Legislative Council

Wednesday, 14 October 1981

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

TRAFFIC

Reduction of Road Carnage: Petition

THE HON. F. E. McKENZIE (East Metropolitan) [4.31 p.m.]: I wish to present a petition from citizens of Western Australia concerning the road toll and the introduction of legislation to reduce the legal blood alcohol limit. I move—

That the petition be received and read.

Question put and passed.

THE HON. F. E. McKENZIE (East Metropolitan) [4.32 p.m.]: The petition contains 47 signatures and bears the Clerk's signature that it is in conformity with the Standing Orders. It reads as follows—

> We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia shall continue to support the effective measures being used by the Road Traffic Authority to reduce the carnage on our roads.
>
> Further that they will introduce necessary legislation to reduce the legal blood alcohol limit from 0.08 to 0.05 as now applying in Victoria and New South Wales, and require compulsory alcohol tests for all traffic victims admitted to hospital.
>
> Your petitioners therefore humbly pray that your Honorable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

I move—

That the petition be ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 448).

QUESTIONS

Questions were taken at this stage.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.58 p.m.]: I move, without notice—

> That, pursuant to Standing Order No. 152, the Council take note of tabled paper No. 445—Estimates of Revenue and Expenditure and related papers for the financial year 1981-82—laid upon the Table of the House on 14 October 1981.

By means of this motion members have the opportunity to debate the Consolidated Revenue Fund Budget in this Chamber prior to receipt of the actual Appropriation Bill. Naturally this does not restrict in any way the right of members to debate the Bill itself when it is received.

The Government faced a formidable task in the formation of this year's Budget as it is becoming increasingly more difficult to frame a Budget having regard to the Government's responsibility to provide services for community needs and, at the same time, minimise demands on the public purse.

To a large degree the difficulty encountered this year was as a direct result of the severe cuts in Commonwealth payments to the States. The Premier and Treasurer outlined at some length the circumstances surrounding these cuts in his Budget speech and I do not propose to cover that ground in detail.

Suffice to say that changes to the tax-sharing arrangements resulted in a reduction of $374 million in Commonwealth outlays and further cuts in funding on hospitals and other specific purpose grants lifted the reduction to more than $500 million. The loss in revenue to Western Australia from tax-sharing arrangements amounted to some $58 million.

It must be emphasised also that the Government has not agreed to the new arrangements for tax sharing and the matter is by no means closed.

Another matter of major concern is the threat of a drastic reduction in the tax-sharing pool following the review of relativities by the Grants Commission. If the new factors had been applied in 1981-82 this State would have received $160 million less than we are to receive from the already reduced tax share.

The recommendations of the commission are totally unacceptable to this Government and are difficult to understand having regard to the detailed submissions prepared and evidence given.

Members may be assured that the Government will pursue its objections to the report in the strongest possible terms.

Following receipt of initial departmental requirements the Government was faced with a potential deficit of $124 million. Fees and charges for a wide range of services and materials supplied to the public were reviewed and increased generally in line with the cost to provide them.

Notwithstanding these measures the Government was still faced with a significant revenue shortfall and established a Cabinet expenditure review committee to review existing activities and payments of all departments and authorities, and recommend functions that might be terminated or reduced.

The current Budget takes into account reductions made by the committee to specific activities and services amounting to some $12 million in 1981-82 and $17 million in a full year. In addition, during its deliberations the committee also identified reductions of a further $20 million in the proposals for growth of activities or new initiatives.

Following the most stringent review of expenditure requirements the Government was able to restrict the overall increase in outlays to 11.3 per cent.

Despite these cutbacks the Government has framed a Budget that will lead us forward in many areas. For the fifth time in the last seven years the Government has increased the maximum annual pay-roll tax exemption and also proposes to introduce further pay-roll tax concessions for all employers.

The lifting of the annual exemption from $72 000 to $102 000 from 1 January 1982 is expected to relieve some 750 small businesses currently paying pay-roll tax from payment of it. All other employers will receive some concessions and their annual tax bills will be reduced by amounts up to $2 500. Under the new arrangements employers with annual pay-rolls of $201 000 or more will be able to deduct $36 000 before assessing their tax liability, compared with $32 400 at present.

The cost of the pay-roll tax concessions is estimated at $1.9 million in 1981-82 and $4.4 million in a full year.

Although every effort was made to cut back on Government expenditure and to review business undertaking charges and departmental fees, the Government concluded that it still had no alternative but to raise additional revenue by way of increased taxation.

Stamp duties are particularly low in Western Australia when compared with other States and the following measures are therefore proposed—

Stamp duty on conveyances: To introduce a new sliding scale to increase rates of duty on larger transactions. At the same time, however, it is proposed to reduce duty payable by purchasers of homes, to be used as the principal family residence, and to buyers of small businesses, in both cases where the dutiable value of the transaction is $50 000 or less.

Stamp duty on motor vehicle licences and transfers: Increase from 75c per $100 of value to $1.50 per $100 with no maximum, with the proviso that in respect of trucks and buses, a maximum taxable value of $60 000 will apply.

Stamp duty on credit and rental transactions: Increase the rate from 1.5 per cent to 1.8 per cent. The Government proposes also to remove the present exemption which applies to credit unions to put them on an equal footing with banks and other financial institutions.

Stamp duty on cheques etc.: Increase from 8c to 10c. This rate will bring Western Australia into line with all other States except Tasmania which has recently increased the rate to 15c.

Stamp duty on leases: Increase to rates comparable with other States.

When implemented the above stamp duty measures are expected to yield an additional $12.8 million in the current financial year.

It is proposed also to increase the turnover component of the business franchise tobacco licence fee from 10 per cent of value of tobacco products sold to 12.5 per cent. This move is expected to yield $1.4 million in 1981-82 and will bring the fee in line with the maximum rate levied in other States.

The Government has been conscious of the need to set royalty rates at levels which provide a fair and reasonable return for the utilisation of non-renewable mineral resources. We have, however, been concerned also to ensure that royalties are not punitive or a major disincentive to the development of our mineral resources, particularly at a time when the current market outlook for many of our minerals and mineral products is uncertain.

The Minister for Mines will shortly be outlining the Government's decisions in respect of mineral royalties. In brief the aim will be to obtain 5 per

cent of the realised value in respect of mineral concentrates and 7½ per cent in respect of general bulk minerals. For a limited range of products produced in metallic or finished form, including nickel and silver, a base rate of 2½ per cent of the realised value of the contained metal will apply.

The Government has decided after careful consideration of the present economics of the goldmining industry, not to introduce a royalty on gold at this time.

After taking into account the budgetary measures mentioned above total revenue is estimated to amount to $2 072.1 million in 1981-82, an increase of 11.4 per cent on last year.

To achieve a balanced Budget proposed expenditure has been limited to estimated revenue available this year to the Government.

A major factor affecting the expenditure Budget this year is the allocation provided for award increases. Estimation of a reasonable provision for award increases likely to be granted is more difficult this year following abandonment of wage indexation by the Federal Conciliation and Arbitration Commission, and given the number of work value claims for increases lodged with tribunals.

Although an amount of $76 million has been provided for award increases granted during this financial year, this does not imply that there is capacity to meet all wage demands. On the contrary, it assumes wage increases in the public sector only in line with movements in the community, generally. There is no capacity to meet exorbitant wage claims.

The Budget reflects the Government's firm commitment to responsible financial management and a number of significant advances have been made.

The allocation to the Education Department provides for an increase of $53.1 million or 12.4 per cent on spending last year, thus maintaining the Government's commitment to a high standard of education in Western Australia.

Although some economies have been effected in conjunction with the Cabinet expenditure review committee, they are spread across many aspects of departmental expenditure and, with efficient management and co-operation by all concerned, will have minimal effect on the quality of work in schools and technical colleges.

The podium and ward block at the Queen Elizabeth II Medical Centre, South Terrace additions at Fremantle Hospital, and wards at Home of Peace, Subiaco, and Bentley Hospital are expected to be completed this year. An additional $6.1 million has been provided for the operating costs of these facilities.

In recognition of the importance of providing services designed to assist aged persons to remain in their homes, the Government has provided an additional $269 000 for the home care programme. This will allow for the employment of housekeepers and aides and other services to the aged.

Additional funds of $5.8 million have been allocated for Mental Health Services in 1981-82 providing for the opening of stage II of the Bennett Brook complex and also the Devonleigh Hostel.

Expenditure on agriculture has been increased by 13 per cent, including an amount of $827 000 to meet the cost of the accelerated tree-pull scheme and other schemes to assist apple growers. Mustering of cattle on the Fox and Ord River stations will be continued to prevent degradation and to facilitate regeneration in these areas.

A total allocation of $90.8 million is proposed for the Police Department and the Road Traffic Authority. This represents an increase of 12.4 per cent and allows for an increase of 60 in the overall police establishment.

Subject to negotiations being successfully concluded it is proposed to introduce legislation to amalgamate the Police Force and Road Traffic Authority into one force. Country local authorities have been assured that the proposal will not result in any diminution of effort on traffic control or any less involvement by local government in the traffic enforcement role and licensing functions.

The proposed allocation of $16.3 million for the Crown Law Department makes provision for the opening and staffing of the new District Court building.

The Office of Titles will commence a five-stage programme which will result in a comprehensive automated land information system.

In accordance with the undertaking given by the Premier and Treasurer last year to provide more information on some items in the miscellaneous services division, changes have been made in the format of the 1981-82 Estimates.

Operating grants to statutory authorities are now shown as separate divisions under the respective ministerial portfolio in a format similar to that provided for departments. The public utilities section of the Estimates has been discontinued also and the divisions included under the relevant portfolio. The section relating to

business undertakings in the Financial Statement also has been recast.

I am confident that members will agree that the revised format provides more concise information on many of the grants made to statutory authorities and these changes continue the progressive improvement in financial information provided to Parliament.

In moving this motion I have, of course, referred only to some of the more significant proposals contained in the Budget. There are numerous other areas which will be of specific interest to individual members.

In conclusion, I would like to re-emphasise that although it is a tough Budget restricting departmental expenditure to basic needs it is also a responsible Budget in which priorities have been carefully set and in which room has been found for growth and for continued improvement in services to the community.

Members have previously shown their appreciation of the opportunity to discuss the Budget papers at this advanced stage in some detail, and I look forward to an interesting debate on this matter.

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

LEAVE OF ABSENCE

On motion by the Hon. Margaret McAleer, leave of absence for seven consecutive sittings of the House granted to the Hon. H. W. Gayfer (Central) on the ground of private business interstate.

GAMBLING

Government Policy: Motion

THE HON. PETER DOWDING (North) [5.13 p.m.]: I move—

That in view of

(1) mounting public disquiet at the failure of the Government to examine alternatives to the present toleration of illegal gambling activities in Western Australia.

(2) recent judicial pronouncements on this subject, a Select Committee of the Legislative Council be appointed to inquire into all matters relating thereto and report and make recommendations as to the desirability of:

(a) the introduction of legalised gambling facilities;

or (b) the stricter enforcement of existing laws:

or (c) some alternative course of action.

It can come as no surprise to members of this House that this motion is today before the House. It can come as no surprise because it was publicly announced last week that I would so move, and because the flurry of activity on the part of members on the Government benches to try to get some acceptable—to the Premier—form of inquiry off the ground before my motion hit the Council has been clearly evident.

In opening my remarks, I wish to take some time to point out that the law on gambling is not, as the Minister for Police and Traffic, or his representative in this Chamber, the Minister for Fisheries and Wildlife, would have us believe, "a simple, clear matter which is known to both law enforcement agencies and legislators and, equally, to members of the public".

The last definitive attempt to examine the chaos which existed in our laws on this subject was made in 1974, and the following statement appears at page 102 of the report of the Royal Commission into gambling—

> There is no doubt that the law fails to fulfill one of the primary requirements of a good law, namely that it should be capable of being understood by those to whom it applies and by those whose duty it is to enforce it.

It is a matter of considerable concern to me as a legislator, a lawyer, and a citizen of this State that we should permit ministerial responses in this House amounting to bland assurances which, patently, are not correct, to the effect that both the law enforcement agencies and the Government understand the law on gambling, and how it is to be enforced.

I am pleased to see that the Hon. Vic Ferry, the Hon. John Williams, and a member of the lower House clearly are of the same opinion, as evidenced by their membership of a Liberal Party inquiry into this matter. It is an indication of the concern and uncertainty which exists in this State about the laws relating to gambling.

The 1974 Royal Commission highlighted a number of aspects which it is quite clear are still true today. As recently as this month it was not difficult for a television team to film premises on which gambling took place in an organised way, and to reveal the names and addresses of the owners of the premises and the people running the premises and, *inter alia*, to find that two solicitors appeared to be directors of a company directly involved in gambling activities.

If the television crew can find such premises and if members of this House can go into the area known as Northbridge and, without difficulty,

locate one of these clubs and enter it without hindrance to find that gambling clearly is being conducted inside, it is ludicrous, untrue, fatuous, and dangerous to assert in this House and the other place that the police enforce the law on gambling as far as they are able.

At page 99 of the 1974 Royal Commission report, Mr Adams found the following to be a fact—

> One thing which became very clear to us as our enquiry proceeded is that illegal gambling is widespread in the community, not only the commercially organised gaming which occurs in the illegal gaming "clubs" and two-up schools, but the gambling for fund raising purposes which seems to be a very popular, if risky, method of raising money . . .

At page 107 of the report, the following statement appears—

> . . . illegal gaming houses, or some of them at least, operate by police tolerance and at police discretion. Some if not all are subject to fairly regular raids and prosecutions. During the course of our enquiry there were two prosecutions.

It then goes on to refer to penalties.

The position is and has been that until recently, the Commissioner of Police in his annual reports has indicated that a number of gaming houses were known to exist; his reports isolated the number of gaming houses and the number of raids and prosecutions which resulted. It is a regrettable indication of the secrecy with which this Government seeks to cloud important issues relating to the administration of the law that since 1977 the number of illegal gaming houses operating in this State has not been listed.

In the 1976-77 annual report of the Police Department it was noted there were seven gaming houses in Perth, two in Fremantle, and one in Kalgoorlie, that there were 15 raids in Perth, and nine in Fremantle and Kalgoorlie, and that a total of 675 prosecutions were initiated in that year, of which 489 were conducted in Perth.

It is interesting to note that the number of gaming houses referred to in the 1974 Royal Commission report was almost the same as the number of gaming houses referred to in the 1976-77 annual report of the Police Department, and was almost the same as the number of gaming houses now conceded to be operating in Perth.

The 1977-78 report of the Police Department reveals that 19 raids took place in Perth, four in Fremantle, and three in Kalgoorlie, and a total of 797 prosecutions were initiated. In 1979-80, 849 prosecutions were initiated, but we are not told how many raids were made. In 1980-81, we were told there were 25 raids and a total of 689 prosecutions.

However, from 1977-78 onwards, no mention is made of the number of gaming houses believed to be operating in these centres. No explanation is given as to the change in this policy of reporting the information. One can conclude only that the number of known gaming houses has been deleted from the annual reports of the Police Department in an attempt to remove, from the view of the public, material which is known to anybody who bothers to inquire.

The Minister for Fisheries and Wildlife told this Chamber that six clubs were believed to be operating. It is quite clear, therefore, that this information still is gathered and maintained by the police; yet it has been deleted from the annual report of the department.

The 1974 Royal Commission found that these clubs operated under a system of police tolerance, and with police discretion. At page 108 of the report, the following statement appears—

> In our view the present law is hopelessly outmoded and unsuitable for the social order of the present day. We consider that drastic changes are needed.

The report pointed out that the most fundamental basis of any responsible person's complaint about the present system of "toleration and discretion" was the following—

> It is a bad thing for society and breeds disrespect for the law in other ways to allow a situation to continue which apparently by public demand is, almost every day, in blatant breach of the law. It is much better, we feel, to change the law than to inflict such continuing harm on the social structure.

It is a matter of record and of deep regret that that report was presented to the Government towards the end of 1974 and that, in seven years, the Government has done nothing about it. It is a matter of record that one of the most responsible and respected members of the legal profession in this State took the view in 1974 that the law was in urgent need of revision and change. Yet it appears the Government has been struck with some sort of paralysis. Perhaps it is a paralysis because of a conflict within the ranks of members opposite which has prevented them from bringing down some form of determination regarding a proper legislative policy towards this matter. Alternatively, and hopefully, the inactivity of the Government could be that although it favours a

change in the law it believes the change should be in line with public opinion in this State.

It is quite clear that social attitudes have changed dramatically in the seven years since the 1974 report. It is high time we gave the public the opportunity of reviewing their attitude towards the matter of legalised gambling.

Since 1974 there has been a dramatic increase in expenditure on advertising by the Lotteries Commission and the scope of gambling facilities provided by that organisation. There has been no public criticism or governmental comment on the increase in advertising by the TAB in this State, *inter alia*, to encourage the opening of telephone gambling accounts for horse racing. No-one in this Chamber in my time here has expressed the slightest abhorrence towards the extension of gambling through those two mechanisms. That is in marked contrast to attitudes expressed on every occasion on which the Lotteries (Control) Act was debated in previous years.

It is a matter of surprise to me as a citizen of this State and as a politician that the Government should be so self-satisfied to report, as the Minister for Fisheries and Wildlife was content to tell this House, that the Government's policy on gambling is well known, well understood, and properly administered. It appears that even the highest judicial officers in this State are in some dilemma as to the appropriate method of dealing with those who offend against the gambling laws.

Mr Justice Wallace has taken the surprising view that it is necessary for a penalty under our gambling laws to reflect only the policy of the imposition of some form of pay-roll tax. Yet His Honour, with that remarkable judicial schizophrenia with which lawyers are so familiar, said that in respect of "blue" movies, one could not expect to absorb the profits from that illegal activity as part of the commercial profit. There we have two conflicting views expressed by the same judge in respect of the enforcement of laws about morality.

It is clear His Honour was of the view that a law relating to illegal gaming, which provided for the imprisonment of an offender was outmoded. In that case, the person the subject of the charge was a known offender, a person clearly involved in the making of many thousands of dollars in the operation of an illegal gambling club; yet it was thought appropriate to impose not a gaol sentence but a fine. In those circumstances, it is essential that this Legislature should review the laws relating to gambling and should give consideration to an amendment to those laws.

In the Assembly on 1 October the Minister for Police and Traffic had this to say—

> Where police have sufficient evidence against a person for the offence of assisting in conducting premises as a common gaming house and being found on the premises of a common gaming house without lawful excuse prosecutions are brought.

With all due respect, that is not the experience of any person who has analysed the situation. Clearly it is false and it has been shown to be false. It is clearly a policy which is not the policy of either the police or the Government.

I am concerned—and I imagine honourable members opposite also are concerned, because they formed their own Liberal Party committee—that it is a bad thing for society that there ought to be a stated toleration, a stated policy, by a Minister of the Crown, which is simply untrue. One queries why the police bother to bring prosecutions in respect of the clubs which have been tolerated.

[Resolved: That motions be continued.]

The Hon. PETER DOWDING: It raises the very important question which I have sought to have explained by the Minister—who is apparently of the view that this is an open and honest policy which is known to all—of why it is that some of the gambling clubs which have been in operation at least for the years prior to 1974, and onwards, are the subject of occasional prosecution.

Why is it that occasionally the police go through what would appear to be a facade and conduct a raid, arrest people, and bring apparently innocent or possibly guilty persons of the public into court to be dealt with? The answer clearly is that these are to show prosecutions; the raids are conducted simply to be put in an annual report to indicate that the police are doing their traditional thing about gambling; and it is done, no doubt, to remind those people who are the subject of toleration that they must stay within the toleration lines drawn by the police or face prosecution.

I refer now to a newspaper cutting from *The Sunday Times* of 30 August where the writer recorded—

> Illegal gambling in Perth is widespread. There are at least six illegal gambling houses in the city. The police know where they are, who runs them, what goes on, even some of the regular players.
>
> Current police policy is one of "limited toleration and containment". To say that

police authorities turn a blind eye would be an overstatement.

This is not intended as a diatribe and an attack on the police. It is apparently the view of successive Governments that the police should act in accordance with an unwritten and unstated policy of toleration. It appears to have the approval—tacit or express—of the highest governmental authorities in this State. It is therefore ludicrous for the Minister for Police and Traffic to suggest to this House that this policy is acceptable, understood, and enforced.

In 1974 a series of recommendations on gambling were made to the Government. The first was for the establishment of a large casino at Exmouth; the second involved the maintaining of small gaming houses under a licensing system. The report dealt also with the position relating to football clubs, lotteries, bingo, Calcutta, calling-on-the-card, and other minor gambling activities and recorded that it was better for society to have a number of these games legalised than to retain them as offences.

How on earth in 1981 those recommendations could remain unheeded is beyond me and other members on this side of the House. We urge that there be a Select Committee to inquire into these matters with powers to demand and to receive evidence, and to give protection to people who give evidence. It is perhaps a mark of the iron grip with which the Premier rules his own political party that it was not until my decision to move this motion was announced that the Government was prepared to form its own internal committee. It is a mark of a lack of intestinal fortitude for the members who will form that committee to be not prepared to call for a Select Committee. It must be conceded by them that unless a Select Committee is formed they will not have the power to demand and receive evidence, to give any protection in respect of that evidence, or to do anything in other than an essentially political way in order to determine what social attitudes may require by way of statutory reform.

The great danger in making this a political event, and the great danger in limiting such an inquiry to one political party, is simply that the closer a political party gets to the organisers of illegal gaming activities the closer that political party gets to organised crime and the closer that political party gets to potential allegations of bribery and corruption.

Recent disclosures in *The National Times* about a former Premier of New South Wales can only heighten the concern that limiting an inquiry to a single party, as opposed to a bi-partisan approach to this problem, will do no more than retain the ongoing sense of disbelief and lack of credibility of political parties which are not prepared to be frank and honest about a gambling policy.

It is a ludicrous situation when members of the public should see, know of, and be able to visit illegal gambling establishments and the Minister can tell this House—and have this House, apparently, express no concern—that the police have the matter in hand. The refusal of the Minister to answer questions honestly and frankly brings the Parliamentary system into disrepute. If there were not such an autocratic and dictatorial hold on some members opposite I have no doubt they would have joined in a call for a Select Committee at an early date.

I would like to deal with a couple of areas in which there has been considerable support for a review of the law relating to gambling and support for the view that the 1974 Royal Commission report ought not in its totality be accepted, and so a further inquiry is justified.

Firstly I refer to an article which appeared in *The West Australian* on 22 August this year in which the inspector in charge of the liquor and gaming squad declined to support the call for a legalised casino. It is therefore, on the basis of that authoritative view, appropriate to say this question of a large legal casino should be reviewed and that a Select Committee should inquire into the matter.

The President of the Law Society has said it is appropriate there should be a review of gambling laws and, indeed, a number of lawyers have called—as reported in an article in *The Sunday Times* of 20 September—for gambling to be legalised in Western Australia to extricate the police from a situation which encourages the suspicion of corruption. They condemned the Premier for his obstinate opposition to a legal casino. They considered he was out of touch with reality.

The Premier is reported in *The Sunday Times* of 23 August as having said—

> . . . so far as illegal gambling was concerned the police had adopted a policy of toleration and containment. In my opinion they have done a first-class job in the exercise of proper discretion within the law. . . .

It is not my intention tonight to go through a list of allegations of corruption. I do not regard this forum as an appropriate place to do so, but if a Select Committee were appointed people would have the opportunity of submitting, in a non-political way, their evidence of the evils of the

present policy, whatever their view of the evils of that policy may be.

It is clearly improper that the discretion in the administration of the gambling laws, when they are so hopelessly outmoded, should be left to the police. This inevitably raises the question of corruption. There is no doubt that those favoured six or eight people who run gambling houses are given a licence to enjoy a very substantial profit. There is no doubt that, under the principle in which we license a group to sell items or operate certain ventures in a monopoly situation, those people properly should be licensed. It is impossible for members of the public to accept that entailed in the question of whether or not people get a licence to make hundreds of thousands of dollars, if not millions of dollars, each year, in no place is the transfer of sums of money involved, be it at the political level, at the police level, or at the private level. It is not within the realms of common sense that the right to make hundreds of thousands of dollars profit should be granted to persons without any financial consideration being made.

No doubt in any Police Force there is an officer who is likely to succumb to corruption. I possess no evidence and nor do I allege that any police officer in the Western Australian Police Force at the present time has been subject to corrupt influences; but on other occasions on which a committee has been held anywhere in Australia that fear has been raised and on any occasion on which such a committee has been held—certainly in States other than Western Australia—there has been evidence of corruption. Whether or not that corruption exists, it is intolerable that the police should be in the position where members of the public are left with the inevitable suspicion that corruption exists or may exist. It is inevitable that police should be subjected to the temptation which must flow from the toleration and *de facto* licensing of persons who run gambling clubs.

Society wants these clubs to be licensed, society wants some other form of approval, or society wants these activities closed down. But the middle ground suggested by the Premier—that there should be an ongoing toleration exercised by the police—when we have clear evidence that prosecutions are launched as a matter of form rather than of substance, and when the penalties for these offences are merely items to be absorbed in the commercial operation of these businesses, is clearly intolerable and should not continue.

As I have said, it brings the Government, the Parliament, and the police into disrepute. In earlier times clear views against gambling have been expressed by various members of Parliament. I am surprised that in view of the rather restricted and righteous views expressed by the Premier in past days he should permit illegal gambling to continue. In 1972, when speaking in a debate on the Liquor Act, the Premier said he had serious objections to the playing of bingo and like games—which I would regard as rather harmless gambling activities—in a liquor outlet because he thought we were going too far.

In 1972 the Premier, when Leader of the Opposition, made certain remarks about this matter. At page 5475 of *Hansard*, 21 November, he stated—

> ... the Minister cannot deny that he is sponsoring some amendments which mean the game would be played in an atmosphere where there would be licensed premises and liquor. The game would take on an entirely different complexion and the whole concept would be different.

To me that statement seems to be a most Calvinistic approach to the mixing of liquor with pleasure. In my view there is also a very serious and strange aspect of the toleration by the police of illegal gambling activities. Women are not permitted to enter premises where these activities take place. I would have thought that even this Government, in 1981, realised that women and men should be placed on equal footing. There seems to be no valid reason for women to be excluded from the pleasures which are said to flow from participating in gambling activities.

I do not regard the matter as one for jocular comment, but as one for concern. This multi-million dollar leisure activity is permitted to carry on business and exclude female participation.

I do not intend to labour the request for a Select Committee, and as I said, I do not propose to make a series of allegations of a sensational nature about double dealing, bribery, and corruption. I do not intend to make this a political gambit designed to create or not create a Liberal Party committee—although already one has been created—or a Labor Party committee. As I have said, that would defeat the whole purpose of my request for a Select Committee. I merely urge members, and particularly those who have taken it upon themselves to participate in political activities, to join with me in my call for a Select Committee of this House and to have such a Select Committee give the public, at the earliest date, the opportunity to consider the matters I have outlined and bring down a report which can form the basis of further legislative suggestions for Governments of either political complexion.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.48 p.m.]: I urge the House to reject the motion moved by the Hon. Peter Dowding. The first point I make is that as has been pointed out the matter already is under consideration by a committee of the Government parties. The appointment of that committee was made long before the Hon. Peter Dowding proposed in this House that a Select Committee be established to consider gambling.

The Hon. Peter Dowding: When was that?

The Hon. G. E. MASTERS: I assure the member that it was not a sudden decision to appoint the present committee. It is obvious the Government considered this sort of action for some time.

I was interested to note that the member during his remarks referred to the 1974 Select Committee report and did so to a great extent indicating the present value today. I suggest that report is a good reason for the rejection of the motion before us. We have already a Liberal and Country Parties committee comprising two members of this House. The chairman is the Hon. R. J. L. Williams, and the member is the Hon. V. J. Ferry. It was only seven years ago that the Select Committee report was brought down. The present Government committee is to review the findings of the 1974 report in today's climate.

The Hon. Peter Dowding: It is a political gimmick.

The Hon. G. E. MASTERS: It is not a political gimmick. The establishment of the present committee was bound to occur. As I have said, the Hon. Peter Dowding to a great extent used the 1974 report, therefore he must recognise that it is relevant for present-day purposes—1981. No reason at all exists for our considering the establishment of another Select Committee which would only cost the public many thousands of dollars.

Having made those remarks, I suggest the House should consider why the member moved his motion. With tongue in cheek, he said it was not a political gimmick or something that should be considered on an overall political basis. I suggest to him that his moving the motion was a political gimmick.

When one reads the motion one can see that it quite clearly and easily expresses the reasoning behind it. It is meant as a direct criticism of the Government of the day. It starts by referring to "mounting public disquiet". Quite frankly, I have not heard any public disquiet, let alone mounting public disquiet, in relation to this matter. Nothing occurred until the matter was raised by the Opposition and, in particular, by the Hon. Peter Dowding. I have not heard any complaints from my electorate, and I would suggest that not one member on either side of the House has received a complaint about the present situation in regard to gambling.

To say that there is mounting public disquiet is just a figment of the member's imagination; it is an excuse to criticise the Government and to stir up the public. The public are not concerned by the operation of gambling houses as they are operated presently. If any member has evidence which proves there is mounting public disquiet, I would be very pleased to see him stand in this House to give that evidence.

I reiterate that the matters raised in the motion have been considered for some time and the member moved his motion merely for political purposes. Any public disquiet has been engineered for political purposes, and no other reason at all. I do not accept there is mounting public disquiet, and emphasise that the motion was moved for political purposes. The member is prepared to spend thousands of dollars of public money to produce yet another Select Committee report when already one is in existence and being considered by the Government. This report has been used by the member tonight merely for his own advantage.

Western Australia's record in regard to the matters he raised is second to none, and the criminal involvement in gambling houses in negligible in this State compared with that in other States and other countries in the world which have recognised gambling operations.

As the Premier has stated, the Government has adopted a policy of toleration and containment of gambling. We believe that is the proper method at this time, and it will be the course followed at least until the present committee brings down its report. In fact, the course presently followed has been successful for a long time.

Discretion in law enforcement has been talked about, and on a number of occasions the Opposition, particularly the member who moved this motion, has been critical of any sort of discretion in legislation; but we believe it is very important. It is an important part of the operation in this State of the places about which we are talking today. The Police Department has made the comment on a number of occasions that stricter enforcement of existing laws on gambling would have the effect of driving all illegal gambling institutions underground and would encourage criminal activity. I emphasise the word

"all". We firmly believe that would occur with stricter enforcement.

I draw the Hon. Peter Dowding's attention—if that is necessary—to an answer I gave in this House on 18 August 1981. Some of the comments I made are relevant to this debate. Part of the answer which I gave to the Hon. Peter Dowding states—

> the policies and practices pursued are for the determination of the Commissioner of Police within the law as expressed in the Statutes of this Parliament, the common law and other applicable legislative provisions.... the exercise of a proper discretion by police officers is an essential part of law enforcement.

We firmly believe in this discretionary power to be held not just by the police. It can be used in other areas of legislation, although most certainly in legislation enforced by the police. We believe that if the police are required to follow the letter of the law without using any discretion in special circumstances, this State and this community would be impossible to live in. We firmly endorse the discretion pursued by the police in relation to gambling.

The Hon. Peter Dowding: What is it?

The Hon. G. E. MASTERS: I ask the member to allow me to continue. I will quote some of the comments made by people more learned than myself and definitely much more learned than the Hon. Peter Dowding. The answer states—

> This view is endorsed by the report of the Royal Commission into Matters Surrounding the Administration of the Law Relating to Prostitution 1975-76 by the Honourable J. G. Norris, ED, QC, formerly a Judge of the Supreme Court of the State of Victoria. In his concluding remarks, His Honour said, amongst other things—
>
> > "It is a common experience in Australia and elsewhere that the extent of enforcement of some laws regulating such matters as prostitution and gambling must as a matter of practicability vary according to circumstances including time and place. The existing statutory provisions do furnish an effective means of control. The discretionary but not capricious manner of enforcement adopted has kept the State of Western Australia relatively free from the evils which may be associated with prostitution."

By way of this quotation I am again making the point that discretionary powers are very important; the discretion exercised by the police in this State is important in all aspects of our lives, not the least of which is the aspect about which we are talking today. I read only part of the answer I gave on 18 August.

The Hon. Peter Dowding: It has about as much substance as any of the answers you have ever given on the subject. We can't get any information out of you.

The Hon. G. E. MASTERS: As I have said before, the big advantage the member has over most of us is that he is naturally rude—it is just part of his makeup. I have tried to explain something sensibly and quietly to him. I ask him to bear in mind that while he was making his remarks we on this side did not interject. We were a little bored, but we listened quietly to what he had to say, and I thought he would exercise the same understanding.

In the answer to which I referred I quite clearly set out the Government's thinking on this matter and the policy it pursues. I reiterate that the so-called mounting public disquiet has not occurred, and we do not believe statements that it has.

We do not support the proposition that the Government needs to examine the matters raised. The Government always has considered problems associated with gambling and, as I have said, the actions it has taken and the policies it has pursued have been successful. One does not rock the boat when a policy has been successful. The so-called mounting public disquiet has been engineered by the Opposition and, in particular, by one of its members.

Rarely do we hear the Opposition identify its position; very seldom does it declare itself in anything. I suggest the member does not have support from all members of the Opposition. In fact, I think many of them would not support him.

Sitting suspended from 6.00 to 7.30 p.m.

The Hon. G. E. MASTERS: Before the tea suspension, I was commenting about the motion before the House and I made it quite clear that it was an exercise which has very little point.

I was interested to hear the Hon. Peter Dowding making it clear that, as far as he was concerned, there was no evidence of any corruption in the Police Force. It was worth mentioning that point. I repeat those comments, because too often the police are targets for suggestions that this sort of thing may be happening. Far too often accusations are made, sometimes in a lighthearted way. However, that is not fair to the Police Force.

We are sure that the members of the public are aware of the activities of the Police Force. They appreciate the work done by the police. However, the sorts of questions asked in the House in past weeks, the motion before the House tonight, and the comments made in the newspapers make it very difficult for the Police Force to pursuant its activities. It is not necessary for such matters to be raised. They are the results of a political exercise over recent weeks.

If the motion succeeded, it would cost the public a great deal of money, with no gain whatsoever. The Government committee should be permitted to pursue the exercise of looking at the report of the 1974 Select Committee and putting it into a latter-day context. I am quite sure that the committee will come up with some favourable decisions. Maybe the committee will suggest that the present situation should continue. That is a matter for the committee to determine.

I am quite sure that the Government committee will consider the three alternatives at the end of the motion. I ask honourable members on both sides of the House to oppose the motion.

THE HON. TOM McNEIL (Upper West) [7.33 p.m.]: Originally it was not my intention to speak to this motion; but I consider it a worthwhile motion. Having listened to the Minister and the reasons he has given for not supporting the motion, I am not convinced in any way, shape, or form that I should not support it.

The Hon. G. E. Masters: I am surprised.

The Hon. TOM McNEIL: I "dips me lid" to the Minister because, in all the time since he has been a Minister, he has had an unflappable approach to the various types of Bills that he has had to handle in this House. When listening to him, one would be convinced that he was telling the exact truth.

The Hon. G. E. Masters: Hang on now; I do.

The Hon. TOM McNEIL: All right, the truth in his own mind. However, I do not share his attitude to some of the matters before the House. He tends not to give credence to the fact that a person may see some discomfort and feel that it should be discussed in this place.

The Minister suggested there has been no public disquiet in relation to illegal gambling in this State. Let us consider what Sir Charles Court is supposed to have said, as reported in an article on page 3 of *The West Australian* of this morning—

> Sir Charles said later that the Government was not reacting to public pressure in appointing the review committee.
>
> He said the Government's policy of "toleration and containment" was the most practical way of controlling both gambling and prostitution.

Although I have not had constituents writing to me suggesting that gambling and prostitution require the establishment of a Select Committee, certainly it would be commonsensical to determine what is happening in this State. The fact that people decide they will not contact their local members concerning a matter does not necessarily mean that they are not concerned that it is going on.

Sir Charles Court used the word "prostitution", but we have not heard it mentioned by the Minister tonight.

The Hon. G. E. Masters: I was talking to the motion.

The Hon. TOM McNEIL: In relation to the back-bench committee and its formation, the following was reported—

> The State Government yesterday appointed a back-bench committee to review the findings of the 1974 royal commission into gambling in W.A.

Tonight I asked a question in the House in relation to a joint back-bench committee that was formed some 12 months ago. It is more than coincidential that the back-bench committee suddenly came to light when the National Party in another place suggested that a Select Committee be established to inquire into shopping centre developments.

When the move for a Select Committee was debated in another place, I happened to be sitting where I could hear the debate. I heard one Liberal back-bencher call out, "But you're too late. We've got the problem in hand. We've appointed a back-bench committee".

From questions I asked in this House, I ascertained that the committee reached its findings within a space of two months, and yet 10 or 12 months later we are still asking that the report be tabled. It was announced in a recent newspaper article that the Government did not have any intention of tabling that report. So, we have the situation that whilst people in small businesses were concerned, and certainly I was concerned—and some of my concern was expressed in letters to the Minister—the report of the back-bench committee was not released.

I am not satisfied with the action taken by the back-bench committee. Certainly it has not solved any problems, as I see the situation. We have reached the point where the Minister has said that the recommendations of the committee were 12 in all, and that the Government was acting on them.

Tonight I attempted to find out what action was being taken. I asked the following question—

> If, as stated in *The West Australian* on 10 October 1981, action has been taken on the 12 recommendations of the Trethowan committee's report, can the Minister advise what specific action has been taken in regard to recommendations numbers 5, 6 and 7?

To that I received the following answer—

> (6) The report is confidential to the Government Parties and for that reason I will not comment on specific recommendations.

The DEPUTY PRESIDENT (the Hon V. J. Ferry): Order! The member should be addressing himself to the motion before the Chair concerning the possible formation of a Select Committee on another subject, altogether. I hope he can relate his remarks closely to the motion.

Point of Order

The Hon. PETER DOWDING: On a point of order, I ask that the member identify the document from which he is quoting so that an appropriate motion can be moved under Standing Order 151.

The DEPUTY PRESIDENT: Can the honourable member identify the document from which he is quoting?

The Hon. TOM McNEIL: I am quoting from the report to the Minister for Urban Development and Town Planning by the Joint Government Parties' Committee of Inquiry into Shopping Centre Development in Western Australia, November 1980.

Debate (on motion) Resumed

The Hon. TOM McNEIL: You took me to task, Sir, for not dealing with the motion. The reason I am dealing with this topic is that we are being asked to accept that the Government has taken action in this matter of gambling by appointing a back-bench committee. However, 12 months after the appointment of another back-bench committee, we cannot obtain answers about its report. We cannot have the report tabled in this House.

The Hon. R. J. L. Williams: You have got it.

An Opposition member: You have to table it under the Standing Orders now.

The Hon. TOM McNEIL: We have to thank the Hon. Peter Dowding for that. The Minister refused to do it.

As the Hon. John Williams has been appointed the chairman of the new back-bench committee, I will direct my remarks to him. Twelve months ago a Government committee was appointed to look into shopping centre developments; and when the National Party attempted to have a Select Committee appointed, it was told that the Government had appointed a joint back-bench committee, and the matter would resolve itself.

If I may be permitted to quote once more from this document—Mr Oliver is laughing; he was on the committee, so he should know what is in the report.

The Hon. Neil Oliver: How do you know I was on the committee?

The Hon. TOM McNEIL: Because his name is on the front. Does he want me to quote from it? This copy of the Government report fell off the back of a truck. Part of the report reads as follows—

> The following were the members of the Committee:
>
> Mr A. M. Trethowan, M.L.A.—Convener
> Mr A. V. Crane, M.L.A.
> Mr T. A. A. Herzfeld, M.L.A.
> Hon. T. Knight, M.L.C.
> Mr M. Nanovich, M.L.A.
> Hon. O. N. Oliver, M.L.C.
> Hon. P. G. Pendal, M.L.C.
> Mr R. G. Williams, M.L.A.

The Hon. R. J. L. Williams: Not me!

The Hon. TOM McNEIL: With all due respect to the members who may have taken part in that back-bench committee, I saw nothing in its report to relieve my anxiety about what is happening to small businesses in the proliferation of shopping centre developments. When I use the report of the former committee as a measuring stick, I feel the same way about the results of the proposed committee on gambling.

I asked a question in this House tonight, and I was told that it was a Government matter, and that the report would not be made public. In that case, what is the point of having a back-bench committee?

The Hon. R. Hetherington: Just to keep the back-benchers busy.

The Hon. TOM McNEIL: I think we can all assume, if we have some concern about illegal

gambling and prostitution in this State, that the same sort of thing will happen. Certainly we will not get to the bottom of the problem unless the committee has the power to investigate thoroughly the things that have been raised by members in this House pertaining to gambling.

Rather than following the Minister's suggestion of waiting to see what is contained in the committee's report—and we do not know how long we will have to wait—I suggest that members support this motion.

If the Government decides 12 months later not to tell us what is in the report, we will be back where we started. We are here to do a job; we are here as members representing the people. If a concern is expressed, surely we have the right to make an input to the committee.

If we had a Select Committee, it would have the power to obtain the information that we are seeking. Therefore, I support the motion.

Tabling of Paper

The Hon. PETER DOWDING: I ask that under Standing Order 151 the document quoted from by the honourable member be tabled.

The Hon. Neil Oliver: It has tyre marks across it from when it fell off the back of a truck.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): In accordance with the Standing Order recently amended in this House, I request that the honourable member make available the document from which he has quoted, for tabling for a limited period for the information of members.

The Hon. TOM McNEIL: I will do that.

The paper was tabled (see paper No. 449).

Debate (on motion) Resumed

THE HON. W. R. WITHERS (North) [7.44 p.m.]: If I had not known of the formation of the Government back-bench committee, I would have voted in favour of this motion tonight. If the Government does not come forward with reasonable legislation on gambling following the recommendations of the back-bench committee, this motion should be moved again.

As a responsible member of this House, I like to consider that we should look to the public purse. It is clear Select Committees cost money; therefore, I will not vote for this motion. However, if the Government does not produce some reasonable and sound legislation following the committee's findings, this motion should be moved again and, if I am in this House, I will vote for it.

In passing, I should like to say we do have double standards. Everybody recognises that and it is true particularly in regard to gambling. I consider that toleration and containment is really only a stopgap method whilst we await the introduction of sensible legislation. Looking around me, I do not know of any member in this House who has not at some stage or other broken the law in respect of gambling. Every time one buys a ticket in an unauthorised raffle—heaven knows we are always seeing illegal raffles being conducted around the electorate—one is breaking the law.

Without indicating the sort of state I was in or detailing the particular Minister concerned, I once enjoyed winning a nice little packet at poker and I ripped off a Minister for Police and Traffic at one stage. That was very enjoyable. However, I was breaking the law, and all of us at some time break the law as it stands at the moment.

The reasons I will not vote for the motion are that the back-bench committee has been established and the cost to the taxpayer of setting up a Select Committee.

THE HON. R. HETHERINGTON (East Metropolitan) [7.46 p.m.]: I should like to support the motion. I take exception to the kind of argument with which the Minister finished his speech, to the effect that the police could get on with their job if only the people like my friend, the Hon. Peter Dowding, did not raise awkward questions.

I would have thought members of Parliament, particularly back-bench and Opposition members, were here to scrutinise the Executive and the moment we stop doing this, we might as well get rid of our Parliament. As far as I am concerned, bearing in mind the way in which this Government behaves sometimes, it appears that is exactly what it wants to do.

The Minister's remarks were ill-judged and ill-timed, and it ill-behoved him to say such things having regard for the parliamentary system of government in which parliamentarians are supposed to put the Government under scrutiny.

Since the Hon. Peter Dowding came into this House he has done exactly that; he has put the Government under scrutiny persistently and unrelentingly, and more power to his arm.

The Hon. Neil Oliver: His predecessor did a good job too.

The Hon. R. HETHERINGTON: I believe Mr Dowding does a better job.

The Hon. Neil Oliver: I would not agree with that.

The Hon. R. HETHERINGTON: We hear arguments to the effect, "Let us not disturb the police in making sure they enable laws to be broken and let us not spend too much money, because this is a time of financial stringency". However, the Government should set up a committee, regardless of that financial stringency.

It appears the Government has set up a private committee of members of the parties which happen to support the Government. A properly constituted committee is a committee of this Parliament, and that is what the Hon. Peter Dowding has asked for in this motion. If the Minister thinks all the fuss and all the bother consists merely of the noise made by the Hon. Peter Dowding and there is no mounting public disquiet, I suggest he read the newspaper clippings on this subject.

We are reaching a stage where it is becoming common knowledge in the Press of this State that the gambling laws are being ignored and the police are using their own judgment as to when people should be allowed to break the law and when they should not. In the face of that situation, how are we to maintain any respect for the law?

Recently the Misuse of Drugs Bill was passed in this House. If we say the people with the money who can afford to gamble have to be tolerated and contained, why should not the young people without the money, who smoke marihuana, be tolerated and contained also?

It is not for the Minister to decide whether or not the issue should be raised. It is quite proper for anybody to raise any issue at any time, to bring the Government to task, and to ask questions once an issue has been raised. When that occurs, the whole matter should be examined fully. I do not believe we get respect for the law by ignoring it. Once we reach the stage where toleration and containment by the police is allowed, we will have no respect for the law. In that situation the police are able to decide at their discretion who shall not be prosecuted, and everyone knows about it.

This Government preaches the virtue of law and order. Indeed, I believe in that virtue also. However, the Government must now set its house in order and settle this issue.

If the Government is serious about the matter, it should not establish a private committee of back-bench members to have a look at it and make a private report to the Cabinet, but rather it should set up a bi-partisan committee of this House to examine the whole question and make a public report.

Of course, I gather from the Minister's statements that we must not waste money in this regard, because some years ago a Royal Commission made a report. However, that report had been ignored, and am I to assume, from what the Minister has said, that a report of a Select Committee of this House would be ignored also and that the Government does not want to do anything about the matter? Has the Government set up a committee of back-bench members to make it appear as if something is being done?

That committee will be able to deliberate for weeks and weeks and then it will make a private report to the Government. That report will not be released and we will be no better off than we were before the setting up of the committee.

The Government is mistaken if it thinks that, by using this tactic, it will silence the Hon. Peter Dowding. I would think he would continue in his unremitting efforts to make the Government face up to the fact that the law as it stands is being broken.

I am not sure what the criminal element consists of. Are criminals people who habitually break the law for tremendous profit? If that is the case, the people running illegal casinos might, by definition, be criminals. In other words, perhaps we have our own indigenous class of criminals now, although we call them respectable people, because they are tolerated and contained by the police. Therefore, criminality is now being decided by the police. If the police call a person a criminal, he is a criminal.

I know what people are talking about when they refer to the introduction of organised crime into this State. We do not have the level of organised crime here which exists, for example, in New South Wales. The reason for the amount of organised crime in New South Wales is not that there is a Labor Government there, and the reason we do not have it in Western Australia is not because we had a record period of Labor Government before the war and a record period of Liberal Government since. We do not have organised crime here because this State has a smaller population than that of New South Wales. We do not have that sort of criminality here and we do not want to have it. Certainly we will not stop that happening by encouraging people to lose respect for the law, because we openly tolerate the breaking of it. That is what is happening. The breaking of the law is tolerated openly and it is condoned by the Premier of this State who has the job of maintaining the law. This situation should not continue.

Although I may have spent the odd 20c on a raffle ticket, I do not like gambling. When I went to Hobart to attend a rape conference I went to the Wrest Point Casino. What I saw there did not give me any joy at all. Were I to advocate that we make laws according to my personal tastes, we would abolish illegal casinos and we would not have a legal casino. However, we do not do that, because we have some form of representative government and, to some extent, we have to go along with what people want. Every now and then we have to face the questions, examine them, and decide the time has come to change the law or to do something about it. It may be necessary to change the way in which we are enforcing the law. I suggest that time has come and we should try to achieve consensus on the very important and divisive social issue of gambling. The best way in which we can do that is by setting up a bi-partisan committee—a Select Committee of this House—which it is to be hoped will eventually bring down a unanimous report. The Government could then legislate on this issue, knowing it was backed by both political parties and that it had some real support from the community.

At the present time the Government is backing, filling, and duck shoving. When the Minister reads his speech tomorrow and corrects it, I hope he is not too put out by what he reads, because it is very difficult to defend a bad position and his defence was in accord with the position. It was weak, and vacillating, it did not hang together, it was contradictory, and I was not impressed with it at all.

When I came into the House I did not intend to speak on this motion, because I knew the Hon. Peter Dowding could handle it extremely well. He did not need any help from me, and certainly when I listened to him I realised I did not have anything to add. However, after listening to the Minister I decided perhaps I should have a little to say, because the time has come to do something about the matter. There has been a great deal of publicity to the effect that the law is being broken; the Minister should realise this, and he should inform his colleagues in Government that this is the case.

The gambling laws of this State are being broken with the connivance of the law enforcers. In many ways this may be in the best interests of the State, but in the long run, because of the contempt into which it will bring the law, it will not be in the best interests of this State. It has become an issue. People are aware of the fact that the gambling laws are being broken.

It worries me to see the ease with which some people presently break the law in Western Australia. I will not detail the issues, but it seems young people have grown up in this mad, sad, post-war world to think—far too lightly—the law is there to be ignored. They believe the law is made by a number of old squares in their own best interests and people who rule the State are themselves a mob of hypocrites who swallow barbiturates, drink alcohol, and gamble. They gamble in well-organised, male clubs.

It appears we are back in the days of the Mafiosa where women were not allowed into gambling clubs. They are little cliques of males who happily gamble away in order to escape from the cares of family life or whatever it is people escape from when they are in these clubs. I do not know, because I have never been into one and I will probably never know, because I do not intend to go into one. I presume if I tried it now, I would not be accepted; but that is fine, because I do not want to spend my nights in that way. I like to know where my money is going and I do not think that is possible when one spends it around the roulette table or playing blackjack, poker, or any of the other games on which one can lose money.

I make a suggestion, not to the Minister, because he has read his prepared brief. He knew what he had to say and, of course, he said it. That is one of the drawbacks with being a Minister in a Cabinet which believes in collective responsibility—he has to say what his colleagues tell him to say.

The Hon. G. E. Masters: Did you make your own speech?

The Hon. R. HETHERINGTON: I am not saying the Minister did not write his own speech but that he has to present Cabinet views.

The Hon. Peter Dowding: The hallmark of his own work. That is one of illogicality.

The Hon. G. E. Masters: Mr Dowding will not upset me.

The Hon. R. HETHERINGTON: I am speaking off the top of my head. We cannot continue in the way we are continuing in this situation, where the law is being openly broken and everybody knows about it. A few years ago everybody did not know about it. Some members may have. Perhaps members on both sides of the House knew about it, but I was living a fairly cloistered life in a university a few years ago and I did not know about it.

A Government member: Very cloistered!

The Hon. R. HETHERINGTON: Certainly more people know about it now who previously did not. People who normally are not interested in going to illegal casinos themselves know that

many people are doing so. Therefore we have to look at what action we will take. We cannot go on with this apparent public hypocrisy any longer and should do something about it. I suggest again in all seriousness to the Minister and to the Government that the best thing to do is to try to achieve consensus with a bi-partisan Select Committee. Certainly, from the point of view of the Government, having a Select Committee with the Hon. Peter Dowding on it—which would keep him very busy for the next X months and keep him quiet for a while—would certainly make sure that the committee produces a very excellent report in the long run.

A Government member: It would get him out of the Labor Party's and the Government's hair.

The Hon. R. HETHERINGTON: There is nothing about my honourable friend that worries the Labor Party. I can assure the honourable gentleman who just interjected that since the Hon. Peter Dowding has come into this House he has added nothing but strength and joy to the Labor Party. I do not know if he has brought the same joy to members opposite.

Let me not be carried into digression. Let me make a final appeal to members who support the Government. They tend to say they are the Government, but they are not. The Government is the Cabinet, and the members who support the Government. The back-bench members who support the Government would do well, I think, if as well as having their own little private inquiry to keep themselves happy they were to support a public bi-partisan inquiry by all parties in this House, set up under the rules of this House, which could then conduct an open and public inquiry and bring down reasoned recommendations which any Government might then carry out knowing that it would have a great deal of support.

I support the motion.

THE HON. N. E. BAXTER (Central) [8.04 p.m.]: I was not going to enter this argument until the Hon. Mr Hetherington got on his feet. It intrigues me that the Labor Party is adopting a holier-than-thou attitude with regard to a few illegal gambling places—a few, I say—in this State today. Is it a genuine holier-than-thou attitude?

The Hon. R. Hetherington: It is, as far as I am concerned.

The Hon. N. E. BAXTER: I say it is a political holier-than-thou attitude.

The Hon. R. Hetherington: You are wrong.

The Hon. N. E. BAXTER: Let us go back over the years and look at illegal gambling in Western Australia.

The Hon. R. Hetherington: All right.

The Hon. N. E. BAXTER: I will give the history under all Governments, mainly Labor Governments. Let us go back to 1926 to 1931.

Several Opposition members interjected.

The Hon. Peter Dowding: You might have been alive and kicking then.

The Hon. N. E. BAXTER: I am just giving the people a bit of history.

The Hon. Peter Dowding: What for?

The Hon. N. E. BAXTER: I am sorry if they were not even in their diapers in those days, but I was working for a living then. The people would like to hear a little bit of history about illegal gambling, I am sure.

The Hon. Peter Dowding: What for?

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order, please!

The Hon. N. E. BAXTER: "What for?", asks the honourable member. It was far from genuine. Let us go back to those years of 1926 to 1931 when the Labor Government was in power. There were betting shops all around Perth and everywhere in country areas. Were they not illegal gambling? Of course they were.

The Hon. Peter Dowding: So?

The Hon. N. E. BAXTER: The Labor Government in those days tolerated them.

The Hon. R. Hetherington: We have still got them until we do something about them.

Several Opposition members interjected.

The Hon. J. M. Berinson: But we still have them, Mr Baxter.

The Hon. Peter Dowding: Are they there still?

The Hon. R. Hetherington: They are tolerated and contained.

The Hon. N. E. BAXTER: I will develop the story if the Hon. Peter Dowding will give me half a chance. I kept quiet while he was talking, so I hope he will give me the same courtesy.

The Hon. Peter Dowding: I am trying to understand what you are saying.

The Hon. N. E. BAXTER: The coalition Government was in power from 1931 to 1933 and everybody knows that for 14 long years when the Labor Government was in power gambling continued to go on. We had open gambling places in this city and the rest of the State.

The Hon. Peter Dowding: Did you approve them?

The Hon. N. E. BAXTER: The Labor Party did not move to have a Select Committee or anything else—no way. We move to the period of 1947 to 1953 when the coalition came in, and then we had the Hawke Government from 1953 to 1959 which legalised these gambling places—SP shops.

The Hon. Peter Dowding: Was that a good idea?

The Hon. N. E. BAXTER: The Government carried on with those legalised SP shops until 1960 when the TAB was brought into being. That is the history of gambling in Western Australia. The Labor Party has nothing to raise its head about or cry about in relation to illegal gambling places when for years and years the same Labor Party tolerated these illegal gambling places. The few illegal gambling places that are tolerated today by the Government are on a reserve-type basis. It is all very well to say we should have a big inquiry to shut them up, to do this and that, but it is not easy to do. The more we try to drive them underground, the more trouble we will have.

The Hon. Peter Dowding: Is there trouble with illegal betting shops now?

The Hon. R. J. L. Williams: Was there?

The Hon. Peter Dowding: So is legalisation a good thing or a bad thing?

The Hon. N. E. BAXTER: There are still problems with people carrying on illegal betting on races. Look at New South Wales today.

The Hon. A. A. Lewis: The legalisation of it is completely wrong. Look at private enterprise.

The Hon. N. E. BAXTER: Let us have a look at the situation. If a Select Committee is appointed, who will give evidence? The police will give their evidence, but do members think the gambling people will give evidence? Not on your life! They will go underground as quick as they can.

The Hon. Peter Dowding: They did to the Royal Commission in 1974.

The Hon. N. E. BAXTER: Let us have an *ad hoc* committee to inquire into gambling and see what evils are associated with it. Those people who would perhaps come along where there is no liability and perhaps do a little bit of underground stuff would do a jolly sight better job for an *ad hoc* committee than for a Select Committee inquiring into a particular organisation. Let us not adopt a holier-than-thou attitude like the honourable members in the Labor Party, after their record of illegal gambling in this State.

The Hon. P. H. Lockyer: Hear, hear!

THE HON. PETER DOWDING (North) [8.10 p.m.]: I rise briefly in reply. I am sorry; I am quite sure now that the Minister did write his own speech because it is full of those contradictions which usually fill his speeches. On the one hand he says that there is no need for change; that there is no need to look at the present position; that there is no public concern; that there is no evidence of any group of people within the community who feel that a change is desirable; and that there is no evidence of the law being brought into disrepute; yet on the other hand, it has been necessary for his own political party apparently to appoint a three-ring circus to hold a political inquiry into the very issue about which he tells this House there is no problem. That, with all due respect to the Minister, was a *non sequitur*, where the reasoning was poor.

It was as illogical as when the Hon. Norman Baxter suggested, that because the Labor Party was in power in 1926 when there were illegal SP betting shops, somehow or other our position is compromised in 1981 in suggesting that their ought to be a further inquiry into what is the current social attitude to this problem. He is equally illogical, with respect, in suggesting that having an inquiry will drive these people underground. If that were true, one would have a permanent underground of SP betting shops—which is not presently apparent—and an underground of illegal lotteries and illegal bingo activities; all of the activities which in fact are not legalised and under Government control.

The difficulty as I see it is that I do not like the thought of a large section of our community regularly and frivolously engaging in what is illegal activity. If these activities are so frivolous and widespread, they should not be illegal and those people ought not be running the risk of being subject to police prosecution. I am talking about raffles. Many members tonight have admitted their participation in raffles, or a card game in the members' bar, or whatever it might be.

The Hon. R. J. L. Williams: When? Come along!

The Hon. PETER DOWDING: Come on, Mr Williams, if there is ever a holier-than-thou—

Withdrawal of Remark

The Hon. R. J. L. WILLIAMS: I take objection to that remark and I ask the member to substantiate when he saw a card game in the members' bar in this House. I would like a date and time.

The Hon. P. H. Lockyer: Disgraceful!

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I ask the honourable member to withdraw the remark.

The Hon. PETER DOWDING: With respect, under what Standing Order?

The DEPUTY PRESIDENT: You are casting a reflection on members of the House under the Standing Order.

The Hon. PETER DOWDING: With respect, I have not cast a reflection. I ask what the reflection is.

The Hon. P. H. Lockyer: Do what you are told to do.

The DEPUTY PRESIDENT: The member has reflected upon the behaviour of members by purporting that they play card games in the bar of this House. That is what I understood him to say.

The Hon. PETER DOWDING: I said, and I repeat, that I have seen a card game in the members' bar of this House.

Point of Order

The Hon. R. J. L. WILLIAMS: Point of order! I ask for names, times, and dates.

The Hon. P. H. Lockyer: The evidence you are always talking about.

The Hon. PETER DOWDING: I will give it to the honourable member if he wants it.

Several members interjected.

The Hon. H. W. Olney: Have you got an aerial photograph of it?

Withdrawal of Remark

The DEPUTY PRESIDENT: Under Standing Order 87 I ask the honourable member to withdraw the words he used. I suggest that he makes these allegations to the appropriate place to which they could be addressed.

Several members interjected.

The DEPUTY PRESIDENT: Order, please! I do not believe this is the appropriate place to make these allegations without substantiating them. Therefore, without that substantiation, which is unknown to me at this time, I request the member to withdraw those remarks.

The Hon. PETER DOWDING: You have not asked me what the substance of it is. I have told you that I saw it.

Several members interjected.

The DEPUTY PRESIDENT: Order, please! I stated some minutes ago that I believed the substance of your remark reflected on members of the Parliament. Without your substantiating the remark, I believe it is an unfair reflection and under Standing Order 87 I request you to withdraw it.

The Hon. PETER DOWDING: I am not reflecting on an individual member.

The Hon. P. H. Lockyer: Chuck him out!

The DEPUTY PRESIDENT: Under Standing Order 87 it is a reflection on members and I request you to withdraw that remark, Mr Dowding.

The Hon. PETER DOWDING: I am placed in a very difficult position because I have been asked to substantiate what I say. If you direct me to withdraw the remark, I will withdraw it.

If the Hon. John Williams wants me to give him a piece of paper with the names of the people involved written on it I will do so.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! I believe the correct procedure in this case is for the honourable member to withdraw and make his allegations known to the President of this House. This should be done under the powers that the President has.

The Hon. P. H. Lockyer: He is getting his instructions from the front bench.

The Hon. PETER DOWDING: I have done that, at your direction.

The DEPUTY PRESIDENT: I direct you to withdraw the remarks.

The Hon. PETER DOWDING: I have, Sir; you instructed me to withdraw them; and if you want me to, I will give some consideration to naming the persons involved.

The DEPUTY PRESIDENT: The honourable member may now proceed.

Debate (on motion) Resumed

The Hon. PETER DOWDING: I did not realise this was such an embarrassment to the Hon. R. J. L. Williams.

The Hon. R. J. L. WILLIAMS: On a point of explanation--

The Hon. PETER DOWDING: Come on!

The DEPUTY PRESIDENT: Order! I call upon the Hon. Peter Dowding to continue his response to the motion.

The Hon. PETER DOWDING: No doubt members will be able to hear the Hon. John Williams when he is running his three-ring political committee inquiring into this matter. I thought it was a responsible thing for the House to inquire into this matter. However, he could inquire into the matter himself, and if the

member wants the names of the members of his own party I will supply them.

The Hon. R. J. L. Williams: Gambling in this House is what you said—

The Hon. PETER DOWDING: That is not right.

The Hon. R. J. L. Williams: —by insinuation.

The Hon. PETER DOWDING: The Hon. John Williams is extremely sensitive on the issue.

The Hon. R. J. L. Williams: I am.

The Hon. PETER DOWDING: No doubt the moralists of this world will find—

The Hon. P. H. Lockyer: Don't you talk about moralists!

The Hon. R. J. L. Williams: Fancy you talking about *moralists*!

The Hon. PETER DOWDING: I do not take a holier-than-thou attitude towards gambling and I do not think that people who do gamble are necessarily evil; that is why I think a Select Committee would be better than having the Hon. John Williams running a three-ring circus inquiring in a political way into various matters which ought to be resolved in a non-political, non-moralistic, and non-fatuous way. Somewhere someone has to have a bit of intellectual and moral honesty and a Select Committee is a better avenue to inquire into these issues rather than have a group that wants to have a moral view on life by which the community is not well served. The important thing about a Select Committee is we do not have a little clique running its own little views on life. A Select Committee could expect a range of views to be expressed to it and it would give the public an opportunity to express their views.

As the Hon. Tom McNeil pointed out there is absolutely no guarantee that a political party will release its report to the public. Why should it be the case that this House should not have an opportunity to make an inquiry into these issues, should not report to the Government its findings, and should not enable the public to make an input? All the member wants is a cosy Liberal Party effort which is not going to serve the Parliament at all. Perhaps it is a matter of a problem that the Liberal Party experiences in obtaining the right from the Premier to set up a committee.

That is the difficulty the Liberal Party will have in releasing its report, and I will be prepared to be apologetic if it presents something to this House by way of a report.

Before the Hon. John Williams got on his high horse on this issue I was seeking to illustrate that there are compelling reasons that a Select Committee would be desirable at this time and this Minister substantiated them by making reference to the need for his own political party to make an inquiry.

It is also of some interest to note that contrary to the fears expressed by the Hon. Norman Baxter in respect of the 1974 inquiry—which was not a Select Committee as the Minister kept saying, but a Royal Commission—the elements involved in illegal gambling did make submissions. No doubt they would make submissions to a Select Committee; but they are not likely to make submissions to this cosy little chat that the Liberal Party is setting up to deal with an important social issue.

It is essential that people should have the freedom and protection provided by a Select Committee in presenting their views, if we are to judge what society thinks on a matter as socially sensitive as this. It is interesting to note that the Minister in this House and the Minister for Police and Traffic continue to hide the information that the police have as to who are the people who are running the illegal gambling clubs and who are given the nod that they are not to be named by the Government of the day. Do we have to wait and watch Nationwide or some other television programme to find out who they are? Is the Government so embarrassed or is there some sanctimonious reason that we do not know? I regret it may well be the latter.

If one reads the Eastern States' papers one would know there is an organised crime figure who has interests in liquor and gambling activities in this State and was named in an Eastern States' Royal Commission; yet it is said there is no organised crime. I do not know whether this person has interests in illegal gambling activities of which we have spoken tonight and whether it is a good or bad thing that he should.

There should be a reliable licensing system and some honesty about this situation, or alternatively the people in the community who want illegal gambling stopped should be in a position to say so. We as legislators are in a position to offer them a forum to express their views.

I commend the motion.

Question put and negatived.

Motion defeated.

ACTS AMENDMENT (MINING) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Mining Act 1978, the Petroleum Act 1967-1972, and the Petroleum (Registration Fees) Act 1967, principally to make provision for—

the transfer of oil shale exploration from the Petroleum Act to the Mining Act;
an amendment to the private landholder provisions to protect the rights of bona fide farmers;
an amendment to the compensation provisions in relation to pastoralists; and
other minor amendments to facilitate the introduction of the new Act and the transition from the 1904 Act.

Oil shale exploration is currently administered under the Petroleum Act 1967 and the exploration techniques and subsequent mining of oil shale, are the same as those applying to coal; that is, open-cut operations.

As it is impossible in many cases to differentiate between the two substances, conflict could arise where virtually the same substance is being sought by two different operators, one under the Petroleum Act, and one under the Mining Act.

The proposed amendments include oil shale in the definition of "minerals" with consequent amendments, where necessary, to the Petroleum Act 1967.

As already approved by this parliament, the Mining Act 1978 currently allows private land in the categories of yards, gardens, orchards, vineyards, or land under cultivation, etc., to be included in a mining tenement at the time of grant. But no prospecting or mining can be carried out on such land, nor within 100 metres of such land, without the consent in writing of the owner and occupier, unless the warden is satisfied that such consent has been unreasonably refused.

The amendments proposed will provide for the consent in writing of the owner and occupier being a prerequisite to the inclusion of this type of private land in a mining tenement at the time of grant, unless the grant is restricted to land which is more than 30 metres below the surface of the land. This is the situation currently operating under the 1904-1970 Act.

The legislation also will allow the land above 30 metres to be subsequently included in the mining tenement, provided the consent of the owner and occupier of the land has been obtained.

Where compensation to pastoralists for any damage to improvements on their pastoral leases caused by the holder of a mining tenement is concerned, the Act will be amended to allow compensation where a pastoralist suffers any substantial loss of earnings by any mining carried out by the holder of a mining tenement.

The provisions, as amended, will give specific power to the warden to fix compensation in the absence of agreement between the parties, with a right of appeal to the Supreme Court against the warden's decision.

In introducing these amendments, the opportunity has been taken also to make other minor amendments to the Act which are considered necessary so far as the transitional provisions are concerned.

These amendments include provisions—

to ensure that all land the subject of an agreement with the State will be protected in the transition of the new Act;
to provide a procedure for dealing with applications for mining tenements over land which has been exempted from the operations of the Act;
to allow the Minister a discretionary power to exempt holders of exploration licences for iron ore from having to relinquish areas after the end of the third and fourth years of the term of the licence;
to allow for reinstatement in certain cases of prospecting licences and miscellaneous licences which have been forfeited;
to include exploration licences in the provisions for forfeiture for non-payment of rent;
to relate exemption of expenditure conditions to sums of money, rather than periods of time;
to clarify that section 112, which allows the Crown to remove rock, stone, clay, sand, or gravel from prospecting licences and exploration licences for use for any public purpose, does not apply where such licences are on private land; and
to provide for priorities of applications for mining tenements according to the time and date of marking off, lodgement, etc.

This opportunity has been taken to ensure that the changeover is achieved with the least possible inconvenience to industry, and to eliminate any unnecessary work load on administration.

Under schedule 2 of the transitional provisions, applicants for mining tenements pending at commencement date are given six months in which to lodge substitute applications under the 1978 Act.

With the backlog of applications currently outstanding being in excess of 30 000, this

procedure is neither practicable nor desirable. The schedule will be amended to allow all outstanding applications to be dealt with to conclusion, as if the 1904 Act had not been repealed.

In addition, current holders of licences to treat tailings will be allowed to continue to hold such licences on the same terms and conditions as they now hold them under the 1904 Act.

Other amendments have been made with a view to clarifying any matter where doubt exists, or where it is considered necessary and expedient for the smooth change-over from the old to the new legislation.

For further clarity, the second schedule will be repealed and substituted with a new schedule incorporating the amendments to enable the provisions to be more easily understood.

As previously stated, the Petroleum Act 1967 is to be amended also, to transfer oil shale to the Mining Act.

The Bill contains consequential amendments to protect current holders of exploration permits under the Petroleum Act who have programmes geared for the search of oil shale, and to make provisions for them to transfer to Mining Act titles if they so wish.

The opportunity has been taken also to amend the fees under the Petroleum (Registration Fees) Act 1967 to bring them in line with fees which have been increased in the equivalent Commonwealth legislation.

I commend the Bill to the House.

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT BILL (No. 2)

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [8.30 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to dismiss any suggestion of doubt, in respect of the principal Act, as to the power of the Metropolitan Water Board to reduce the supply of water to a property in certain circumstances, in particular, where rates or other charges relating to the property are overdue for payment; and to charge a fee to cover the costs of reducing and restoring, or disconnecting and reconnecting, such supply.

Furthermore, the Bill is seen to protect the interest of the vast majority of the board's ratepayers—namely, the prompt paying customers—with regard to past actions of the board which might otherwise be called in question.

On the Government's part, there is not, nor has there ever been, any doubt that the Water Board's practices in pursuing debts are justifiable from a business standpoint and are proper according to law.

The amendments now proposed are not to be construed as a change of view as the Government is by no means convinced by recent arguments suggesting that the board's policy does not accord with the intent of existing provisions of the Act. However, it is not reasonable to expect the board's employees to take recovery action under the shadow of doubt which has been cast by the Opposition for highly questionable reasons.

Consequently, the aim of this Bill is to remove any possibility at all of variance in interpretation of the powers conferred on the board in the matter.

Over a period of some years, and again in recent times, the turning or cutting off of water, or reducing the supply of water, for the non-payment of rates and charges has been subject to dispute.

It is not altogether certain that the issues raised at times in some quarters are motivated by genuine concern for the board's ratepayers or for other, more obtuse, reasons. Certainly, a lot of the arguments opposing this direct method of recovering debts, and many ideas that have been aired on alternative methods, display a deal of clouded thinking.

The need to bring forward this amendment, in fact, would not have arisen but for another example of clouded thinking on the matter. It is doubted whether behind these motives there was genuine concern for ratepayers; perhaps political point-scoring was the real purpose.

If the latter is not the case, it seems by this questioning of the propriety of the board's current procedures that opponents of the board's actions would prefer the full disconnection of water services rather than the more humane approach taken in restricting supply only.

There can be little satisfaction to those opponents in the knowledge that the board has had to defer its recovery programme until this whole business is resolved, which has led to a disrupted revenue inflow at further cost to ratepayers.

It must be acknowledged that the practice of restricting the supply of water to properties the subject of overdue accounts is consistent with

normal commercial practice in withholding the provision of further service or goods to tardy customers.

Similar business methods are used by water instrumentalities and other servicing authorities Australia-wide. They are more effective than costly and lengthy legal processes through the courts.

Locally, the Water Board—or its predecessor authorities—has applied such methods since 1910. In early years the means for prompting the settlement of overdue accounts was full disconnection of the water supply. This was applied only in more recalcitrant cases of non-payment.

In 1966, to improve the efficiency of its financial operations and in an endeavour to reduce debt recovery costs—at a time when the board was adapting to new responsibilities requiring it to perform with the efficiency expected of a business enterprise—the board was forced to extend the application of the policy generally and use cut-off action, or the threat of such action, as a normal procedural step in circumstances where the account was overdue and arrangements to pay were not made by the debtor or not honoured.

The board, of course, is loath to take harsh action against people in financial difficulty and has always been prepared to consider arrangements for paying by instalments.

In 1979 the practice of disconnecting the water service was modified to that of reducing the available rate of flow to a minimum requirement for domestic necessities—a more lenient approach, but just as effective. Restricting or reducing the amount of water available through the service is effected by installing a perforated disc, a procedure again not uncommon among other water authorities in Australia.

The practice of charging a fee to cover the costs of disconnecting or restricting the supply of water, where restriction action is taken for recovery purposes, has been operating since 1910.

It is only reasonable that the vast majority of ratepayers who pay their share of charges when due do not have to carry the extra cost of recovering the portion owed by those who neglect to pay.

It is only recently that doubt has been expressed in some quarters as to the adequacy of the authority delegated to the Water Board with respect to the actual method of approach; that is, the reduction of supply. The same doubt has been raised with respect to the charging of a fee to cover costs of reduction and restoration, as is presently the case in recovery action, or disconnection and reconnection as may be required in other operations carried out by the board.

It is proposed, therefore, that the Act be amended to clarify these matters and dispel any doubt. At the same time, it is intended to ensure that action taken in good faith by the board in the past is supported by clear retrospective authority. This latter provision is essential to avoid any possibility of claims being made for the repayment of charges by those who should rightfully bear the cost.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

MARKETING OF LAMB AMENDMENT BILL

Report

Report of Committee adopted.

NEWSPAPER LIBEL AND REGISTRATION AMENDMENT BILL

Second Reading

Debate resumed from 13 October.

THE HON. H. W. OLNEY (South Metropolitan) [8.36 p.m.]: Obviously this Bill is one which requires a swift passage. The Government introduced the Bill last night, and by arrangement with the Opposition—although we have not had the opportunity to submit it to our appropriate committee for its consideration—it was decided we would proceed with it. We do so with some regret, mainly for the reason that had the amendments to the Act been left for another three years, we could have passed the Bill on the centenary of the passing of the parent Act in 1884.

As it is, the Government is rushing through this amendment to remove the words "Colonial Secretary" and to substitute the words "Library Board". I am sorry this amendment will take place because most probably this Act contained the last reference to the Colonial Secretary in our Statute book. Obviously we are witnessing the passing of an era.

Nevertheless, progress must be made and I am sure it is highly inconvenient for those newspapers to be sent to the Colonial Secretary, or his successor, and then onto the Library Board. As we do not want to stand in the way of progress, we hope that after the Bill is rushed through the Parliament, the newspapers can be sent straight to the Library Board. Therefore, we do not oppose the measure.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [8.37 p.m.]: I am sincerely indebted to the Opposition for its indication of support for this Bill. I thought it was so far behind in terms of progress that it would not appreciate the Bill's significance. Indeed, it appears that the Opposition is still referring to the Chief Secretary by his former title—that title was changed many years ago. The fact that the term "Colonial Secretary" still appears in the Act cannot hide the fact that some 56 years ago this title was changed to that of Chief Secretary.

Another reason that I am especially delighted that the Opposition agrees with the legislation is that had we waited another three years, the Chief Secretary might not have been able to get into his office because of the newspapers accumulating there.

The Hon. H. W. Olney: That might be an improvement, actually.

The Hon. I. G. MEDCALF: I thank the Opposition for its support, and 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.

ACTS AMENDMENT (LAND USE PLANNING) BILL

In Committee

The Deputy Chairman of Committees (the Hon. Tom Knight) in the Chair; the Hon. I. G. Medcalf (Leader of the House) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Part IVA inserted—

The Hon. NEIL OLIVER: In view of the amendment that has now been placed on the notice paper by the Attorney General, I will not now proceed with the amendment standing in my name on the notice paper.

The Hon. I. G. MEDCALF: I move an amendment—

> Page 4—Insert after subsection (2) the following new subsection to stand as subsection (3)—
>
> (3) A declaration made under subsection (1) of this section remains in force until—
>
> (a) the expiry of such period, not exceeding five years from the date on which the notice by which that declaration was so made was published in the *Gazette*, as is specified in that notice; or
>
> (b) revoked under subsection (2) of this section,
>
> whichever is the sooner.

As mentioned during my second reading speech, the object of the amendment is to provide that once a planning control area is gazetted, it shall have a clear life. In other words, if a particular area is declared a planning control area, the life of that planning control area shall extend for a maximum period of five years.

The planning study which is to be carried out as a result of that gazettal must take place within that period. It was considered by the MRPA that there will be many cases where it will not need that period, but there will be other cases where it might need it. It is quite acceptable to the Minister that the period of five years be inserted as a maximum term for the existence of the planning control area.

The Hon. NEIL OLIVER: I commend the Government for introducing this time limit. It was something I expressed in my second reading speech. I explained I did not like to see controlled areas gazetted without being subject to some time limit. We are aware that town planning matters involve long and arduous processes, and I do not wish to see them prolonged further because the MRPA is in a position to gazette controlled areas without any time limit.

The Government's amendment is comparable to the one I intended to move. I had anticipated that the MRPA would have the right to reapply after the expiration of two years and again after the next 12 months.

I support the amendment because the only way I could see that the change would eventually occur when the controlled area was relinquished would be by the sheer weight of public criticism in response to the Minister granting continued renewal of approval to the MRPA for a further 12 months. I consider five years to be an adequate period. I appreciate that during that time there will be an opportunity for rezoning and subdivision within that controlled area. In fact, there are specific guidelines which set out that should the preliminary conditions of approval be unsatisfactory to the owner or owners of property

they should have adequate rights of appeal. I am very pleased with the Government's amendment.

The Hon. F. E. McKENZIE: The Opposition supports the amendment because it improves the Bill in so far as the owners of land are concerned. It now provides a period of time in which the land under control is held in the control area.

The reason for the Bill became clear only after the Hon. Phillip Pendal spoke on this subject yesterday. Until then there had been no real indication of the reason for it. However, when one looks at the situation of the Spencer-Chapman Roads link and the advisability of keeping land to one side until the position becomes clear in respect of the need for the road, one finds the introduction of planning control areas certainly has merit. Some land obviously will need to be kept in control areas until such time as it becomes perfectly clear what is to happen. The Opposition's reservations about supporting this Bill have diminished to a large extent.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Section 36A inserted—

The Hon. I. G. MEDCALF: The amendment I have circulated is a very small one but it has the effect of ensuring that where land is acquired because a planning control area is gazetted, as a result of some person applying for development and having the application refused and the land being acquired by the authority, that person will be in a position to be paid compensation in the same way as if the land had been acquired under the metropolitan region scheme.

This is entirely in line with the comments made during the course of the second reading debate when I made it clear it was proposed that compensation would be payable in the case of land acquired under a planning control area type scheme. Just to make it quite certain there is no possibility, for any technical reason, that compensation could not be paid for land so acquired, it is proposed to insert the words indicated in my amendment.

It may be thought curious that it is necessary for these words to be inserted, but it is simply a matter of caution to ensure that where land is acquired under a planning control area—which may be abandoned because it may never form part of a scheme—there should be the right of acquisition which will guarantee a right of compensation. Therefore, I move an amendment

Page 6, line 27—Insert after the words "planning control area" the passage ", and land so affected may be acquired by the Authority,".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Section 37 amended—

The Hon. I. G. MEDCALF: The amendment which has been circulated under my name is for the purpose of inserting for the first time in this Bill the principle that a person whose land is acquired for purposes of a planning control area or under the scheme will be entitled to the benefit of the right of its purchase back. This is something we have already in a different and far more complicated form in the Public Works Act. It is now proposed to insert this provision in the Metropolitan Region Town Planning Scheme Act.

The effect will be that a person whose land has been acquired and is no longer required for the purposes of the scheme or for the purposes of the planning control area will have the opportunity of taking advantage of the principle expressed here that that land should be offered back to the person from whom the land was originally acquired on much the same general terms as are set out in section 29(8) of the Public Works Act. Therefore, I move an amendment—

Page 7—Delete clause 11 and substitute the following—

Section 37 amended.

11. Section 37(6) of the principal Act is amended—

(a) by repealing paragraph (a) and substituting the following paragraph—

" (a) The Authority shall hold for the purposes of the Scheme any land acquired by it under this Act or the Town Planning Act, including land purchased under section 36A of this Act or subsection (3) of this section, and may, subject to paragraphs (b) and (c) of this subsection, dispose of or alienate that land—

(i) for or in furtherance of the provisions or likely provisions of the Scheme; or

(ii) if that land is no longer required by the Authority. ";

(b) in paragraph (b) by deleting "The Authority shall not" and substituting the following—

" Subject to paragraph (c) of this subsection, the Authority shall not " : and

(c) by inserting, after paragraph (b), the following paragraph—

" (c) In exercising a power to dispose of or alienate land conferred by this subsection, the Authority shall have regard to the general principle that in such cases land acquired by the Authority should, if in the opinion of the Minister it is practicable and appropriate to do so, be first offered for sale at a reasonable price determined by the Minister to the person from whom that land was so acquired".

The Hon. NEIL OLIVER: During my second reading speech I made the point that I felt that land which was acquired in a control area for the purposes set out in the proposed second schedule, which land was no longer required for that use, should be offered back at the price which had been paid or a valuation based on today's prices. The Hon. Fred McKenzie will be aware of my comments because he made the point that we often see the land reverting to another use due to indecision by a Government department in not going ahead with what it previously proposed. Consequently there is often something of a windfall profit to be made, to which I object. I cannot accept that this should occur because of indecision on the part of the Government department.

I commend the Government on its move. It is a very significant amendment because it not only encompasses this particular Bill but also section 36A of the Act. The most significant part of the amendment is proposed new paragraph (c) which reads—

> In exercising a power to dispose of or alienate land conferred by this subsection, the Authority shall have regard to the general principle that in such cases land acquired by the Authority should, if in the opinion of the Minister—

It would need to be a very brave Minister who would decide to go against general public opinion. To continue—

> —it is practicable and appropriate to do so—

Naturally there could be problems if people cannot be found. But there are situations which could make it impracticable. To continue—

> —be first offered for sale at a reasonable price determined by the Minister to the person from whom that land was so acquired.

Frankly, I commend the Government for this provision. A similar provision is incorporated in the Public Works Act, and it is far-reaching—it goes far beyond the provision in this Bill.

I trust that all members share with me the view that this amendment is significant.

The Hon. F. E. McKENZIE: The Opposition also supports the amendment. It seems perfectly reasonable that if land is acquired by the authority and at some later date the land is no longer required by the authority, the person who owned the land when it was acquired should have the first opportunity to purchase it from the authority. We do not argue with that principle; however, I must say that since this Bill has been before the Parliament a number of amendments have been made to it, which indicates to me that much discussion has taken place in regard to the Bill, and no doubt it has been improved. I wonder why at the last minute we have improvements to legislation such as this. Surely such amendments should be made at the drafting stage.

The Hon. Neil Oliver: The improvements are due to my input and your input.

The Hon. F. E. McKENZIE: We will take some of the credit. It may be that some people after reading *Hansard* and studying the Bill felt improvements were necessary. I would have thought that before a Bill of this nature was introduced a provision such as we are discussing would have been included. Proposed new paragraph (c) is the main provision we are discussing. Proposed new paragraphs (a) and (b) are substantially the same as those appearing in the clause—only one or two words have been altered.

The Attorney General may be able to give me an answer to my query. We must bear in mind that the Bill went through the other place without amendment.

The Hon. I. G. MEDCALF: I thank the Hon. Neil Oliver for his comments. I assure him that I believe he touched upon a change that really is significant; it is quite a significant development. I think this is the first time that in town planning legislation we have had incorporated the principle that already appears in the Public Works Act. A person whose land is no longer required for the particular purpose for which it was taken—for the public purpose, one might say—is given

recognition, and on certain terms. When it is appropriate he may purchase back the property originally taken. In other words, in cases when it is considered practicable and appropriate the Minister is asked to observe the general principle that it is right and proper that a person whose land was resumed should be given the opportunity of buying it back if that land is no longer required. It is very good that the Hon. Neil Oliver has recognised that this breakthrough really is significant and has not occurred previously in town planning legislation.

I must not overdo my praises because I will make the Hon. F. E. McKenzie more suspicious than he is at present. He wonders why on earth this amendment has been brought forward in the Legislative Council. Some extraordinary things do happen in the Legislative Council.

The Hon. Lyla Elliott: Very occasionally.

The Hon. I. G. MEDCALF: It goes to show that what the Opposition has constantly said is correct, that we are a House of Review. The message seems to be coming through.

The Hon. J. M. Brown: It has come from you.

The Hon. I. G. MEDCALF: I have heard the message far more often from the Opposition than from members of the Government. I have been trying to live up to the reputation of this Chamber, and here is an example of it before our eyes. The Hon. Neil Oliver and the Hon. F. E. McKenzie have revealed it to the Chamber, and we have seen the light. It is a moment in history.

The Hon. F. E. McKenzie: The Opposition can never get the numbers.

The Hon. I. G. MEDCALF: Obviously the Opposition does not need them.

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. Tom Knight): Order!

The Hon. I. G. MEDCALF: It is gratifying that members have realised that their arguments are listened to and their comments are often taken to heart; and appropriate and proper action is taken. That happens more frequently than people realise.

I thank members for their support of the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Second Schedule inserted—

The Hon. NEIL OLIVER: So far in the debate I have not alluded to the question of who pays compensation, and it is not my intention to do so. However, I am interested to know the reasoning behind the list in the second schedule. It lists the purposes for which land may be acquired. Item 4 refers to highways and important regional roads; item 5 to hospitals; item 6 to the Metropolitan Water Supply, Sewerage, and Drainage Board; item 7 to parks and recreation areas; and other items refer to port installations, prisons, railways, schools, etc. Again in item 13 we have reference to a Government body, the State Energy Commission. Why are the Metropolitan Water Supply, Sewerage, and Drainage Board and the State Energy Commission referred to as purposes for which land may be required when in other items the purposes are merely listed as car parks, highways, important regional roads, hospitals, port installations, prisons, railways, schools, etc.?

For highways and important regional roads the Main Roads Department could be mentioned; for hospitals, the Public Health Department; for prisons, the Department of Corrections; or for railways, Westrail. I would have thought that instead of mentioning the MWB mention could have been made of water supply, sewerage, or drainage reticulation; and in the case of the State Energy Commission, electricity supply or a comparable purpose could have been mentioned. The present situation seems strange. I will not make a major issue of the matter, but I wonder why the difference in terminology appears.

The Hon. I. G. MEDCALF: I had noted the point made by the Hon. Neil Oliver. I suppose there is a slight difference in the way the purposes are referred to. Perhaps the items could have been listed differently, and instead of mentioning the board merely water supply, sewerage, and drainage could have been listed. I suppose generally speaking the meaning of the items will be understood.

I am glad the member will not persist in further discussion of the matter because I find it difficult to give any other explanation.

Clause put and passed.

Clauses 15 and 16 put and passed.

Title put and passed.

Bill reported with amendments.

LIQUOR AMENDMENT BILL

Second Reading

Debate resumed from 13 October.

THE HON. P. G. PENDAL (South-East Metropolitan) [9.10 p.m.]: I want to support the Bill and make a fairly brief contribution to the second reading debate. I begin by commending the Government for having treated

the matter on a non-party basis. I want to express some regret at the sort of comprehensive Act this will become once the additional amendments are included in it. My regret is that we need such a comprehensive piece of legislation to govern people's drinking habits. The Act will soon run into something over 160 pages and that in itself is not terribly important. But having looked through the Bill and Act at the number of licences and the category of licences that again will be required, many of which, I admit, are currently in the Act, it seems to me that we really are heading to a stage where we create some different form of licence as each year goes past.

I would have thought we had reached a stage in life in Western Australia where perhaps instead of extending the size of a Bill or an Act, we might have been looking in the opposite direction to cutting out or perhaps consolidating many licensing provisions that are contained within it. I wish to comment on several aspects. I want to make particular reference in this debate to a proposed amendment I have on the notice paper and to which I will refer to in a moment. I take the opportunity to commend the Government and, in particular, the Chief Secretary, for having included in the Bill clause 17 which will amend section 30 of the Act. For the benefit of members, I indicate that is the provision that refers to cabaret licences and some small liberalisation of those hours during which cabarets may operate.

It was a matter upon which I made some personal representations to the Government as far back as January of this year after approaches I received from a small cabaret operator from the Midland area. Under the present Act cabarets of this kind are permitted to open at nine o'clock in the evening and to close at 3.30 the following morning. As I understand it, those hours were suitable to the cabaret industry in the days when hotels closed their doors at 10 o'clock and that then provided hotel patrons with the opportunity to move onto the premises of those holding cabaret licences. It was pointed out to me by this particular operator that the ball game had become a new one as a result of a number of things.

Firstly, it was a new ball game because hotel licensing or operating hours had over the years been extended under certain circumstances and those hotels had gone to some lengths to attract a lot of new clientele by providing entertainment, rock bands, and the like. It had a fairly adverse effect on people who ran small cabarets of the type to which I have referred. It got to the stage where many of these people, and certainly this man in particular, were ready to close their doors and lose a very big investment because of these things. This approach to me at the time was based on a desire by the operator to be put in a position where he became at least marginally more competitive with the large hotels that offer entertainment, and it was made on the basis that these people ought to be able to operate from eight o'clock each night instead of nine o'clock.

Their strongest point, perhaps, was that if they were able to try to attract a clientele at eight o'clock in the evening, they might be able to retain that clientele instead of losing them to the hotel trade. Therefore clause 17 in the Bill will achieve that and will bring considerable relief to that part of the liquor industry. I again commend the Government for being prepared to propose amendments to the Act in that regard.

The second matter to which I want to make brief reference is the amendment that has been circulated in my name regarding clause 25 of the Bill, which relates to section 43 of the present Act. A week ago I was approached by the Wine and Brandy Producers Association of Western Australia. For members' information, this is an association that describes itself as being devoted to safeguarding and promoting the welfare of the Australian wine industry. The promotional activities of the association are under-written to a large extent by a semi-autonomous Federal instrumentality, the Australian Wine and Brandy Corporation. The association approached me, having found a fairly serious loophole in the existing legislation.

Most members of this House have some experience of functions called wine tastings. In Western Australia apparently the bulk of wine tastings are organised by the Wine and Brandy Producers Association. The current Act allows that association to provide wine which has been donated—that is the key word—by member organisations. It is then used at wine tastings and in turn becomes a fairly lucrative form of income to probably thousands of voluntary organisations throughout Western Australia.

It has now been discovered by the association's solicitors and confirmed by the Licensing Court that these activities in fact have been quite illegal. The amendment that has been circulated in my name intends to make it permissible for a charge to be made by the Wine and Brandy Producers Association when it puts on a function on behalf of, for example, a parents and citizens' association in some locality.

Until now, when the Wine and Brandy Producers Association has agreed to hold a wine

tasting, the association in charge of the function has say, charged a levy of $5. An amount of say, $2 is paid to the Wine and Brandy Producers Association and out of that sum the association has paid for personnel to be present at the wine tasting, the hire of glasses, and also the cost of the wine provided by the industry; and therein lies the difficulty or anomaly because it has been discovered that the Act does not permit those involved to operate in any way other than with donated wines.

Unless this amendment is passed hundreds or even thousands of such functions held in the course of a year will be illegal. If it is not passed hundreds of fund-rasing functions which have been a traditional and lucrative form of income for voluntary organisations will be illegal.

Finally, but not of least consideration, is the fact that, if the amendment is not passed, the wine industry in this State will lose one of its most important promotional outlets. So, during the Committee stage when this amendment is discussed I will call upon members to offer their full support. It is perhaps worth mentioning that the Act was framed at a time when the wine industry was in a good financial situation. That meant that the industry was quite able to make donations, but now the situation has altered somewhat because there has been a dramatic increase in competition within the industry as well as a variety of difficulties which have led to the situation where the industry cannot provide wine free. Therefore, the industry has to be able to sell its wine to the association as a form of promotion. This promotion will simply come to an end if this amendment is not made.

I support the Bill.

THE HON. R. T. LEESON (South-East) [9.24 p.m.]: Legislation such as this has been before this House on a number of occasions since I have been a member here and on each of those occasions a number of changes have been made to the legislation.

I do not agree fully with the remarks made by the previous speaker when he referred to a private members' Bill such as this legislation is supposed to be. I believe there should be more input by members before a Bill is presented to the Parliament. That input should be from both sides of the House if it is to be anything like a non-party Bill, because it has always been a *fait accompli* when a Bill has been presented in this place. The changes which are made are the only ones that we as an Opposition can consider. I do not say that a member cannot put forward a private member's Bill if he so desires, but it would make the position much easier and less controversial if certain aspects were thrashed out earlier. That is my personal opinion and something I have noticed over the years in this place. I believe that approach would alleviate many of the problems we have had to face.

It appears with this matter we cannot be sure as to where the industry is headed. In my electorate we find we are running into some problems which may be termed as the "battle of the big four": the hotels, the clubs, the liquor stores, and to a lesser degree, the night clubs and taverns. With this Bill we are attempting to give everyone a bite of the cherry, so to speak. It is not an easy thing to do. Legislation such as this often creates a great deal of controversy when it is mooted that it is to be introduced. Many people have a great deal of interest in this legislation in one way or another, so it is very much in the spotlight.

Some of the changes to be made by this legislation will be beneficial to the industry, but some will not be beneficial. Mr Pendal mentioned the extension of hours for cabaret licences. I do not believe that we have done the correct thing by bringing forward the opening hour from 9.00 p.m. to 8.00 p.m. I believe we should extend the time at the other end. After all, this function is for people who wish to soldier on after the hotels shut and when we make such decisions we create problems for other spheres of the industry.

Members are aware of the problems with the AHA at the present time and the undermining of business by liquor stores. We are now giving cabarets the same sort of licence to further undermine some of the business that the hotels may have obtained. If we are not careful we will finish up with another problem, especially when we consider the proliferation of liquor stores. Once people set up a business it is only natural they wish it to continue.

Not many years ago if one went into a liquor store all one could buy were six bottles of beer or six bottles of wine, and nine times out of 10 they were hot. It was often the case that the order was put onto the grocery list and not paid for for a week or a month. That was the only reason the gallon licence stores were in operation for so many years.

When we took away the six-bottle limit, overnight these old gallon licence stores became the big glittering liquor stores we see today. I cannot see anything wrong with that except that we are shunting business in this industry from one section to another. It is just like a dog chasing his tail.

We now have the AHA complaining bitterly—and in some cases, rightly so—about the raw deal its members are receiving. We have the liquor stores saying, "If hotels can trade on Sundays, we want to trade on Sundays. If hotels can trade until 10.00 p.m., we want to trade until 10.00 p.m." It will not be long before they want to trade until 11.00 p.m.; it is only human nature. I just wonder where we are heading.

When we altered the six-bottle limit, we should have carefully considered the consequences of our action, because it opened up Pandora's box. When the gallon licence system was in operation, the outlets used to sell liquor on Saturday mornings and between the hours of, I think, 9.00 a.m. and 5.00 p.m. on weekdays. They were happy with that arrangement because they did not sell a great deal of liquor, and it was sold with the grocery order, anyhow. However, we have changed the situation, and created great problems.

We are now to allow cabarets to open one hour earlier. I am not opposed to extending their closing time, but I do not know whether I am in favour of this provision. We should not tie people down with all sorts of regulations; if people want to carry on late at night, I see nothing wrong with it. However, with cabarets commencing at 9.00 p.m., most people would go to a hotel first, and go on to the cabaret. When this Bill becomes law, they will not go to the hotel, but will go straight to the cabaret.

I turn now to the spirit strength of whisky, brandy, and the like in Western Australia. It is a little puzzling to me that the Government has not had an earlier look at the consequences of this matter. The Government says it is waiting to receive reports on the subject. I believe those reports should have been available so that if there were to be any change in the situation it could have been incorporated in the Bill before the House.

If the strength of spirits were dropped in this State, it would not hurt anybody. The Minister claimed in his second reading speech it would result in between eight and 30 people being displaced; that seems to be a fairly wild guess. Perhaps we should have ascertained how many people would be affected by such a change. Those people who are displaced might be placed in other areas. We talk about the road toll in this place from time to time. Perhaps the proposal to reduce the spirit strength of whisky and brandy should have received more consideration than it has been given.

Another matter which has concerned me for a number of years is the transfer of licences. The Liquor Act empowers the Licensing Court to transfer licences from one area to another or from one town to another. Members would know that around the turn of the century, there were something like 100 hotels on the goldfields. Even today there are about 30 hotels, in addition to which there are licensed clubs and other outlets. So, there has always been an overabundance of hotels and the tendency has been that when people have closed a hotel in one area, another one has sprung up somewhere else. Probably more than anywhere else, the people of Kalgoorlie, the Murchison, and the goldfields—

The Hon. A. A. Lewis: They caused the Licensing Court to be formed. They created all our troubles.

The Hon. R. T. LEESON: —agitated for a provision which would allow the transfer of licences. However, I cannot see anything beneficial in such a system; I cannot understand the logic of it. If a hotel is closed because of lack of profit or for some other reason, the licence is relinquished. However, if another town wants a hotel or some other liquor licence it can apply to the Licensing Court and be granted a licence as the Licensing Court sees fit. In this way, licences are transferred from town to town. For example, the licence for a large hotel at Paraburdoo came from a small hotel in South Boulder, the Cornwall Dandies. Another was transferred to Rockingham.

The Hon. J. M. Brown: The Carralee at Kwinana.

The Hon. R. T. LEESON: Yes, the main bar of that hotel could be spanned with a person's arms; it was only a little tin shed, but the licence was transferred to Kwinana. This makes a mockery of the Act. I do not argue that there should not be a hotel at Kwinana, but I cannot see the necessity to transfer the licence in such a manner.

This practice leads to all sorts of problems, particularly as it concerns bottle outlets. In recent years, we have seen a proliferation of such outlets, with chain stores such as Woolworths and Coles entering this field. We even have those companies at Kalgoorlie now. I wonder just how beneficial they are to the people of the goldfields. They sell liquor for only a few cents less than the locally-owned liquor store which has been operating in the town for many years, but it is sufficient to encourage the average person to purchase his stocks of liquor there with the result that many locally-owned stores are in financial trouble, and in some cases have been forced to close. The result is that the licence is gobbled up by Coles or Woolworths and perhaps transferred somewhere

else in Western Australia. In one instance, Coles in Kalgoorlie purchased a licence and transferred it no more than 50 yards down the street. That company seems to be able to purchase licences and transfer them fairly easily.

If one believes half of what one reads in the newspapers, in most cases there is a great deal of opposition to the transfer of licences in such a manner. However, in most if not all of these cases, eventually the licence is transferred. This practice is doing untold damage to some locally-owned liquor outlets in my town. They have weathered the storms over the years—and we have had some beauties—and now they are being gobbled up by these chain stores. Most of the money that they take finds its way very quickly out of the town of Kalgoorlie. Apart from the wages paid to juniors, in the main, not a great deal of benefit is obtained.

As I said earlier, if we could sit down as a Parliament with parliamentary committees—and I suppose this is an old saw—we could have a look at these things from the point of view of everybody. Then we could make a better job of dealing with these matters than we seem to be doing.

I hope that what we are doing will make life a little easier for the organisations concerned. If we do not do these things correctly, we will be faced with amendments to the Liquor Act forever.

As I said earlier, we are like a dog chasing its tail. We are shifting responsibility from one area to another, and we are creating problems continually.

Most of the amendments in the Bill are favourable to the industry. We could have gone a little further, and we could have used a little more common sense on a couple of the issues. Nevertheless, we will await the outcome.

I support the Bill.

THE HON. G. C. MacKINNON (South-West) [9.42 p.m.]: I was interested in Mr Leeson's comments. He speaks from a very deep and long knowledge of the Act. That is obvious from the words he used.

Of course, the Liquor Act originated because Kalgoorlie had such a proliferation of hotels, as the honourable member said, and because of the need for some control. That is the origin of the Liquor Act in this State. The Sunday trading and the two-bottle laws were originated by the member for Kalgoorlie at the time they were introduced.

I would like to elaborate on a couple of matters raised by Mr Leeson. He mentioned that this is a non-party Bill. I agree that we ought to have a committee, to work this matter through in a more sensible way. I disagree, however, that we should ever have a non-party Bill. That makes a mockery of our votes, because if we bring in a non-party Bill, we are disciplined to vote on all of the other Bills.

As a private member of the Parliament, I have never considered that I was bound by the Bills brought in by the Liberal Government. There are certain rules to which I am bound, but they relate to policy matters. However, I have never considered myself bound in the way that our political opponents are bound. It makes a mockery of our proud boast for the Premier to stand and say this is a non-party Bill. If it is a non-party Bill, all the other Bills are party Bills, and we are bound by them. We cannot have it two ways.

Nevertheless, I accept the point made by Mr Leeson. We ought to look at this matter in a far wider way than we do. Fundamentally, I disagree with the concept of the Liquor Act, and the Bill we are considering.

I brought in some *Hansards* today because I was going to refer to a few speeches made over the years by certain people who are now in positions of authority. However, I will not be so cruel, and I will expect a little kindness in return.

The Hon. G. E. Masters: That is blackmail.

The Hon. G. C. MacKINNON: Mr Leeson raised the question of liquor strength. That is not covered by the Liquor Act, but by the Health Act. I disagree with Mr Leeson on this matter. There has been a lot of talk about bringing our liquor strength into conformity with that of the Eastern States. However, that is the wrong approach. The correct approach is for the Eastern States to bring their liquor strength into conformity with ours, because we have the world standard. The Eastern States have seen fit to lower their liquor strength by adding a bit of water, so they can make more profit.

The Hon. J. M. Brown: Does that imply it is the best standard?

The Hon. G. C. MacKINNON: Our standard is the best standard. For every dozen bottles of whisky sent from Perth to Wyndham, or to Mr Brown's area, if we adopted the Eastern States' standard we would have to send an extra bottle of water. That is ridiculous. Why should we pay freight on water? It is the same water that we have down here, because I have no doubt that all the companies do is to turn on the tap.

The argument about liquor strength is quite ridiculous. It is time that the Eastern States brought their strength into conformity with ours.

I hope that when the members of the National Health and Medical Research Council bring down their recommendations, they will not fall for the three-card trick of weaker spirits. As 99.9 per cent of all spirits are drunk with a mixer—water, soda, or whatever—what is the point? However, they will fall for that, because it is the sort of three-card trick that will be acceptable. I hope that a few reasonable whisky drinkers form the basis of the medical fraternity in the National Health and Medical Research Council.

I would like it understood clearly that what I say about this Bill is not being said in the sense that I am a non-drinker or a wowser with regard to drinking, because I am not. Members are well aware of that.

Mr Leeson earlier used the word "consequences". Over the years, Bills to amend the Liquor Act have been introduced without any thought for the consequences. Mr Pendal said exactly the same thing. I heard of an inquiry before the Licensing Court at which the publican said, "If the people surrounding here don't like what goes on in the hotel, they shouldn't live near it". The nature of hotels has changed a lot as a consequence of amendments to the Liquor Act. No comparison can be drawn between present-day hotels and those of earlier days.

Many hotels today have bands, parking lots, and all the rest of it, because they are entertainment centres. Mr Leeson's point about the consequences of our Acts is very real.

Initially hotels were protected, because there had to be a hotel every 20 or 25 miles so people could stay overnight when travelling by horse and sulky, or whatever. The hotels were given the right to serve liquor so that they could afford to keep a house. That was the original concept.

The Hon. D. J. Wordsworth: At the time they were protected, they were forced to have a room set aside for corpses.

The Hon. G. C. MacKINNON: They had to have a whole lot of things. They had to have a room for corpses; they had to have stables. They were governed by all sorts of rules and regulations. All sorts of impositions were placed upon them.

Where it was not possible to run a hotel, a liquor store was established. As the Hon. Mr Leeson mentioned, the liquor stores were able to sell a gallon of liquor. One had to buy a gallon, put it on one's account, and take it home with the groceries. Over the years this has been changed, and with very little thought of the consequences.

To back me up I have as my most recent authority the Mayor of Las Vegas who has said that every time we amend our laws to make it easier to obtain liquor, the incidence of abuse increases. As a result of this Bill more liquor will be drunk.

At an earlier time we reduced the minimum drinking age from 21 to 18 years. Of course, we are not genuine about deaths on our roads. I have yet to see a Government that is. We all like to drive a little faster than we should, and because of the freedoms that will be given by this Bill, more people will be drinking more liquor and doing so away from their homes.

The only man I know who has made a genuine attempt to stop this is Herbie Graham. He tried to introduce taverns within walking distance of people's homes. He saw them in England and introduced the idea here, but it has not worked because our distances are too great.

The Hon. D. J. Wordsworth: Do you really think that is what he was trying to do?

The Hon. G. C. MacKINNON: He is an honourable man and I am prepared to take his word for it. We all know it works in England; a person can just walk around a corner and find a tavern. It does not work here because of our greater distances. But it has added to the amount of liquor drunk.

There are other consequences, and many of the consequences of legislation we introduce do not affect anyone too much. I do not care so much about people who drink, because they have themselves to blame. If a hotel is situated in a shopping area or in an industrial estate it really does not cause too much bother; but if it is located in a closely settled area problems do arise.

When I stay in Perth I stay in an apartment block close to a hotel. Most hotels have bands which make a lot of noise. People have a few drinks and they get a little jolly. They leave the hotel and say good-bye to each other. A bit of chiacking occurs. They call out to one another and a fair number of horns are tooted. Anyone who happens to be living close to such an hotel is disturbed by the noise. Unfortunately, if he makes any comment about the noise an argument usually develops.

Members will recall an incident which occurred at a drive-in south of the river. It came to the attention of everyone following a newspaper article. A similar situation has been brought to my attention quite forcefully because I live in Esplanade Court which is just behind the Windsor Hotel. Mr President, you would understand what I mean because you once owned an apartment there. I should explain the situation more fully for the benefit of other members.

There are four apartments on each floor and the windows of the units on the western end look straight down into the Windsor Hotel from which at times a good deal of noise comes. A wide walkway in the apartment I own insulates me from a good deal of the noise, but the walk through the parking area is something of a worry.

The file I am holding belongs to a lady who lives in the apartment block and it contains letters which she has written to all sorts of people highlighting the problems of the consequences of legislation we pass. She has received no satisfactory result despite all these letters and all the agitation she has initiated, along with other people. Recently a meeting was held at which 18 people attended, but no satisfactory result was forthcoming.

I might add I am delighted to see that clause 48 of the Bill is to insert a new section 83A which indicates that where a court, on the complaint of a member of the Police Force or a supervisor, is satisfied that the holder of a permit of a continuing nature has not complied with any term or condition thereof, his permit can be suspended.

If that should happen and someone asks the publican in a perfectly innocent fashion what has happened to his band and why cannot everyone enjoy listening to the band, the publican might say there had been a complaint from that place across the road about the noise. If that person and his friends happen to see someone from that place walking across the road, what happens? We all know what happens. There is be a lot of chiacking and the like, and perhaps even worse.

I frequently go across to the Windsor Hotel for an evening meal because it serves very good food, and people from all over the place visit the hotel. I do have a concern that I might be spoken to because of what I say here tonight, and this has a serious bearing on the privileges of this House. I referred to another matter earlier in the year involving the Hon. Mick Gayfer. Whether or not I was right on that occasion I do not know.

Certainly I am concerned that people who live in close proximity to these hotels are suffering from the consequences of Bills we pass, believing we are making things better for the happiness of the general population in regard to drinking alcohol.

I do not think we are helping things. In a modern and affluent society such as ours people can buy liquor very easily and take it home and put it in their refrigerator. People can drink liquor in a reasonable fashion in their homes, and it is much safer for them to do so. But the consequences of the legislation we pass are such that more liquor is consumed these days, and more of it is consumed away from the home.

People might argue that I am taking a wowserish attitude, but my lifelong habits should belie that. They will say I am talking about prohibition and then suggest that we consider what happened in America; but that is a spurious and ridiculous attitude.

Certainly it would be ridiculous for people to say that if we make it easier for them to drink alcohol we will have less trouble. France has a most liberal liquor law and it also has the highest rate of alcoholism. It has alcoholism among children of less than 10 years of age because alcohol is so readily available in most homes. Children are quite innocently given alcohol and then become addicted to it. I no longer believe in allowing children to have access to alcohol as I did when I was younger. Things I have seen over the years have made me change my view in that regard.

So many things seem to be done without due regard for consequences and so many things are accepted without real thought. I should like to quote from the report of the Government committee which inquired into the Liquor Act. On page 27 the following statement is made—

> In the opinion of the Committee, existing trading hours and methods of operation give licensed stores an ample share of the available liquor market and their operations should not be extended to include Sunday trading.

I ask members: How paternalistic can one get? The committee was comprised of Mr J. F. Syme, who is a very nice fellow; Mr K. G. Shimmon, who is a really fine fellow; and Superintendent G. E. Brown. Who gave them the right to say licensed stores have an ample share of the liquor market? The committee was prepared to give hotels a brand new slice of the cake, but it said that licensed stores should not have a bigger share also. This sounds like old-fashioned Labor policy when they still believed in socialism!

Opposition members interjected.

The Hon. G. C. MacKINNON: We condoned that sort of attitude and we accepted that report. We did not send back the report and tell the committee to remove comments of that nature.

The Hon. P. H. Wells: That is not the only thing wrong with the report.

The Hon. G. C. MacKINNON: Of course it is not the only thing wrong with the report. If liquor is to be available on a Sunday, then surely both

hotels and licensed stores should be able to supply it.

Years ago one of my brothers-in-law was engaged actively in the hotel business. He said that, at that time, the bulk of the money earned by a hotel business came from the front bar. That was where the big trade occurred. He said the average fellow had $3, $4, or $5 a week to spend on liquor and he spent it irrespective of what happened. The same situation probably applies today.

We made the law which allowed a certain number of licensed stores to operate. We intend to change the balance by allowing hotels but not licensed stores to trade on Sundays. If a given quantity of liquor is bought, and if the hotels can sell liquor at more convenient hours, they will sell a bigger share of it. The committee said the licensed stores have a big enough slice of the cake now and they will not get any more; therefore, the economics of these businesses will change.

The Hon. F. E. McKenzie: The independent Licensed Stores Association said it did not want to trade on Sundays.

The Hon. G. C. MacKINNON: That may be so, but the association did not want anyone else to trade either. The licensed stores want their cut of the cake. I have spoken to these people and I am aware of their opinions. I do not blame them for not wanting to trade on Sundays. Indeed, the most sensible action we could take would be to completely stop trading on Sunday afternoons. I do not know anyone who does not have a refrigerator in which liquor can be stored.

The Hon. P. H. Wells: We should cut out Sunday trading altogether.

The Hon. G. C. MacKINNON: That might be the most sensible action to take.

Over the years I have become convinced that the easier we make it to participate in a certain activity, the more frequently it is carried out. If we make it easier to gamble, we will have more gamblers, and if we make it easier to buy liquor, more liquor will be consumed. If we are going to allow liquor to be sold on Sundays, it seems reasonable that we should be fair to all and both hotels and licensed stores should be able to sell it. The report goes on—

> The Association sought special provision to enable licensed stores in holiday areas to trade on Sundays in peak seasons. However, it is felt that such a provision is not justified, would produce many anomalies and be difficult to administer.

For whom are we legislating? Are we legislating to make the jobs of administrators easier or are we legislating to achieve just liquor laws? It seems to me we ought to aim for the latter alternative. When I was a Minister, I was always opposed to propositions put forward by a department which were designed to make its job easier.

The Hon. H. W. Olney: Other than in regard to aerial photographs.

The Hon. G. C. MacKINNON: Aerial photographs did not make the job of administrators easier, they just made it possible. That is a totally different matter.

I keep returning to the fact that we should bear in mind the consequences of what we do. We hear comments that we should make it easier for wine producers to sell more wine. I have been into liquor stores and the array of wines available is mind boggling. It is necessary to buy a book to keep up with the different varieties of wines and it is still possible to make a mistake. It is not difficult to buy wine. We are simply making it easier for the particular person concerned to sell wine at a certain time.

I will not read the statements contained in this document, because as soon as I start to quote from it, the demand will be made that I table it. However, in the area of Windsor Towers, Dapley Heights, and Esperance Court there is a shopping centre and all access routes to that area pass the hotel. The most convenient route to the shopping centre is through the parking area.

The people from Windsor Towers cannot get to the shopping centre without passing the hotel and, if they use the most convenient route, they go through the carpark.

The people in that area wanted to measure noise levels and they approached the local authority, but were told it could not perform the task. They then approaced the Licensing Court and officers took a decibel count with a simple decibel meter. I cannot recall having seen one of these meters, but I am told they are very simple to operate. When in use, a needle moves to a certain point which indicates the noise level.

However, when the case went to court the lawyer said to the fellows who read the meter, "Are you licensed to use decibel meters?" They said, "What do you want a licence for?" It transpired that neither the Licensing Court nor the local authority had a licensed, registered, properly authenticated decibel reader.

The Hon. Neil Oliver: Case dismissed!

The Hon. G. C. MacKINNON: Yes, the case was dismissed.

We made it possible for hotels to obtain after-hours licences and we are now making provision for the suspension of that practice in certain cases. That is a step in the right direction. I have no doubt the Minister for Police and Traffic had something to do with this, because he has experienced the problem of which I am speaking in his electorate. We are all aware of that, because the matter has been reported in the newspaper.

I am aware the Minister is very sympathetic to the whole problem, as indeed we all are. The point we should bear in mind is how we can overcome the problem, because by our actions we have established that hotels are now entertainment centres in practically every suburb.

The better the entertainment centre a hotel is, the more money it makes; and of course frequently the better is the service it offers to its customers. The hotel to which I am referring, the Windsor Hotel, offers exceptionally good service to its customers. The only difficulty is that people like myself who live adjacent to it and, in particular, who live adjacent to it all the time, find the noise inconvenient, particularly during weekends. When a hotel is in a central area, like that to which I have referred, it is tempted to increase its number of late nights. Such consequences must be considered by us.

I must deal with one other matter, and I do so with some personal trepidation. I have faced enough angry people in my time. I thought that when I left the front bench I would get away from them; however, I have an obligation to mention this matter. The situation to which I wish to refer is a natural corollary, a consequence of many things for which I do not blame anyone in particular.

A hotel may seem to be running quite nicely but people complain about the noise emitted. This occurs wherever the hotel might be; however, certain action takes place. It would not take a genius to know from which quarter complaints arise, and often they are heard by a court of law. The problem then arises that action is taken against the people who raised the objection to the noise, and at times even physical action is taken against those people. I have had reported to me that ladies who have been suspected of complaining have been stopped and had certain words said to them by three or four young men. Often these ladies have been walking across the carpark of the hotel in question. We can do nothing about such situations. The answer the Minister will give me, whether or not I forestall him, is that all the original complainants must do is go to the police, and the police will take the appropriate action.

The Hon. H. W. Olney: It would be in their discretion.

The Hon. G. C. MacKINNON: That is correct. We all know what the complaint to the police would be worth. By the time such a lady got around to making a complaint to the police, which would probably be the next day, her taunters would be long gone. That is one of the consequences of this day and age. These offenders are so difficult to track down; they can camouflage themselves.

The Hon. W. M. Piesse: They are so mobile.

The Hon. G. C. MacKINNON: That is correct. They can go to Scarborough from Fremantle to commit the offence, and by the time the police have arrived at Scarborough the offenders are at Midland. The situation behoves our serious consideration.

I believe that quite serious social Bills—this is a social Bill—can be handled only in the way suggested by the Hon. Ron Leeson. We ought to establish an all-party committee to consider the matter. It should comprise people of long and short experience, and country and city people, who could pool their knowledge to ensure the public are not inconvenienced by our actions, even though they have been taken with the best will in the world.

We believed a more open attitude towards the availability of liquor was better; but I have come to doubt that attitude. We believed a more open attitude towards sex was better; but I have come to doubt that attitude. The Swedes believed that a more open attitude towards pornography was better; but they have, of course, come to doubt that attitude, and have proved that it is not better.

We can never turn back the clock. Despite what we read in newspapers and see ourselves we must accept that the more open attitude we have towards the availability of liquor, the more people will consume it. The major problem with liquor consumption is the increasing road toll. We know from what we have heard from our friends, what we have seen and what we have read—we all know this as a fact—that the increasing road toll is a consequence of making liquor more freely available.

We have changed the concept of the availability of liquor and the nature of the outlets. Now liquor is available in supermarkets, and more and more liquor will be sold in supermarkets. For those reasons I do not like the measure before us. I must admit that until we get around to adopting the sort of approach outlined

by the Hon. Ron Leeson I do not think we will have anything satisfactory in regard to liquor licensing.

THE HON. N. E. BAXTER (Central) [10.15 p.m.]: The remarks made by the Hon. Ron Leeson and the Hon. Graham MacKinnon represent a logical approach to that which has occurred to our licensing law—our Liquor Act. I remember a time in this House when it was very difficult to make an amendment to the Licensing Act. That situation pertained until 1970. To make an amendment was a major task; the Act was jealously guarded.

I refer to the time when I introduced amendments to the Licensing Act, as far back as 1956. I tried to have passed in this House an amendment similar to that to which the Hon. Graham MacKinnon referred. The amendment related to the introduction in country towns of what are now called taverns.

My proposal was that in a town with more than two hotels one hotel could apply to the Licensing Court for it to be granted a non-residential licence. The other hotel would continue to operate as a residential hotel and the non-residential hotel would pay into a fund an amount to compensate the residential hotel for out-of-pocket expenses in regard to the provision of meals and accommodation. Basically, the non-residential hotels would have been what are now taverns. In those days I referred to the term "non-residential". My attempt was unsuccessful, and the Bill was thrown out.

It was not until after 1970, following a committee inquiry, that the Government brought forward copious amendments to our liquor laws and introduced the present Liquor Act. The committee to which I refer comprised one woman and other members, the names of whom I have forgotten. After 1970 changes to our liquor laws took off like a rocket—all sorts of changes occurred to the Liquor Act.

From the early days of the Parliament until 1970 I was fairly *au fait* with the Licensing Act, but I lost track of the provisions of the Liquor Act after 1970 because it became so complicated. So many new licences were brought into being, and the law became a hotchpotch—one needed to be a Philadephia lawyer to understand what was happening.

I remember that in 1955 I introduced a Bill to extend Sunday trading to hotels outside a 20-mile radius by road of the city instead of the existing 20-mile radius as the crow flies. It took four Bills and six years to succeed in that endeavour so that hotels in the areas of Mundaring, Sawyers Valley and others could operate on Sundays. I had provided for Sunday trading at Rottnest Island, but in the final year of my endeavour a similar Bill was introduced in another place, and that covered Sunday trading for Rottnest Island.

I excluded reference to Rottnest Island from my Bill and introduced it into this House, and eventually my Bill and the Bill introduced in another place crossed Houses. We organised to have my Bill passed in the Assembly before the Assembly Bill was passed here. I do not know what would have happened with my Bill had I maintained in it reference to Rottnest Island—it probably would have been thrown out. We reached the situation of having Sunday trading outside the 20-mile radius by road instead of the 20-mile radius as the crow flies, and eventually Sunday trading came into being Statewide.

I reiterate that in the early days the Licensing Act was jealously guarded; it took quite some effort to have Sunday trading introduced in the hills area to which I have referred.

I am rather intrigued by this Bill because it does little for hotel licensees. As the Hon. Graham MacKinnon has said, hotels have had to resort to entertainment and all sorts of things to compete with the many types of licences that exist today—tavern licences, and the other shop licences; in other words, Coles and Woolworths stores trading with big liquor setups. That has extended throughout the State and the hotels have had to try to compete and remain in business and at the same time provide meals and accommodation which in most cases are required under the Act.

Often this hits very severely indeed at hotels in suburban, city, and country areas when they try to compete with the various types of licences which provide the right to trade for extended hours. I was rather staggered on reading the Minister's second reading speech to see that trading hours for licensed clubs will be extended on Monday to Friday from 11.00 p.m. to midnight and on Saturday from 11.00 a.m. to 1.00 a.m. on Sunday.

The Hon. P. G. Pendal: That should be 11.00 p.m.

The Hon. N. E. BAXTER: I just looked at that and noticed it as I said it. The strangest part about it is that no reason is given in the second reading speech that these hours have been extended. One would think a second reading speech about extending hours would provide an explanation as to why the hours for licensed clubs are extended. The hotels probably would not want this. No explanations have been given in respect

of extending their trading times to enable them to pick up some of the trade that would go from the hotels to the clubs following the closure of the hotels.

There is only one thing that hotel licences have gained out of this legislation; that is, the provision enabling hotels to be given the right to close some bars on the premises according to their own discretion and the dictates of custom and demand. That is quite a logical amendment because it is useless having an empty bar or a bar with two people in it and another bar with about four people in it when only half a bar is needed to accommodate all the customers in the hotel. It is quite a sensible amendment. As far as I can see that is the only thing that licensed hotels will gain from this particular legislation. They have to paddle their own canoe and at the same time fight hard against the inroads of bottle licences and other licences with which they have to compete.

I agree with the Hon. Ron Leeson and the Hon. Graham MacKinnon that perhaps we should have some sort of joint committee to look into this situation and get some logic into it. We have had inquiries time after time and Parliament seems to follow and accept some of the recommendations made. I believe the Liquor Act has got into an unholy mess and the result is that we do not know where we are going to finish up, as the Hon. Graham MacKinnon said.

As the Bill extends drinking times, I believe it creates more risks as far as road deaths are concerned. Drinking hours in licensed clubs have been extended. I do not know exactly where we are going to finish up if we continue in this way. We must put our thinking caps on and see which way we are going with the Liquor Act today, and perhaps settle down to something pretty soon. We must hope in future amendments to improve on this legislation.

Debate adjourned, on motion by the Hon. I. G. Pratt.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [10.25 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 20 October.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [10.26 p.m.]: I move—

That the House do now adjourn.

Claremont Technical College: Closure

THE HON. R. HETHERINGTON (East Metropolitan) [10.27 p.m.]): I feel I cannot let the House adjourn without making brief reference to the announcement that has been made that the Claremont Technical College is to be closed. This is something that I had hoped would not happen and is something that was recommended at the end of 1979 by a committee of the Western Australian Post Secondary Education Commission under the chairmanship of Dr Dolph Zink.

On 13 March 1980 I wrote to the Minister and told him that I thought the committee was mistaken and asked if I could see him and discuss the matter with him. I have never had a reply and I am afraid other things took my attention and, I am ashamed to say, I did not follow it up. I do not suppose it would have made any difference because there seemed to be a determination to close the Claremont Technical College. I here quote the report of the committee at page 42, as follows—

> It is also the only technical college offering full-time tuition in sculpture and painting through the Certificate and Diploma courses in Fine Art. Students and staff have produced work which has earned distinction in exhibitions and competitions. Admission to the courses is open and, in recent years, the College has been able to admit virtually all applicants either at the outset or during the first term as vacancies have occurred. The median age of enrolled first year students in 1978 was twenty-seven. The percentage of new students coming straight from secondary education is quite limited. It would appear that many of the entrants would not have met the academic requirements for admission to WAIT or, if they did, would not have sought entry to WAIT. The programs thus provide an alternative and somewhat different opportunity to that offered by WAIT for individuals seeking to pursue the study of fine art on a full-time basis. It is the Committee's view that the courses fill an important place within the total structure of post secondary education in Western Australia and that they should be continued.

I understand the courses are to be transferred to the new Perth Technical College. When people talk about education in general they are fond of saying it is not buildings but teachers that are important. Here we have an example of a college where the buildings are terrible but the teaching is marvellous, and the institution is now to be destroyed and put into the fine new cultural

complex in the interests of so-called culture. To boost up a little morale with our new cultural complex, we are to destroy an institution which has a fine tradition as far as the arts in this State are concerned.

It is one of the good things that have been produced in Western Australia. It has taken and does take people who would not be accepted in other institutions. All they have to do is produce a folio and if their work is considered good enough they are then taken into the college. The college then helps those people develop their own creativity in a way that no other institution does in this State.

It seems to be in this country of ours that when we hear about culture we set about destroying it. One of the finest art colleges in Australia was the East Sydney Technical College. It was destroyed and replaced by a grand new place. One of the finest little colleges that we have in Western Australia is the Claremont Technical College where there is an ethos. There is a tradition. The college is producing something that is distinctively its own. It is about to be destroyed and I think this is a great tragedy.

The same thing is not going to be produced by shifting the courses into a fine new building or new college because a tradition, as we found with Graylands Teachers' College, is something that grows up and cannot be transplanted. When it is destroyed it cannot be revived. This college's tradition of culture has produced real creativity in Perth. It is a college, I believe, that Western Australia can be truly proud of, which is about to be destroyed.

I will not give the rationale of this very bad report that was produced by the WAPSEC committee. It was a report full of *non sequiters* where the reasoning was poor. So all I can say is that I hope—although I suppose at a time of financial stringency there is no hope—that the Government might rethink and there might be still a possibility that we can save for Western Australia a genuine part of its cultural heritage which is about to be destroyed by a stroke of the pen.

The Hon. D. J. Wordsworth: Are you suggesting we should leave the old building and forget about it?

The Hon. R. HETHERINGTON: I do not suggest that at all. I suggest that if we have something really good we might refurbish it, leave the old building there and do someting with what we have.

The Hon. D. J. Wordsworth: It is a change from what you usually say.

The Hon. R. HETHERINGTON: It is not a change from what I usually say at all. The Minister would not know because he does not listen to what I say; he works on preconceived ideas. In this instance, I know what I am talking about and I know something about the college and the committee report because I read it very carefully.

It is a pity this college cannot be preserved. When I went out to look at it I thought the building should be bulldozed and the college should be shifted somewhere else, but when I talked to the people—the teachers and students of the college—I realised it was something we should cosset. Although I understand many of the reasons for the Government's thinking that it should be closed, I think it is making a genuine mistake and the people who have made that decision are relying upon people who have not understood the importance of the college to the culture of Western Australia.

I ask the Minister if this time he might take me at face value. I am very serious about this matter; I am saying exactly what I believe. I hope he will take this matter up with his colleague in another place with a hope that the Government will have second thoughts.

I can assure the Minister that if he makes some inquiries at the college he will find there is something worth while there. I am quite happy for him to make those inquiries, because I believe my comments will be proved by the people who are there.

It will be a great pity if one of the cultural heritages of Western Australia, this little college which has built up a fine tradition, is destroyed.

The Hon. D. J. Wordsworth: I will be happy to pass on your comments.

THE HON. R. J. L. WILLIAMS (Metropolitan) [10.33 p.m.]: I wish to second the remarks made by Mr Hetherington because the college is in my electorate. I taught at the college at one stage in my career and I think it is sad that because of financial economies it has to go.

As recently as last month I attended an exhibition of the work of the students and teachers at the college. The work was of a most encouraging standard. I support Mr Hetherington, and I am sure he will be surprised. I do hope the Government will have second thoughts on this matter.

Question put and passed.

House adjourned at 10.34 p.m.

QUESTIONS ON NOTICE

AGNEW CLOUGH LIMITED

Land: Flora and Fauna Reserves

565. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

With reference to the threat posed to Goonaring and Beelaring flora and fauna reserves from clearing taking place on land purchased by Jimwa Pty. Ltd. from Agnew Clough Ltd.—

(1) Was the Minister approached by the Shire of Toodyay and farmers in the area seeking Government action to protect these reserves?

(2) If so—

(a) on what dates; and

(b) what action was requested?

(3) Why did the Government—

(a) include the environmentally sensitive land in the Agnew Clough sale agreement in the first place;

(b) allow subdivision of the land knowing full well this would mean its ultimate resale and clearing; and

(c) not take action to ensure its protection by either enlarging the reserves or legislating to stop the clearing?

(4) What action does the Government now intend to take to stop further clearing?

The Hon. G. E. MASTERS replied:

(1) and (2) Approaches were made to me as the member for West Province as from 1975 and meetings were held with the shire, the Minister for Town Planning and local members of Parliament from that time and continuing after my appointment to the Ministry. Over a period of years the land in question was the subject of subdivisional requests by Agnew Clough Ltd.; and provisional approval of a proposed subdivision was finally agreed in 1980, subject to approximately 779 ha of land adjoining the flora and fauna reserves being ceded to the Crown free of cost and without any payment of compensation by the Crown. This condition was expressly placed on the subdivision to ensure the safety of the reserves. The subsequent sale of the land to Jimwa Pty. Ltd. was brought to my attention by an article in the Press on 21 February, 1981, and also by the shire as to the fact that clearing had commenced. Immediately steps were taken to contact the new owners and clearing at that time ceased after the company had given me an assurance that it would consider my views on the subject. At a later meeting with the company's principal in the presence of his legal adviser I was informed that it was not considering subdivision of the land but was to use it for agricultural purposes. Nevertheless, there was a further assurance that consideration would be given to any possible alternative whereby the land near the reserves would be left in its natural state. On 6 October, 1981 I was advised that the land adjoining the reserves had been parkland cleared over the long weekend.

(3) (a) This legislation does not come within my portfolio;

(b) see (1) and (2) above;

(c) this legislation does not come within my portfolio.

(4) Every avenue has been explored and will continue to be explored to endeavour to ensure the protection of the Goonaring and Beelaring flora and fauna reserves.

EDUCATION: NON-GOVERNMENT SCHOOLS

Funding

566. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

Further to question 551 of 30 September 1981 concerning payments to non-Government schools—

(1) Has the Minister's attention been drawn to a comment (page 327) in the 1982-84 Schools Commission triennial report whereby the commission notes with concern that the State and Territory Governments seem rather unconcerned about the way in which their *per capita* payments to non-Government schools are used?

(2) Is the Minister aware that Victoria requires specific accounting procedures in respect of its *per capita* grants to non-Government schools?

(3) Is it the Minister's view that the way in which these public moneys are spent is of no concern to his Government?

(4) Does the Minister accept the view that it would appear rather hypocritical for a Public Accounts Committee to draw the Government's attention to a low standard of financial accountability within Government schools, yet be given no brief to inquire into accountability in relation to public moneys for non-Government schools?

The Hon. D. J. WORDSWORTH replied:

(1) Yes, except that "with concern" is not included in section 12.27 on page 327 of the 1982-84 Schools Commission triennial report.

(2) Yes.

(3) No. The Government shows its concern by providing *per capita* grants to non-Government schools to assist them with salary and other costs. As the level is 26 per cent of the cost of a student in a Government school it is most unlikely that the funds could be used other than for the general support of running costs in a non-Government school.

(4) Calculations to determine *per capita* grants for non-Government schools are based on items within the Education Department budget. The school funds referred to by the Public Accounts Committee are moneys passing through school accounts. No doubt other school systems and independent schools employ their own methods of auditing of similar accounts operated by their schools.

HOUSING: ABORIGINES

Aboriginal Housing Board

567. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Housing:

With reference to housing being allocated through the Aboriginal Housing Board—

(1) How many units of this accommodation—

(a) were built in the last financial year;

(b) are being built this financial year; and

(c) will be built next financial year?

(2) If any, what type of units are involved?

(3) What are the numbers on the waiting list for Aboriginal Housing Board accommodation in two, three, four and five bedroomed units?

(4) What is the average waiting time for these units?

(5) Will the Minister consider allocating Commonwealth/State State Housing Commission accommodation to those cases before the board which have been classified as urgent and where there is an excessively long waiting period?

(6) If not, where does the Minister suggest these families seek shelter?

The Hon. G. E. MASTERS replied:

(1) to (6) Some of the information requested will take some time to collate and the member will be advised by letter.

SHOPPING: CENTRES

Development: Moratorium and Report

568. The Hon. TOM McNEIL, to the Minister representing the Minister for Urban Development and Town Planning:

(1) In view of the general over-supply of retail shopping space in metropolitan and some country urban areas, why isn't a moratorium on development imposed, particularly in those areas?

(2) As the word "moratorium" is defined as "a temporary prohibition or suspension (on activity)", did the Minister reject that part of the Trethowan report which suggests that a moratorium would reverse approvals already granted?

(3) Will the Minister ask the committee to be reconvened in order to again examine the issue of placing a moratorium on shopping centre developments and explain to the committee that a moratorium means a delay and not a reversal of approval already granted?

(4) On what grounds was the decision made to reduce the MRPA lower limit on development approval from 9 500M^2 to 5 000M^2 gross leasable area?

(5) Why did the Government not accept the recommendation of 3 000M^2 submitted by the Trethowan committee?

(6) If, as stated in *The West Australian* on 10 October 1981, action has been taken on the 12 recommendations of the Trethowan committee's report, can the Minister advise what specific action has been taken in regard to recommendations numbered 5, 6 and 7?

(7) How does the Government propose to encourage shopping centre developers to offer strata titles to occupiers when the committee itself recognises the commercial impracticality of such a proposal?

The Hon. I. G. MEDCALF replied:

(1) As the Minister has indicated elsewhere, a moratorium would not have the desired effect and would not prevent developers with approvals already obtained proceeding with their development.

(2) and (3) No.

(4) Upon the Minister's request, the Metropolitan Region Planning Authority investigated lowering its limit of development control to 3 000 sq.m. However, after consideration of the many factors involved, it resolved to lower the limit to 5 000 sq.m. at this stage.

(5) The recommendation was accepted and referred to the MRPA for consideration.

(6) The report is confidential to the Government parties and for that reason I will not comment on specific recommendations.

(7) By discussion with the industry.

SALES TAX: FEDERAL BUDGET

Education

569. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

(1) Has the Minister's attention been drawn to statements in *The Australian Financial Review* of 14 September 1981, that it is most likely that the States will be obliged to carry the full impact of sales tax increases on their education building programmes?

(2) If "No", can the Minister provide some estimate of the increased cost likely to be borne by this State?

(3) Was this estimate included in the figure of "not less than $479 million" given in August by way of an assurance by the Premier, for the education vote in the 1981-82 Budget?

(4) In what terms has the Minister voiced his concern to the Commonwealth Minister for Education at this imposition of extra costs?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Government contracts are exempt from sales tax.

(3) $479 million refers to the Consolidated Revenue Fund and not the capital works programme for buildings.

(4) As there are no direct increases expected because of sales tax on education building programmes the Commonwealth Minister for Education has not been asked to consider this matter.

MINING ACT 1978

Aboriginal Reserves

570. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

(1) Is the Minister aware that under the Mining Act 1978 authorisation to enter upon Aboriginal reserves under the Aboriginal Affairs Planning Authority Act may not be necessary if the entry is for the purposes of the Mining Act?

(2) Will the Minister seek an amendment to the Mining Act 1978 to ensure that the grantee of mining rights or tenements has no right to enter upon Aboriginal reserves without an authority under the Aboriginal Affairs Planning Authority Act?

(3) If not, why not?

The Hon. G. E. MASTERS replied:

(1) to (3) The Minister is aware that the opinion has been expressed that the Mining Act has paramountcy over the Aboriginal Affairs Planning Authority Act regarding entry to Aboriginal reserves. However, the Mining Act requires the Minister for Mines to consult with the Minister for Community Welfare prior to granting approval for mining to take place on an Aboriginal reserve and it is accepted practice that the Minister for Mines does not grant a tenement without the consent of the Minister for Community Welfare. Any issue in dispute is, of course, resolved by the Cabinet.

TOTALISATOR AGENCY BOARD

Laverton

571. The Hon. N. F. MOORE, to the Minister representing the Chief Secretary:

(1) Will the Minister advise as to whether or not the Totalisator Agency Board has plans to provide an agency in Laverton?

(2) If "Yes" to (1), will the Minister advise when this agency will commence?

(3) If "No" to (1), will the Minister give the reasons for not providing an agency?

The Hon. G. E. MASTERS replied:

(1) and (2) The TAB has no plans for providing an agency in Laverton.

(3) It is not economically feasible to establish agencies in every town in Western Australia. An agency is situated at Leonora. Telephone betting facilities which provide a service throughout the State on a local call charge basis, are available.

FOREIGN INVESTMENT

Federal Government: Policy

572. The Hon. TOM McNEIL, to the Minister for Federal Affairs:

Is there any evidence to show that the Federal Government policy on foreign investment is controlling the level of foreign ownership, or does it merely monitor it?

The Hon. I. G. MEDCALF replied:

The question should be directed to the Federal Treasurer. I have arranged for it to be forwarded to him with a request that he send an answer to the member direct.

HOUSING: SHC

Broome and Roebourne

573. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

(1) Is the Minister aware that the State Housing Commission offices in Broome and Roebourne are each manned by one person only, and there are considerable periods when there is no one available for tenants wishing to pay rent or conduct other business?

(2) In view of the fact that there is a shortage of positions for NEASA trainees, will the Minister give consideration to taking on such a trainee in each office so as to ensure that there is somebody in the office during normal office hours?

(3) If not, why not?

(4) Will the Minister give consideration to putting on a full time office assistant?

(5) If not, why not?

The Hon. G. E. MASTERS replied:

(1) The Minister is aware that the commission offices in Broome and Roebourne are each manned by one officer and that during lunch periods and while field duties are carried out, the offices are closed.
(2) No.
(3) The service provided by the commission in these towns is considered adequate and there is no indication of dissatisfaction by clients.
(4) No.
(5) Answered by (3).

574. *This question was postponed.*

PRISON

Roebourne

575. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

I refer to his answer to question 159 of Wednesday, 8 April 1981, in respect of Roebourne Prison—

(1) Will the Minister give an assurance that the Roebourne Regional Prison will be re-built in Roebourne?
(2) If not, what areas are under consideration for the proposed prison?
(3) Will the Minister give an assurance that Roebourne will be the service centre for the prison?
(4) If not, what town will be the service centre?
(5) Will the Minister give an assurance that the quarters for prison staff, including married quarters, will be in Roebourne?
(6) If not, in what town?
(7) Will the public be invited to make submissions about the proposal?
(8) If so, when?

The Hon. G. E. MASTERS replied:

(1) to (8) Detailed planning has not yet commenced; however, a site has been acquired on the Roebourne-Wickham Road.

ELECTORAL: ENROLMENTS

Rejections

576. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

(1) Are figures available on the number of rejections of enrolment applications for enrolment on the electoral roll on the basis of improper witnessing due to the provisions of the Electoral Act?
(2) If "Yes", what are the statistics for the years 1979, 1980 and 1981, month by month?
(3) If "No" to (1), will the Minister keep these statistics on a monthly basis and report to the House?
(4) What is the cost in—
  (a) time; and
  (b) postal charges;
  for the vetting and return of enrolment cards improperly witnessed?
(5) How many of the returned cards are not received again by the Commonwealth Electoral Office?

The Hon. G. E. MASTERS replied:

(1) and (2) No figures are available in respect of the years referred to in question (2).
(3) No, because of administrative cost and work involved in separating the different grounds of rejection. A new computer programme being developed will identify all rejected claims.
(4) (a) and (b) These factors have not been measured.
(5) Not known.

RAILWAYS

Freight Rates

577. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

Further to question 486 of Tuesday, 15 September 1981—

(1) Will the Minister advise me whether the rates quoted are subject to a subsidy of 50 per cent or less?
(2) If so, could the Minister supply details on how it operates?
(3) Does Westrail, Treasury or other Government departments, pay the subsidised amount?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.
(2) and (3) 50 per cent of the rate is paid by the customer and 50 per cent is paid by Treasury.

RAILWAYS: FREIGHT

Less than Container Loads

578. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

(1) Will the Minister advise what stage has been reached in discussions with joint venturers in relation to "less than container loads" traffic involving freight handled by Westrail?

(2) Will the public be advised of the details of the arrangement prior to any agreement being entered into between Westrail and the joint venturers?

(3) As any such arrangement is likely to seriously affect employees, will the various rail unions be given the opportunity to discuss these effects with the Commissioner of Railways before any arrangement is entered into and documents appertaining to it are signed?

(4) Will the Minister advise the name or names of the joint venturers with whom Westrail is considering entering into an agreement?

The Hon. D. J. WORDSWORTH replied:

(1) to (4) A number of alternatives have been evaluated by Westrail concerning the haulage of "smalls" and parcels freight in order to make these types of traffic profitable.

In the course of its studies Westrail has had assistance from freight forwarding companies.

A joint venture between Westrail and a private company is one of the alternatives being considered but no decision has yet been made.

579. *This question was postponed.*

TRANSPORT: ROAD

Wool

580. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

(1) Has Westrail entered into an arrangement with carriers to transport wool by road from Kojonup to Katanning during the period the railway line is closed to traffic?

(2) What are the names of the cartage contractors involved?

(3) Were tenders called for the cartage of wool during the period of the line closure?

(4) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) During the period the Kojonup railway line was closed Westrail road services were used to transport wool from the area. In addition, local carriers who normally carried wool from farm to rail were contracted to deliver their clients' wool to the new railhead at Katanning.

(2) Matthews and Sons.

R. Watson and Co.

R. C. Greeuw.

J. T. Pescud.

(3) No.

(4) The arrangement was short term and applied to those carriers already operating in the area and only to their customers' wool.

EDUCATION

Distance Education Centre

581. The Hon. J. M. BERINSON, to the Minister representing the Minister for Education:

(1) What are the proposed functions of the distance education centre to be established in the present head office buildings of the Education Department?

(2) Are these functions now being performed and, if so, how many staff are employed for that purpose, and what is the location and area of their present offices?

The Hon. D. J. WORDSWORTH replied:

(1) To meet the educational needs of children who are prevented from attending regular schools because of isolation, illness, or other factors.

(2) The distance education centre currently employs 79 teaching and 16 non-teaching staff and is located partly in the old Thomas Street Primary School and partly in demountable buildings in the old Graylands Teachers' College site. In 1982 the distance education centre will incorporate the component of Tertiary Admissions Examinations correspondence courses currently being provided through the Technical Extension Service at 480 Newcastle Street, Perth.

RAILWAYS

Crews

582. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

(1) Is the Minister aware that the Commissioner of Railways is contemplating reducing three-man train crews to two-man train crews on certain trains at some time in the near future?

(2) Will the Minister ascertain and advise—

(a) what types of trains are involved;

(b) whether these trains will run on lines where passenger trains operate;

(c) whether it is the guard or fireman he intends to replace; and

(d) whether such trains will have a brake-van attached?

(3) If the plan proceeds, will the Minister advise how many employees, whether they be guards or firemen, will not be required as against those currently required for three-man crews?

(4) As three-man crews operate on all systems throughout Australia where passenger trains run, will the Minister, in the interest of public safety, instruct the commissioner not to proceed with the current proposal if it involves trains with no employee travelling in the last vehicle of a train running over a section of track which also has passenger trains operating on it?

(5) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) to (5) The Commissioner of Railways has appointed a committee to examine all aspects of the possible operation of certain types of trains with two-man crews and this investigation is continuing.

The safety of operations is a major consideration in the study.

The commissioner is to provide the Minister with a full report when his study is completed.

FUEL AND ENERGY: ELECTRICITY

Power Line: Belmont-Cannington

583. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

(1) Could the Minister advise me of the proposed route for a 132KV power line between Cannington and Belmont?

(2) Is this line a new power line, or does it replace one already in existence?

(3) Why the necessity for this line?

(4) Is it a fact that the proposed line will mean a proliferation of overhead power lines in some streets by having a line installed on each side of the street?

(5) If so, what streets will have power lines on each side if the 132KV line is proceeded with?

(6) Why can't the power lines be consolidated on the one set of poles on one side of the street?

(7) Have any of the local authorities, Metropolitan Region Planning Authority or Main Roads Department, objected to the proposal?

(8) If so, will the Minister provide details?

(9) To avoid the visual pollution which will be created by this additional power line, will the Minister instruct the State Energy Commission to place the new line underground?

(10) If not, why not?

The Hon. I. G. MEDCALF replied:

(1) to (10) The information sought is being researched and the Minister will write to the member as soon as it becomes available.

"WESTERN AUSTRALIAN YEAR BOOK 1981"

Contents

584. The Hon. PETER DOWDING, to the Minister representing the Premier:

With reference to the *Western Australian Year Book* 1981, I ask—

(1) Was this book published by the Deputy Commonwealth Statistician in Western Australia?

(2) Does the Deputy Commonwealth Statistician in Western Australia perform a dual role as State Statistician?

(3) In preparing the State year book did he rely on the advice of the State Government for some of the contents of the book?

(4) Does the Premier regard it as satisfactory that in the chapter on "Discovery, Colonisation and Early Settlement" there is no mention of the existence of the Aboriginal people and their occupation of this land over 40 000 years prior to the coming of the whites?

(5) Will the Premier take steps to see that a less ethnocentric view of the early history of this State is included in future *Western Australian Year Books?*

The Hon. I. G. MEDCALF replied:

(1) and (2) Yes.

(3) Much of the material included in the *Western Australian Year Book* is supplied to the statistician by State Government departments.

(4) and (5) The *Western Australian Year Book* tends to focus mainly on current events. In this context, the various chapters of the year books—on demography, education, legislation, etc.—contain references to the Aboriginal population as appropriate.

The statistician has informed me that the chapter in the *Western Australian Year Book* on "Discovery, Colonisation and Early Settlement" is included as an historical record of European discovery and settlement and is in fact reprinted from the *Western Australian Official Year Book*, 1905 (old series).

The statistician has been investigating the inclusion of Aboriginal history in year books and, for example, I am advised that as recently as 8 October 1981, discussions were held with the Department of Aboriginal Affairs on this matter.

COURT: FAMILY

Paternity Suits: Blood Tests

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

I refer the Attorney General to legislative changes in England which make it open to a court to require the parties to an action in which the question of paternity is an issue to undergo blood test, and for a refusal to undergo such blood test to be a relevant matter in determining the question of credibility and factual issues in the case (see the case of S. v. McC 1970 3 *Weekly Law Reports* 366, particularly per Lord Reid)—

(1) Will the Attorney General give consideration to an amendment to the Family Court Act to provide for such taking of a blood test?

(2) If not, why not?

The Hon. I. G. MEDCALF replied:

(1) and (2) The question of blood tests to establish paternity, along with other proposals is already under consideration.

QUESTIONS WITHOUT NOTICE

AGNEW CLOUGH LTD.: LAND

Flora and Fauna Reserves

174. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

I refer to my question 565 concerning the Toodyay land and the Minister's reply which in part says, "Provisional approval of a proposed subdivision was finally agreed in 1980 subject to approximately 779 hectares of land adjoining the flora and fauna reserves being ceded to the crown free of cost and without any payment of compensation by the Crown. This

condition was expressly placed on the subdivision to ensure the safety of the reserves." As that agreement was obviously broken by the firm involved, I would like the Minister to inform me what action the Government intends to take about it.

The Hon. G. E. MASTERS replied:

The reply I gave was that primary approval was given. The company owning the land did not take up the advantage of that approval. It maintained that the land would continue as agricultural land, but it certainly did not proceed with it. If the company had proceeded right along the line to final approval, what it would have done would be to hand over the land at the time. That was the whole purpose of the exercise supported by the Toodyay Shire Council, the local members, and most people in the locality. It is unfortunate that the subdivision did not come to a final conclusion, but that was something that was not proceeded with by the company, which was the freehold owner of that land, and so there was no more the Government could do in that regard.

AGNEW CLOUGH LTD.: LAND

Flora and Fauna Reserves

175. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

As I think the Minister's answer is not good enough, I ask the question again as to why the Government did not take steps to ensure that this land was protected irrespective of whether the subdivision actually took place. Surely it should have placed some sort of legal obligation upon the company to require that should that land be sold the agreement would be honoured. Why was not that condition legally placed upon the company?

The Hon. G. E. MASTERS replied:

First of all, we must understand that land is freehold land, the same as any other land.

The Hon. Lyla Elliott: Thanks to the Court Government! It was Crown land.

The Hon. G. E. MASTERS: I am saying it is freehold land, and therefore the company or anyone else who owned that freehold land really was not compelled to take any such action as the member suggests unless, of course, something was put forward by the council which would force the issue. I have said before that we do not have the legal power to force the issue along the lines most members of this House would like. That is a fact. We certainly do not have the financial ability at this time to purchase this and other land we would like to purchase for conservation reasons. The answer is fairly straightforward: Unfortunately, it is freehold land.

LAND: CLEARING

Legislation: Amendment

176. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

The Minister keeps saying that the Government does not have the legal power to do anything to stop the clearing. I put it to him: Is it not a fact that the Government very quickly could have put through amending legislation to any Act that would have been involved, either the Country Areas Water Supply Act or the Soil Conservation Act; or if those were not the appropriate Acts, it could have introduced a new Bill? I ask him to confirm that the Government easily could have obtained the legal power to stop this clearing at any time, as indeed the Minister for Consumer Affairs has indicated. He is going to stop sales of secondhand cars, as members would have noticed in the paper yesterday.

The Hon. G. E. MASTERS replied:

I do not want to keep debating this matter. If the member wants to ask many questions perhaps she should put them on notice. I will endeavour to answer this one. The obvious Act, if there is one to be amended, would be the Soil Conservation Act. Members in this House would know very well that the Government is at the present time reviewing the Act with a view to dealing with similar matters.

The Hon. Lyla Elliott: It is a bit late now. It should have been done months ago.

The Hon. G. E. MASTERS: It is no use saying it is a bit late. We are dealing with freehold land. If we were to put forward such legislation it would affect every person who is a freehold landowner in this State, so it is not something we would contemplate rushing through. Where do we rush them through? We give matters considerable thought before we rewrite legislation, but in this instance the Government has to proceed with great caution. It would be improper for us to rush such legislation through the House, and indeed we would not consider that.

LAND: CLEARING

Toodyay

177. The Hon. NEIL OLIVER, to the Minister for Conservation and the Environment:

Land usage excluding mining is at all times vested in the local authority. In view of the zoning of the land in Toodyay, and in regard to JIMWA Pty. Ltd. land clearing, can the local authority take any action to review and amend the use to which the land is now being reverted?

The Hon. G. E. MASTERS replied:

If under the local authority scheme that land is zoned for any particular purpose—the member might be suggesting it is zoned in its scheme as a special rural zone—I would expect it could take the necessary action to revert the land to agricultural; I am not sure. I think that is what the member is getting at. I think the local authority has the ability in most circumstances to amend its local town planning scheme if it so wishes.

LAND: CLEARING

Toodyay

178. The Hon. NEIL OLIVER, to the Minister for Conservation and the Environment:

Referring to the last question, if the land is zoned special rural, does felling of trees allowed under the town planning scheme require approval of the local authority?

The Hon. G. E. MASTERS replied:

I am not sure of the conditions that are set down on any special rural zone. I am not certain what conditions have been set out by the Toodyay Shire Council. All I say is that it is freehold land at this time. I would like to research that question and give the member a written answer.