonwealth —will apply.

This matter was mentioned in relation to the report of the Premiers' Conference as now being under active consideration. However, in the meantime, it is very essential that our criminal law should exactly cover the offshore area in order to protect the lives, the property, and the peace of the citizens of Western Australia when they are using their pleasure craft or going about their lawful business. For those reasons I believe we should press on with the Bill, and I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. I. G. Medcalf (Attorney-General) in charge of the Bill.

Clause 1: put and passed.

Clause 2: Section 14A repealed and re-enacted.

The Hon. G. W. BERRY: Proposed new subsection (4)(a) refers to the area that is west of 129 degrees of east longitude. Proposed new subsection (4)(c) limits the area to within 100 nautical miles seaward of Western Australia. Could the Minister explain the situation?

The Hon. I. G. MEDCALF: It will be noted that proposed new subsection (4) covers three areas, and the off-shore area is defined to mean all or any of them. The three areas have been named to be all inclusive, and include every possible combination of places so that a person who commits an offence cannot say that he was just inside or just outside a particular line.

The meridian of 129 degrees east longitude is the South Australian border. The area within three nautical miles from the Western Australian coast was the distance that a shore-based gun could fire in the old days. That is how the distance of three miles was fixed.

Paragraph (b) refers to that area west of the border between Western Australia and the outer limit of the territorial sea of Australia, as it may be fixed from time to time. That means there may be a change in the territorial sea as a result of The Law of the Sea Conference or some other international agreement to a distance of three miles, 12 miles, or some other distance off the coast. At the moment it is contemplated to increase the distance from three miles to 12 miles. It has not yet been increased in Australia, but it has in some other countries. The area will be between Western Australia and the outer limit of the territorial sea.

Paragraph (c) refers to that area from the South Australian border right out to 100 miles seaward of Western Australia. The areas are all inclusive. The 200-mile limit has nothing to do with this measure; that has been discussed at The Law of the Sea Conference where it was proposed to extend the jurisdiction in relation to fishing and the exploitation of the sea bed for a distance up to 200 miles. That is entirely separate from this; here we are dealing with the extension of the criminal law.

The Hon. H. W. Gayfer: Is the Attorney-General able to tell me the legal definition of the term "low-water mark"?

The Hon. I. G. MEDCALF: The member has raised a point which may ultimately be decided by the Privy Council or in the High Court. It is a matter of great contention as to exactly what the low-water mark is. This State has been saying that the Seas and Submerged Lands Act is out of order in defining that the sovereignty of the Commonwealth starts at the low-water mark, because nobody knows exactly what it is.

It is very difficult to ascertain the low-water mark because it could vary by some hundreds of feet and, in fact, by some hundreds of yards in some places, depending on where it has been fixed by engineers after very detailed and lengthy calculations of average tides and observations over a long period of time.

So there is no certainty about where the low-water mark is; there is no legal definition of it. It must be defined scientifically, and from a scientific point of view it is very hard to decide in places such as our north-west coast, Queensland, and in various other areas. That is the great difficulty in the Commonwealth Seas and Submerged Lands Act. Some draftsman said, "We will take the low-water mark", thinking that this could be easily decided. However, it is very difficult to decide just where it is.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

OFF-SHORE (APPLICATION OF LAWS) BILL

Second Reading

Debate resumed from the 1st November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.02 p.m.]: This Bill is complementary to the previous one, and we do not oppose it.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.03 p.m.]: I feel I must rise to speak to this Bill because of some comments made by the Attorney-General in relation to the previous Bill. Members on this side of the House do their best to co-operate with the Government in regard to the passage of legislation, but there are limits as to what we can effectively do. I would like to point out to the Attorney-General

that the Bills we are now dealing with were introduced for the first time in this Chamber, and the practice adopted by other Ministers to whom I have spoken is to allow a week between the second reading speech of a Bill and the resumption of the debate. That gives Opposition members sufficient time to study effectively any new legislation.

It may well be, as the Attorney-General said, that these pieces of legislation simply are to re-enact provisions which were invalidated by a High Court decision. However, the way this principle is expressed in the Bill could be quite different in certain respects. Our members have great versatility, but they do not have available to them the expertise that is available to the Government. When introducing legislation, a Minister regards it as his own particular baby. He is well briefed on it, and he has been through all its ramifications. One would expect him to have a good understanding of it.

As an Opposition we have none of these advantages, and it is necessary for us to discuss legislation with our colleagues, to relate it to the principal legislation, and in this case perhaps to study it in connection with the High Court decision. The report of the High Court decision is an extensive document, and it contains varying opinions. The judges were not unanimous in their decision. In spite of goodwill on the part of our members, we must ask the Government to have some recognition of our limitations.

The Hon. I. G. Medcalf: Why did not you ask me for an adjournment?

The Hon. R. F. CLAUGHTON: It is not my Bill.

The Hon. Grace Vaughan: I did not know it was coming on today.

The Hon. I. G. Medcalf: Would you like to move for an adjournment?

The PRESIDENT: Order! While I am sympathetic with the honourable member's comments, I have permitted him to proceed so far in the mistaken belief that eventually he would speak about the Bill. Having gone this far without mentioning it, I would recommend to him that if he wishes to continue with the subject of his current comments there are appropriate times for him to do so. However, I must remind him that while he may have these feelings about the timing of this Bill, his current comments have absolutely nothing to do with the content. If the honourable member wants to take the Government or anyone else to task for any reason at all, I recommend that he uses the opportunities available to do so. In the meantime, if he wishes to discuss the Bill, he may proceed.

The Hon. R. F. CLAUGHTON: Thank you, Mr President. I have noted what you have said. The motion we are dealing with is that the Bill be now read a second time.

The Hon. I. G. Medcalf: Would you like to have one of the members ask for an adjournment? I am trying to help you.

The Hon. A. A. Lewis: There is no helping him.

The Hon. R. F. CLAUGHTON: I must take notice of what the Attorney-General says. However, I think I have made my point sufficiently. It is up to my colleague now to decide whether she wishes to ask for a further adjournment.

In regard to the Bill we are discussing, from my own involvement with the Museum, I am aware that the High Court decision was a matter of some importance in regard to historic wrecks, and it was necessary that action be taken. There was an interregnum between the decision of the High Court which invalidated the State Acts and the implementation of the Federal legislation, and during this period our historic wrecks might have been in some danger if people had known the legal position. That was just one of the effects of the High Court decision.

As Mrs Vaughan said, we support the changes. However, I hope the Government will give some cognizance to the difficulties we face.

THE HON. G. W. BERRY (Lower North) [5.09 p.m.]: I rise to support the Bill. However, I would like an explanation from the Attorney-General of his comments when he said that the Bill is designed to ensure that the general law of the State will continue to operate. I would like to know exactly what the Attorney-General means by the phrase, "general law"?

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

LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.10 p.m.]: On the examination I have given this Bill, I am not proposing to object to it. It is in the same category as the legislation we have just dealt with. It may have been that if I had had an opportunity to meet with my colleagues and discuss the legislation with them, we would have raised some points about it. However, I am not seeking an adjournment, as I hope that by the time the Bill makes its passage to another place, there will be an opportunity to

examine it more closely. As I said, in the time available to us, we are quite happy to support the Bill and we will not delay its passage in this Chamber.

THE HON. T. KNIGHT (South) [5.11 p.m.]: I support this Bill. Section 47 of the parent Act sets out the conditions relating to conditional purchase land with residence, and section 49 sets out the appropriate conditions without residence.

The parent Act refers to the fencing conditions, and one portion of the amending Bill we are discussing proposes to change these. As stated by the Attorney-General, the Act obligated the farmer to erect fences and sometimes these fences were not really necessary for the operation of his farm and, in fact, imposed quite a burden on him. Apart from preventing emus and kangaroos from encroaching on property, fences are not necessary when farmers are cropping.

In the first years on a property, many new-land farmers do not keep stock. They concentrate on their crops and if they are obligated to erect fences, this cuts down the finance available for their crops.

I am very pleased that the Attorney-General has introduced these amendments. Over the years I have been very concerned about conditional purchase leases. I understand that as a result of these amendments a farmer will be permitted to fence his land inside the boundary.

Farmers who take up conditional purchase leases adjoining Crown land have tended to put the firebreak outside their own boundaries thereby cutting down the risk of fires on the reserves coming onto their properties. I know that one farmer in Esperence fenced his farm inside the boundary so that his firebreak was outside his fence but still within the lines of the boundary of his property. However, this meant that he had not met the conditions of his conditional purchase lease. Had the matter been pushed to extremes, I daresay he could have lost the right to retain his property; he would have been forced to relinquish it under the terms of the Land Act. I am very pleased to know that under this amending Bill such a position will be avoided.

Going through the Land Act, I believe many more amendments are necessary. It is pleasing to see that some are before us today, and I have much pleasure in supporting the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.14 p.m.]: I thank members for their support of the Bill. It is pleasing to note that it has been accepted so wholeheartedly by members, and I am sure it will be beneficial. Undoubtedly, as Mr Knight said, other aspects of the legislation could be looked at; no doubt they will be from time to time.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.18 p.m.]: I move—

That the Bill be now read a second time.

The Taxi-cars Co-ordination and Control Act has since its inception provided for the appointment of three industry representatives to the Taxi Control Board although the method of selection has varied from time to time.

In 1972, retired magistrate, H. G. Smith, conducted an inquiry into the taxi industry. One of his recommendations was that the Act should be amended to provide that of the industry representatives elected to the board one should be an owner and one a full-time driver.

An amendment was brought down in 1975 to give effect to that recommendation but the attempt to give taxi drivers their own representative was complicated by the fact that some full-time drivers are also owners. The wording of the 1975 amendment did not allow for this and it can easily occur for all representatives to be owners.

It is believed that full-time drivers who are not owners could have a viewpoint different from owners and one which they are entitled to have expressed at board meetings.

This Bill therefore proposes that at least one elected member should be a full-time driver who is not an owner.

It has also been found that if a simultaneous election is held for all three industry

representatives the situation may arise where three experienced members of the board could have their services terminated at the one time. The amending Bill will rectify this by providing for the election of one member each year.

The Bill has been drafted to enable the initial staggering of terms over a three-year period. In the event of a casual vacancy it is proposed that the Minister may make an interim appointment of a person of like commercial interests to the person vacating the office. Further, should a representative lose his qualification, the amendment will permit the Minister to reappoint him.

In both cases the appointment would be valid until the next annual election when an election would need to be held to fill the balance of the term of the vacating member.

It is imperative that the industry be represented on the board by people who are actively engaged in the operation of taxi-cars and for this reason it is proposed that not more than one person may be elected to the board from the management side of the industry.

The 1975 amendment provided that should a candidate for election have a similar commercial interest to a sitting member he would not be eligible to nominate.

For practical purposes this could be interpreted to mean that no two people belonging to or associated with a particular company could be on the board, whereas in actual fact it is considered the object of—and I quote—"No two board members having like commercial interests" is to ensure that both a driver and an owner are on the board. The board has always been aware of the lack of a definition of like commercial interests and that the authority of the board could be challenged because of its members. It is therefore proposed that the like commercial interest provision be deleted and the position spelt out in more detail.

The proposed amendments should provide a fair representation for particular groups within the industry. I commend them to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill is primarily a result of the recent long-distance owner-drivers' dispute and arises out of the Government's determination to achieve certain objectives.

The first objective was a short-term one: That of bringing to an end a dispute which caused major disruption to the Western Australian economy, and serious inconvenience and hardship to consumers throughout the State.

The second objective is a long-term one: That of endeavouring to ensure that owner-drivers have a role to play in the road transport system of Western Australia and have, as far as possible, a measure of economic stability.

Members will recall that a stalemate existed in the dispute whereby owner-drivers had refused to return to work merely on the basis of rate increases offered by the major transport operators.

It became clear that more was needed to ensure a return to work. The solution to this problem lay in the willingness of the Government to bring down legislation which could, in fact, give the owner-drivers a measure of the long-term security which they believed they had been denied in the past.

Central to the Government's action has been a desire on its part to bring a degree of stability to the whole industry which would neither favour nor penalise any one section. Indeed, the Government has stressed on many occasions that it sees a role for both the major operators and those small operators, the owner-drivers.

The Government's offer to legislate in this matter was the crucial turning point in this very protracted and costly industrial dispute.

On the basis of the undertaking to legislate which was given by the Government, together with new rates offered by the transport industry, the owner-drivers agreed to return to work.

This Bill, therefore, sets out to empower the Commissioner for Transport to do three things—

(1) Have confidential access to the records and freight rating systems employed by the long-range transport operators both large scale and self employed.

(2) Recommend rates per tonne or proportion of the master freight rate in the case of a subcontractor, which should be paid to the subcontractor.

(3) Undertake such studies of the industry from time to time necessary to make recommendations to the Government about the control of the industry to ensure greater operational and economic stability.

The Government has also given an undertaking to review the operations of the new legislation within 12 months.

This is to be done in conjunction with the parties concerned to see how the industry is functioning under it and to determine what machinery is best for a healthy and stable long-term transport industry.

This means, of course, that if during the 12 months the various parties are able to come up with more suitable ways of achieving the two objectives to which I have referred, the Government will be willing to re-examine the whole question.

It may be that a working party will be the best body to do this review. However, in any case, the Commissioner of Transport will be in full consultation with interested groups or individuals within the industry.

One of the effects of this Bill will be to require that subcontractors operating across the 26th parallel obtain a "certificate of authority".

At present, prime movers—that is, the owner-driver's power unit which couples up with the load-carrying part of the unit or the trailers—are not required to be licensed under the Transport Commission Act.

It is therefore necessary to provide for the issue of a "certificate of authority" to transport goods across the 26th parallel.

An important element must be borne in mind in terms of why the Government has acted in the way it has done. Within the space of a few short years the north-west will undergo unprecedented change as a result of resource development, mineral processing, and such huge undertakings as the North-West Shelf gas.

As this takes place, the population in that region will expand dramatically, and so too will their accompanying needs. These needs are of primary concern to the Government of Western Australia.

An integral part of ensuring that those needs are met is the existence and maintenance of a stable and diversified road transport industry, which will embrace large companies, company-employed drivers, and owner-driver subcontractors, who wish to invest their capital and play their part in providing that service.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.29 p.m.]: I move—

That the Bill be now read a second time.

This Bill is intended as a measure which fulfils a Government commitment that membership of student bodies at tertiary institutions would be voluntary, and no academic benefit, right or privilege, would be denied to, or withheld from, any student who chose not to become a member of a student body.

Student bodies and associations form an integral part of academic life and, in preparing the legislation, discussions have been held with representatives of the parties associated with the various tertiary institutions to ensure that the Government's intentions were understood, and in order that the Government might be aware of the financial aspects and responsibilities, and present management arrangements of student bodies.

In addition to ensuring voluntary membership, the legislation provides that all enrolled students will be required to pay a fee for the provision and maintenance of student recreational facilities and amenities. Restriction is placed on the use of these fees to ensure that they are used only for amenities and student facilities related to, and within, the particular institution.

Although consideration was given to the level at which fees should be set, it has been decided not to include any such provision in the legislation at this stage.

If, however, the various institutions are not seen to be discharging their responsibility in these matters, and more particularly, should funds compulsorily collected through a service and amenities fee be used for purposes outside the spirit and intent of the legislation, the Government will consider further amending the Statutes to require the Minister's approval to be given for the establishment of the fee and the purposes for which it may be applied.

Membership of student bodies will be confined to bona fide students, as it is the Government's firm belief that student bodies should be organised for, and administered by, students; not

by members of the academic staff or people outside any particular institution.

The Bill also provides that all enrolled students will be entitled to vote for the president of the student body and members of the student council, but will be unable to participate in the activities of the student body without subscribing the additional funds required for membership of the student body.

The governing bodies of the various tertiary institutions will be required to exercise some responsibility where the disbursement of student funds is concerned and, in some instances, may not necessarily transmit all of the funds collected by way of a services and amenities fee to the student body. The provisions relating to this aspect of the legislation continue the practices which already prevail so far as student funds are concerned.

All students, at enrolment, will be required to indicate whether they wish to join the student guild; also, at the same time, to separately indicate whether they wish to become members of, and subscribe to, any other body specified by the governing senates or councils. It is expected that tertiary administrations will utilise this provision to enable enrolling students to indicate whether they wish to join and affiliate with other student organisations outside the institutions, or any national organisation of students, in addition to the information already required at enrolment.

Freedom of choice by students in these matters is a basic right, and should be made in the secure knowledge that funds are not directed outside the institutions for various purposes, without the knowledge and approval of the subscribing students.

Considerable attention has been directed to the management and control of funds contributed by all enrolled students for the provision of student amenities and recreation facilities. It should be borne in mind that the more recently constructed colleges of advanced education have received far greater recognition where the provision of recreational amenities or student facilities is concerned, than the older institutions such as the University of Western Australia where students have contributed substantial sums for the improvement of their own welfare.

As has been indicated, students will continue to administer student funds in accord with existing procedures, although the use of funds available through services and amenities fees will only be for use within the respective institutions.

In determining this aspect, the Government has had due regard for the autonomy of each institution, and the responsibility each has indicated it will display in decisions relating to the administration of student funds.

Enrolled students who are required to provide funds for the common good of all students within an institution are entitled to be assured of responsible management, to be assured that only amenities for recreation and student use within an institution are included in the determined fee, and that all other student activities reside with a student guild, council, or similar body of which membership is voluntary, and whose members are required to pay a further fee for membership to support these additional activities.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

ACTS AMENDMENT (PROPORTIONAL REPRESENTATION) BILL

Second Reading

THE HON. R. HETHERINGTON (East Metropolitan) [5.35 p.m.]: I move—

That the Bill be now read a second time.

This is the first of what I might call a cafeteria of three Bills I hope to introduce either this session or the next, which will give members of this House a choice of various reforms they might care to adopt for this House.

I shall be interested to see if the Government accepts any of these reforms or if it is quite happy to have the House as it is at present. I suppose some members opposite would be happy with the present situation as it makes sure that for some time at least they will be likely to have control of this House and so be able to place checks on any future Labor Government.

I presume—and perhaps I will be accused of being cheeky—that I know the way members opposite will vote on these measures. I will be surprised if this Bill did not get the short shrift that my last Bill received, although it cannot be said this Bill is a simple Bill to the same extent. Its provisions are long and more complex and the Bill covers 23 pages.

It has a simple object and that is to introduce into this House a system of voting on a State-wide basis of proportional representation on a list system. If members were prepared to accept this principle and wanted to adjourn the debate on the Bill so as to consider some other kind of proportional system and move amendments in the Committee stage, I would be quite happy to accept it. This seems to members on this side to be probably the best system we can adopt.

Before I go further I want to sketch in some principles associated with the system of proportional representation because last time this matter was discussed in the House there were a number of remarks made which were not correct. I do not want to attribute these comments to any particular member as I am merely trying to put the record straight and correct statements made in error about the nature of proportional representation.

It has been suggested here and elsewhere that where one has a system of proportional representation for the House which produces the Government—that is the lower House—it produces an unstable system; it produces instability of government as one can see from the example of France. This is very interesting. It used to be said before World War II that one should not have proportional representation because one could see what it had done to France.

In fact, in the third republic of France they did not have proportional representation, but they did in the fourth republic of France. Many people who have studied the French system believe that the instability came from the demography of that country and the Constitution of the fourth republic. Except under very special circumstances it was possible to defeat a Government in the third and fourth republics of France yet not face an election.

One could imagine even in this Parliament that if the term of the Parliament were fixed for three years and the Government were defeated, there would have to be another Government formed. Parliament still would go on, and we could have a game of musical Premiers, as someone got sick of Sir Charles Court, voted against him, and elected someone else. Everyone could have his turn. This is highly undesirable and it is the kind of thing that did happen in France.

When we look at some countries which have had proportional representation for many years we find not only are they not unstable, but also they are indeed very stable. Sweden has had proportional representation for a long time. It had a social democratic Government for 40 years, which was recently defeated by a conservative Government. This is the kind of stability that I would like to see in this State if we could get the electors to agree with us.

Of course, members opposite would like to be able to get 50 per cent plus one of the electors to return them every time. I would have thought that this is what we are here for; to try to attract the votes of electors. If we manage to keep in office for a period of 40 years we would be well pleased. I am not sure the country would be well served because at the same time even the best of Governments needs to be turned out occasionally so that it can rethink its ideas.

The Hon. R. G. Pike: The South Australian Labor Government won six out of 11 seats with only 47 per cent of the preferred vote using the system of proportional representation you propose in this Bill.

Point of Order

The Hon. LYLA ELLIOTT: Mr President, are interjections out of order during the second reading introductory speech on a Bill?

The PRESIDENT: They are out of order at all times.

Debate Resumed

The Hon. Lyla Elliott interjected.

The PRESIDENT: Order! The honourable member is interjecting herself.

The Hon. R. HETHERINGTON: The interjection made by the Hon. Bob Pike was made a little prematurely. I thought the honourable member might make that kind of interjection during my speech, or I thought possibly he might have got up himself, made such a comment and quoted the figures by Mr Jerome Buxton who is an expert in psephological matters. I believe he is worth while consulting, and I have done so before.

I thought the honourable member might tell us to look at what the Dunstan Government has done. Mr Dunstan's Government gained office, and with 47 per cent of the votes it won six out of 11 seats in the Legislative Council. Of course, the main Opposition party did not have 50 per cent of the votes; the figure was around the 40 per cent mark. There was a scattering of parties against the Labor Party.

The honourable member uses this fact apparently to justify a system where with nearly 43 per cent of the vote the Liberal Party in this State has 60 per cent of the seats in this House. It seems to me that if the honourable gentleman regards what happened in South Australia to be so outrageous he should be even more outraged at the situation applying in Western Australia. His outrage is somewhat selective.

The Hon. G. C. MacKinnon: Would you do me a favour and explain the Bill; I am anxious to find out about it? We usually have a copy of the second reading speech.

The Hon. R. HETHERINGTON: Before I proceed I point out to honourable members that although one is permitted to read one's second

reading speech, it is not mandatory; so I am doing without a prepared speech.

The Hon. G. C. MacKinnon: The myth should prevail that it is not read!

The Hon. R. HETHERINGTON: In this case I am making the myth a reality. It seems to me that in Tasmania they have had the system of proportional representation since 1896 and that State has not been noted for its instability.

The Irish Republic has had proportional representation since 1921 and they do not change Governments as regularly as we do in Australia. In other words, I am saying that the notion that proportional representation necessarily produces instability is just a myth.

Instability comes not so much from the electoral system, but from other things in the Constitution and from the nature of the society in which the Government exists. In fact, we have been far more unstable in Australia under our Commonwealth system of preferential voting in the past years than has Tasmania or Ireland been under the system of proportional representation. I am not using that to condemn our system. If I want to do that, I will use some other argument. I want to get rid of the notion that we should not introduce proportional representation because it produces instability.

The other aspect on which I wish to speak very briefly is the fact that we are modelled on the Westminster system, and in that system there are electorates which vary greatly both in number of electorates and in area. One of the aspects of the Westminster system—and it has been pointed out quite often in this House—is that representatives are elected electorate by electorate, and we have copied the Westminster system here. Under this system of representation evolved the notion of democracy; in other words, that all adults should have the right to vote for the representative House. If all adults do not have the right to vote for the representative House it is not considered to be a democracy. If the majority of electors voted for a particular group or Government, that Government was elected, and in this way a nondemocratic representative system became a more or less democratic representative system. I say "more or less representative" because some people in their arguments proceed on the logical fallacy from the "is" to the "ought". Because it is done they argue that it ought to be.

When I look at the Westminster system as it is now I see a system which ought not to be, in my opinion. It is not my place here to criticise the British system, and I am not suggesting that because I do criticise it it ought to be changed; but I am saying there is quite heavy criticism of the British system as it is at present by people who say that, in fact, it is no longer a democratic system—that a minority party, as the Wilson Labour Party was, can become the Government. A party can win government with a minority of votes; and in Great Britain at present with the resurgence of the Liberal Party, a party can win government with about 38 per cent of the votes.

I do not regard this as democratic and therefore I do not regard the Westminster system as one on which we should model ourselves heavily at present. We have much to learn from it, but we should not necessarily follow it; nor do I believe that what is done in Westminster should be done here. The fact that it is done in Westminster does not justify our doing the same here.

As a matter of fact I am quite highly critical of the fact that the Northern Irish have fewer members in Westminster than their population entitles them to have. Because at one stage they had their own semi-autonomous Parliament at Stormont, it was decided they did not need the same representation in Westminster. Now, of course, when they have direct rule from the British Government, they still have an unduly light representation, while the Scots have an unduly heavy representation which in fact—as I am sure the Hon. R. G. Pike will point out if I do not—tends to favour the British Labour Party. That is just one of the facts.

Therefore to argue that in this State we have a system where we vote electorate by electorate is just to say that in this State we vote electorate by electorate. If in voting for this Chamber we altered the Electoral Act in order to create one province in the metropolitan area—I would be very sad if that happened because you, Mr President, and I and many others would be competing for the seat—and, say, 20 provinces for the rest of Western Australia, the people would still be voting electorate by electorate. I would argue that it could not be justified as a representative system in any way at all, and it certainly could not be justified as being anything even resembling democracy.

The Hon. W. R. Withers: You might have more decentralised representatives.

The Hon. R. HETHERINGTON: We might, or we might not.

The Hon. R. G. Pike: Would you say that there is no democracy in the Labor Party because it gives each State equal representation at its conferences?

The Hon. R. HETHERINGTON: I had better get rid of that one, too. It keeps coming up. I did

mean to mention it as I went along, so I will do so now.

Several members interjected.

The PRESIDENT: Order! I would like the honourable member to proceed to explain his Bill.

The Hon. R. HETHERINGTON: Thank you, Mr President. I am trying to give the background to the Bill and a question has been asked on my left wing, if I might put it that way. In the Labor Party we have a system under which each State has equal numbers at our Federal conferences.

Next someone will point out that the United Nations, despite the difference in size of countries, has one member from each country. I want to make two points. The first is that the UN is, in fact, an assemblage of ambassadors with no executive control over its own members. It can make recommendations, but it has no sanctions unless all members of the security council are prepared to provide the teeth and the sanctions. Therefore an analogy cannot be drawn between the UN and a Government of a country.

In the same way I would like to point out to members that the ALP comprises six semi-autonomous bodies which send delegates to a central body. In other words, the ALP grew up, like other parties, in a colonial situation. It developed its own autonomous bodies which then united in a federation of parties.

Whether members like or dislike this—and, after all, I suppose the people who have to worry about this are the members of the ALP—it is not a model, and no-one claims it is a model. No-one in his right mind, I would hope, would ever think of claiming it as a model of a Government of a country, or as a model on which to base the elections for a Government of a country. What a voluntary organisation does is not what is proposed for a State, a country, or a nation where people necessarily are under the rule of the Government. They cannot opt in and opt out. They cannot just leave if they want to. They have to obey the laws while they are here.

Certainly the Hon. R. G. Pike does not have to obey the rules of the ALP, even if he knew what they were. I think that analogy is a false one and I hope it is not referred to again because it is not germane to the Bill. I only mention it to demonstrate that it is not.

The Hon. R. G. Pike: Tell us about the Senate—

The PRESIDENT: Order! I hope that it is not mentioned again, because I am finding it difficult to associate what the honourable member is saying with the Bill which is purported to amend the Electoral Act and the Electoral Districts Act. I suggest he disregard completely the interjections, particularly if those interjections are designed to encourage him to speak about other than what is in the Bill.

The Hon. R. HETHERINGTON: I will do my best, Mr President, and I thank you for your timely warning.

The two points I am trying to make are that a system of proportional representation, even for a lower House, is not necessarily a system which produces instability; and that a system of voting electorate by electorate is not necessarily democratic. I would think that one of the criteria of democracy is that if through elections, where a multiplicity of parties are permitted to stand, candidates are able to put their policies freely and the electors are able to vote freely for them, then we would get reflected—at least approximately in the House for which people are voting—the views or the will of the electors.

The Hon. N. E. Baxter: You are hard to understand.

The Hon. R. HETHERINGTON: In other words if more than 50 per cent of the electors are voting—perhaps first I had better remove an objection, because some people say that all electorates are not contested sometimes and therefore there might be more than 50 per cent of the people actually voting. I realise this. When I say "more than 50 per cent of the electors voting" I mean it has been calculated fairly accurately—and this can be done with some degree of exactitude; it is a bit rough but we can get some idea—that had everyone voted, and had both parties stood, we could work out a two-party preferred vote. If that vote indicates that one party got over 50 per cent of the vote and the other party got well under it, and the party which was under 50 per cent got over 50 per cent of the seats, and vice versa, we can be a bit worried about whether we are talking about a democracy because, in fact, it means that the so-called will of the people has not prevailed. It may have prevailed electorate by electorate, but not in the Chamber as a whole; and this is what I am objecting to about this Chamber. It seems to me we should do something about this.

Also I have pointed out—but I will do so again because it is quite important and I have not attempted to alter the situation under the Bill—that we are a conservative Chamber in the sense that quite deliberately the people who drew up our Constitution decided that only half the membership of the Chamber would come up for election each three years. We are given a six-year

term so that each of us, when we sit here, can have at least six years in which to grow old in wisdom and sense, and in which to learn. It was thought this would make us wiser and superior in some ways to the people in the other place. I am not claiming we are, but the argument went something like that.

It also meant it would be very difficult for a party which had been swept into Government on some, perhaps, spurious issue—which can happen even in the best regulated of democracies—to control the upper House for at least two elections.

If this is the intention of the people who set up the Constitution, and if people want to argue that this kind of House is desirable—and accepting that argument for the moment—let us have that kind of House; the kind of House in which a Government, when it wins two elections straight, can control this House.

I can vividly remember that when I was young and a little more radical than I am now I used to spit chips when a member of the South Australian Legislative Council talked about the House being there to make sure the steady will of the people prevailed.

All right, let us accept that the steady will of the people prevails. The people elect a Government and decide three years later they want to retain the same Government. If we had what I call a democratic system—where 50 per cent of the people of the State vote for one party and less than 50 per cent for the other party, and the party they vote for twice controls this Chamber—it seems to me the steady will of the people would prevail.

The Hon. R. G. Pike: Assuming I accept your argument—which I do not—how do you propose to provide for the personal electorate identification for people in the country?

The Hon. R. HETHERINGTON: One of the things which have happened in Tasmania, where there is a fairly small electorate, is that people have been elected on strong personal votes, even with the system of proportional representation. This is one of the reasons I am in favour of a system of proportional representation; I think it would do my party and the State a lot of good—I am not so worried about the Liberal Party. I think it would ensure—because we could make our votes for the country count—that we preselected people from the country.

As a matter of fact, if this Bill is passed I have a couple of people in mind whom I would like to see preselected, and I would start working in my party to ensure it preselected people from the country. I have no doubt that if he cared to stand the Hon. Bill Withers would be preselected by his party and would receive personal votes. I have no doubt that in fact it would be to the benefit of all parties if we were all to preselect in order to seek votes throughout the State.

We would not sit back and say, "East Metropolitan is a safe Labor seat, so anybody will do; we can throw in any old academic to drag down the standard of the House." We would have to worry about the kind of people we put on our ticket, and so would the Liberal Party and the National Country Party. The National Country Party might even become a national party, because it might preselect for its ticket one or two people who live in the city and who have a strong personal following. This might make all our parties more national.

Sitting suspended from 6.03 to 7.30 p.m.

The Hon. R. HETHERINGTON: I was saying before the tea suspension that I believed that if we produced a system of proportional representation for this Chamber it would benefit the parties, because one of the great advantages of the Westminster system and its variants is that it takes what many people regard as sectional parties and turns them into national or State parties; that is, parties which look after the whole of the people. Sometimes people say that the Labor Party is a trade union party or that the Liberal Party is a businessmen's party, and in some sense this may be true. But in order to try to win government we have to appeal to beyond our own basis of support and appeal to the people as a whole.

This would seem to me, quite apart from what it might do for this House, to be a good thing from the point of view of the parties, because in order to get members elected on a State-wide basis they would have to be in a very real sense State parties. I am not claiming that, at least as far as the Australian Labor Party is concerned—which is the only one I can speak for—it is not a State party; I believe it is. However, I think we might benefit from this change in the electoral system because we would perhaps become more aware of some of the problems, particularly if we have elected people who come from the north and the south of the State.

It seems to me that if we did this we would do one other thing. In the House the other day when the Hon. Lyla Elliott was speaking somebody said, "Do you represent just the Labor people in your province?" Of course she does not. If one of my electors comes to see me, or if one of Mr MacKinnon's electors goes to see him, we do not ask them whether they are members of the Labor

Party or the Liberal Party. We look after their problems as best we can. Sometimes we are successful, and sometimes we are not; but we certainly never ask them their political affiliation.

I certainly do not ask anyone that question because I represent the electorate as a whole. In another sense—and I am very aware of this—we do represent views. As a matter of fact, during the last election campaign I was talking to a Liberal voter in my province. She was a little bitter about the fact that there were no Liberals in the State Parliament to represent her, and I understood how she felt because, as the Hon. Robert Pike has pointed out, at that time I lived in Claremont and the members who represented me were the Hon. Sir Charles Court, the Hon. John Williams, and the Hon. Ian Medcalf.

The Hon. D. J. Wordsworth: There is a vast difference between her representatives and yours. You were very well represented.

The Hon. R. HETHERINGTON: In one sense I did not feel any of those honourable gentlemen represented me. They certainly did not represent my views on a whole range of issues.

One of the advantages in Federal politics is that no matter what electorate one lives in, one has representatives of the party one prefers. At present Mr Garland represents me in my Federal electorate, but that is about to change. However, I have Labor senators whom I can approach and who are my representatives. They represent me in the sense that they represent my views, as well as being prepared to help me. So we must take two things into consideration in respect of representation; that is, the kind of representation people give in that they try to help electors with their problems, and the kind of representation which is based on political views.

Recently I was in contact with Senator Chaney about the problems of a person in my electorate, and he was very helpful because we do not play politics when it comes to representing the problems of people in our electorates.

The Hon. A. A. Lewis: What has this to do with the Bill? Are you not playing politics with this Bill?

The Hon. R. HETHERINGTON: I would not have thought so; I am certainly not trying to play politics. I am trying to reform this House, but the honourable gentleman opposite may not understand the meaning of reform. We could well do without that kind of interjection.

The Hon. A. A. Lewis: I know you could, but I don't know about everyone else.

The PRESIDENT: Order!

The Hon. R. HETHERINGTON: As I was saying, in this sense we have representation, and in another sense we sometimes look to people who represent our views. If we had a State-wide system of proportional representation people in East Metropolitan Province, who would then be in four State electorates for the Legislative Assembly, could approach members of their own political party who would be their representatives in the sense of representing their views. So people in the State who supported the major political parties would have a representative in the sense that they could go to a member who sympathised with them politically, and I think this would be desirable.

Although I am very happy to be in the one province that has six Labor members—and long may we stay that way—I can understand the feelings of the Liberal woman who spoke to me, and whom I was perfectly willing to try to help. I understand that in some issues she would prefer to speak to a member who belonged to the Liberal Party. Therefore there is this advantage in proportional representation.

I do not believe it would mean that the Labor Party would concentrate on the metropolitan area and that the Liberal Party would concentrate on some other area; we would all concentrate on the State as a whole—as, of course, we in the Labor Party are only too aware that we have to do if we want to get back into government. I think members of the Liberal Party are also aware of this and that this electoral system would assist them and would also assist the State politically.

Such a system would give nobody any political advantage. One of the things that did rather surprise me—and I forget who said it—when we were discussing this matter before was that someone said this was a case of the Labor Party trying to get control and to gain power. What a spurious argument that is.

The Hon. R. G. Pike: You are not trying to do that, but you are trying merely to eliminate the Legislative Council. Be honest and straightforward, Sir.

The Hon. R. HETHERINGTON: We have before us a Bill to reform the Legislative Council which we might well introduce; in fact I think it is a good time to introduce it, because when the Government manages to—

The Hon. I. G. Medcalf: What about the platform of your party? You want to abolish the Legislative Council.

The Hon. R. HETHERINGTON: I think it is a pity that the Attorney-General did not listen carefully when I read out the platform of my

party, because it is quite clear. I would think, Mr President, it would be quite a good thing if we passed such a Bill now, because the Government intends to entrench the position of this House if it gets the numbers in the next session and if it can get the whip out properly; and then, of course, if anyone wants any further change we will have to go to a referendum.

I said when speaking on that Bill that if the Government introduced a democratic upper House I could see some argument for the Bill, but I could see no argument for the Bill as it stood. I am therefore appealing to members opposite to listen to the arguments and to consider the situation.

We are faced with a situation which gives the Liberal Party an advantage and keeps them in power in this House, and I do not see that we should not look for a situation which allows either party to gain power in this House. After all, I would have thought that in a democratic community if the electors agreed to vote for a particular political party and then repeated that vote, there would be no reason that that party should not control both Houses of the Parliament. This would give us a House of Review in the proper and accepted sense of the word—a House which would keep things waiting and which could ensure that the steady will of the people was asserted.

In other words, what I am trying to do is to offer this House a conservative reform which would not unduly advantage any political party and would bring us nearer to a democratic system in this State. Whether or not the Labor Party wants to abolish this House, as somebody suggested by interjection, is incidental; this Bill does nothing to abolish this Chamber; it does not go anywhere near that, and it leaves it very difficult to abolish this Chamber.

The Hon. R. G. Pike: Socialist parties do not like a bicameral system. This is your first step to the abolition of the system. Therefore, you do not fool me.

The Hon. R. HETHERINGTON: I get a little sick of the interjections from the gentleman on my left.

The Hon. R. G. Pike: The truth hurts.

The Hon. R. HETHERINGTON: I am supremely unmoved by the statements of the honourable gentleman; I just get bored by their repetition. One of the things members should realise is that repetition does not prove an argument.

I have tried to develop some kind of argument in respect of this Bill, whether successfully or not I do not know; but at least I have tried to explain some of the principles behind the Bill and to justify the Bill by argument. I have not made any sweeping statements about conservatives, and I am not going to react in respect of that matter, except that I will not react at all kindly to nonsensical statements about socialists, because I do not know what the honourable gentleman meant when he used that term. "Socialists" covers a multitude of people, some good, some bad, and some indifferent.

The Hon. G. E. Masters: Surely you class yourself as a socialist.

The Hon. R. HETHERINGTON: I class myself as a democratic socialist, yes.

The Hon. G. E. Masters: "Democratic socialist", that is a good term.

The Hon. R. HETHERINGTON: Yes, it is quite precise and it differentiates me from the authoritarian socialists who are found in the Soviet Union and whom I have always opposed consistently throughout my life. So I do want to be differentiated from them, just as I would not call all members opposite fascists simply because they happen to be conservatives. I would want to differentiate between democratic and autocratic conservatives. I am quite happy to be called a democratic socialist, but I am not particularly happy to have sweeping statements about socialists produced by a member who thinks he knows a lot about the matter but does not.

The Hon. G. C. MacKinnon: I think you should have taken advantage of the relevant Standing Order and used written speech notes to save time.

The Hon. A. A. Lewis: Every other member knows nothing; you wipe them off with your brilliant tongue.

The Hon. D. K. Dans: He isn't doing a bad job, either.

The Hon. A. A. Lewis: He hasn't started to give us an argument yet.

The Hon. D. K. Dans: He is reacting as you always react.

The PRESIDENT: Order! The Hon. Robert Hetherington.

The Hon. R. HETHERINGTON: Thank you, Sir, I was waiting to be heard. I do not really want to say very much more.

The Hon. G. C. MacKinnon: Thank goodness!

The Hon. R. HETHERINGTON: If the Leader of the House wants to make such smart aleck remarks, I could go on for another hour and try to lecture him on democracy. This would serve little purpose. When I hear the Leader of the

House, I am reminded of a story about F. E. Smith when he was in court. After he had been talking for some time, the learned judge leaned down and said, "Mr Smith, I have listened to you for three hours, and I am no wiser." F. E. Smith, who later became Lord Birkenhead, replied, "No doubt, M'lud, but better informed I hope." I do not hope the Leader of the House will be wiser, but I am trying to make him better informed by my arguments.

The Hon. G. C. MacKinnon: I would like $1 000 for every time I have heard that quotation.

The Hon. D. K. Dans: Where?

The Hon. G. C. MacKinnon: Everywhere—in every speech all over the country.

The Hon. D. K. Dans: I will research *Hansard* on that point, because I am sure it will turn out to be a fib.

The Hon. R. HETHERINGTON: Mr President, I notice the Leader of the House always refers back to kindergarten and primary school; I often wonder whether he has proceeded very far beyond that point.

The Hon. G. C. MacKinnon: That's right—get into your insulting style. As soon as you are upset you get into your insulting style. Just because you were born with a silver spoon in your mouth and had a good education, you rubbish anybody who has not had your advantages.

The PRESIDENT: Order! Interjections will cease.

The Hon. R. HETHERINGTON: It seems to me that from a good, conservative argument it would be a good thing if we accepted this Bill in this House. It is a Bill which would improve the House and improve the politics of this State.

If of course members opposite are not prepared to accept it—and I will be interested to hear their arguments against the Bill, if they have any—I will bring forward another couple of Bills to see whether they are prepared to accept them.

There are various ways in which we can reform the House in order to improve it on what it is now, and we will keep trying. I was informed at one stage by the Leader of the House that this House continually changes, and I accept that; and that it will go on changing, and I accept that. Sometimes, we can help it to change by introducing wise legislation, and I hope the Leader of the House accepts that, just as I hope he accepts there is some wisdom in this legislation. Certainly, I think there is, and I commend the Bill to the House.

Adjournment of Debate

THE HON. G. E. MASTERS (West) [7.48 p.m.]: I move—

That the debate be adjourned until the 24th December, 1977.

Motion put and a division called for.

Bells rung and the House divided.

Remarks during Division

The Hon. R. Hetherington: It was very interesting to hear the arguments of members opposite.

The Hon. Lyla Elliott: They have no arguments.

The Hon. O. N. B. Oliver: The reason is that we need time to research the Bill.

The Hon. D. K. Dans: You have had 70 years to research it.

Result of Division

Division resulted as follows—

Ayes 19

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. T. McNeil	Hon. G. E. Masters
Hon. I. G. Medcalf	*(Teller)*

Noes 9

Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. R. Thompson
Hon. R. Hetherington	Hon. Grace Vaughan
Hon. R. T. Leeson	Hon. R. F. Claughton
Hon. F. E. McKenzie	*(Teller)*

Pairs

Ayes	Noes
Hon. N. McNeill	Hon. D. W. Cooley

Motion thus passed.

LOAN BILL

Second Reading

Debate resumed from the 1st November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [7.51 p.m.]: We on this side offer no opposition to money Bills. However, I will take this opportunity to draw to the attention of the Government some areas in which, by virtue of the Federal Budget, we are going to find ourselves in a very parlous position. In keeping with the mercenary and "economic-development-first" attitude adopted by the Federal Government we find that those things which make for a better quality of life have been ignored in the Budget;

moneys allocated to the States are down on last year and Federal loan allocations also have reduced in real terms. We find extra money is provided for public works and business undertakings, and very little for housing and social welfare measures. In fact, social areas generally, those relating to quality of life, have been very badly served by the Federal Budget.

The amount the State will borrow to spend on hospitals—some $1.5 million—will hardly make up for the drop of 61 per cent in spending from the previous year, 1976-77. The $1.5 million will be a drop in the bucket when compared with the great decrease in Commonwealth grants for hospitals for this financial year. In fact, it will hardly compensate for even 10 per cent of that decrease.

So, I find it very depressing indeed to read the specific purpose grants to Western Australia from the Federal Budget in juxtaposition to the loans which are being sought through this Bill. It is a very sad outlook for the people of Western Australia, who do not have the same sort of resources as the people who make the determinations. These determinations appear to be made as a result of value-judgments rather than from a sense of what is good for the people of Western Australia.

For instance, the people on unemployment benefits who are finding it very difficult to obtain housing will not be cheered by the way in which the loan allocations are spelt out in this Bill, and the schedule thereto. They already will have become very upset by the specific purpose grants given to Western Australia for spending in the social welfare area and associated areas such as health and housing.

So, while we support the Bill, we do so without cheer about what it contains. I am sure it is going to be a very sad time for people who do not have the resources to cope with the present economic mess in which the country finds itself.

THE HON. R. F. CLAUGHTON (North Metropolitan) [7.55 p.m.]: When speaking to the various money Bills, I find myself faced with the problem of keeping my speeches to a reasonable length because of the large number of matters which are of concern. When speaking to the Appropriation Bill (Consolidated Revenue Fund) (No. 2), I raised a matter concerning the Doubleview Primary School which I referred to as now being a disadvantaged school. In his reply to the debate, the Leader of the House made no reference to any actions to be taken, or even that the matter would be referred to the department.

The Hon. G. C. MacKinnon: Your query was sent on. Have you not had an answer?

The Hon. R. F. CLAUGHTON: No, I have not. The Minister's reply contained no reference to my remarks.

The Hon. G. C. MacKinnon: I will raise the matter again. I think they might feel they have explained it about three times, and that ought to be enough. However, I will ask them to explain it again.

The Hon. D. K. Dans: Mr Claughton does not want to know how the department feels about the matter.

The Hon. R. F. CLAUGHTON: The Minister may have thought I was referring to matters which I had raised previously in relation to the Doubleview Primary School when in fact they were matters I had not raised before. I have spoken on other occasions about the so-called pre-primary facilities at the school, which were established in existing buildings on the site. The buildings to which I refer are the Bristol prefabricated classrooms which generally are regarded as having long served their purpose. They were valuable to the school system at a time when there was a great shortage of building space. These buildings were brought in to fill a need at a particular time, but it was never envisaged they would continue in operation for 20 or 30 years. I do not decry those buildings.

The Hon. G. C. MacKinnon: Only because they were put up by Herbie Graham!

The Hon. R. F. CLAUGHTON: They have fulfilled their useful function. The buildings at this school have been renovated to form a larger meeting area, since there is no school hall at the school—as is the case with most schools built in the pre-war period. The old Bristol prefabricated classrooms in their restructured state are fulfilling a need, but it is most unsatisfactory to use them for pre-school children. The facilities at the Doubleview Primary School represent just one area of complaint. The school also lacks a resource centre.

Another matter which is causing a lot of concern to the parents is the need for a guarded crossing for the children who have to cross busy roads on either side of the school. I hope that the Government pays some attention to the school and its need for a guarded crossing. It is the only school within the Scarborough electoral district which does not have a guarded crossing for the children. Both the State schools and the independent schools in the area have this safety provision for their children, but Doubleview school does not have it. I think the parents have a

real reason to be concerned that they cannot get a satisfactory resolution of their requests. I note that in the Loan Estimates for this year no provision is made for new buildings at the school. So if anything is to be done it will be in addition to whatever is already provided for in the Budget.

Another matter of which I have spoken on a number of occasions and which I raise again is the question of the Mitchell Freeway, which is of vital importance to the whole of the northern suburbs. The progress of the highway has unfortunately slowed over the last couple of years, and those members of this Parliament who were at the Metropolitan Transport Trust on Monday would have heard that the bus station at Innaloo was constructed, at the time it was constructed, not only because Commonwealth funds were available for the purpose but also because it was understood by the MTT that the Mitchell Freeway would make sufficient progress at the same time for the buses to have access to the freeway from Scarborough Beach Road. It is still up to 12 months before that will take place. There will be problems for the Metropolitan Transport Trust until that access to the freeway from Scarborough Beach Road is available.

The Hon. D. J. Wordsworth: I am glad you appreciate the benefit of freeways. I always thought your party was a little anti-freeways.

The Hon. R. F. CLAUGHTON: I do not know how the Minister gained that impression.

The Hon. D. J. Wordsworth: From what happens when we bring in legislation for them.

The Hon. R. F. CLAUGHTON: The change in freeway funding did not occur with the Whitlam Government.

The Hon. D. J. Wordsworth: I am not saying it did. I am saying that I am surprised you are changing your views.

The Hon. R. F. CLAUGHTON: Funds were more readily available during the period of the Whitlam Government, and since the Fraser Government has come to power less money has been made available.

The Hon. D. J. Wordsworth: At least we have not been like New South Wales and sold the land.

The Hon. R. F. CLAUGHTON: I am not talking about New South Wales or even south of the river; I am talking about what is happening in the northern suburbs, and this freeway is vital to the whole of the northern suburbs.

The Hon. D. J. Wordsworth: I agree, and we are pressing on with the matter.

The Hon. R. F. CLAUGHTON: I understand the present timetable is to take the freeway up to North Beach Road if funds are available. What will happen beyond that point is apparently quite uncertain, but to get it to that point would be of great benefit. The sooner that is done the sooner the vast bulk of the traffic problems being faced in the northern suburbs will be resolved. Very shortly the Marmion Freeway will be connected almost the entire way from Karrinyup Road to the development in the Wanneroo Shire; and naturally large numbers of vehicles will come onto Karrinyup Road and create bottlenecks at that point.

That becomes a matter of concern chiefly to the City of Stirling because although a lot of the traffic is generated in the Shire of Wanneroo and that shire's roads will clear more readily, there will be congestion within the City of Stirling. If the Mitchell Freeway is taken up to North Beach Road there is the opportunity to disperse the traffic before it increases. I urge the Government to pay particular attention to that matter.

Because of the change in categories of allocation of funds the City of Stirling has more funds to spend on the upgrading of West Coast Highway, which I believe is to put funds into the wrong road. That will simply throw more traffic onto what should be primarily a recreation road and make it a main traffic artery; and this means that more traffic will go through Cottesloe than at the moment.

I think the Government is well aware of my views in relation to the connection of West Coast Highway with Servetus Street. I think that is entirely the wrong type of planning if the object is to retain the coast road primarily for recreation purposes. That development will only encourage more traffic into what should be primarily residential districts.

To add to the funds which have been allocated to the City of Stirling for the upgrading of West Coast Highway there is a further $50 000 which will become available if lights are not placed at a particular intersection.

The Hon. D. J. Wordsworth: Lights are or are not?

The Hon. R. F. CLAUGHTON: If the lights are put in $50 000 will be spent on the lights but if that money is not spent on the lights it will be spent on the upgrading of West Coast Highway. It seems an odd way to use funds. I hope the Minister makes quite sure that those lights are constructed on Wanneroo Road because there is increasing traffic on that route. Recently I was with the Minister for Health (Mr Ridge) at the opening of an ambulance station on the corner of

Warwick Road, and I think that is the intersection which may be involved.

The Hon. D. J. Wordsworth: This is where we get into complications over categories with Federal Government funds.

The Hon. R. F. CLAUGHTON: This $50 000 is available for the construction of road channelisation for the lights. The intersection is on Wanneroo Road between Royal and Beach Roads, and if the money is not spent there it will be spent on West Coast Highway. I have stressed the view for a number of years now that local authorities are being forced to upgrade these local roads to cater for traffic that would go on to the main traffic artery—the Mitchell Freeway—if that road were extended. This money is wasted by being channelled into roads which are the responsibility of the local authority, instead of going into the main traffic artery. I do not know what the Minister is able to do about it but I should like to emphasise to him the importance that I feel needs to be given to the extension of the Mitchell Freeway.

One other matter I shall deal with at this time, as I still hope to be able to speak to the consideration of the tabled Budget papers, concerns metropolitan water supplies. I have stated here previously that there have been forecasts that next winter will also be a very dry season, in which case a very serious situation faces this State. In support of this discussion I refer to an article which deals with the general world problem of changing weather patterns. The article appears in the publication *The Futurist* of August, 1976. The article is entitled, "Genesis Strategy: Climate and Global Survival". Two of the illustrations are an engraving done around 1850 of a glacier in France and a more recent picture of the same location which shows that the glacier has retreated well up the valley.

Also I was interested in one of the Bill Peach television programmes dealing with a reservoir in Victoria. Some years ago people used to go ice skating on the reservoir which would be covered with several inches of ice in winter, but it is many years since ice formed on the surface of that water expanse. The evidence is quite apparent that we are in a period of higher temperatures and drier rainfall conditions which are creating problems for people whose responsibility is to make sure the public has available good quality water supplies in existing quantities.

In answer to a question I asked in this House, we were informed that at the end of this summer it is expected the total metropolitan water storage will be 94 million cubic metres. When one considers that at the end of the summer in 1975 there was almost 321 million cubic metres of water, one can appreciate the seriousness of the problem which we face. I believe the Government should have imposed water restrictions last summer. I am inclined to believe it did not do so because there was an election pending, and I have previously expressed that view in this Chamber.

I have been studying a number of reports which have been prepared on this subject. They are available to all members who are interested in the matter. One report has been prepared by the Metropolitan Water Supply, Sewerage, and Drainage Board and it is entitled "System 6 and Perth Water Supplies", dated May, 1977. Another report has been prepared by the Public Works Department and it is called "The Usable Surface Water Resources of Western Australia", dated October, 1977. A report entitled "Water Resources and System 6" has been prepared by the Public Works Department of Western Australia, and is dated May, 1977. Each of these documents is worthy of consideration by members of Parliament.

The conclusion one would draw from reading these reports is that for the rest of this century at least there should be sufficient water available for the expected growth of the City of Perth; but the problem is, of course, not all of that water has been harnessed at this particular time. The difficulty we face is that at the present time—when no dams are in the course of construction, when the existing dams because of lack of rainfall will be almost dry at the end of next year, and when if we built a new dam at this stage unless we have rain in sufficient quantities there is no way that more water will be impounded—shortages will occur.

It is imperative that we, as members of Parliament, should show more concern about what has happened at Jandakot in the light of the conditions I have mentioned. It had been the intention of the Metropolitan Water Supply, Sewerage, and Drainage Department to instal groundwater treatment plants in the Jandakot mound and tap those waters. The difficulties which have been experienced have delayed the progress of that work.

There are several sites in the northern suburbs where treatment plants have been constructed. They are at Mirrabooka and Gwelup, and work is under way in the Wanneroo area. These groundwater treatment systems in the northern suburbs will be unlikely to produce the quantities of water which will be required.

I would like now to quote some of the figures

which are associated with the subject. I shall quote from the report of the Metropolitan Water Supply, Sewerage, and Drainage Board published in 1975. The combined annual output of Mirrabooka and Gwelup was approximately 20 million cubic metres per year. It was reported that was to be increased in 1975 by 3 million cubic metres for that year. I was hoping to show the amount of water the Wanneroo scheme would produce; but from the information contained in this report there would be approximately 34.7 million cubic metres of water produced from those bores which were expected to be in operation by this time. That is a long way short of the quantities of water which would be available from storage in the metropolitan dams.

To its credit, the department has been examining groundwater sources since 1966 and I believe that shows considerable foresight on the part of the department. With funds available from the Whitlam Government it was able to increase its investigation of water sources in Western Australia. I think probably one of the unfortunate results of the change of Government is those funds have remained static since 1975. Nonetheless, the department has done extremely well and the programme which it maps out in the three publications I mentioned earlier indicates that if the schemes were already in operation we would have very few problems.

Amongst the schemes which are currently under investigation is one which will recharge the groundwater systems. This was undertaken in the Jandakot system. I do not know what has happened to that particular project with the current arguments which have been taking place.

During an earlier debate, the Minister for Transport mentioned he had seen systems in the United States where the people who extracted the water from the ground were required to replace the amount of water they had removed.

The Hon. G. C. MacKinnon: They put it back in the winter.

The Hon. R. F. CLAUGHTON: Yes, of course.

The Hon. G. C. MacKinnon: That is not restricted to the United States.

The Hon. R. F. CLAUGHTON: That is right. I am saying in an earlier debate on the validation of the Jandakot scheme Mr Wordsworth mentioned this system, therefore, we are not speaking about something which is untried.

We cannot blame the department for any problems which will arise. The department has been aware of the growing problem for some time and it set out at an early stage, as far back as 1966, to take action so that it would be prepared for the problem when it arose. Now, of course, the department is limited by the finance which is made available to it, as all other bodies are, and if it has not been able to construct a sufficient number of treatment plants in the time available the department is not to be blamed for that. I am not sure whether anyone should be blamed for that. Even a year ago who would have thought Western Australia would be facing the problems which are currently looming, particularly in the metropolitan area where we will quite possibly see bare, burnt lawns and dying gardens instead of the lovely green garden suburbs which we have at the moment. Dispersed amongst these burnt lawns and dying gardens we shall see green oases belonging to people who have installed groundwater systems of their own. I think the Government should be prepared to counteract any reaction on the part of people who find they are short of water to keep their gardens green, against the people who have installed their own wells and pumping systems. The people who have their own bores should be protected from the wrath of those who have not.

Members like myself may already have noticed at least one letter in the Press which took to task the people who have their own bores, saying they were using a resource which belongs to everybody and asking why these people should be allowed to use this resource when everybody else cannot use it. That is not an attitude which, as members of Parliament, we would like to be prevalent in the community. The Government, in conjunction with the Metropolitan Water Supply, Sewerage, and Drainage Board should be looking at the sort of action it can take to remove the sting from those sorts of arguments.

My neighbour has constructed a well on his property. He is one of those people whose gardens and lawns will look lovely, fresh and green in the summer, whereas the gardens of his neighbours will turn brown during the summer months and they will quite possibly turn even browner during the following summer.

As far as the groundwater supplies are concerned, these reports indicate there is a reasonable quantity of water available for recharging into the ground. Some of this water is slightly salty and brackish, but it can be mixed with clean water and fed into the treatment plants at places such as Mirrabooka and Gwelup where it can be purified to become high quality water. The water in the hills storage dams is of a fairly high quality at the moment and requires only fluoridation treatment.

That brings me to the next matter on which I

wish to speak. I have asked whether the Government was reviewing the programme for the mining of bauxite and for wood chipping in the various areas. The answer which came back was a straight "No"; the Government was not reviewing it. However, this is one of the matters which is stressed in these reports, particularly the report which examines system 6 and Perth water supplies, prepared by the Metropolitan Water Supply, Sewerage, and Drainage Board.

It was requested that this review be undertaken, and reasons were set out. Mining, as we know it, is a terminal industry; once the ore is extracted there is no further value from the land for the mining company concerned and it then loses interest in the land. However, for the rest of time the community has to cope with whatever problems are thrown up as a result of the mining operations.

Our water supply sources are well defined. There is very little opportunity to increase them beyond what they are, and there is a vital necessity for us at this stage to see that those water reserve areas are protected and handed on in at least the same state as we received them from our predecessors. The question of increased salinity from clearing is discussed in these papers, as is also the question of increased turbidity of the water. For those who may not have read the papers, the problem with regard to turbidity is that the simple process of chlorination cannot be followed. It would then become necessary to undertake the whole process of water purification such as is carried out in the groundwater schemes. That would add greatly to the cost of our water supplies. Without that happening, and without any problem occurring from careless handling of the water catchment areas, the people of Perth will still face a gradual increase in water charges in the coming years. There is a duty on us to see that those charges are not increased unnecessarily by unwise management of the catchment areas.

I recently travelled to the Dandalup Dam, the Serpentine Dam and the Canning Dam to observe what was happening. The Canning Dam is at a very low level and quite obviously the water stored would not last through the summer if used as it normally is. At the Dandalup Dam, bauxite extraction is in full flow—or in full flood, if one likes—quite close to the dam site. I should imagine that the Forests Department, the Metropolitan Water Supply Department, and the Public Works Department are doing their best to see that the clearing which is undertaken is carried out in a way not likely to affect the water supplies.

I hope those departments will be effective in their control of the area. For those who have not seen the clearing for bauxite mining, I think a visit to the area is worth while to see what is happening. The ground is stripped quite bare, and it is in an area which has a good deal of slope to it. When it rains, naturally, there will be a runoff from that bare unprotected ground which is no longer held together with the root systems of the forests which previously grew on it.

The Hon. J. C. Tozer: Have you been back to see it 10 years later?

The Hon. R. F. CLAUGHTON: What a stupid question. The member should know bauxite mining has not been going on for 10 years. It is now progressing.

The Hon. J. C. Tozer: For how long?

The Hon. R. F. CLAUGHTON: It commenced quite recently. None has been going on for very long. Of course, wood chipping is another quite recent industry. I asked a question regarding the area of land which had been cleared for bauxite mining, and the reply was that up to March of this year the area cleared was 1 610 hectares. That is a relatively small area, and 930 hectares of it had been rehabilitated.

The Hon. G. C. MacKinnon: Is the member sure that bauxite mining has not been in progress for 10 years?

The Hon. R. F. CLAUGHTON: I can only refer to the figures supplied to me. The area of land cleared is 1 610 hectares. I have not been in Parliament for 10 years, and bauxite mining commenced during the period I have been here.

The Hon. J. C. Tozer: When does the member think that Alcoa set up its plant?

The Hon. R. F. CLAUGHTON: While sitting on this side of the Chamber, it seems I have been here for an awfully long time.

The Hon. G. C. MacKinnon: I guess so.

The Hon. R. F. CLAUGHTON: Taking the area of land which has been cleared, bauxite mining would have been in progress for a short period of time. In answer to my question with regard to wood chipping, it was stated that no clearing for that purpose had been undertaken in State forests. The first figure relating to bauxite mining also referred to State forests, and not to areas outside of those forests. I think the whole of the bauxite operations are being conducted in areas of declared State forests.

The report "System 6 and Perth Water Supplies" also deals with the concern for the drier sections of the jarrah forests, and I get the impression from my reading of the report that it makes a strong plea for that area in particular to

be reviewed as far as bauxite mining and wood chipping is concerned, because of the very delicate nature of the forest ecology. The report states that some clearing can, in fact, improve and increase the runoff, and we cannot quarrel with that. However, the clearing which takes place for both wood chipping and bauxite mining is far more than just "some" clearing; it is "complete" clearing of the ground.

I have taken some trouble to talk on this matter because I think it is something of which all members should make themselves aware. I hope many members have taken the trouble to read the reports to which I have referred.

I say again that if all construction of storage sites had been undertaken, and groundwater plants constructed, we would have available water supplies at least until the end of this century. What happens after that is a different question again. As far as I can see from my reading of these reports, we will be faced with a very serious problem in the next year.

There is a conclusion I would like the Government to take heed of, and that is to give urgent consideration to further groundwater treatment plants so that these less high quality water supplies can be treated and put into the domestic supply.

Another matter with which I have not dealt, and on which I have no information, is the change in the water table in the areas being tapped for groundwater. I think the Government is a little reluctant to supply those figures. In answer to a question asked in another place, it was simply stated that in the areas close to a bore there had been some dying off of older trees, but nothing beyond that.

Unless we have available to us general information on changes in groundwater levels there is no way by which we can make a judgment about what is happening. I spoke to some people in Safety Bay recently who told me that the water level in their bores had dropped, although that would not be because of any drawing off of supplies for the groundwater scheme.

I have not been able to catch up with my neighbour to find out the situation with regard to the level of the water in his bore. He is a Government employee and always seems to be away on Government business. Perhaps the Minister knows him; he is Mr Ron Powell—a very busy man.

The Hon. G. C. MacKinnon: I think he is an engineer now.

The Hon. R. F. CLAUGHTON: I am not sure; I have not been able to catch up with him to see what is happening to his bore. He allows me to run a couple of sprinklers from it and I am anxious to find out whether I will be able to continue to use that water. I am very grateful to him for allowing me to use that water, and I am interested to know what is happening to the water level in his bore. If, in fact, water levels in bores are dropping significantly as a result of the draw from them, and because of the lack of winter rain, we have another problem again.

The construction of further treatment plants, and additional bore systems, would not necessarily draw sufficient water to damage the native plant coverage. I think that is what the Government departments have in mind. I support the Bill.

THE HON. N. E. BAXTER (Central) [8.45 p.m.]: I do not intend to delay the House too long. However, I would like to say that it is proposed to raise $105.9 million, and the Bill sets out the purposes for which this sum is to be raised. These include such things as the country water supplies $9 million, harbours and rivers $4.3 million, schools $8 million, metropolitan water supplies $43 million, State Energy Commission $11 million, and railways $11.4 million. That list shows the necessity for these various items in our Loan Budget each year, and of course, this is only a proportion of the whole.

Mrs Vaughan referred to the raising of the small sum of $1.5 million for hospitals, etc. If one looks at the Loan Estimates, the proposal this year is to spend $28.959 million. This is not as high as the estimate for the last financial year when we drew up our five-year programme. From memory it was estimated we would require some $40 million to meet the commitments of the hospital building programme this year. This means we are down about $12 million on the estimate.

Often the amount estimated is not spent, and sometimes it is not allocated to other work but it is carried over to the following year. As far as I know there was no carryover in the last year because the amount spent on hospital development was right up to our limit. However there has been some hold-up in building this last 12 months or so. Some of the projects have been delayed and the position is that the amount spent over this financial year will be reduced to some degree. It will mean some tightening up on the year's programme, perhaps a slowing down of the programme that was proposed under the five-year plan submitted to the Commonwealth Government and accepted by it.

This situation is a bit unfortunate because

under the five-year programme it was proposed that by 1980 we would have spent some $140 million to bring our principal hospitals in the States and many of our country hospitals up to date. This sum would have been sufficient to provide a much needed modern hospital and medical service for the people of Western Australia. Perhaps the programme will be delayed a year or two because of funding needed in other areas, and perhaps building delays will mean a further set-back so that it may be 1982 before the programme is completed.

Another disappointing feature this year is that under an agreement made with the Whitlam Labor Government back in 1974, it was proposed that the State would be given $460 million over a period of some five years. The proposal was that the States would receive $28 million during the first 12 months and $108 million over each of the following four years to bring up that total to meet the State's estimate of need under the five-year programme for each State.

During 1975-76 the Commonwealth paid $28 million to the States, and we received some $4 million of that. During the last year, 1976-77, we were fortunate to receive $12 million of the $108 million provided by the Fraser Government and this helped a great deal in our programme. Unfortunately this year, because of the Commonwealth Government's deficit, the total amount had to be reduced from $108 million to $50 million and this meant that our State was cut back to about $4 million for hospital development and expenditure. This meant that the State itself had to find more money from loan funds to meet the commitments in Western Australia. Even so we were still considerably down on the sum originally proposed.

I suppose as usual that we will get through. There will be some readjustment of finance, as there always is. I know last year it looked possible that we would not be able to continue with the building of the frame for the north block extension of Royal Perth Hospital, but we were able to overcome this problem when we raised some money by juggling finances.

By going ahead with the framework, some 150 men were kept in employment, and in the end we will save money. With escalating building costs, it will be to our advantage to proceed with construction at this time. It would have cost the staggering sum of $70 000 for sandblasting and scraping and painting if the steel had to be stored. We bought the steel a year or two beforehand when it was available at a very reasonable price.

I support the Bill. I believe it is a move forward in these days. The large expenditure proposed under this legislation will go a long way towards keeping things on the move.

THE HON. G. C. MacKINNON (South-West—*Leader of the House*) [8.51 *p.m.*]: *I thank* members for their interest in this debate. It is probably desirable that we should discuss a considerable number of items in a detailed way. I did not quite catch onto the matter raised by the Hon. Grace Vaughan, but I am very pleased that Mr Baxter has explained that to her undoubted satisfaction. Quite frankly I did not understand her line of reasoning at all.

The Hon. D. K. Dans: That is not unpeculiar.

The Hon. G. C. MacKINNON: The Leader of the Opposition should not be nasty to her like that.

The Hon. D. K. Dans: No, I said to you that it is not unpeculiar you cannot follow her line of reasoning.

The Hon. G. C. MacKINNON: This is one of Mr Dans' own members; he should not say things like that.

The Hon. D. K. Dans: You know full well what I meant.

The Hon. G. C. MacKINNON: The Leader of the Opposition may need to be helped with legislation one day, and he should not denigrate her like that. It is all right for me to do it, but not for Mr Dans.

Let us move on to Mr Claughton's remarks. I was very interested in his argument about the water and also about Bristol prefabricated classrooms. I am certain I had detailed to him a plan worked out by the department for the total replacement of Bristol classrooms. Bristols were built at an approximate cost of 8 500 each when Mr Graham arranged to put them into the schools at a time we were very short of builders.

The Hon. D. K. Dans: I have often wondered why they are called Bristols.

The Hon. G. C. MacKINNON: They were designed in Bristol. These classrooms served a useful purpose and, indeed, in some areas they are still serving a useful purpose. A detailed programme had been worked out for their total replacement at a cost of about $1.5 million and over a period of about eight years. I am giving these figures from memory.

The Hon. R. F. Claughton: It sounds fairly cheap to me.

The Hon. G. C. MacKINNON: On reflection I think it would be more than that, it was about $0.5 million a year. Anyway, the plan was for an eight-year programme to get rid of the Bristol

classrooms. One of the odd things is that when these rooms are replaced at a school and we want to push them over—

The Hon. R. F. Claughton: Somebody sees a use for them.

The Hon. G. C. MacKINNON: —everybody finds a use for them; Mr Claughton is ahead of me. Some of these classrooms have even been moved, although this is very difficult to do. These classrooms are used for activities such as after-school care, and youth clubs. Frequently classrooms are left at the school, the wall between two is knocked out, and the rooms are used for a whole variety of useful purposes. The department has always gone along with these ideas.

Nevertheless, there is a very real desire to phase them out, particularly because the roof is very difficult to maintain. The roof is riveted, and with the expansion and contraction that occurs in our hot climate, they tend to fret around the rivets. I believe everyone is aware of what happens then with chipboard ceilings; the water comes through and this causes problems. I am quite sure the honourable member will be pleased to know that there is a plan to phase them out.

I will not refer to the question of the freeways because my colleague, the Minister for Transport, answered the honourable member's query by way of interjection. However, a discussion on water is a valuable one. Probably we could discuss this matter in great detail and at great length in the future.

I am firmly convinced that we must look at the proposition to replace water in bores. Problems beset us in our catchment areas, particularly problems associated with *Phytophthora cinnamomi* as well as the possible danger of extra salinity which may be brought about by this disease and which could cause us very real trouble.

I take the point that had we taken certain actions in the past, we might have had enough water for the year 2 000. I suppose that goes without saying. Of course, if we happen to have a series of good seasons, even with our present catchment areas we can do all right. We have had a few very bad seasons, with no guarantee that we will not have another one. What we will do if that happens is something of a problem.

I have attended meetings of some water resources committees where a great deal of information is discussed by experts. I suppose one of the reasons it is difficult to answer some questions asked in Parliament is that the people who are working on these problems as yet do not have all the information they consider necessary in order to answer questions with absolute assurance. It is fairly well established now that if one puts a bore down in a locality and pumps out the water, the loss of water is in the immediate surround of that bore, and the water level will drop.

The Hon. R. F. Claughton: There is a profile that drops down.

The Hon. G. C. MacKINNON: If one takes a measurement one thinks, "My goodness, we are losing water at a tremendous rate." However, the bore need only stand idle for a day or so and it evens up. Measurements are being taken in a number of aquifers.

The Hon. R. F. Claughton: Equipment is made for monitoring bores, and information should be available from those.

The Hon. G. C. MacKINNON: It is always dangerous to release information which has not been collated properly and collected over the whole field.

The Hon. R. F. Claughton: You know all about that!

The Hon. G. C. MacKINNON: Also, we cannot be sure of the total effect of the shallower aquifers tapped around Perth. The water from them finishes up in the deeper aquifers that are being tapped also. The water from comparatively shallow aquifers at Gnangarra could finish up in the deeper aquifers under Mandurah although it could take as long as 15 to 20 years. I am told it is a very slow process.

There is still a great deal to be learned about the behaviour of the various aquifers which we are in a position to tap. I have attended other meetings where gentlemen from the Public Works Department have talked about the water supply potential of the southern part of the State, and I have never ceased to be amazed at the wealth and breadth of their knowledge about a whole variety of streams and creeks as well as the underground aquifers.

There is a lot of information but, as so often happens, a great deal of it is as yet incomplete to give us a total and absolute picture of the degree of assurance we can place on it. Nevertheless, I am grateful for the interest that the Hon. Roy Claughton has shown in this subject and I join with him in recommending honourable members to make a further study of what I am sure is one of the most vital subjects confronting this State.

I thank Mr Baxter for his examination of the health vote and I join with him in some recollections of plans which have taken place with regard to hospital programmes. One of the things

that changes financial needs is the changed requirement of beds per 1 000 of population. This has been changed by the greater use of domiciliary care and the like, and varies considerably from country to country; and it can vary considerably in this country depending on the plans and programmes afoot, and the general standard of health reached by the community and maintained by the community.

It is quite amazing to work out the saving in capital expenditure brought about by being able to release patients one day sooner than has been the wont. It will save hundreds of bed-days a year and thereby reduce the need for capital expenditure. This can be done in many cases quite simply by the additional use of domiciliary care; and the progress made by recent Ministers for Health in that field has been quite remarkable. I thank members again for their interest in the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

LIQUOR ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st November.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [9.05 p.m.]: In his second reading speech the Minister informed us that the main purpose of the Bill is to ensure that local authorities are made aware of applications for a liquor licence by placing the onus on an applicant for a licence to produce an acceptable certificate from the relevant local authority to the Licensing Court before the court proceeds to hear the application. That sounds like a reasonable proposition.

Let us consider what it says. It says three things; firstly, that the Bill is necessary to ensure that local authorities are aware of the fact that an application is being lodged with the court for a licence; secondly, that the applicant must produce a certificate from the local authority; and, thirdly, that the court must receive this before it proceeds to hear the application.

If we look at section 59 of the principal Act we will see that it says that before the court can proceed to hear an application for a licence the applicant must produce to the court a certificate of the local health authority. My understanding of a local health authority is the surveyor from the local authority. So I should have thought that by virtue of the fact that the local health authority is employed by the shire, the local authority would be aware of the intended application.

What the Minister intended to say but did not say is that an additional certificate is required stating that the proposed premises do not contravene any town planning scheme, which is of course a reasonable proposition.

Let us consider the other two points which are that the applicant must produce the certificate and that the court must receive it before it proceeds to hear the application. If we look at proposed new section 59A it seems to me that new subsections (1) and (3) of that section are contradictory. Subsection (1) says quite specifically—

> The Court shall not proceed to hear an application . . . unless and until the applicant produces to the court a certificate of the local authority responsible . . .

Subsection (3) says two things; firstly, that it shall be the duty of the local authority responsible to furnish the certificate. There are no ifs or buts; it says that it shall furnish it. Secondly—and this is where I find a little contradiction—it says in relation to subsection (1) that where the court is satisfied that the certificate has been requested but has not been furnished by the local authority it may proceed to hear the application. How can it say in one clause that the court shall not proceed until a certificate is furnished by the applicant, but then two paragraphs later say that it may proceed even if the applicant has not got a certificate?

It is no wonder that the average citizen finds it very difficult to understand the terminology of our legislation. I certainly find it fairly confusing. I submit it is untidy drafting and confusing and I do not know whether the Minister can convince us to the contrary.

I refer to another example of confusing terminology. When I was going through the Bill I came across clause 4 which seeks to repeal and re-enact section 36A of the principal Act. Proposed new subsection (3) talks of trading hours of the vigneron and tells us that the licence authorises him to trade between the hours of 8.30 in the morning and 10.00 in the evening of a week day. As I was aware of the fact that the Act talked

about ordinary trading hours, I thought, "What has happened to Saturday? Does the amendment mean that we cannot now go for a drive on a Saturday to the vineyards and buy a few bottles from the vigneron?" I made a note to question the Minister about this matter. However, on looking at the interpretations in the principal Act I find that a week day, contrary to what I understood it to be, which is five days from Monday to Friday, includes Saturday.

The Hon. G. C. MacKinnon: Good on you!

The Hon. LYLA ELLIOTT: It might have been all right to call Saturday a week day in the past when people used to work on a Saturday, but why do we still refer to Saturday as a week day? Common usage of the term "week day" is Monday to Friday. When we talk about week days, most people would not dream of thinking we were talking about a Saturday. Why on earth can we not say what we mean in legislation?

The Hon. G. C. MacKinnon: That is what we have done. We have said it is a week day.

The Hon. LYLA ELLIOTT: The Minister is being facetious. He knows perfectly well what I mean.

The Hon. G. C. MacKinnon: I do not; I am sorry. So that there will not be any confusion the draftsman has written down on page 11 that a week day means any day of the week other than Sunday.

The Hon. LYLA ELLIOTT: I know what the interpretation says, but surely when legislation is passed by Parliament it should not be so complicated and confusing, and should not require people to refer to so many other sections thus creating a difficulty for the average person to understand it. Why should not vignerons be able to read certain clauses in a way which is easily understandable? If they do not pick up the word "week day" in the interpretations, they will obviously think it means Monday to Friday.

The Hon. G. C. MacKinnon: Would you relieve me of my worry and tell me whether you are supporting it or opposing it?

The Hon. LYLA ELLIOTT: Just be patient. To make the Minister happy I shall put his mind at rest. We are not opposed to the principles in this Bill. But I should like to repeat what I said earlier; I think the drafting is untidy and confusing and the Minister should have another look at it and have it rewritten in an understandable form. Subject to those comments, we support the principles contained in the Bill.

THE HON. G. E. MASTERS (West) [9.13 p.m.]: I support the Bill and I have only a few brief comments to make. I have been involved for some time in the various stages of the Liquor Act in this House, and the Bill before us is at least a chink in the armour of the Liquor Act which to my way of thinking is an archaic Act, which is possibly outdated, and should be well and truly burned and rewritten. Nevertheless, we have the Liquor Act and we have before us an amending Bill which has a few advantages as far as I am concerned.

It seems to me that we are always hell bent on setting ourselves rules and regulations which at times seem quite unnecessary. My interest is in the Swan Valley and the production of wines in that area. I believe quite honestly that vignerons in those areas should be able to set up outlets from which they should be able to sell their wines at any time, whether it be a week day—whatever the definition of a week day is—or a Sunday. I believe vignerons should be able to choose those times themselves. I believe also that wine should be not only sold in sealed containers, as is provided for in this Bill, but that it should also be consumed by the glass or container, or whatever, on that property. In other words, I do not believe we should have any form of restrictions on the sale of wine in those areas.

The Swan Valley is a magnificent region which is about 30 minutes drive from the centre of the metropolitan area. I have said before it has tremendous tourist potential and we should be encouraging rather than discouraging tourists from going to these areas to enjoy and consume the very fine wines produced.

I think the public generally has grown up in its appreciation of wine. People these days enjoy not only beer. The old ideas that wine was "plonk" and was good only for getting people into trouble have gone. It is rare now for anyone to have a meal at a restaurant without consuming some sort of wine.

I applaud the Bill in that it suggests there should be an easier method for some of the wine producers to sell their wines by setting up outlets which would be of benefit to them. If they are in a locality which is difficult to approach it may well be possible to establish an outlet in a position readily available to the public. I would like the Minister to explain if it is possible for wine producers to set up a group outlet as a co-operative and sell their wines together. I think this would be possible.

This Bill does not solve all the problems I see in regard to the Liquor Act. I am glad Miss Elliott pointed out that "weekday" includes Saturday. It did seem a little doubtful to me but it has been

solved, and the Minister has been happy to accept that Saturday is included.

The Hon. Lyla Elliott: Yet they expected the average person to know.

The Hon. G. E. MASTERS: Proposed new section 36A(3)(i) reads as follows—

> the licensee to sell or supply, in quantities of not less than seven hundred and forty millilitres in sealed containers, whether for consumption on or off the premises, wine manufactured by him; and

Does that mean if I wanted to go to a vineyard or to a wine producer to have a drink on the premises I would have to buy a full 740 millilitres bottle, take a corkscrew and remove the top, and only then be able to have a drink? Does it mean I cannot buy a glass? It seems ridiculous to me that one has to buy a bottle or a sealed container in order to sample the wine.

The Hon. D. K. Dans: And not consume it on the premises.

The Hon. G. E. MASTERS: The section says "whether for consumption on or off the premises". Hopefully, the Minister will tell me if I have to buy the bottle, consume the contents, and then stagger home. I do not understand the reason for this particular section. It does say the producer of the wine can give me a glass to sample and I presume he could do so all night, but if I want to buy the wine I have to buy a full bottle and consume it on the premises. This seems ridiculous and it is typical of many sections of the Liquor Act.

As I said earlier there should be restrictions on the sale of wine at liquor outlets. Hotels, taverns, and vignerons should be able to choose the times they will serve the public. They would be able to serve the public better if they could select their own times. I believe also that service stations and shops should have the same opportunity, and if they want to serve the public and so provide a service they should be able to choose their hours. This would be better for the public and the various businesses.

The Hon. D. W. Cooley: As long as you didn't have to work.

The Hon. G. E. MASTERS: There are plenty of people who I am sure are prepared to work and who would be compensated.

The Hon. D. W. Cooley: At a cost.

The Hon. G. E. MASTERS: Yes, but it could well be that shops and outlets could close two days a week and open two nights a week. Do not forget we are talking of a service to the public.

The Hon. D. W. Cooley: It would be chaos.

The Hon. G. E. MASTERS: The member says it would be chaos but I do not believe him and I consider it a ridiculous thing to say. The honourable member must realise there is not only one breadwinner in most families; sometimes there are two. How can they shop effectively between eight and nine in the morning or four and five in the evening? We must be realistic in our services to the public and I am sure plenty of small businessmen would be happy to serve in this fashion. They would be happy to work on the weekend and have days off during the week.

To get back to the Bill itself, I consider the Liquor Act as it stands is archaic and should be rewritten. Many restrictions it imposes are not reasonable or practical. The Act could be simplified and streamlined. I do not consider that we need a Licensing Court; local authorities should be able to control the development of the liquor outlets. With those remarks I support the Bill because I see it has advantages, although it does not go far enough.

THE HON. T. KNIGHT (South) [9.23 p.m.]: Like the previous speaker I support the Bill and in particular the amendment to section 36A allowing vignerons to establish outlets. It will certainly benefit vignerons in my area and of course vignerons throughout the State.

Before this amendment was introduced only metropolitan vineyards were able to have their outlets on their property because of the situation where it was necessary to have a winery established on a vineyard of more than five acres. With this amendment the vineyard at Franklin Valley, which is 15 miles from the main road, and that at Mt. Barker, which is 10 miles from the main road, will be able to pick up a lot of passing trade.

Tourism in the area will increase as vineyards are a great tourist attraction. I know that the reason for people going through the Barossa Valley in South Australia is to visit the vineyards, the wineries, and the cellars so as to sample the wines. I believe this amendment is a good move by the Government and I appreciate the fact that after the constant plugging that I and others did in the parliamentary Liquor Act committee something has finally been done. We have not gone far enough and there are a lot of things in the Liquor Act that should be amended, and as the Hon. Gordon Masters said most of the Act should be rewritten.

I refer now to one of the things we argued over last year; that is, the limit of the two-bottle sales. I would like to see this changed and I still support the move we made last year to drop the limit of

two bottles. On behalf of all the people I represent who now will be able to establish outlets in their areas I thank the Minister for introducing this Bill. I support it.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.25 p.m.]: We on this side support the Bill. I was very interested in the remark made by Mr Knight that there has been a parliamentary Liquor Act committee in existence for two years.

The Hon. G. C. MacKinnon: He meant a Liberal Party committee.

The Hon. D. K. DANS: I would not want to be associated with a committee which had been cloistered for this length of time and had come up with this Bill. It is said that the Westminster system is slow but I am sure the people who nurtured this system did not expect it to be that slow.

The Hon. G. C. MacKinnon: What about the two-man committee that considered wine purchases?

The Hon. D. K. DANS: We did purchase some wines and the tasting did become a bit heavy. I might add that few people would drink that wine, but we were charged with a responsibility to check it out.

In a serious vein, I thought that after the last couple of fiascos with the Liquor Bills that were before us previously we would get a reprint of the Bill, but this has not occurred. Political parties are certainly entitled to get together in committee if they so desire, but if this is all the Government has been able to produce after two years' consideration it would seem that this Government, as with previous Governments, is too frightened to do anything about the Liquor Act. We always seem to be only sneaking up on it. This Bill does very little, but what it does I appreciate.

The situation dealing with local authorities issuing a permit after all the planning requirements have been made is very necessary. It is sensible because on a number of occasions people with the best of intentions planning to set up taverns, have invested money, have gone before the Licensing Court and have been granted a permit only to find that the local authority has knocked them back.

The action by the local authority may have been taken for very good reason but these people should have been prevented from getting into that situation earlier. Notwithstanding some of the things that have been said I think this situation will be obviated in future.

In Melville some people lost money because requirements of the City of Melville were not met. although a permit was issued. The people, in ignorance of the legal requirements, proceeded to no avail. Again I say this part of the Bill will do good. The other section dealing with the surrender of licences and so on is in order.

The other section dealing with the selling of wine from premises such as small shops and kiosks on the property is very good. Like Mr Masters, I would like to see the sale of wine made possible seven days a week. As I understand it, and no doubt as Mr Masters understands it, the majority of wine growers will say that the Lord built the world in six days and on the seventh day he had a spell, and that is what we want to do.

Before Mr Wordsworth assures me that country people work on Saturdays, I tell him I am one of those who appreciate that fact. However, I get very tired of country people of all political persuasions who think they are the only people who work. There are plenty of people who work in the cities, not only on Saturdays but also day and night, Saturdays and Sundays, so as to provide services for the public. The Minister should not divide us into cubes. I often argue this point when a shire president gets up and says that country people know what work is and while he is doing this at two o'clock in the afternoon he is buying me a drink.

That probably happens everywhere. Notwithstanding that, let us be clear on the way we work. Our society exists as a unit and everyone has to work to provide services.

I have not had time to check out one point, but I hope the Minister will comment on it. The legislation provides for the licensee to supply liquor in quantities of not less than 740 ml in sealed containers. As I understand it there are many containers which are a little smaller than that and possibly they could be still around.

The Hon. R. F. Claughton: They are 738 ml.

The Hon. D. K. DANS: Do not let us again reach the situation we reached some years ago when a person was allowed to wait an hour to have a drink before he went in to a meal. Some zealous policeman would be watching and would catch him if he exceeded the hour. The Leader of the House will remember those circumstances. I hope the same sort of situation will not be reached under the Bill, and that someone will not go to the Swan Valley, or to the area from which Mr Knight comes, and unsuspectingly obtain liquor in a 738 ml container and get pinched. I hope that possibility will be considered because it needs to be.

The question of selling wine for consumption on

premises also raises an interesting point because like Mr Masters, I have studied this provision carefully, but I have not had a chance to study the Act. The provision in the Bill will raise a hiatus with the bottle shops; it must do. If a person is allowed to go to a vineyard to buy a bottle of wine and sit in the corner like Little Jack Horner with a glass to sample it, that same facility should be available at my corner bottle shop.

The Hon. G. C. MacKinnon: That is right.

The Hon. D. K. DANS: I am not denying that this should be possible at a vineyard. I am agreeing with Mr Masters that, under regulations, rather than clear up problems we create further problems.

The Hon. G. C. MacKinnon: That is right.

The Hon. D. K. DANS: I do not think there is anything wrong with a person being able to buy a bottle of wine. The Bill states that the vigneron's licence enables—

> (ii) the supply to a prospective customer as a sample without charge of wine manufactured by the licensee, and the consumption of that sample by the customer.

I think that is a perfectly reasonable provision to have in the Bill, but, by the same token, if I go along on a Saturday to my corner bottle shop I should have the same facility. Let us face it; the consumption of all liquor, particularly beer, is dropping in bulk and increasing in packages, because people, for a variety of reasons—one is cost and another is the road toll and the fact that it is an offence to drive after having drunk a certain amount of alcohol—buy liquor in sealed containers and take it home to drink.

I am pointing out the anomalies. If I want to go to the corner bottle shop instead of driving to the Swan Valley, and there is a variety of wines on display, the facility should be available to me so that I can sample the wine before I buy, even if I must pay 5c or 10c for it. This would be preferable to buying a bottle of wine I did not like when I tried it at home.

These are the dangers of the provisions in the Bill, and these are the difficulties which arise following piece-meal amendments. This applies to several Acts, the Dog Act being one which comes quickly to mind. No-one is prepared to grasp the nettle. In the Bill we have stirred up enough problems just tonight to keep us going for a long time.

What about the person without a motor vehicle, who cannot go to the Swan Valley? Is he not to be catered for? Sooner or later he must be catered for.

The Hon. D. J. Wordsworth: What do you want—an MTT bus?

The Hon. D. K. DANS: There are enough problems without raising more, but perhaps that would be a good idea.

The Hon. R. F. Claughton: They do something like that, anyway.

The Hon. D. K. DANS: That is so. If we think about it for a few moments, we realise that already we are discriminating. Although I applaud these amendments, the Act should be studied further in a sensible way.

Before I was sidetracked, I was about to say that I have stood here on occasions and supported amendments to the Liquor Act, but I have never supported an open sesame situation because I do not agree with the sweeping statement that there are unrestricted hours all over the world, because there are not.

The Hon. G. C. MacKinnon: That is right.

The Hon. D. K. DANS: Notwithstanding that, it is about time we became masters of our own destiny. People are becoming a little more educated about alcohol and I agree with Mr Masters that more wine is being consumed and that people will continue to drink it. More people are buying packaged beer and other alcohol. Why restrict the sampling to vineyards? On the one hand we talk about the road toll and about obeying the law, and on the other we provide for sampling at vineyards, after which people must drive home. Of course some of us, including members of the House Committee, have stories to tell about sampling wine. I am sure Mr Gayfer agrees. Fortunately we had a driver.

The Hon. H. W. Gayfer: We were three very lighthearted people.

The Hon. D. K. DANS: That is true.

I hope the Minister will take some notice of my comments. I do not know where the pressure comes from when we deal with the Liquor Act. Previously I have been assured by the brewery that they were not exerting pressure, and I know that the wine and brandy producers were quite rightly suggesting we should be able to buy a bottle of wine or brandy on a Sunday and that the two-bottle restriction should be lifted. However, somewhere some pressure is exerted. I am not talking about the present. This has occurred year in and year out.

It is about time the Government had another two-year go at this subject. If the Government's subcommittee keeps going at two-yearly intervals

and produces the same kinds of results it has here, by the year 2050 we may have reached the stage where we can go to a bottle shop and sample a bottle of wine before we buy it.

I support the Bill. I hope the Minister will clarify the points I have mentioned. I am pretty clear on two provisions in the Bill. The question of containers is important as is the question of the consumption of liquor on the premises. I am sure the Leader of the House knows what I am talking about.

The Hon. G. C. MacKinnon: Yes.

The Hon. D. K. DANS: We do not want petty-fogging problems with 738 ml containers nor with the question of the consumption on the premises.

I hope the Committee very soon will decide to allow the person to go to the local bottle shop to sample wine. That would be in the next two years, of course.

The Hon. N. E. Baxter: There were far-reaching amendments made in 1970, so probably by 1990 there will be some more.

The Hon. D. K. DANS: Yes. We support the Bill. I hope that the Act will be thoroughly overhauled. This is only the first session of the Parliament, so perhaps in the next session there will be more far-reaching amendments made to enable the average Western Australian to know he is living in the 20th century.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [9.39 p.m.]: I always approach amendments to the Liquor Act with a great deal of trepidation, but my idea seems to be diametrically opposed to everyone else's.

The day when the Liquor Act was of any importance has long gone. In the days when no-one had refrigerators, and it was a red letter day when a person could afford more than two beers a week, the Liquor Act was of vital importance. These days, when everyone has a refrigerator and everyone can buy wine and is an instant expert on wine—he can even buy books about it—I do not think the Liquor Act matters a tuppeny darn in comparison with the way it mattered in earlier days. We go on like this because we think it is fashionable to do so; we are in the habit of doing it.

As a matter of fact, the couple of amendments in the Bill before us were raised, one by the local authorities—and I will explain that in a moment—and the other by the Hon. Tom Knight and a couple of friends down his way, because of the change in location of the production of wine.

The Hon. D. K. Dans: And we support them.

The Hon. G. C. MacKINNON: They are sensible amendments, and I do not see the need to make a sweeping examination of the Liquor Act.

The Hon. D. K. Dans: We have already created three problems.

The Hon. G. C. MacKINNON: Probably arising from these amendments we will create further problems.

I have never believed in an open slather about liquor because I understand the country with the biggest alcohol problem is France which has the easiest licensing laws. I have not lived there long enough to know whether this is true, but I am told by those who have lived there for a long time that it is.

The Hon. A. A. Lewis: Do you think we should have a Select Committee into it?

The Hon. G. C. MacKINNON: I do not; I could not think of anything worse.

Let us be philosophical about the situation and explain the simple Bill to the Hon. Lyla Elliott because she was the only person who had some difficulty with it. I will use the Hon. Des Dans' comments to explain. The Hon. Des Dans pointed out that the old provision was that a person had to have a certificate from the local authority saying that his premises abided by the health regulations—had drains, septic tanks, and so on.

The Hon. Lyla Elliott: I know all that. You do not need to explain all that.

The Hon. G. C. MacKINNON: It must be the new provision which has the Hon. Lyla Elliott puzzled.

The Hon. Lyla Elliott: Obviously the local authority would know that there was a licence.

The Hon. G. C. MacKINNON: Not necessarily.

The Hon. Lyla Elliott: Why not?

The Hon. G. C. MacKINNON: Because some of the local authorities are huge. The application goes to its health department and the certificate is obtained, but the town planning section of the local authority just does not know anything about it.

The Hon. Lyla Elliott: If they were so worried about it why did they not liaise?

The Hon. G. C. MacKINNON: A very good point.

The Hon. Lyla Elliott: Surely the health department could have communicated with the town planning department.

The Hon. G. C. MacKINNON: A very good point indeed. We have a choice. We could amend the Local Government Act to stipulate that in

future any application to the health department of the local authority with regard to the Liquor Act must be conveyed to the town planning section. We did not do that. We decided to amend the Liquor Act.

The Hon. Lyla Elliott: I am talking about common-sense actions by a local authority.

The Hon. G. C. MacKINNON: Let the honourable member talk to the local authority about that. I happen to be handling a Bill to amend the Liquor Act, not the Local Government Act. I am not here to tell local authorities how to run their business. The provision has been submitted as a result of a request by local authorities and the Hon. Des Dans agrees that a certificate should be provided by the local authority stipulating that the town planning section agrees.

The Hon. Lyla Elliott: I am not objecting to the principle. I am saying that in your second reading speech you are implying it is necessary to have an amendment so they will be aware of it.

The Hon. G. C. MacKINNON: I know of two instances where an individual has had to pay out a lot of money, and that really is a tragedy in anyone's language. The Hon. Des Dans said that he knew of a person in Melville in the same predicament. It is not funny when a local authority says that it does not fit in with its own town planning because it intends to put a road in the location.

The Hon. D. K. Dans: What happened in Melville was that the council forgot about it—but the citizens, never.

The Hon. W. R. Withers: You have not convinced me that Miss Elliott is not right.

The Hon. G. C. MacKINNON: The other query which the Hon. Lyla Elliott raised concerned the ability of the court to hear the case: If a certificate is refused by a local authority and there is some hold up, the court can hear the case. That is humanitarian legislation; that is all that is.

I do not think that any other question has been asked. I am delighted, Mr President, that you have allowed us to deal with the Committee stage during the second reading debate, so we will get the Committee stage through with alacrity. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 36A repealed and re-enacted—

The Hon. LYLA ELLIOTT: There is another matter I want to question the Minister about. I overlooked it until Mr Masters drew attention to subsection (3)(i) of the proposed new section 36A, dealing with the question of a vigneron having to sell his product in sealed containers. Mr Masters made a very good point. I do not know whether the Minister answered it—I was not here during the whole of his reply, due to a telephone call—but I think it should be answered.

The question which occurs to me relates to the size of the bottle being 740 millilitres. The bar at Parliament House sells a local wine and the label on the bottle states that it contains 738 millilitres. Will the Minister inform me whether it is an offence for those bottles of wine to be sold in the bar in this place?

The Hon. G. C. MacKINNON: The Bill was framed after reference to the vignerons, and this is what they asked for. To the best of my knowledge, it is the standard sized bottle to be used. The information conveyed by the experts—the people who make the wine—is that it should be sold in quantities of not less than 740 millilitres. It strikes me as being quite an absurd measurement but with metrication we seem to have got these absurdities.

The Hon. D. W. Cooley: It is the old 26-ounce bottle.

The Hon. R. Hetherington: The 26-ounce bottle is now 738 millilitres. They have now approximated it by bringing out bottles of 740 and 750 millilitres capacity, but there are still some 738-millilitre bottles being sold.

The Hon. G. C. MacKINNON: Mr Cooley is an expert in this field, having been the Secretary of the Breweries Union. I cannot give any further information. This seems to be the smallest standard size the vignerons want to use.

The Hon. D. J. Wordsworth: Plantagenet Wines are going to utilise that immediately and sell their wine in 750-millilitre bottles.

The Hon. G. C. MacKINNON: I touched upon the fact that there had been a change in the locale of winegrowing, and a number of places, particularly in the Plantagenet area, are off the road.

The point Mr Dans raised about sampling is well taken, but when one goes to a vineyard one is entitled to taste the wines made by the vigneron.

Mr Dans mentioned the matter raised by Mr Masters. I would hate to think of Mr Masters getting a bottle of wine, putting it in his new Citroen, and driving away. He would not do it, so why put it in the Bill?

The Hon. D. K. DANS: I think we must be fairly specific because there are 738-millilitre bottles around, and perhaps we could make a slight amendment to say "not less than 738-millilitres". I do not think the amendment could be made tonight, but we are lawmakers, and the law enforcement officers—the police—have to enforce the law. That matter may be cleared up by a simple amendment at a later stage.

I do not think we can just wipe off the matter raised by Mr Masters; that is, the question in relation to wine for consumption on or off the premises, "manufactured by him". I would like to think that at vineyards like Waldeck's where there is a nice outdoor area one could go along and buy a bottle of wine and drink it there and then. If the Bill does not mean that, we will have some problems, and I think these problems should be clarified. If that can be done, we are opening up an extremely wide area, because these people have only a vigneron's licence at present. Sampling has been going on for many years.

Another point raised by Mr Masters, I think, is that the Bill should be more specific in relation to a number of small winegrowers getting together to service one outlet. I do not know what kind of licence would apply, but proposed subsection (3)(i) says "whether for consumption on or off the premises, wine manufactured by him". It might be a more viable operation for three or more small winegrowers, particularly in the Swan Valley, to have one outlet rather than three, four, or five along the road when none of them will do a great deal of business. They would immediately break the law because the wine would not be "manufactured by him" unless all the wine were put under the one label. The small vignerons like to see their name on the label and have people know who made the wine.

The Hon. G. C. MacKINNON: The concept of people joining together was examined and for a variety of reasons was not proceeded with at this stage.

The Hon. D. K. Dans: You are saying that they cannot join together?

The Hon. G. C. MacKINNON: I understand they cannot. We decided to do it this way because, unlike the vineyards at Cowaramup and Plantagenet, people can drive up to the vineyards in the Swan Valley without any difficulty. We will go along with the proposition because I think it is reasonable. I think we will concede the battle. I move an amendment—

> Page 3, line 6—Delete the word "forty" and substitute the word "thirty-eight".

The Hon. A. A. LEWIS: I do not go along with this amendment because we are playing around with two millilitres. Mr Cooley may be able to tell me what the brewery will do. Does it have 738-millilitre bottles, or has it changed to 740-millilitre bottles? Will everybody have the same thing?

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I explain from the Chair that this matter has been canvassed. There will still be supplies of 738-millilitre bottles, and it is to overcome a technical difficulty.

The Hon. A. A. LEWIS: I fully understand that; but will the brewery and the winegrowers say, "We will put two more millilitres in the bottle and call it 740 because it looks better", when some are already using 740-millilitre bottles?

The Hon. D. K. Dans: There are still a lot of 738s around.

The Hon. A. A. LEWIS: I know, but does this have to go on forever? The Bill need not be proclaimed until they have run out of the labels with "738 mls" on them. We are altering a Bill because a few bottles have "738 mls" on them.

The Hon. D. K. Dans: There are not a few; there are thousands.

The Hon. A. A. LEWIS: The way this State drinks wine, it will not take long to go through thousands.

The Hon. H. W. Gayfer: Does the 740 restrict the sale to 738?

The Hon. A. A. LEWIS: No, it does not.

The Hon. H. W. Gayfer: Then why alter it?

The Hon. A. A. LEWIS: Why do it in the short term and not in the long term? I oppose it.

The Hon. D. W. COOLEY: I have some misgivings about the amendment because, as I understand the quantities in bottles, the old beer and wine bottles contained 26 ounces. When that is multiplied by six it comes to exactly one gallon in imperial measurements. That was altered when metrication came in and the brewery made bottles capable of holding 740 millilitres, and that was stated on the labels. I am almost certain that the glassworks would be making wine bottles of the same size as the beer bottles. Even though the wine people might put "738 mls" on the label, I am sure the bottles must hold 740 millilitres. I do not think we would be doing

anything wrong by allowing the Bill to stand as it is.

The Hon. G. C. MacKINNON: I should have listened to Mr Cooley in the first place, because he is right just as Mr Lewis is right. I have the problem of handling a Bill to amend an Act with which I am not fully conversant. Section 36A of the Act specifically refers to 740 millilitres. No matter what bottle the wine is in, one may not sell less than 740 millilitres. I would be happier, having seen that provision, if the Committee would just disregard the amendment and vote against it, because it seems to me that the best man in this Chamber in respect of what a bottle should contain is the Hon. Don Cooley and we should take notice of him!

The Hon. D. K. DANS: I think everyone is missing the point. I agree with Mr Cooley. However, the Bill specifically refers to a certain measure, and we have all had experience of overzealous police officers. The Bill simply means that vignerons may not sell wine in quantities of less than 740 millilitres.

However, there are literally thousands of bottles of wine cellaring. These bottles are marked "738 millilitres" and if they are to be sold there is no way in the world the vigneron would uncork them and place the contents in other bottles. For the protection of the vignerons our legislation should be honest. This will not stop wine being sold in 740 millilitre bottles, and it has already been pointed out that some wine is sold in 750 millilitre containers, and there are other sizes. This provision merely sets the minimum, and there are thousands of bottles of wine which are two millilitres below what is prescribed in the Bill.

The Hon. A. A. Lewis: You are saying that these bottles contain two millilitres less. They are labelled as such, but I would be prepared to say that the same gauges were used to fill those bottles and that in fact they contain 740 millilitres.

The Hon. D. K. DANS: Let us face the fact that probably thousands of bottles of wine which are labelled as containing 738 millilitres are being cellared in this State.

The Hon. G. C. MacKinnon: But not sold on the property.

The Hon. D. K. DANS: What I am saying is that we are setting the minimum amount, so why should we not be honest? We are not dealing with beer.

The Hon G. C. MacKinnon: How much is one millilitre?

The Hon. D. K. DANS: I suppose it might stop one dying of thirst. However, I will not argue the pros and cons: I just want the Committee to recognise the difference between wine bottled today and that bottled 10, five, or three years ago. The fact is that the Bill prescribes something and, as legislators, we are saying the law will be broken. Under the Bill a vigneron may sell wine by the barrel, but not by the 738 millilitre bottle. Let us make the minimum size consistent.

The Hon. G. C. MacKinnon: I surrender.

The Hon. R. HETHERINGTON: I briefly support this amendment because there are vintage wines still labelled as containing 1 pint 6 fluid ounces, and when metrics were introduced 1 pint 6 fluid ounces and 738 millilitres appeared on the same label. Now that the wine producers are going into metrics the bottle size is 740 millilitres. However, if one buys vintage wine one finds the bottle contains 1 pint 6 fluid ounces or 738 millilitres. Therefore, for the sake of two millilitres I think we should vote for the amendment.

The Hon. G. C. MacKinnon: I have surrendered.

Amendment put and passed.

The Hon. G. E. MASTERS: According to proposed new subsection (3)(i), a vigneron may supply wine to a customer whether for consumption on or off the premises. I want the Minister to assure me that the customer may drink that wine on the premises as indicated in the Bill.

The Hon. G. C. MacKINNON: To the best of my knowledge, no, unless the vigneron has a special licence which specifically allows him to sell wine to be drunk on the premises in conjunction with a meal, or for something of that nature.

The Hon. W. R. WITHERS: As far as I am concerned the provision states, "whether for consumption on or off the premises..." To me that means wine may be sold for consumption on the premises or for consumption off the premises. If I as a legislator cannot understand this, how the devil can we expect the public to understand it?

The Hon. D. K. DANS: I want to lend my weight to this argument, because bad drafting is involved. What does this provision mean? It says wine may be sold for consumption on the premises. If that is so, then there will be a whole host of problems in respect of other licensed premises. Vignerons pay nowhere near the licence fees that bottle shop proprietors, tavern proprietors and hotel proprietors must pay. I suggest that the proprietor of a bottle shop

supplies a much wider range of alcoholic beverages than does a vigneron, and he must pay a lot more for his licence. This is very unfair to him.

The Hon. G. W. BERRY: I suggest the customer could drink half the bottle and take the other half home.

Progress

Progress reported and leave given to sit again, on motion by the Hon. G. C. MacKinnon (Leader of the House).

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st November.

THE HON. R. HETHERINGTON (East Metropolitan) [10.11 p.m.]: This Bill seeks, obviously, to fill out spaces in our legislation. Our waters have become rather full of craft of late and it is obvious that we have to multiply the regulations in order to deal with them. For this reason I can see nothing wrong with the Bill, apart from one or two points which cause me a little doubt.

I refer particularly to the provision which enables the Minister to allow a person who is holding a certificate of a lower grade than is normal to do the job that is usually done by somebody of a higher grade. However, after reading the Bill and the Minister's speech I can see why this is being done, so although I originally had some doubts I do not quarrel with it.

The other matter that I raise—and it is a minor one—is that there is to be a certificate of authority. The police have certificates, and other people have all sorts of documents to show what they are. What sometimes worries me is that if someone said to me, "Look" and held up a document I would not know whether it was legal or not. I am wondering whether we should get some prescribed form for all such documents which give people certificates of authority, and advertise the forms at various times so that people will know what they look like. They should know just what a plain-clothes policeman will show them and just what someone to whom the Minister gives authority under this legislation will show them. I am sure many of us would not know any difference in respect of such certificates; if someone whipped out a piece of paper saying almost anything, people would take notice of him.

This is a minor matter, but with the proliferation of people who have policing authorities, perhaps it is something which should be considered.

Apart from that, the Bill seems to me to be eminently sensible, and the Opposition supports it.

THE HON. T. KNIGHT (South) [10.13 p.m.]: I support the Bill, and in so doing I want to bring to the attention of the House some of the anomalies that have occurred within the past 12 months in sea lanes off our coast. I refer members to that section of the Minister's second reading speech in which he said that inspectors are to be given power to require that an unseaworthy vessel remain in a safe locality until it has been rendered seaworthy and safe to operate. He went on to say—

> It is essential in the interests of marine safety that the inspector be authorised to take appropriate action as is necessary to ensure the safety of the vessel and its occupants.

I would like to refer to a blatant example of unsafe craft that has occurred in my area. I am referring to the Greenpeace organisation which came to Albany a few months ago to disrupt our whaling operations. These people put out to sea in rubber dinghies without the necessary safety equipment. They had no navigation equipment whatsoever, and they had only an outboard on the back of each dinghy, leaving them no other way of getting back to land apart from paddling.

They were travelling 50 or 60 miles offshore following the whalers. On several occasions the whale chasers had to stop and wait for these people or keep them in sight because they had no other way of getting back to the coast. If the whale chasers had done what, to be quite honest, many people would have done, these people whould have been left in the shipping lanes 60 miles out at sea. Firstly, there would be the danger of the sea lanes and, secondly, if there had been an accident—and I do not think it would have been a freak accident where a rubber dinghy is concerned—these people would have cost the Government and the taxpayers thousands and thousands of dollars, because of the sea search and rescue operations which would have had to be mounted to look for them, with the possibility that they could be drowned or lost with no chance of recovery.

It was obvious from what appeared in the newspapers and from the incidents which occurred in Albany that this was a blatant example of lack of consideration by these people for themselves, for the whalers, for the Government, and for the taxpayers. I fully support the legislation because I think this sort of

action should be stopped and such people should be made to abide by the rules, regulations, and guidelines laid down in our State.

THE HON. N. E. BAXTER (Central) [10.16 p.m.]: I wish to raise only one issue with regard to this Bill and that is the measuring of the speed of vessels. According to the Bill, an approved type of apparatus for ascertaining the speed of a vessel will be used. I wonder what type of apparatus will be used to measure the speed of vessels. Will the authorities resort to radar guns or are they going to use the normal type of measuring equipment?

If the inspectors are to follow a vessel and to use the log line type of speed measuring equipment they would soon slow up. This makes one wonder what type of apparatus they intend to use when they are trying to catch up to the vessels. That is the only comment I wish to make, and I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [10.18 p.m.]: I thank honourable members for their support. Mr Hetherington mentioned authorisation. I must admit that this matter of the complexity of forms used by various people who carry authority may be a little confusing, but I felt it was better to have some notice of an authority rather than to have people arriving without any authority at all and no indication. I should be very surprised if people endeavoured to forge such authorities. They could certainly try but if they were caught doing so they would find themselves in difficulties, and I hardly expect that to take place.

The Hon. Tom Knight raised the matter of those people who sailed out from Albany in protest against whaling, and undoubtedly they went out in a reckless manner. I think the time has come for the Harbour and Light Department to have the authority to turn boats back. We have seen a recent case in Wyndham where a barge which was taking supplies to a native mission went out obviously overloaded and sank in the channel. I only hope that this provision will ensure the saving of lives. I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. D. W. Cooley) in the Chair; the Hon. D. J. Wordsworth (Minister for Transport) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. D. J. WORDSWORTH: I wish to answer the question from Mr Baxter which I failed to answer. In my second reading speech I mentioned the use of twin laser digital speed monitors which is the equipment which has been used for the last two years.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 16B added—

The Hon. R. F. CLAUGHTON: I am a little disappointed that I did not take more interest in this Bill earlier because while listening to the debate I have been reminded of a number of matters which people have brought to my attention and to which I should like to give an airing. One of the matters related to the apprehension of speeding vessels on the Swan River. A person I know who lives on the river displayed some derision about the policing of vessels on the upper reaches of the Swan, and I was interested to hear what the Minister would say in answer to the query raised by Mr Baxter.

It seems that one way in which the Government set about overcoming the problems of boats which travel too fast was to increase the speed at which they were allowed to travel. It seemed a rather odd way in which to approach the matter. The reason for limiting the speed is that the wash caused by faster speeds erodes the banks of the river. This is a problem to the Swan River Conservation Board and also to the owners of properties which run down to the water's edge, of which there are a number in the upper reaches in particular.

It was felt that the manner of policing was hardly satisfactory. When people in boats become aware that an inspector is parked on the shore they take caution and once past they speed up again, just as happens on the roads with traffic patrol officers. In the incident about which the person was speaking the inspectors were on the bank, and by the time they got onto their boat and sailed out into the river the offending boat had gone. If people know they are being chased they speed up and cause even greater damage. It is four months or more since this person spoke to me, which is why I have trouble in recollecting what he said. I am not sure whether there has been a change. I simply draw the matter to the Minister's attention so that he can perhaps make some inquiry as to a satisfactory method of policing.

Another matter is the complaint of power boat owners in general that the licence fees do not seem to be turned back into providing facilities for them. I do not expect the Minister to answer this, but that is one of the matters I would have

raised if I had been more awake to what was contained in the Bill.

The Hon. D. J. WORDSWORTH: This clause refers to the speed limit for commercial craft, particulary ferries, rather than any other craft, although I realise the honourable member is perhaps drawing attention to other clauses. Previously the Harbour and Light Department had control of these craft within the port areas. The port area used to be known as the Port of Swan and there is a certain amount of doubt as to whether there is such a port today; and that is the reason for the change. I think the member was referring more to the upper reaches.

The Hon. R. F. Claughton: Yes.

The Hon. D. J. WORDSWORTH: There is undoubtedly difficulty in policing the waters in the same way that roads are policed. The Harbour and Light Department is consistently presenting submissions to me in an effort to get more control. The great advantage on the road is that everyone is in a vehicle which has its wheels approximately 5 or 6 feet apart, which can travel only on a narrow strip that is laid out and sealed, and generally speaking at only a given speed. But boats can go literally anywhere on the water with great variations of speed and size. This makes it very hard to control.

The Harbour and Light Department is short staffed and would like to put on more staff. It has about 11 boats with which to service not only the Swan River but also other estuaries, and which make visits to Albany, Esperance, and elsewhere.

Mr Claughton mentioned boat licence fees. The income from boat licence fees is about $160 000 and it costs the Harbour and Light Department $230 000 to provide the services which it does provide. There is a need for more education. This is one of the reasons we have the Water Safety Council which would like to see more policing than there is at present. For example, there is a problem of what to do with those who consume alcohol on the river. It is one thing to use a radar gun on the water but another thing to use a breathalyser. So we have not overcome all the problems, but we are endeavouring to do so.

The Hon. N. E. BAXTER: I raise the issue of the proposed additional words in section 16C which refers to "speed measuring equipment". In subclause (3) reference is made to the use of "speed measuring equipment". I have seen a very similar clause to this in another Bill I handled several years ago in regard to the Traffic Act. This referred to the use of the radar gun where the results of the use of the equipment shall be taken as prima facie evidence of the speed of the vehicle. Therefore, I ask the Minister if he could advise me what sort of apparatus it is intended to use for measuring the speed of the vessels?

The Hon. D. J. WORDSWORTH: It is exactly the same machine that is used on the road and this is exactly the same legislation as is contained in the Traffic Act.

Clause put and passed.

Clauses 4 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and transmitted to the Assembly.

WORKERS' COMPENSATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st November.

THE HON. D. W. COOLEY (North-East Metropolitan) [10.34 p.m.]: Mr President, this Bill to amend the Workers' Compensation Act seeks to make several minor amendments which are not referred to in the Minister's second reading speech. One of the amendments is to delete a reference in the definition of "worker" contained in subsection (1) of section 5 of the Act. It seeks also to delete from the same section a reference to road board. The amendment to section 30 is to include one word.

However, the principal amendments are the addition of two new sections. One section seeks to ensure that people who participate in sporting or athletic activities are excluded as workers within the meaning of the Act. The second new section which is included invalidates any claims that such sportsmen may have prior to the introduction of the Act; but it does not interfere with proceedings which may have been commenced prior to the 5th July, 1977.

In this sense, the Opposition has no objection to the Bill, because I personally have no recollection of my party being concerned with workers' compensation entitlements for sportsmen as such. Many efforts have been made by the Labor Party to improve the lot of people who are indeed workers within the meaning of the Act; but I do not think it was ever intended by us in our

determinations to include people who engaged in sport.

It may well become necessary in future as players of sport become more professional to protect those people who enter into sporting contracts which engage them in activities other than sporting activities. I refer to some coaches of league football teams and coaches employed by cricket clubs who these days are engaged in promoting the sport in the district in which their club plays. I imagine they should be covered in some way by their contract under the Workers' Compensation Act. It may also be necessary to include them in the Workers' Compensation Act if they are injured while they are playing that particular sport.

Perhaps the Act as it is to be amended at this particular time may include those people. It appears from the Minister's second reading speech that all the aspects of this matter are being examined in New South Wales and South Australia and the reason this Bill was brought before the House is that the Western Australian National Football League had some concern in the matter as a consequence of a decision which was brought down by the New South Wales Supreme Court ruling in favour of a rugby league player who was injured whilst playing a game of rugby.

I have had the opportunity today of reading that decision and it seems to me that, although the player concerned was playing for a relatively minor club in a minor grade and he was being paid a very nominal amount of money, he was injured and an examination of the facts referred to in the judgment would indicate he received proper justice under the New South Wales Workers' Compensation Act. I would very much doubt with my knowledge of the Western Australian Workers' Compensation Act that he would have like success in Western Australia.

However, the amendments which have been proposed by the Government in this Bill will put the issue beyond doubt. If a player is injured I take the view in the present circumstances that his rights in respect of compensation on account of injury should be contained in his contract of service with the club or by way of private arrangement with an insurance company, either personally or through his club.

In any case, we on this side of the House—I believe I can speak for all members of the Opposition—believe the Act was never intended to cover sporting activities such as athletics, football, and the like. However, the amendments to alter the Workers' Compensation Act which are contained in the Bill should be supported to remove any doubt which may be present in regard to this matter.

Debate adjourned, on motion by the Hon. Tom McNeil.

FLOUR BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Transport), read a first time.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND) (No. 2)

Consideration of Tabled Paper

Debate resumed, from the 1st November, on the following motion by the Hon. G. C. MacKinnon (Leader of the House)—

> That, pursuant to Standing Order No. 151, the Council take note of tabled paper No. 245 (Estimates of Revenue and Expenditure and related papers), laid upon the Table of the House on 21st September, 1977.

THE HON. W. M. PIESSE (Lower Central) [10.40 p.m.]: I have examined the papers regarding revenue and expenditure and I have come to the conclusion that we really have to change our way of thinking to a certain extent in this State.

There is no doubt we have a good Budget and that it balances very well. Many people who have been hoping for many things will receive some of them, but unfortunately some people will be disappointed. However, if we are to continue to have a fair and balanced Budget we should realise, throughout this State, where in fact the income does come from.

We have a bad imbalance of population in this State, most of the population being assembled in and around the metropolitan area. That may be all very well, but it is not in the metropolitan area that the income to provide the things we want is really generated.

It is said in some areas that there is no further need for people to live outside the metropolitan area. In fact, just recently I was talking to someone who said that one did not really need to have people living outside the metropolitan area in order to bring in our natural resources, because of mechanisation. That is a dreadful fallacy. Certainly, mechanisation has gone forward to a great extent, but not to the extent that the whole of the population can live in the metropolitan area

and organise from there the work involved in producing goods in the country.

Bearing that in mind I thought the statement which appeared at page 31 of the Financial Statement, regarding railways, gave the wrong impression. In part, it read—

> When account is taken of these expenses the overall loss on railway operations will be in excess of $16 million. This is a subsidy that mainly benefits country people and country industries.

That statement, of course, is true in part but I do feel it gives a very wrong impression in the fact that it mentions country people. The impression is that the expenditure will benefit only people in the country, but that is not so.

If we do not have a good transport system in our country areas to enable us to bring in the natural resources and our primary products, we will be in a bad way. The fact is that if there is any so-called subsidy in this deficit, then surely it will be a subsidy to the whole of our State. That is the reason I believe we have to change our thinking in these matters. We have to keep people in country areas, and we have to persuade other people to stay outside of the metropolitan area in order to produce the wealth of this State.

If the people are to stay in country areas—and I am not only speaking of the farming people, but all the other people in the country—in order to produce and develop our natural resources, then they must have the ordinary facilities we have come to expect as our right in this fairly affluent State at the present time. We have to have people out in the country to work these areas, whether or not the properties or mines are owned by people in the cities.

Among the needs of the people living in country areas are schools within a reasonable distance of where the people are living. Our thinking in the past has been along the lines of building larger schools in order to save the expenditure. It is true that there will be a saving, but we have to look at the overall problem of distance, and the ability of children to cope with education after travelling long distances in buses. I think we have to look at building smaller schools in close proximity to the people. We have to keep this matter very much in mind.

Another ordinary facility which people in outer areas have a right to expect is reasonable access to hospitals. We have some magnificent hospitals in the city and in country centres, but there is room for improvement. I was interested to hear the Hon. A. A. Lewis earlier, when he talked about the hospital at Donnybrook. It is not my intention to dwell on parochial issues regarding my own province, but the problem of the Donnybrook Hospital has been mentioned. It is of concern because it seems to have been surviving in the shadow of a nearby larger insititution.

This brings me to the thought that it is intended to populate the State on a regional basis. Advantages can be gained from the concept of regionalism, but there are also many disadvantages. The Donnybrook Hospital is one of them. Regionalism needs to be treated in the light of what people need in the way of ordinary facilities. We need smaller hospitals in country areas which can cope with maternity cases, minor surgery, casualty, and out-patient treatment. These hospitals are a must and this is something we need to have a good look at when thinking of regionalism. We have to provide facilities within a reasonable distance of where they will be used to advantage.

We have also come to accept, in this State, a reasonable access to police services. Some police stations have been closed, and that has been quite reasonable. Unfortunately, we have other areas where the police stations are falling into such a bad state of repair that the townspeople are in constant anxiety as to whether or not they will lose those police stations, and that they will be closed down.

I am aware that Government finance is not unlimited. Nevertheless, that is the reason I believe we must change our thinking with regard to where facilities will be placed throughout the State, and the methods we will use to persuade people to live in outer areas in order to take advantage of the resources of this State.

Another area of concern is the St. John Ambulance. Many small centres throughout the State have already acquired ambulance vans with a voluntary staff to service them. These facilities are a must, the further out we go. It is true there has been some conflict between the St. John Ambulance Air Service and the Flying Doctor Service, and I am hopeful that the problems which have arisen will be ironed out.

The St. John Ambulance Air Service is not really overlapping the Flying Doctor Service. I have made inquiries and the St. John Ambulance is reducing the use of some of its vans, which is a saving in expense. Certainly, the air service is more expensive but we have to take into consideration the saving in country areas. For the most part, the staff of the St. John Ambulance work on a voluntary basis. So, in fact, we are getting a very cheap ambulance service in country areas.

It is not my intention to delay the House; the hour is getting late. However, I hope the matters I have mentioned will receive some thought so that we, and those outside who are affected by our thinking, will realise what we have to do to keep the produce coming in. I support the Bill.

Debate adjourned, on motion by the Hon. R. F. Claughton.

House adjourned at 10.51 p.m.

QUESTIONS ON NOTICE

MEEKATHARA-MULLEWA RAILWAY LINE

Inquiry

225. The Hon. D. K. DANS, to the Minister for Transport:

What are the terms of reference for the independent inquiry into the future of the Meekatharra-Mullewa railway line?

The Hon. D. J. WORDSWORTH replied:

To investigate and report on the Mullewa-Meekatharra railway line:

(1) In general terms the track condition as an operating railway.

(2) In specific terms the elements of the track and its supporting structure.

(3) Provide an assessment on the practicability of keeping the line in service without unreasonable expenditure and maintenance costs.

DRUGS

Education Programme in Schools

226. The Hon. D. K. DANS, to the Minister for Transport, representing the Minister for Health:

Does the Government intend to accept the recommendation contained in an Alcohol and Drug Authority Report that drug education programmes should be commenced for children aged eight and nine in Western Australian primary schools?

The Hon. D. J. WORDSWORTH replied:

The Committee did not make this recommendation. It recommended a strong health programme with emphasis on the early primary level. This and the other recommendations are being considered by the appropriate authorities.

MINING EXPLORATION

Aboriginal Land

227. The Hon. D. K. DANS, to the Minister for Transport, representing the Minister for Community Welfare:

When will the Cabinet consider a proposal to introduce legislation giving the Government overriding authority to issue entry permits for miners for exploration of land reserved for Aborigines?

The Hon. D. J. WORDSWORTH replied:

The matter is not regarded as being urgent and it is unlikely to be listed for consideration in the immediate future.

QUESTION WITHOUT NOTICE

MINGENEW-ARRINO RAILWAY LINE

Native Vegetation on Verges

The Hon. M. McALEER, to the Leader of the House:

Could the Minister discover—

(a) what department is responsible for the destruction of the native vegetation along the railway line from Mingenew to Arrino where the bush on the sand plain has been completely bulldozed so that only bare sand remains; and

(b) the reason for this piece of vandalism?

The Hon. G. C. MacKINNON replied:

I thank the honourable member for giving me sufficient time to make the necessary discovery. The answer is—

(a) Westrail has a bulldozer contractor clearing the railway reserve in the area referred to;

(b) to protect the assets of the railways.