Legislative Assembly

Thursday, the 3rd November, 1977

The SPEAKER (Mr Thompson) took the Chair at 2.15 p.m., and read prayers.

MARINE NAVIGATIONAL AIDS ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Works) [2.17 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend section 3 of the Marine Navigational Aids Act, 1973, and to add a further subsection to that particular section.

The overall object is to make provision for the State to enter into agreements with the owners of navigational aids to enable the owners to relinquish control of the aids to the State.

Such navigational aids would then be deemed to have been established under and come within the scope of the Act and be protected from civil liability. The Bill also provides for the State to recover any costs incurred in any additions, alterations to position or character of the aids, or in their removal or maintenance.

Currently, the Act indemnifies the State, the Minister or the department, statutory port authorities, and officers against any civil action arising from any defect in a marine navigation aid established under that Act, whether or not negligence is a factor in any such claim.

In effect the Act protects the State against any claims arising from the establishment or maintenance of any aids in a port which has been provided by the authority of that Act.

However, advice from the Crown Law Department indicates that the Act would not serve to exonerate the State and others from liability arising from its maintenance of any navigation aid, which has been established in a port under the authority of any other Act, such as those which are provided by a private company under the terms of an agreement with the State.

There are, of course, cases where private companies, by agreement, have provided navigation aids to define the navigable approaches to private company facilities established in ports, and a case in point is the navigation approach to the iron ore pier and the service jetty at Port Walcott.

In this instance the Harbour and Light Department—the navigation authority—has the expertise and is better equipped to carry out the work and has agreed with the company to maintain the aids subject to the company meeting the cost.

Under the circumstances, if the State undertakes the maintenance the immunity from civil liability conferred under the Act would not apply because the aids were established other than under the authority of section 3 of the Act.

To take the matter a stage further, if the immunity from liability provided by the Act was to be extended to protect the maintainer of aids, not established under the Act, it is conceivable that the owner as distinct from the maintainer could be liable for damage resulting from a ship which is misled or misdirected because of some defect in the positioning of an aid or its malfunction.

It is understandable that the company should not have to accept liability for work carried out by the State. Therefore this amendment proposes, where the State elects to maintain privately-owned navigation aids, to absolve both the State and the owner from liability arising from the circumstances referred to earlier.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

LAND ACT AMENDMENT BILL

Second Reading

MRS CRAIG (Wellington—Minister for Lands and Forests) [2.22 p.m.]: I move—

That the Bill be now read a second time.

The measures contained in this Bill are presented with the object of satisfying four immediate problem areas in the Land Act, 1933-1972.

In brief these are—

(1) Authorisation of chalet development—for holiday and business purposes—and to validate earlier arrangements entered into under the belief that the Lands Department had such authority.

(2) The disposal of town lots by auction.

(3) Removal of the obligations on conditional purchase lessees to fence during their lease term.

(4) A need to strengthen ministerial control over dealings in Land Act tenures.

In respect of the first of these matters, the Lands Department has always considered that certain broad provisions covering reservation of lands for various purposes empowered the setting aside of reserves for chalet or similar development. The Crown Law Department has advised to the contrary.

The amendment to section 29 of the Act provides for this additional purpose, which is important to holiday and tourist oriented ventures. This type of short-term accommodation is also useful in fishing and construction industries and both are catered for.

Validation of areas already set aside for such purposes is also necessary and is provided for in the Bill.

The Bill also proposes to correct a situation which has arisen concerning the disposal of town and suburban lands by auction.

A police prosecution in Kalgoorlie in August, 1976, disclosed inadequacies in the Land Act relating to conditions and restrictions which attach to town lots and affect their sale or their subsequent development. An example of the former is the restriction of sale to one lot per person, husband and wife being deemed one. Members will be familiar also with that development condition which requires a house to be built within two years. The Crown Solicitor has confirmed that only conditions prescribed in the Land Act and its regulations may be used when land is released. At present there are no such conditions relating to town lots save those applying to payment for the land and the need for a Crown grant fee.

It is essential to repair this defect and preferably in a flexible way which will allow future needs to be met. Changes in the economic and social scene could well dictate different conditions for land release in ways quite unforeseen today. The Bill therefore proposes that sales be authorised "subject to such conditions and restrictions as may be authorised by the Governor and are set out in the conditions of sale". Such an amendment places control in the Government of the day.

The amendment to section 47 seeks to remove the statutory obligation of fencing requirements on conditional purchase lessees. The present requirement for fencing of areas subject to conditional purchase leases is that a lessee must at the end of the first five years of his lease fence the land then developed. At the end of 10 years, the whole of the land must be fenced. A Crown grant may not be issued without completion of boundary fencing; but the Minister has a power of discretion. The amendment removes the requirements at five and 10 years. The farmer may fence to suit his own management plan, and compulsory diversion of resources to fencing, which may not be economic, is avoided.

Finally, it is proposed to provide greater ministerial control over dealings in Land Act tenures. There are good reasons for ministerial control over land transactions to be vested in the Minister for Lands.

As in the case of freehold land leased from one person to another, conditions are also necessary when Crown lands are leased. Conditional purchase leases and pastoral leases contain important conditions to safeguard the public interest, and so do other leases of the Lands Department.

Furthermore, the Land Act contains limitations as to the areas of farming or pastoral land one person may hold under conditional purchase and pastoral leases. There are also eligibility conditions such as a conditional purchase lessee being at least of an age of 16 years and companies being not permitted to hold a conditional purchase lease.

The control of land transactions is essential if the Land Act is to be administered effectively. Already, the application of section 143 of the Land Act, which is intended to vest this control in the Minister, is limited by the Transfer of Land Act which exempts Crown leases—those over five years in term—from section 143 of the Land Act. However, the Transfer of Land Act does require the consent of the Minister for Lands to transfers, mortgages, and subleases prior to registration.

Section 143 has proved difficult to implement and it has frequently been amended previously, the last occasion being in 1967. Through the amendment, existing provisions are retained and an attempt is made to strengthen the section by preventing the wilful avoidance of ministerial control and by the provision of a monetary penalty.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Barnett.

LEGAL AID COMMISSION ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Chief Secretary) [2.27 p.m.]: I move—

That the Bill be now read a second time.

Before and during the negotiations between the State and Commonwealth Governments in relation to the Legal Aid Commission Act, 1976, it was made clear that the State Government would be prepared to agree to such reasonable amendments as might be required after discussions had been held with the Commonwealth Government in regard to the agreement between the Commonwealth and State Governments arising out of the proposed transfer of staff, and ancillary matters.

In a number of public statements, it was also indicated that the State Government would be prepared to agree to and sponsor amendments of legislation in matters of detail where considered necessary in the interests of providing a more effective legal aid service.

The Bill now before the House contains amendments in accordance with the arrangements made between the State and Commonwealth Governments arising out of staff transfer and ancillary matters and, in addition, some further amendments suggested by the Legal Aid Commission after a detailed consideration of the original Act by the commission.

I will now outline the amendments.

Applications for legal aid will be decided by a legal aid committee or the director or a staff member of the commission in accordance with directions of the commission in that regard. The commission will be given power to give directions as to what classes of applications shall be decided by legal aid committees and the director, or staff, respectively.

A clearer expression will be set out of the role of the salaried lawyer involved in professional work, with additional provision for the protection of the private profession.

Authority is given to establish consultative committees which will be formed where necessary to advise and assist the commission. These will be appointed by the Attorney-General, who will take into account the views of the commission as to the establishment of such committees. Some may be appointed to serve in particular localities.

The Director of Legal Aid will be a member of the Legal Aid Commission with voting rights, but will be required to absent himself when matters in which he might be personally involved are under discussion.

The commission will be required to make recommendations in regard to matters of law reform which may come to its notice.

Members of the commission and its various committees must declare any direct or indirect pecuniary interest, but this will not debar them from participating in the discussions of the respective committees. This is in accordance with modern company practice; and, further, it is apparent that with various legal practitioners serving on a number of committees it would not be fair, either to them or to the persons requiring their services, to prevent them from being available to render legal assistance.

Membership of the commission or of one of its committees should not debar such a member from accepting an assignment under the Act. This is already implicit in the Act, but to clarify possible doubts it will now be set out specifically.

There will be a power in the commission to provide financial aid, to voluntary bodies formed for the purpose of providing legal assistance, out of funds appropriated by Parliament for the purpose.

Authority will be given for the State to enter into agreements with the Commonwealth, both for establishment and operating costs of the commission.

The commission and its committees and staff will be required to have regard to recommendations of the Commonwealth commission in regard to "Commonwealth matters" as defined. These will include not only causes arising under Commonwealth laws and matters involving Federal jurisdiction, but also certain classes of persons for whom the Commonwealth is regarded as having a special responsibility.

Provision is made for liaison and co-operation with the Commonwealth Legal Aid Commission in order to furnish such commission with statistical information as required.

The commission will also have the power to make reciprocal arrangements with other commissions to facilitate the transfer of professional staff.

The determination of staff terms and conditions will be the subject of the basic agreement between the Commonwealth and State Governments but an amendment is included in the Bill to provide an additional safeguard as requested by staff organisations.

Authority is given to the commission to operate an account or accounts at the State Treasury in addition to the usual bank accounts.

The Commonwealth Attorney-General's nominee on the commission will be allowed to have more than one deputy in order to facilitate attendance or representation on behalf of the Commonwealth Attorney-General.

Power will be given to the commission to take on articled clerks who will be articled to the director, this being a corollary to the Legal Practitioners Act Amendment Bill, which has already been introduced into the Parliament.

Review committees which will handle appeals by persons refused legal aid will also be empowered to deal with arguments between the commission and legal practitioners in regard to costs

and fees. It should be added that review committees will be the one exception to the provision referred to earlier that members of committees will be able to take part in deliberations if they have a pecuniary interest.

Should a member of a review committee have a pecuniary interest, he or she will be required to disclose it and will thereafter be debarred from participating in the deliberations in respect of which he or she has a pecuniary interest.

The Director of Legal Aid will be empowered to make a general delegation to a staff member to act in lieu of himself as a member of a legal aid committee subject to the approval of the commission. However, the permission of the commission will be required only in the case of a general direction and the existing power in the Act to nominate a delegate to attend a particular meeting will continue to apply without the commission's approval being required.

Legal aid committees, or the director or staff as applicable, will be able to vary the nature and extent of legal aid as well as grant an application for legal aid in the first place. Hence the legal aid committee, or the director or staff member respectively, will have more flexible roles in assisting the processing of changes in the situation or circumstances of applicants and their current cases. Any such variation will, of course, be subject to review by a review committee at the request of the assisted person.

Opportunity has been taken to tidy up one or two minor technical or grammatical anomalies in the Act through the amending Bill.

The basic amendments have been agreed with the Commonwealth Attorney-General and it is hoped that the passage of the Bill will now facilitate the commencement of operation of the new comprehensive legal aid scheme.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

RESERVES AND ROAD CLOSURE BILL

Second Reading

MRS CRAIG (Wellington—Minister for Lands and Forests) [2.36 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware that the Bill now before the House, traditionally and for practical reasons, is introduced at a late stage in the session to give the Minister for Lands the opportunity to place before Parliament in the one Bill as many proposed variations to Class "A" reserves as is possible. This is done to prevent the holding over of certain proposals in connection with these reserves until the following year, or until the next session of Parliament.

The Bill proposes variations to 15 separate Class "A" reserves and I will give a brief coverage of the actions involved.

Class "A" reserve No. 25270 at Hopetoun was set apart in 1959 for "camping, caravans and protection of flora" to provide facilities for the public while ensuring that the environment of this beachfront area could be adequately protected. The reserve is vested in the local authority with power to lease, on the understanding that the terms of any lease would protect trees from clearing, vandalism and fires. Part of the reserve consists of fragile beachfront sand dunes and current planning provides for inclusion of this section with adjacent lands in a reserve for "recreation and parkland" while extending the area available for camping and caravans by inclusion of some Crown land adjoining on the north. As the sand dune section is to be excised and the terms of leasing protect the trees on the balance, the purpose of Class "A" Reserve No. 25270 can also be amended to "caravan park and camping".

In 1898, Reserve No. 5692 was set apart as a post office site to serve Subiaco and was classified as of Class "A" in 1900 in conjunction with several other public utility reserves. The Commonwealth Government obtained title as a routine measure and transferred the land to the City of Subiaco several years later when a new post office was constructed on freehold land acquired through the council. It was mistakenly assumed in 1925 that acquisition by the Commonwealth Government when it took over the post office had cancelled Class "A" Reserve No. 5692. This is incorrect, as the consent of Parliament is required before such reserves can be cancelled.

Horrocks Beach is subject to an approved town planning scheme promulgated by the Shire of Northampton. Class "A" Reserve No. 29151 is set apart for "camping and public recreation" but it is no longer desirable to permit camping on this site, and it has been replanned for recreational use only.

Class "A" Reserve No. 331 in the Moresby Range was an old quarry site originally until its purpose was changed to "protection of native flora" in 1930. A later proposal to create a national park including this reserve lapsed with the adoption of an alternative that it be set apart for "conservation of flora and fauna". The Shire of Chapman Valley agreed to the alternative, subject to the reserve being vested in an appropriate authority, in this case the Western Australian Wildlife Authority.

Lake Parkeyerring and its banks contain about 404 hectares set apart as Class "A" Reserve No. 10733 for "recreation" in 1907. A study of reserves throughout the State by the Environmental Protection Authority resulted in a recommendation that this reserve purpose be altered to include conservation of flora and fauna to safeguard a most important refuge and feeding place for waterfowl. It is also proposed to extend the reserve to include about 300 hectares of adjacent Crown land comprised in Little Parkeyerring Lake and its banks to provide an additional refuge area.

The holiday resort at Emu Point, Albany, is established on Reserve No. 22698, which is vested in the Town of Albany for "recreation and associated business purposes". It was formerly administered by a board which in 1970 agreed to relinquish control of portion so that a substantial recreation ground could be constructed and administered by the town council. The area involved was surveyed as Albany Lot 1200, excised from the parent reserve and set apart as Class "A" Reserve No. 30815 and vested in the council. In 1971 a further section of Reserve No. 22698 was released, surveyed as Albany Lot 1231 and added to Class "A" Reserve No. 30815 to allow establishment of the planned sports ground.

In late 1973, the Town of Albany decided that lack of a suitable water supply and prohibitive cost of development, together with projected development of the Albany regional sporting and recreational complex in another locality could be expected to remove the need for major facilities at Emu Point. Investigation and discussion resulted in agreement that Lot 1231 should be returned to Reserve No. 22698, with Lot 1200 being retained as a separate reservation for "caravan park". As there is no extraordinary significance attached to a caravan park it is considered desirable to cancel the classification as of Class "A" of Reserve No. 30815 as well as changing its purpose to "caravan park" and excising Lot 1231.

An area of 3.3994 hectares within Pemberton townsite was set apart as Class "A" Reserve No. 23904 in 1953 for "protection of flora" to retain some natural bush near the town centre. It has now become a suitable site for a small children's playground, with the balance being more useful for recreation as the reserve now has little value for conservation purposes. A standard truncation has been provided at the corner of Lefroy and Robinson Streets.

Class "A" Reserve No. 12570 at Onslow was set apart for recreation in 1910 but is now redundant. It is in the old townsite, which is being converted to a reserve for "historical site and buildings" which requires cancellation of small internal reserves.

The car park between Spring Street and William Street is administered by the City of Perth on land included in the design of the Narrows interchange. Much of the area is Crown land but a proportion is set apart as Class "A" Reserve No. 23123, which is controlled by the City of Perth for a "vehicle park and gardens". A small part of Class "A" Reserve No. 23123 is to be absorbed in the surrounding road system, with the balance to remain part of the car park, and it is convenient to cancel this reserve and create an entirely new Class "A" Reserve for "vehicle park and gardens" to identify the whole of the land involved. It is also expedient to use this Bill to close a short stretch of road included in the car park design, and this is dealt with later in the Bill.

The purpose of Class "A" Reserve No. 5574 at South Perth was changed from "botanical gardens" to "public recreation" in 1926 and is known as Richardson Park. In 1932, the City of South Perth was authorised to enter into leases for any term not exceeding 21 years, subject to approval by the Governor and to retention of right of free access at all times for the general public. The park has been developed for various sports with amenities including a pavilion and toilets. It is the home ground of the South Perth Cricket Club, which wishes to obtain exclusive right to a suitable section so that the club can apply for a liquor licence, and it has been agreed that in view of the terms of the vesting order, a site for "pavilion and club premises" needs to be excised and set apart as a separate reserve.

Class "A" Reserve No. 11059 at Doodlakine is vested in the Shire of Kellerberrin for "parklands" but portion has been used for dumping rubbish. It is not feasible to restore this section and it is proposed to excise the area from Class "A" Reserve No. 11059 so that it can be set apart as a separate reserve for "sanitary depot", which will ratify its use. There is an existing reserve for sanitary depot adjoining but it has not been used and is still unspoiled bushland which will be included in Class "A" Reserve No. 11059 to offset the excision.

The old Pingelly courthouse which stands on Class "A" Reserve No. 10705 became redundant when a new courthouse was constructed on a different site and the Shire of Pingelly wishes to use the old building to establish a museum. The Department of Public Works has no objection to the proposal and the purpose of the reserve needs to be changed from "public buildings" to "district museum".

The Environmental Protection Authority recommended and Cabinet agreed that the purpose of Class "A" Reserve No. 24522 known as Nambung National Park should be changed from "preservation of caves and national park" to "national park and water". This recognises the paramount importance of water and that national parks form a major component of any region's water resources.

Class "A" Reserve No. 27632 is an area of 625 343 hectares on the Nullarbor Plains set apart for "primitive area for preservation and study of flora, fauna, geological and anthropological features" and is vested in the Western Australian Wildlife Authority. It is known as Nuytsland Wildlife Sanctuary and fronts onto Eyre Highway at Cocklebiddy. The Main Roads Department needs to establish a depot at Cocklebiddy and wishes to construct a compound adjacent to the garage and settlement on a site within this reserve so that valuable tools and equipment can be stored for lengthy periods with reasonable security. The Western Australian Wildlife Authority has agreed to the proposal in these circumstances.

The City of Perth car park between Spring Street and William Street has been partly dealt with earlier in this Bill, and the relevant section cancels an existing Class "A" Reserve as part of procedure to re-establish the vehicle park and gardens as a new Class "A" Reserve on an enlarged site surveyed as Perth Lot 894. The boundaries of this new lot include a small section of public road and it is expedient to close this stretch of road in this manner to avoid considerable work and expense involved in road closure under the Local Government Act, 1960.

As is usual with the introduction of the Reserves Bill, notes on each proposed variation, together with the corresponding plans, have been made available to the Leader of the Opposition and I commend the Bill to the House.

Debate adjourned, on motion by Mr Barnett.

STAMP ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [2.48 p.m.]: I move—

That the Bill be now read a second time.

The sole purpose of the Bill now before the House is to amend the Stamp Act legislation to prevent a serious loss of the State's revenue through the recent discovery of a loophole in the law.

Although the Stamp Act is currently undergoing a general review, and this point was made when introducing the 1976-77 Budget, it will be quite some time before the necessary examination has been completed and recommendations submitted to Cabinet.

By way of information I indicate to members that we anticipate having the review finished by the end of the financial year and hopefully will be able to incorporate major amendments to the Stamp Act at the same time as we bring in the 1978-79 Budget.

In the meantime it is essential that urgent interim action be taken to amend the law as a recent adverse decision in the Supreme Court has exposed the fact that a serious weakness exists in the present legislation.

Also it has revealed that the judgment handed down on that occasion casts serious doubts upon the Crown Solicitor's interpretation of the law in another duty avoidance situation.

As the use of these arrangements in any large numbers may well result in the loss of millions of dollars of revenue in any one year, the Government has agreed that urgent remedial action is necessary to prevent serious inroads being made into the State's revenue collections.

An estimate of the amount of revenue involved has been made from a record kept of only one of these types of arrangements and the numbers indicate a loss in the region of $1.2 million.

However, the publicity given to the recent adverse decision could well lead to a substantial increase in the number of each of these schemes coming forward in the future and a revenue loss of $5 million from both these duty avoidance arrangements may not be unrealistic.

The first of these arrangements is known as the "option agreement". Under this type of agreement, "A", the owner, gives "B" an option to purchase his property. As with any normal option arrangement, the agreement states the consideration to be paid for the purchase of the property, the amount to be paid for the granting of the option and the period in which the option must be exercised.

However, in the particular type of option agreement to be covered by the proposed amendment is an additional and unique provision. This is a clause agreeing to the property being transferred from "A", the owner, into the name of "B", the option holder. The reason for such transfer of legal ownership is generally stated to be for the protection of "B's" interest, as option holder in the property.

At this stage "B" is only the option holder and has probably paid only $100 for the right to acquire this interest. The amount of stamp duty paid on $100, being the consideration paid for the option, is only $1.25.

The next step in the scheme of things is to effect a transfer from "A", the owner, to "B", the option holder. The stamp duty payable on the transfer, in pursuance to the terms of the option agreement, is only a nominal amount of $1. The assessment of nominal stamp duty in these cases was confirmed in the recent court decision.

At this stage the property is now registered in the name of "B", the option holder, and very little stamp duty has been paid. Then the option holder verbally exercises the option and pays over the remainder of the purchase price recited in the option agreement.

As the option is exercised verbally, no other document exists upon which the balance of the stamp duty—normally payable upon a sale—can be assessed. The property is now registered in the name of "B", who was the purchaser, and no further action is necessary. The *ad valorem* stamp duty assessed on a normal sale between a vendor and a purchaser has been avoided.

Mr Bertram: Or evaded.

Sir CHARLES COURT: There is a very big difference between avoidance and evasion.

Mr Bertram: Not morally; at law.

Sir CHARLES COURT: I would have thought the honourable member would be the last one to link the two, because he knows it is an old established principle that no British subject is expected to put his head cheerfully into the alligator's mouth, to quote the phrase of one well-known Lord Chief Justice.

I remind the honourable gentleman opposite that this is a case of avoidance not evasion, and we are endeavouring by this legislation, which I hope the honourable member will promptly support, to try to seal off this particular form of avoidance.

Mr Bertram: Is it going to be retrospective?

Sir CHARLES COURT: No. The honourable member would be the first to scream if it was.

It is a fairly simple but ingenious scheme to avoid the payment of stamp duty and not only results in a substantial amount of revenue being lost but also produces inequities as between taxpayers.

The Bill now before the House proposes to amend the existing legislation by including a provision to ensure that any option agreement containing a clause whereby property can be transferred to the option holder will be assessed with *ad valorem* stamp duty.

In a normal situation, the property is not transferred into the name of the purchaser until the option is exercised and the full purchase price has been paid. Therefore, normal option arrangements will not be affected by the proposed amendment.

The amending legislation will also contain a proviso to allow the *ad valorem* duty, already paid, to be refunded should the option not be exercised and the property is re-conveyed to the original owner, provided the option holder did not use the property as a beneficial owner during the period he had possession of it.

Any refund of *ad valorem* duty will be reduced by the amount of duty normally payable on an option agreement. The re-conveyance of the property will attract only nominal stamp duty.

The second type of arrangement is commonly known as a "bare-trust". It is referred to in this manner simply because it is a trust situation which is not dressed up in any manner. Until now, the current legislation was thought to have adequately covered the situation.

However, the judgment handed down in the recent case of the option agreement creates some doubt about the validity of the application of the existing law. Therefore, it is also necessary to counteract this type of arrangement or any modification of it.

Briefly, the scheme is either to set up a "trust" by the preparation and execution of a deed of trust, followed by a transfer in pursuance to the trust, or, alternatively, a direct transfer to a trustee. Property is then transferred by the owner to the trustee, who purports that he holds it in trust for the owner. A transfer of property to a trustee, who purports that he holds it in trust for the owner, attracts only nominal duty of $1.

In normal circumstances, transfers of property to a trust carry *ad valorem* stamp duty. In the "bare trust" situation, the parties are generally related to each other in one way or another.

The next step is to arrange a sale, outside of Western Australia, between the owner and the trustee and thus avoid the payment of *ad valorem* stamp duty in this State.

The conditions of the sale may be agreed to verbally or set down in writing. As the property has already been transferred into the name of the trustee, who was the subsequent purchaser, and is now also the owner, no other document is necessary to conclude the arrangement.

The legal ownership of the property has passed, upon the payment of nominal stamp duty, and the *ad valorem* stamp duty has been successfully avoided.

Currently the existing legislation automatically provides that only nominal duty of $1 will be paid on property transferred to a trustee, provided no beneficial interest in the property is passed over. This proviso is to cover the genuine trustee type of arrangement.

It is proposed that this situation will continue. Therefore, genuine trustee type of transfers will still pay only nominal duty. However, it is proposed by this Bill to grant the commissioner discretionary power, thus enabling him to examine the circumstances of any other type of transfer and satisfy himself that the beneficial interest in the property has not been transferred.

The usual rights of objection and appeal will be available to any taxpayer who disagrees with the commissioner's assessment of stamp duty on a transfer of property to a trustee.

As stated earlier, the Stamp Act is currently under review. However, because of the magnitude of the amount of revenue that could be lost in the next year or so by the application of either of these duty avoidance schemes, it is imperative that action be taken now to close the loopholes in the legislation and so prevent these losses of revenue.

Members will probably have heard of the case which was reported in the daily paper a few days ago and which has resulted in this legislation. Of course, once these avoidance schemes become public and well understood it is only a matter of time and it is only a matter of human nature that more people will take advantage of the provisions that exist.

I refer to my earlier comment in answer to an interjection that it has been laid down for a long time in British law, which covers us, that no taxpayer is expected to put his head into the alligator's mouth, and I think at the same time—

Mr Pearce: What year was that judgment made?

Sir CHARLES COURT: —of another famous case which decided that any British subject had the right to rearrange his affairs to make the minimum contribution to revenue. Having regard for those two cases one must appreciate that does not apply to evasion. Nevertheless, the Government and the Parliament have a responsibility to ensure that those who should pay, do pay—not only because of the morals and the fairness of the situation, but more particularly to maintain a degree of equity as between taxpayers themselves. I commend the Bill to the House.

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

BUSH FIRES ACT AMENDMENT BILL

Second Reading

MRS CRAIG (Wellington—Minister for Lands and Forests) [3.00 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to 42 of the 67 sections of the existing Act. A large number of these are consequential adjustments from amendments to other sections and four new sections are proposed.

The amendment proposals have resulted from three sources: Firstly, recommendations from the Bush Fires Board based on requests from local government and the Country Shire Councils' Association; and secondly, amendments proposed in the report of Mr F. J. Campbell, Forests Department Fire Superintendent, following his extensive investigation and his report of May, 1972. The Bush Fires Board initiated this move and the Minister for Lands endorsed the inquiry.

During the process of his investigation Mr Campbell solicited written submissions from local authorities, and attended 15 regional meetings at which representatives of local government and their fire control organisations made further representations to him.

Finally, amendments were recommended by the board following a review of the Act as a whole.

The general purpose of the amendments is to provide greater flexibility in the operation of the Act by further decentralising controls governing the use of fire.

Local authorities will have a greater part in the day to day administration of the Act to meet the widely varying conditions of weather, vegetation, topography, etc. Certain provisions currently in the Act are to be more efficiently administered as regulations.

Simplification of the paper work required to declare and vary restricted and prohibited burning times, and to eliminate duplication of records relating to volunteer busn fire brigades, is proposed. Some annual declarations are now sufficiently stabilised as to allow permanent arrangements subject to variation in the abnormal season.

It is proposed that petty offences will be handled by a system of infringement notices, and monetary penalties have been adjusted in line with current values.

The Bureau of Meteorology should play a greater part in fire preparedness. Firstly, the bureau should be represented on the board itself and, secondly, the "hazard" forecasts currently used should be changed to "danger" forecasts. Briefly, the "fire hazard forecast" refers to combustibility of fuel but "fire danger forecasts" introduce the factors influencing fire behaviour such as strength and direction of wind, topography, and availability of fuel. Western Australia will no longer be disadvantaged by use of a less effective system. Current practices in this State relating to harvesting restrictions already follow assessments of local "fire danger".

The Act currently authorises bush fire control officers and local people adjacent to Crown land and reserves to enter and take measures to provide themselves and the community with protection against fires. Recent provisions in other Acts have interfered with these rights.

Amendments to the Bush Fires Act seek to preserve the right of individuals and the community to provide for their own protection, whilst at the same time provide proper protection to those reserves where adequate alternative arrangements in the interests of the reserve and the local community have been approved. For example when an area of vacant Crown land, fire protected by hazard reduction carried out by the local community, becomes a national park or wildlife reserve, the community will retain the right to protect itself until such time as the controlling authority produces a suitable fire protection scheme for the land.

Regional committees, and development of regional fire plans to meet major threats and outbreaks requiring the co-ordinated efforts of several local authorities, are another new proposal. Some regional co-ordination authorities have been formed but their formal recognition is desirable.

Much of the detailed alteration relates to the important questions of firebreaks, permits, restricted burning times, and prohibited burning times. These are the matters where the Bush Fires Board prefers to set down guiding principles and to leave their interpretation in each district to local government. Greater streamlining of these essential control features has been attempted to facilitate administration at all levels from the Governor downwards without sacrifice of responsibility or efficiency.

The appointment of a superintendent, as the board's chief executive officer, is to be recognised. At present the detailed duties of field staff are expressed in the Act itself but this is not considered desirable or appropriate.

Although it is difficult to secure unanimity among country shire councils, farmer organisations, and people from widely separated centres with different interests, it is believed that undue contention is unlikely to arise over the proposed amendments. Certainly a strong body of opinion exists in support of the changes proposed.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Barnett.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Connor (Minister for Works), read a first time.

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Works) [3.06 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Western Australian Marine Act, 1948-1976, to implement certain recommendations from the Harbour and Light Department.

The first of these is the need to provide authority for the department to impose speed limits on commercial craft operating in navigable waters. Provision already exists for the imposition of speed limits by this method in respect of private pleasure craft.

Excessive speed and resultant wash of commercial craft travelling through congested water areas is becoming an increasing problem and has been the cause of much complaint over the past few years. Many craft have been damaged at their moorings and in their pens by the wash of commercial craft when passing without due care.

River congestion is an increasing navigation hazard and the control of speed of vessels in restricted areas is an essential element in maintaining water safety and good order.

Speed restrictions have previously been imposed on ferries operating in sections of the Swan River under powers contained in the ports and harbours regulations, but these powers apply only within port limits, and their validity in this particular application is in question. The proposed amendment will allow the department to impose, by publication of a notice in the *Government Gazette*, a speed limit for specified craft and in specified sections of the Swan River and/or other navigable waters of the State as necessary.

The Bill also includes measures for the use of speed measuring equipment. This equipment known as a "twin laser digital speed monitor" has

been in use for two years to check the speed of vessels passing through areas where speed restrictions are imposed.

However, the full court of the Supreme Court of Western Australia recently upheld an appeal against a conviction for a speeding offence wherein a speed reading was obtained by a police constable on a speed measuring device; that is a radar gun.

It was held by the court in allowing the appeal that where law enforcement agencies are, as a matter of routine, using sophisticated scientific instruments, the accuracy of which have gained general recognition, it is appropriate for the lawmaker to declare that measurements made by them can be received and acted upon by the courts, rather than rely on the uncertainties of judicial notice or the expense and inconvenience of a new proof as to the principles of their operation and accuracy being presented in each individual case. The Road Traffic Act has been amended accordingly.

The readings obtained on the instrument in use by the department have received general acceptance by the courts as evidence over the past two years and legal officers of the Crown Law Department have expressed the opinion that in the light of the appeal decision a similar amendment to that in the Road Traffic Act should now be made to the Western Australian Marine Act to facilitate the presentation of prima facie evidence of the speed of vessels, by use of the speed measuring device.

The amendment, therefore, provides for the Minister to approve types of apparatus for ascertaining the speed of vessels and that evidence by an inspector of speed readings produced by the equipment shall be prima facie evidence of the speed at which the vessel was moving at the time of the use of that equipment.

A new definition of "authorised person" is to be included in part VIII of the Act describing those persons who may exercise these powers for the due enforcement of the Act.

This has been considered necessary, on Crown Law advice, to formalise the status of Harbour and Light Department inspectors and others who are appointed and who are not members of the Police Force or departmental inspectors. A certificate of appointment will contain details of their specific duties and require the production of such evidence on demand.

Provision is made for authorised persons to board any private pleasure craft for the purpose of establishing its seaworthiness and general safety in the prevailing conditions. If by reason of the condition of the vessel, its equipment, loading, or position, it is considered to be unseaworthy or unsafe the inspector may order the vessel to proceed to the nearest safe locality. An inspector will have the authority to require a vessel to remain in that safe locality until the vessel has been rendered seaworthy and safe to operate.

It has been the department's experience that frequently vessels operate in precarious situations and many of them without the necessary lifesaving equipment on board. It is essential in the interest of marine safety that the inspector be authorised to take appropriate action as necessary to ensure the safety of the vessel and its occupants.

It is also proposed to vary or lessen prescribed deck and engine-room manning requirements on commercial fishing craft. At present the regulations which govern the manning of fishing vessels are inflexible and contain no discretionary power for variance.

In the case of engine-room manning, engines have developed considerably during the period since the initial promulgation of the regulations. A marine motor-engine driver is permitted to take charge of engines up to 175 brake horsepower, above which a third-class engineer's certificate is required. The standard of examination has improved considerably over the years, whilst the engine itself has become more sophisticated. It would thus be acceptable to the department for a certificated engine driver to take charge of motors of up to 350 brake horsepower.

Similarly with deck manning, occasions arise when the strict application of the regulations unreasonably disadvantages operators of vessels where the inflexible lines of demarcation of vessel tonnages determine the class of qualification for skippers.

With the present requirements a change in qualifications is necessary at gross tonnages of 15 and 50 tons. A coxswain's certificate qualifies a person to take charge of a vessel up to 15 tons, and a skipper grade II a vessel between 15 and 50 tons; whilst a skipper grade I and a skipper grade II must man a vessel of over 50 tons. Thus, at present it is illegal for a coxswain to take charge of a 16-ton boat and so on. Many applications are presented to the department for permission to depart from the regulations in the event of sickness, for personal reasons, or for other causes, and refusal by the department has meant that the vessel must either be worked illegally or laid up, with subsequent loss to industry. Any person working a vessel illegally automatically loses his insurance cover should an accident or loss occur.

The amendment provides the Minister with discretion to vary the requirements where he is satisfied that a person serving in a particular capacity on a particular vessel can satisfactorily perform the duties required of that person.

Finally, it is intended to increase the pecuniary penalty for breaches of any of the regulations relating to commercial fishing craft in the way of manning and survey requirements as detailed in section 204 of the Act.

It is considered that the present maximum penalty of $200, which has been in existence since 1968, is unrealistic in present-day circumstances and should be increased to a maximum of $500.

There are several other consequential amendments contained in the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

MAIN ROADS ACT AMENDMENT BILL

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 Mr O'Connor (Minister for Works), and transmitted to the Council.

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th October.

MR T. H. JONES (Collie) [3.17 p.m.]: This is a very small amendment to section 43 of the Police Act. The Minister who introduced the Bill in another place indicated that meetings of the Attorneys-General of the States had been held, and it had been decided to adopt the legislation already prevailing in Victoria in relation to the apprehension of persons without warrant.

We asked several questions in another place and closely considered the provisions contained in the legislation. Reference to the debate in the other place will indicate that the queries raised by the Opposition were satisfactorily answered by the Minister handling the Bill. In the circumstances, there is no point in my rehashing the matters at issue. We do not oppose the legislation.

MR O'NEIL (East Melville—Minister for Police and Traffic) [3.19 p.m.]: I thank the Opposition for its support of the legislation. I, too, had an opportunity to read the debate which took place in the Legislative Council, and I noted the queries which arose. I would have been prepared to answer the queries in this place. I thank the Opposition for its research, and 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 Mr O'Neil (Minister for Police and Traffic), and passed.

SOLAR ENERGY RESEARCH BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr Mensaros (Minister for Fuel and Energy) in charge of the Bill.

The amendment made by the Council was as follows—

> Clause 23, page 15, after line 29—Insert a new subclause to stand as subclause (8) as follows—
>
> > (8) Where a member of the Advisory Committee makes a disclosure under subsection (7) in relation to a matter and a majority of the members present at the meeting determine by motion that the nature of the pecuniary interest disclosed is such that the member should take no part in the consideration of that matter, the member shall not be present during any deliberation of the Advisory Committee with respect to that matter..

Mr O'NEIL: The Legislative Council has considered the Solar Energy Research Bill after it passed through this Chamber some little time ago. Members of both Chambers were quite happy with the principles contained in the Bill and they recognised the fact that it was not the Government's intention to establish a research institute, *per se*, but rather to establish a centre to which people could contribute funds to be

allocated for solar research. Of course, the institute would be able to undertake such research.

In considering the Bill the Legislative Council made certain comments regarding the disclosure of pecuniary interests, having regard for the fact—

Mr T. H. Jones: In view of the fact the Labor Opposition suggested the amendment, that would be better.

Mr O'NEIL: —that this body may be involved in some financial consideration in respect of propositions put before it.

I am certain that my colleague, the Minister for Fuel and Energy, would have had an opportunity to refer these proposals to the State Energy Commission and to the commissioner, and that he will be able to express his views on the matter now before the Committee far better than I could.

Mr MENSAROS: We agree with the Opposition that the amendment made by the Legislative Council is acceptable. I do not know whether it expresses very much more than the original provision expressed. It stands to reason that if any member of the advisory committee had a pecuniary interest in a matter, he would withdraw from the debate on that matter. We would presume that these committee members will be reasonable and honest people who would take the same step anyway. However, we are quite happy to go along with the amendment. I move—

That the amendment made by the Council be agreed to.

Mr T. H. JONES: I thank the Deputy Premier for filling in while the Minister was arriving in this place. However, it would be fair for the Minister to indicate to the Chamber that this amendment flowed from a suggestion put forward by me when I handled the Bill on behalf of the Opposition. Members will recall that I strongly opposed subclause (7) of clause 23 which provided that any member of the committee could take part in a debate irrespective of whether or not he had a pecuniary interest in the matter being debated.

We thought it was desirable to spell this out in the Bill. The amendment now before us is quite acceptable to the Opposition.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

STANDING ORDERS COMMITTEE

Consideration of Report

Debate resumed, from the 27th October, on the following motion moved by Mr Clarko—

That the amendment to Standing Order No. 373 be adopted.

To which Mr Tonkin had moved the following amendment—

To substitute for the proposed Standing Order No. 373 the following—

373. Unless the House or the committee orders otherwise, it shall be lawful to publish and disclose the evidence received by a Select Committee of the House before such matters are reported to the House.

Mr PEARCE: I would like to support the amendment moved by the member for Morley. At the moment Standing Order No. 373 prevents anyone from publishing or communicating to the Press any information or documents presented to a Select Committee before its report to the House. The amendment proposed by the Standing Orders Committee provided for a slight extension of that rule to allow the House or the committee to permit publication of information, evidence of witnesses, or documents tabled before a Select Committee. That is to say, the Standing Orders Committee believes there ought to be no right of access to evidence and documents presented to a Select Committee unless there is positive evidence that that should happen.

The amendment moved by the member for Morley would provide for the same thing, but the other way around; that is to say, the amendment provides that there ought to be access to documents and evidence presented to a Select Committee unless the House or committee decides otherwise.

We are saying that Select Committee proceedings ought to be open to the public and to the Press unless there is good reason why they should not be; whereas the Standing Orders Committee is saying that the proceedings ought to be closed unless there is a particular reason that they should be open.

The Houses of Parliament operate on the principle that they should be open to the Press or to the public unless a House makes a definite decision otherwise. Our suggestion is that the same principle should apply in regard to Select Committees. It seems to me that the amendment moved by the member for Morley is preferable to the proposal put forward by the Standing Orders

Committee. Although the Standing Orders Committee recommendation is moving towards what the member for Morley is seeking to achieve, it is doing it very slowly. Perhaps after 150 years, it will get to where the member for Morley is now, and where this House and its predecessors have been for hundreds of years.

Mr CLARKO: Standing Order No. 373 states—

> The evidence taken by any Select Committee of the House, and documents presented to such Committee which have not been reported to the House, shall not be disclosed or published by any Member of such Committee, or by any other person.

The Standing Orders Committee recommends a new Standing Order which states as follows—

> Unless the House or the Committee otherwise orders, no Member of a Select Committee of the House shall, nor shall any other person, publish or disclose the evidence (including documentary evidence) received by such Committee until such evidence shall have been reported to the House.

In other words, if the committee feels it is appropriate or desirable to otherwise order, it can do so most readily. Witnesses may not come forward if the standard is open hearing. Many people feel they can speak much more freely in a private situation. A witness may unwittingly make a remark which would cause embarrassment either to himself or to others or he may even put himself in a position where he exposes himself to possible subsequent intimidation; he may say something which simply disadvantages himself or his relatives or friends; or even his career. A witness may in fact grandstand if as a rule the meetings are open hearings. A witness may use the Select Committee as a vehicle for promoting a particular cause which may or may not be a worthy one.

Under the present situation, a committee can begin in private, with strangers present—which, in effect, is the Press; this is allowable under Standing Order No. 371, which it is not proposed to change. It may be that at some stage of the hearing it is considered particular material should be made available to the public. By a simple motion of the members of the Select Committee, they can provide for the material to be published.

Under the proposition put forward by the Standing Orders Committee, for the first time a Select Committee will be given the responsibility for publication of evidence put before it. So, it will be very easy now for them to make public what they believe should be made public. They are the people closest to the scene; they are the best people to judge. The proposal put forward by the Standing Orders Committee has an advantage in that a meeting can be both private, when it is considered appropriate, and public, when it is considered appropriate. While we are not diametrically opposed to the views put forward by the member for Morley and contained in this amendment, the committee took the view it would be preferable to alter the Standing Order as provided for in our report.

Mr JAMIESON: I do not agree with the member for Karrinyup. I am not arguing with the principle, although I believe it gets to the point of being a little like Tweedledum and Tweedledee. I believe the best method would be to have open hearings as the rule, which could then be closed when considered appropriate, rather than the other way around. I have experienced a Royal Commission which adopted this attitude over a long period, and I found there was no difficulty involved. Before witnesses came forward they were asked whether they would agree to the Press being present, or whether they wanted to give their evidence *in camera*. If they decided they wished to be heard in private, the commissioners honoured their request.

However, I suppose the proposed new Standing Order will give us a right to do something we did not have a right to do before. I do not accept the reasons put forward by the member for Karrinyup in support of the Standing Orders Committee recommendation. I do not argue so much with the proposal as with his reasoning, because from my experience I do not believe it to be sound.

Mr TONKIN: I do not wish to traverse again the ground associated with my amendment. However, as it has been a week since we debated this matter, and as it is an issue of vital principle, I shall summarise the points involved. We believe the public, through the Press, has a right to come into our Select Committees; they should know what goes on. We can exclude members of the public and the Press, if necessary. However, I believe the presumption of an open hearing is important.

At present, the norm is to hold closed hearings, and to exclude the public; but we believe the norm should be to include members of the public. We on this side feel quite strongly that the norm should be that our deliberations and our work should be open to the public. It should be on only certain occasions and for very good reason that we close ourselves off.

I suppose it comes back to a basic philosophic difference between us and the Government. It is basic to our attitude of government that the people have a right to be in at the ground floor level. People should know what is going on. As I said before, the Press can perform a good, educative role if it is present when evidence is being given.

This happened on the Royal Commission into hire purchase. The Press was able to inform the public of some of the scalliwags in the industry and some of the things they got up to, and thereby performed an important role in informing and cautioning the public about the pitfalls of hire purchase. That is a much better system than simply reporting the committee report when it finally comes down. Usually, that is a once-only article and, as any educator knows, that is not as good as constant repetition and information.

So, we rest our case. There is a basic philosophic difference between us and the Government. We do believe in open government; we do not operate behind closed doors. Our party operates with the Press present, whether at our conferences or meetings of our State executive; we are happy to have the Press and the public present at our meetings. We do not want to go behind closed doors, and we do not think an arm of this Parliament should operate behind closed doors. This should be a people's assembly and as it is a people's assembly therefore the people have a right to hear evidence given to a branch of this Parliament, unless there are very good reasons to the contrary.

Mr PEARCE: I was unimpressed by the arguments of the member for Karrinyup.

Mr Clarko: You usually are.

Mr PEARCE: He suggests that Standing Order No. 371 provides that a committee may admit strangers—which, in practice. means the Press. However, I do not see any practical purpose in admitting the Press to a meeting if in fact Standing Order No. 373 as it now stands prevents the Press from publishing such evidence.

Mr Clarko: They can subsequently publish it. It is of advantage to be there, and to put it all together.

Mr PEARCE: I accept that, but it is not nearly as advantageous as publishing the evidence straightaway. The member for Karrinyup would perhaps agree with this; the new Standing Order he has brought forward on behalf of the Standing Orders Committee in fact will allow the Press to publish evidence straightaway, before the committee reports to the House, if the committee so decides. What would happen would be that the reporters would be present and, after the evidence had been heard, the committee would say, "You may publish the evidence." Conversely, it may decide to withhold permission.

Mr Clarko: They may have it either way. They may say that the evidence shall not be published, or they may debate the position at the end of the hearing.

Mr PEARCE: In practice they would have to do it at the end of the hearing because they would not know what the evidence was going to be.

Mr Clarko: Yes, a person might come along and ask to be dealt with in private, and they would leave the strangers there on that understanding.

Mr PEARCE: The amendment moved by the member for Morley would cover that contingency. The member for Karrinyup claims it could result in people not appearing before the various committees because they believed their evidence was likely to be published. But that is not a strong argument because the decision whether or not to publish their evidence would be made after the evidence had been presented.

Mr Clarko: Not at all; some evidence may remain private.

Mr PEARCE: It will have to remain remarkably private if it is not to be reported to the House.

Mr Clarko: Yes, the committee may report only its general deliberations; it need not be specific about a witness's evidence.

Mr PEARCE: The committee may present a man's evidence as a general statement and that is not prevented by the amendment moved by the member for Morley. In those circumstances the committee could decide that the Press was not to be admitted and evidence was not to be published.

It is a principle of presumption. The presumption that the member for Morley, the Leader of the Opposition and myself are arguing for is that the Press ought to be present unless there are good reasons for it not to be there. The presumption ought to be that the Press should be able to publish evidence unless the committee had good reason for it not to be.

The Chairman of Committees on behalf of the Standing Orders Committee argues for the presumption that the proceedings should not be published unless there are good reasons shown that they should be. We are arguing for the presumption that prevails generally in this House

and one that is a good principle of open government; that is, people should have access to information unless there is good reason that they should not. We believe this to be a good principle which should be followed.

Amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Grill
Mr Bertram	Mr Harman
Mr Bryce	Mr Hodge
Mr B. T. Burke	Mr Jamieson
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Tonkin
Mr Davies	Dr Troy
Mr H. D. Evans	Mr Wilson
Mr T. D. Evans	Mr Bateman
	(Teller)

Noes 28

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders
Mr McPharlin	
Mr Mensaros	*(Teller)*

Pairs

Ayes	Noes
Mr Taylor	Mr Williams
Mr McIver	Mr Grewar
Mr Skidmore	Mr MacKinnon
Mr T. H. Jones	Mr Sodeman

Amendment thus negatived.

Sitting suspended from 3.45 to 4.04 p.m.

Question put and passed.

Standing Order No. 393—

Mr CLARKO: I move—

That Standing Order No. 393 be deleted.

Question put and passed.

Standing Order No. 410—

Line 4: Delete the words "and seconded".

Mr CLARKO: I move—

That the amendment to Standing Order No. 410 be adopted.

Question put and passed.

STANDING ORDERS

Reprinting

MR CLARKO (Karrinyup) [4.07 p.m.]: I move—

That, following the receipt by Mr Speaker of advice of His Excellency's approval to the foregoing amendments, the Standing Orders of the Legislative Assembly shall be reprinted, incorporating those amendments and the amendments made in the Twenty-sixth Parliament, and in accordance with the manner and form of reprinting of Statutes under the Amendments Incorporation Act, 1938.

Question put and passed.

QUESTIONS

Questions were taken at this stage.

BILLS (3): MESSAGES

Appropriations

Messages from the Deputy Governor received and read recommending appropriations for the purposes of the following Bills—

1. Legal Aid Commission Act Amendment Bill.
2. Stamp Act Amendment Bill.
3. Bush Fires Act Amendment Bill.

BILLS (4): ASSENT

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

1. Mine Workers' Relief Act Amendment Bill.
2. Clothes and Fabrics (Labelling) Act Amendment Bill.
3. Rural Reconstruction Scheme Act Amendment Bill.
4. Metropolitan Water Supply, Sewerage, and Drainage Board (Validation) Bill.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st November.

MR BERTRAM (Mt. Hawthorn) [4.36 p.m.]: This Bill comes before us specifically in consequence of the passage a week or so ago of the Legal Representation of Infants Bill, and therefore the Opposition supports the measure. In so far as other relatively minor amendments are also made to the Act, the Opposition raises no objection to them, either.

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 Mr Ridge (Minister for Community Welfare), and passed.

CHICKEN MEAT INDUSTRY BILL

Second Reading

Debate resumed from the 1st November.

MR H. D. EVANS (Warren) [4.39 p.m.]: Mr Speaker, I suppose very few people when eating their Sunday chicken fully appreciate the organisation of the chicken meat industry and the startling results it has produced in terms of agriculture. At the same time, this industry has set a pattern which may or may not be desirable as far as our rural industries are concerned.

It is rather interesting to note the trends in the chicken meat industry over the past few years. Most of us would recall that when we were very young chicken was a delicacy, reserved for several times a year; but now it has become part and parcel of the daily diet of most people, and its price is comparable with most other meats we enjoy.

In 1960 an estimated one million broilers were raised in Western Australia, and that number subsequently increased very rapidly to just over three million in 1964. In 1970 the figure reached 10 million, and in reply to a question I asked today, the Minister advised that it would appear 15.5 million broiler chickens are being raised in Western Australia this year, in the main for the local market.

That tells the story of the increasing demand for chicken meat, and it reflects the tastes of the community and also the increase in the standard of living. However, it has as a corollary the fact that the purchases and the prices of other meats have been contained to some extent by the inroads chicken meat has made into our daily diet.

Told in those few statistics, the story is rather stark, but it does give a very revealing insight into the sort of industry to which we are referring.

The reason that the industry has been able to move forward along these lines is the result of a number of factors. First and foremost is the development of breeds which can mature very rapidly. In a matter of some two months, give or take a week, the special crosses that have been developed can become chicken birds. The manner of feeding poultry has become very scientific. Gone are the days of a simple morning bran mix; it is now a highly technical business. Various formulae have been developed on a computer programming basis which makes allowance for a change in the formula if one type of grain becomes too expensive. In that case a substitute formula can be very quickly brought into effect, with the food having the same value as far as the bird is concerned. Of course, this saves money. The saving of a fraction of a cent when we are dealing with 15.5 million birds can result in a significant difference in the economy of the industry.

The technical management of sheds has also changed. "Shed" is probably a misnomer nowadays. The managerial techniques and skills which have been developed in this industry reflect the research that has been undertaken and are responsible for some of the advances the industry has made. There is certainly an abundance of technical and scientific data available, and the broiler industry has been very quick to adopt new managerial skills.

Genetic experts have developed birds of the meat-producing kind, and it is as a result of this and the advances in managerial skills that the industry has become one of the most advanced rural industries that we see in Australia.

Speaking in terms of costs, I notice that in 1960 chicken meat was retailed at 68c a pound. That price fell to 45c in 1967, but it subsequently picked up again. I notice in the answer to the question I asked today the Minister indicated that the retail price in Sydney is 147c a kilo. Therefore, one can appreciate that the retail price has not increased very considerably.

I mentioned the efficiencies which have been achieved in the industry; these are reflected in the prices paid to the growers. The Minister informed me that contract growers currently receive about 19.5c a bird which represents a price of about 75c a kilo live weight. The contract grower is not doing extraordinarily well; he certainly has to turn out a very large number of birds to make the operation viable.

The whole industry has become vastly integrated and because margins are slender managerial skills are paramount and those who do not have them do not survive; this is the story. The companies which are involved and which produce about 55 per cent of the broilers brought before

the consuming public in this State are part of a very integrated industry; I suppose it is a microcosm of all trends in all rural industries.

The industry certainly is vertically integrated; that is the in word and has been for a few years. Vertical integration means the product going from the source of supply to the source of distribution, and the firms which produce 55 per cent of the broilers would have an association not only with the feed mixing industry but also with the production side, generally through contracts. The processing firms sometimes raise by contract and sometimes in their own sheds. They certainly have a very close association with the feed firms, and the formulae which are used today are a very scientific part of the total industry in that the nutrition quantities are worked out to very microscopic fractions.

Grain production also lends itself to some flexibility or changing of formulae and enables advantage to be taken of the cheapest grain that is available at the time. This is what we are talking about when we are talking of a vertically integrated industry, but at the same time there is the prospect of monopoly and I guess it should be known that more than 60 per cent of the broilers produced in Australia are produced by the one firm based in New South Wales which has a subsidiary in Western Australia. So this is a danger that we come across. Vertical integration is almost synonymous with monopoly when taken to its ultimate and can result in cheap chicken meat for the consumer. This is borne out by the fact that we eat more chicken now than we did in the days of our youth.

Part of the price of achieving an industry of this kind is that the small independent growers, processors and grain growers have vanished to a very large extent from the industry. Processing firms have become dominant, and that is the reason this Bill is before the House. But I point out also that whatever the product, the economies of scale bandied about with relish by the Premier and other members opposite do have a price; and this is highlighted in the broiler industry of Western Australia. If we wish to see the small independent grower vanish from the scene this type of organisation of industry will achieve that result, whether it be beef production, broilers, or anything else. If this is the only way we can contain the prices of rural products, this is the way it probably will be achieved unless some action is taken.

The free enterprise system is cherished by those opposite. I feel it ought to be termed the "elephant philosophy"—"Every man for himself", said the elephant, as he danced amongst the chickens. That is all right if one is an elephant but for the majority who are not it is not much fun at all.

Mr Nanovich: Humbug!

Mr H. D. EVANS: I do not think so; it is spot on as the member well knows. The organisation of industry in this way will bring with it that cost and if it is accepted that it is worth containing the price of foodstuffs, which reflects on wages, I suppose that would be the incentive. But if we look at the percentage of rural dwellers compared with city dwellers this overall pattern of industrial life in Australia will continue unless a substantial move is made to develop policies to the contrary.

If we examine the trends in the chicken industry and the statistics which accompany them we see a microcosm of rural industries in this country. This vertical integration is the reason this Bill is before the Chamber, and its purpose is to revamp the approach to the contracts which are drawn up for the raising of broiler chickens. In 1975 when the original Act was brought down the Chicken Meat Industry Committee was set up and contracts were presented to that committee for ratification. With the passage of time it appears this system has not worked very effectively. I understand that currently 35 contracts are in force but the Minister was unable to tell me how many were ratified each year. I appreciate they last for only two or three months but it would have been interesting to know the total number in each year in order to ascertain the trends, whether the smaller grower was still retaining his position, and whether the contracts were larger and there were fewer processing companies.

I have asked how many agreements have been subject to disputation in each year. The reply I received was that disputation has involved specific aspects common to all agreements. Implied in that is that every agreement has been a source of disputation, and that is a very good reason for having a second look at the existing situation. According to the speech which the Minister delivered the day before last, it is now intended that a copy of an agreement signed by both parties will be presented to the committee, without ratification, and in the event of a dispute there will be access to an arbitrator. That seems fair and reasonable.

The committee makes the determination of the prices, and I was wondering whether the Minister is in a position to say what is taken into consideration in the setting of a contract price. There

must be a formula upon which these contracts are based, but there was no indication of this sort of thing in the second reading speech.

The other provisions in the Bill are largely administrative and, even without knowing the details, I feel they are necessary because unless the committee has the administrative machinery it cannot do its job.

It has been shown that the ratified agreements presented to the committee have all had some area of dispute. Although they are not to be ratified and will just be presented, how will they be any more binding in order to allow the processors in the industry to proceed without arguments between the producer and the processor? If we have to come down on the side of anybody it must be on the side of the producers. In many cases he is bound to the processor as his only outlet. He is also dependent on the processor for his feed although he does receive some advantage from this because of the research that has gone into determining the various diets and the formulae which are mixed mechanically. All in all, there is great advantage there, but at the same time the option for the producer is very limited. He has very little flexibility and if he cannot get rid of his birds when they are ready for processing he is in trouble.

The process of screwing down the producer is not unknown in the industry and not so long ago in the Eastern States—particularly in New South Wales and Victoria—many producers were really in trouble because of the margins allowed to them in the raising of their chickens. They obtain the chickens from the producer, they obtain feed from the same producer, and they dispose of the chickens for processing to the same producer. So it is imporant that the agreements which are to be written are written in such a way that there is some small protection for the producer in that the initial agreement is beyond dispute. In this way the producer will be walking into something with the knowledge that he has a chance of survival.

The Opposition supports this amending legislation but we require an explanation from the Minister as to how the change in the method of setting up the agreements will alter the situation in which there have previously been disputations.

MR OLD (Katanning—Minister for Agriculture) [4.57 p.m.]: I thank the member for Warren for his remarks in support of the Bill. He has outlined the necessity for its enactment and has given a reasonable rundown of the state of the industry. There is no doubt that under the provisions of the original Act difficulty was experienced in trying to bring together the two sides of the industry. It is not really the type of industry where there is what might be termed a primary producer because the grower, as he is known, is a man who virtually grows under contract to the processor.

Mr H. D. Evans: But that has come about only in recent years with the changes in technology.

Mr OLD: That is right. That is what we are catering for today and that is why there is the necessity for this Bill.

I shall now give members some idea of the costs involved. The growers in the main have a very large capital investment and the number of growers has decreased. There is no doubt that there has been a drop-off in the number of smaller growers, but we have now reached a period of consolidation where we have a percentage of large growers and some who are in business in a reasonably large way. It is at this stage that it has been found very difficult for growers to negotiate a satisfactory arrangement with the processors. With this in mind, the original Bill was introduced two years ago and it was hoped that with the introduction and proclamation of that Bill the problems would be overcome, because a committee was set up which comprised three elected members representing the growers and three elected members representing the processors.

However, difficulties were encountered at a very early stage and I shall comment now on the remark made by the honourable member regarding disputation amongst the various contracts. I would point out that the contracts were separately negotiated with each of the three processors so that each processor, with his own growers, negotiated his own contracts. These were brought before the committee and whilst some of the contracts with some of the growers were acceptable to the growers and to the committee, there were cases where these contracts were not acceptable.

Mr H. D. Evans: You said in your answer that none of the contracts was acceptable.

Mr OLD: Originally there was a dispute, but some of them were sorted out to the satisfaction of the growers. Some of these contracts will continue in the early part of the enactment of the Bill; but the honourable member asked how we were going to overcome this particular problem. The method of overcoming this problem will be by prescribing a type of contract.

In other words, there will be one specified contract for every grower to be negotiated between the processor and the grower. There will not be provision for any chickens to be sold or received on the part of the grower or the processor until this contract has been approved.

I am confident that with the enactment of the new Bill there will be accord within the industry, because the Bill has had rather a rugged birth and for some 12 months we have been endeavouring to work out satisfactory legislation which is acceptable to both sides. I am pleased to be able to report this afternoon that this Bill in its present form is acceptable to both sides. It is acceptable on the basis that if there is a dispute within the committee between the growers and the processors, a dispute may be declared by the chairman of the committee and, as a result, it will be referred to the Minister who then has the power under the Act to refer the dispute to an independent arbitrator. In order to discourage frivolous disputes there is provision in the Bill to apportion the costs of arbitration between the parties on a proportionate basis.

Therefore, I am sure there will be peace within the industry. It has been necessary to introduce a method of providing for expansion within the industry and this is one of the facets which has caused some slight problem. As the member for Warren pointed out, it is becoming more prevalent for processors to grow their own chickens. This has caused a fear in the minds of some of the growers, because, as I stated previously, many of them have large capital investments. I think it is a fact of life that producers of food today generally look for security. This has been demonstrated recently by the results of the referendum conducted amongst meat growers. They require some security; they have had enough of the *laissez-faire* type of marketing.

Mr Pearce: You are socialists.

Mr OLD: No; we are not socialists. We do not have that look about us which members opposite have.

Mr Tonkin: It is not a question of look.

Mr OLD: It is if one looks like a socialist. I do not look like one.

Mr Tonkin: What does a socialist look like?

Mr OLD: A socialist looks like the honourable member who has just interjected. I am speaking to the butcher not the block.

Mr H. D. Evans: I would like to hear about the system of marketing next.

Mr OLD: The honourable member asked about the method of computing the price, and whilst I cannot give him the complete recipe I think I have been able to jot down most of the ingredients. These would comprise depreciation, cost of labour, medications and fuel. There may be one or two which I have missed, but basically they will be the imputed costs and they will be computed by the Department of Agriculture and they must be taken into account when the committee is determining a growing thing.

I feel I have covered the points mentioned by the honourable member. If there are any further points I would be grateful if he would let me know by way of interjection before I resume my seat. I thank the honourable member for his support of the Bill.

Mr H. D. Evans: I take it if anything goes wrong with this system of agreements it will just come back.

Mr OLD: I think it is well covered by the arbitration provision.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Old (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 18 put and passed.

Clause 19: Establishment of processing plants—

Mr SHALDERS: Mr Deputy Chairman, members will see, of course, that this clause relates to the method by which a person may establish a new processing plant. Members will see also that a person who wishes to establish a processing plant must make application directly to the Minister and the Minister, in his wisdom, may either approve of such establishment or reject it. Indeed, in the event he refuses the application, the clause goes on to say, "the decision of the Minister is final". In other words, there is no right of appeal.

In my opinion, it should really be the function of the Chicken Meat Industry Committee to receive applications from a person who wishes to enter the industry as a processor. Members will see from clause 15 that the committee has already a number of very important functions. It has been entrusted with these functions under paragraph (g) which, for the benefit of members reads as follows—

> . . . to give advice to the Minister from time to time, or whenever requested to do so by

the Minister, as to the future production requirements of the chicken meat industry, including advice as to the need for the establishment of new processing plants.

Therefore, it is obvious this committee would have its finger on the pulse of the industry and it should be in an ideal position to determine whether in fact a new processing establishment is warranted. In my opinion, this is an important part of the Bill because if applications were directed to the committee, in the event the committee were to decide against the application, the person could then be given the right of appeal to the Minister. I hope most of us agree that if a decision is made against us we should have the right of appeal to a higher authority.

Clause 19 does not allow for any appeal in the event the Minister refuses an application. There is no right of appeal in that case. That is probably sensible, because there would not be much sense in having a right of appeal to the Minister against the decision of the Minister. However, if the Bill were amended in this manner it would allow a person to make an application for a new processing works to the body which surely is competent to make a decision on this matter. The situation could arise where in the event that body cannot agree, bearing in mind it is composed of six members, three of whom are processors and three of whom are growers; it could be that it would result in three members agreeing to the application and three members refusing it, in which case a decision would not be reached as the chairman does not have a casting vote. In the case where the decision goes against the applicant, he has the right of appeal to the Minister.

I ask the Minister to give this matter very serious consideration. It is perhaps a small point only, but in my opinion it is a matter of basic justice that a person should have a right of appeal to a higher authority in the event he is denied the opportunity to enter this industry. I ask the Minister to give us an assurance he will take the necessary steps to have an amendment in these terms moved in another place.

Mr NANOVICH: I wish to make a small contribution to this clause. I disagree with the member for Murray. I appreciate the point he raised.

Mr Pearce: Disunity on the Government back benches.

The DEPUTY CHAIRMAN (Mr Blaikie): Order!

Mr NANOVICH: I believe the clause as it is written is a good one. In order for a new abattoir to go into business it must obtain the Government's approval. I believe the business of a processor of chicken meat is in the same category as that of an abattoir; they are both slaughterhouses. Members may disagree; but I believe they are the same type of industry. The processing of chicken meat and the functioning of an abattoir are both carried out in a slaughterhouse.

The member for Murray has stated that a new application to establish a processing works should be placed in the hands of the committee. This Bill is designed around the Act which is presently operating in Victoria. However, the comments made by the member for Murray tend to relate to a similar Act which is operating in South Australia. In this case, the committee has the full power of determining who should enter the industry, or if anyone will be permitted to enter the industry at a future time.

If one submits the application to the committee, it can easily throw out the application. The members of the committee would be protecting their own industry. The member would then have to appeal to the Minister. I believe that would be treading over old ground. It is rather dangerous to give the committee such power at this time. The Minister always has the overriding power and we should never take that power away from him. All final decisions should be placed in the hands of the Minister.

There are four processing works operating at the moment, three of which are major concerns. The manager of two of the processing works is one and the same person. Of course, it is a very dangerous situation for the grower and for the processor also. The most common-sense way of dealing with the situation is that a person who wishes to establish a processing works should apply to the Minister. This does not close the shop as some members may think it does. The Minister, on receipt of reports and information from the committee, will determine how the industry is functioning.

I ask the Minister to allow this clause to remain as it is because I can see further problems once the committee has to make a decision to allow or disallow future processing works. I support the clause as it stands.

Mr HERZFELD: I would like to contribute briefly to the point raised by the member for Murray. During his second reading speech the Minister said that the proposed legislation was the same as the present legislation, and would continue to provide for negotiation between the two parties in the industry.

The point I want to make is that the committee exists for the purpose of negotiation between the two parties. I believe the clause has been drafted wisely because there is a real danger that the two parties which make up the committee, and which are there to negotiate problems which arise between them, could be faced with the situation where another processor wished to go into the industry. There could be an interest on the part of both the growers and processors already there to keep the new processor out, and I do not believe they would have an unbiased view of the application.

The second point I want to make is that a wise Minister would refer an application from a new processor to the committee, being the experts in the industry at the time.

I cannot see anything wrong with the clause as it stands and I hope the Minister will leave it as it is.

Mr OLD: I appreciate the thoughts expressed by the member for Murray. I reiterate, however, that clause 19 is well covered by the provision in clause 15 (g), which gives the committee the right to advise the Minister from time to time, or whenever requested to do so.

It was my intention to avoid closing the industry to any large degree, and I feel that by giving the committee the right to decide whether or not the industry was ready to expand does, to a degree, close it up. However, on the other hand the provision for appeal to the Minister will upset that if there is any suspicion of it happening. I think it is probably easier for the Minister of the day to make a decision, having taken advice from the committee, rather than to have the reverse. This is a point I will have to consider.

I take cognisance of the argument put forward by the member for Murray. I will give it consideration, and discuss it with representatives of the industry with a view, if desirable, to having an amendment inserted in another place.

Clause put and passed.

Clauses 20 to 28 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

MARKETING OF LAMB ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st November.

MR H. D. EVANS (Warren) [5.22 p.m.]: I would have preferred this Bill to come before the House on the next sitting day when the answers to a number of questions, which I have on the notice paper, would have been before us. They do not really affect the situation to any great degree, but would have given an illustration of a number of aspects of lamb marketing in Western Australia over the last five years.

My question to the Minister requested the number of lambs killed in Western Australia during the last five years for both the export and the home market. I also requested the price per animal which has been received during that period of time.

It is fair to point out in all credit to the board that it has received two awards of recognition during its operations. One was an international award and it is to the credit of the members of the board that it received that recognition. The members of the board have operated against some considerable odds at various times, not only from the vested interests of the industry, but also from their masters.

The history of the Lamb Marketing Board in this State shows it was set up by the Tonkin Labor Government after a referendum of lamb producers indicated it was desired. The board ran into tremendous hostility almost immediately. I can recall that some of the remarks verged on the defamatory, and they were examined from the point of view as to whether legal action could be taken. That was the attitude displayed by various interested members of the board.

It was shown also that in the 1974 election the Liberal Party in this State entered into certain promises—according to statements made in country areas—to the effect that the Lamb Marketing Board, if possible, would be disbanded. I believe also that the Liberal Party funds benefited to some considerable extent as a result of that attitude.

Upon taking office the present Premier immediately set up an inquisition which went beyond the bounds of a normal investigation. However, the promised inquiry into the Treasury about which the member for Scarborough made so much play never eventuated. The inquisition into the

Lamb Marketing Board certainly did take place, and that leads me to suspect the purpose of the other inquiry.

The conflict which broke out between the Liberal Party and the Country Party was related to the marketing of meat. The ultimate and final tremor, and the dissension which arose resulting in the upset and turbulence within the Country Party was not the issue of dairying; it was fundamentally the issue of the marketing of meat.

It is to the eternal credit of the officers of the Lamb Marketing Board that the board has survived those tribulations and has demonstrated its capacity and method of marketing which has triumphed in spite of that adversity. I will record, formally, recognition of the work done by the officers of the Lamb Marketing Board, and what they have brought about.

The precise number of lambs handled by the board is not immediately available, though the Minister may have it now. Perhaps he has not had much time to look at the question which I put to him. The number of lambs killed has increased, and it is expected to continue to increase.

Apparently the future market is assured. That is understandable, too, because we are the closest of the Australian States to the Middle East market where sheep meats are one of the staple diets. We are in a position to supply that market so that is an advantage for the board. It is almost certain that with the correct attitude towards the market, the correct development, and with the proper nurturing, we will see that in the long term the sheep producers of Western Australia will be secure. That future should be secure because the board is providing the organisation and the marketing procedures. The policies followed by the board are in the interests of the producers of this State, and it will not hark back and allow the establishment of those interests which are not altogether conducive to the primary producer.

The Bill now before us seeks to amend the existing Statute in four ways. First and foremost, the definition of "producer" is to be redetermined. The reason is to give the bona fide producer preference—not the agents who purchase in the yard for resale and for the purpose of making a profit in the negotiation, but the bona fide producer—especially during glut periods at the abattoirs.

As the Act stands, the situation is rather dubious and I believe it was almost subject to challenge on at least one occasion. It is proper and fitting that the Act should be amended in the interests of the true primary producer, and so that the definition cannot be challenged.

The second amendment concerns section 22 of the principal Act, and deals with pooling arrangements. These do not operate within the Act at present, and there is no way the pool can have various grades over a period of 12 months. The board is unable to identify exactly a particular carcase where there are storage problems, and it is unable to pay the actual price received at the time of a sale. That would be quite difficult. Now the scheduled price is accepted as it is put out. The board stands to gain or lose under the present set-up.

So under the general section it would seem that this is the only way in which the board has been able to conduct its transactions; but the board may contract. It is virtually an outside clause, and the main provision of section 22 has not really applied; and this is not good legislation. Therefore, it is fitting that the amendment is before us, and it should be supported. The deletion of this provision and the substitution of the other should meet with the approval of the House.

The third aspect of the Bill relates to penalties for nonfulfilment of delivery, and this again is something that is justifiable and defensible on all grounds. A number of producers make bookings not only through the Lamb Marketing Board, but also with one or even more agents, and when their lambs are accepted and trucked off they do not bother to tell the other agent or the board and cancel the booking, with the result that the meatworks are not only inconvenienced but disadvantaged, because if there is a decline in the kill for the day the economics of the operation of an abattoir is affected.

So it is beholden upon the producer, in whose interests the board and the abattoirs at Midland Junction and Robb Jetty operate, not to carry on with this practice. If the producer does not fulfil his side of the contract—one that he need not have entered into, anyway, in many cases—he should be penalised. Therefore, this provision is completely defensible, and it exists in many other parts of the world. For instance, in New Zealand anybody who does not fulfil a contract without good reason would have a difficult task getting lambs through the works in the following year.

The fourth proposed amendment deals with the power to disburse any surplus moneys. Legally the board at present is not empowered to pass back any surplus. I think probably some of these funds went towards the construction of cool storage facilities at Robb Jetty, along with some Government assistance. I am not criticising this; the storage facilities were necessary, and if this is the

way in which they were provided then it is in the interests of the industry. However, I think it is time matters of this sort were regularised.

I think the Government has had to guarantee the board on several occasions for different purposes. Storage will continue to be necessary, but it is hoped it will be minimised. We need a surplus, and the board does not want to be forced to sell on a weak market; so the need to establish cool storage facilities is fairly obvious. Such facilities also obviate the need to import meat from the Eastern States, which means that the board will not become a weak seller, which is never in the interests of the producers.

I was heartened to read not so long ago that the Meat and Allied Trades Federation said that a grading system such as the Lamb Marketing Board had developed was necessary in respect of other meats. When I harken back to some of the things that august body has had to say in the past, I realise that a comment of this kind is nothing short of a revelation, and there may be more hope for meat marketing in Western Australia if the present trend continues, and if members of the National Country Party are prepared to get up and voice a few comments on this subject.

MR OLD (Katanning—Minister for Agriculture) [5.35 p.m.]: I thank the member for Warren for his comments and assumed support of the Bill. He has covered the various amendments very well.

The definition of "producer" has been changed for several reasons, the main one being there is a trend today for people to purchase small properties near the metropolitan area and then purchase lambs from the saleyards on a fattening basis. These people should be enabled to bring in lambs as producers. The definition also enables the board in glut periods to give preference to producers, and I do not think anybody could quarrel with that concept because the producer of lambs is the important man in the chain. There have been instances of over-supply or a flush of lambs from other sources, and producers have been disadvantaged to the point where their lambs have had to be held up for a period in excess of what is desirable.

The amendment will help to overcome these problems and it will not disadvantage any other part of the trade, to wit, the lamb dealer and the processor who buys lambs for his own use and has them identified at the meatworks and takes delivery of them himself. This amendment is designed to assist the producer, and at the same time not to disadvantage other people in the industry.

The honourable member covered the pooling arrangement very well. Certainly he should know something about it as he was one of the architects of the original Bill. However, it has not worked and it is quite impractical to endeavour to run a pooling system for the Lamb Marketing Board. Therefore, the prices should be paid as per the schedule or as per the contract between the grower and the trade; and indeed some contracts are entered into.

On the matter of penalties, these will discourage the frivolous booking of space which not only disadvantages the abattoirs but also the producers who are genuinely waiting to get their lambs slaughtered.

I thank the member for Warren for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 5.40 p.m.

QUESTIONS ON NOTICE

URANIUM DISCUSSION KIT

Distribution in Schools

1247. Mr WATT, to the Minister for Education:

(1) Has he seen the item appearing on page 7 of *The Western Teacher* dated 27th October, 1977 entitled "Discussion Kit on Uranium"?

(2) As the kit being offered has been produced by the Australian Labor Party, is it a fact that its content is likely to be objective and unbiased so as to be suitable for use in schools?

(3) Is it proper for schools to pay a minimum fee of $50 to the Australian Labor Party for what could possibly be expected to be political propaganda?

(4) Will he take the necessary action to have Government schools instructed not to hire the material called a "Uranium Discussion Kit"?

Mr P. V. JONES replied:

(1) Yes.

(2) As the kit has not yet been reviewed no estimate of its balance can be made.

(3) Schools acquire resources for the use of their students. In my view, it is most unusual for schools to adopt anything but a balanced and rational approach. On occasions, however, schools use biased materials to illustrate the techniques of propaganda.

(4) The material is now being reviewed by senior departmental officers before any decision is taken.

PUBLIC RELATIONS CONSULTANTS

Engagement by Government

1248. Mr JAMIESON, to the Premier:

(1) Is it factual, as reported in *The West Australian* of 28th October, that the Government pays the public relations firm W. W. Mitchell and Associates a basic fee of $1 000 a month?

(2) How long has this fee been paid?

(3) What does the Government receive in return for the fee?

(4) What additional fees are paid to the firm and how are they calculated?

(5) How much has the Government paid to W. W. Mitchell and Associates in basic fees and additional fees since the arrangement with the firm began?

(6) What tasks has the firm undertaken for the Government since the arrangement began and what was the charge for each of them?

(7) In what form are the arrangements between W. W. Mitchell and Associates and the Government, for example, is there a contract?

(8) (a) If there is some written arrangement, will he table it;

(b) if not, why not?

(9) Was he correctly reported in the article in *The West Australian* that "the Government found it of advantage to refer certain matters to Mr Mitchell who was active in community affairs but detached from day-to-day Government atmosphere"?

(10) If he was correctly reported—

(a) what are the "certain matters" referred to;

(b) why is it of advantage to refer them to Mr Mitchell;

(c) in what ways is Mr Mitchell active in community affairs?

(11) Is Mr Mitchell the only member of W. W. Mitchell and Associates who performs work for the Government or are other people in the firm also involved?

(12) If people other than Mr Mitchell are involved, who are they?

(13) Is he aware whether Mr Mitchell is a member of the Liberal Party and whether Mr Mitchell and/or W. W. Mitchell and Associates have ever performed paid or voluntary work for the Liberal Party?

Sir CHARLES COURT replied:

(1) Yes.

(2) Since April 1976 when a contract was signed. This contract has expired and is currently being re-negotiated.

(3) Services specified in the contract.

(4) Additional fees are paid for services outside the contracts and are individually negotiated on a fee for service basis.

(5) Contractual fees of $18 000 over 18 months. Other fees $2 500.

(6) Work covered by the contract is on a time basis, not a task basis. Work undertaken outside the contract was on a similar basis.

(7) See (2).

(8) (a) Yes.

(b) Not applicable.

(9) Yes.

(10) (a) and (b) As the former head of the public relations section of the Premier's Department for 10 years, and as one of the State's most experienced private enterprise public relations consultants, Mr Mitchell has been able to respond to requests for service and consultative advice on matters covering the whole spectrum of PR work, including background research information on a wide range of matters.

(c) Mr Mitchell is widely and favourably known for his assistance to many worthy causes and is currently extensively involved in the Queen Elizabeth II Silver Jubilee Appeal on a voluntary basis. He is also a member of the Western Australia Week Council. We are aware of these latter activities because of their

link with the Government, but we have no record of his other private activities.

(11) and (12) Our dealings are with Mr Mitchell as principal of the firm.

(13) Yes, we understand he is a member of the Liberal Party. Whether he performs professional work for the party and on what basis, is not the business of the Government.

The agreement was tabled (see paper No. 353).

PUBLIC RELATIONS CONSULTANTS

Engagement by Government

1249. Mr JAMIESON, to the Premier:

(1) Since the present Government came to office in 1974, have any private public relations consultants, other than W. W. Mitchell and Associates, been engaged by the Government for any purpose?

(2) If "Yes"—

(a) who;

(b) for what purpose;

(c) for what period of time;

(d) how much was paid for the services?

Sir CHARLES COURT replied:

(1) and (2) I am advised that the following departments and instrumentalities have been contacted in relation to this question—

Premier's Department
Department of Industrial Development
Department of Conservation and the Environment
Department of Tourism
State Government Insurance Office
Main Roads Department
Westrail
Metropolitan Transport Trust
State Energy Commission.

It is unlikely that any other governmental authority would have made use of public relations consultants.

No private consultants other than W. W. Mitchell and Associates have been engaged by any of these departments and instrumentalities except the State Energy Commission.

The commission is of the opinion that as an instrumentality it is not covered by the question which uses the words "engaged by the Government".

However, the consultants engaged by the commission are Eric White and Associates, to assist in the internal and external public relations of the new energy commission.

The financial arrangements with the commission are a commercial matter between it and the consultants.

MINISTERS OF THE CROWN

Press Secretaries

1250. Mr JAMIESON, to the Premier:

(1) How many Ministerial press secretaries are employed by the Government?

(2) To whom are they assigned?

(3) Is it the Government's intention to appoint a press secretary to each of the 13 Ministers?

(4) If "Yes" to (3), when is it anticipated that the appointments will be completed?

Sir CHARLES COURT replied:

(1) Currently 11 including one assigned to the Leader of the Opposition.

(2) Premier (3), one of whom is working almost full time with the Minister for Labour and Industry; Minister for Agriculture (1); Minister for Fisheries and Wildlife (1); Minister for Education (1); Minister for Local Government (1); Minister for Transport (1); Leader of the Opposition (1).

One officer is currently performing all of the press secretarial work for the Deputy Premier and for the Minister for Works and Water Supplies, as well as carrying out public relations work for the Road Traffic Authority.

The Attorney-General and Minister for Health are also currently being served by one press secretary.

An appointment has been made to the staff of the Minister for Lands and Forests and this officer will take up the appointment next month.

The above indicates that while the Leader of the Opposition is served exclusively by a press secretary, five Government Ministers, unlike the Leader of the Opposition, do not at present have their own press secretaries.

(3) and (4) Yes. An appointment will soon be made to fill a vacancy in the Premier's Department. This will occur when one

of the existing press secretaries is transferred full time to the office of the Minister for Labour and Industry. The remaining two appointments will be made next financial year in conformity with Government policy that such appointments be phased in over a period.

GOVERNMENT DEPARTMENTS

Press Secretaries and Information, Publicity, and Public Relations Officers

1251. Mr JAMIESON, to the Premier:

(1) Which Government departments employ press secretaries, information officers, publicity officers, public relations officers or similar officers?

(2) How many such officers are employed in each department?

(3) What salaries are paid to each of these officers and to what awards or other wage and salary determinations are the salaries related?

(4) Are any further such appointments at present contemplated in 1977-78?

(5) If the salaries paid are not related to awards or other wage and salary determinations, how are they arrived at?

Sir CHARLES COURT replied:

(1) to (5) This question will take considerable research and as soon as the information has been collated I will advise the member in writing.

GOVERNMENT INSTRUMENTALITIES AND AUTHORITIES

Press Secretaries and Information, Publicity, and Public Relations Officers

1252. Mr JAMIESON, to the Premier:

(1) Which Government instrumentalities or authorities other than Government departments employ press secretaries, information officers, publicity officers, public relations officers or similar officers?

(2) How many such officers are employed in each department?

(3) What salaries are paid to each of these officers and to what awards or other wage and salary determinations are the salaries related?

(4) Are any further such appointments at present contemplated in 1977-78?

(5) If the salaries paid are not related to awards or other wage and salary determinations, how are they arrived at?

Sir CHARLES COURT replied:

(1) to (5) This question will take considerable research and as soon as the information has been collated I will advise the member in writing.

AUDITOR-GENERAL'S REPORT

Unforeseen Publicity Requirements

1253. Mr JAMIESON, to the Premier:

Referring to page 18 of the Auditor-General's Report, what were the "unforeseen publicity requirements" mentioned under part 2, item 2?

Sir CHARLES COURT replied:

The "unforeseen publicity requirements" mentioned in the Auditor-General's Report refer to the publications "Policy and Performance" cost $12 000; "Achievement" cost $7 000; and the Pensioner booklet cost $8 000. Total $27 000.

I would point out also for the information of the Leader of the Opposition that between 1971 and 1974 the Tonkin Labor Government spent a total of $17 847 on publications which included "Progress 1971-73"; "At the Half Way Mark", and "Progress 1971-1974".

During the period 1974-77, this Government spent $19 493 on publications which included "Policy and Performance 1976"; "Review of Performance, 1975" and "Achievement, 1974-77".

If the allowance is made for inflation the lesser expenditure in 1974-77 as against 1971-74 will be apparent.

TRAFFIC ACCIDENTS

Manning Road-Leach Highway

1254. Mr JAMIESON, to the Minister representing the Minister for Transport:

How many accidents have occurred at the intersection of Manning Road and Leach Highway in each of the 12 months since the installation of traffic lights in October last year?

Mr O'CONNOR replied:

The number of reported accidents in each of the 12 months since the installation of traffic lights was—

October 18th to 31st, 1976	2
November 1976	—
December 1976	1
January 1977	3
February 1977	6
March 1977	4
April 1977	1
May 1977	10
June 1977	5
July 1977	3
August 1977	2
September 1977	3

PUBLIC LIBRARIES

Horton Report

1255. Mr WILSON, to the Minister for Education:

(1) Has the Government given any consideration to the recommendation relevant to State Government's responsibilities set out in the Horton report?

(2) If not, why not?

(3) If "Yes" to (1), what is the current state of progress with regard to such consideration?

Mr P. V. JONES replied:

(1) and (2) The Government has considered the implications of the Horton report on public libraries and has invited the Library Board to give quite detailed consideration to the proposals contained in the report. The report was, however, commissioned by the Commonwealth Government, and it is the State Government's view that the Commonwealth should make a positive response to a wide ranging and far-sighted report.

(3) I have been in close touch with the Library Board, and have confidence that the board is developing a plan for library service in Western Australia which will make this State's achievements in this field as distinguished in the next quarter century as they have been in the first quarter century of the board's existence. An announcement of the board's plans will be made in due course.

EDUCATION FUNDING

Loan Funds

1256. Mr PEARCE, to the Minister for Education:

What Commonwealth loan funds are available to Western Australia during the 1977-78 financial year for capital expenditure for—

(a) primary and secondary education;

(b) technical education,

in addition to the Commonwealth grants listed in the 1977-78 Loan Estimates?

Mr P. V. JONES replied:

Some Commonwealth funding is available on a financial year and some on a calendar year. For the latter, there is no legislated amount available for each half of the fiscal year. Estimates of expenditure made are related to cash flows and not to the actual amounts listed in the enabling legislation. Accordingly, any programme for a financial year incorporates some Commonwealth funding from the previous year, and some from the future year.

The legislated amounts for the relevant years are as follows—

States Grants (Schools) Act, 1972 allocation for 1977-78, $3 298 300.

States Grants (Schools Assistance) Act, 1976, for the year 1977 (as passed) $7 202 500.

States Grants (Schools Assistance) Act, 1977, for the year 1978 estimated at $8.1 million.

States Grants (Technical and Further Education Assistance) Act, 1976 $2 929 000, including supplementation to June, 1977.

States Grants (Technical and Further Education Assistance) Act, 1977—estimated at $3 255 000.

HIGH SCHOOL

Balcatta

1257. Mr BRIAN BURKE, to the Minister for Education:

(1) Has any agreement or contract been entered into by the Education Department and the City of Stirling with respect to the planned community/school hall facilities at the Balcatta Senior High School?

(2) If not, in which areas are problems being encountered?

(3) When is it expected agreement will be reached and the facility started?

(4) What will be the cost of the facility?

(5) Has any money yet been set aside for the project?

Mr P. V. JONES replied:

(1) and (2) General agreement has been reached between the City of Stirling, the Education Department, and the Community Recreation Council, but we are awaiting a response from the City of Stirling regarding limitations on the use of alcoholic beverages in the hall.

(3) In the near future.

(4) Approximately $500 000.

(5) The Education Department has allocated funds for its share of the cost and the other parties will have funds available when the agreement is finalized.

SCHOOL BUILDINGS

Federal and State Expenditure

1258. Mr JAMIESON, to the Minister for Education:

Further to my questions 1077 and 1194 of 1977, assuming the Minister was referring to the 1977-78 estimates for Federal specific purpose loan funds for school building in the General Loan Fund Estimates, if estimates apply only to new works, in which estimates are found funds to be used for payment for projects which were not finalised within the 12 month period of 1976-77?

Mr P. V. JONES replied:

I refer the member to my opening remarks in reply to question 1256.

Projects which were not completed by the 30th June, 1977, are being funded from Commonwealth moneys available over a whole calendar year.

EDUCATION

Under Spending

1259. Mr JAMIESON, to the Minister for Education:

Further to my questions 1085 and 1193 of 1977:

(1) When did it became apparent that the difference in salaries between teachers who left the Education Department and their replacements would lead to a $3 million saving?

(2) On what basis did the department anticipate wage indexation increases at the beginning of the 1976-77 financial year?

Mr P. V. JONES replied:

(1) During the final quarter of the financial year.

(2) The allowance for wage indexation increases likely to occur in 1976-77 was assessed by the Treasury when the Budget for that year was being framed and was applied uniformly to all departments. In his Budget speech, the Treasurer set out the basis of the assessment and drew attention to the speculative nature of the allowance.

GOVERNMENT CONFIDENTIAL INFORMATION

Leakage to Press

1260. Mr JAMIESON, to the Minister for Labour and Industry:

(1) Is he aware of how a journalist from the *Daily News* is able to outline in that paper on 27th October, 1977, that the State Government is giving consideration to having workers compensation cases delegated to the District Courts?

(2) If he is aware of how the journalist got the information, will he tell the House?

(3) If he is not aware, has he instituted an inquiry into how the journalist got the information?

(4) If not, why not?

(5) If the answer to (3) is "Yes" has the Criminal Investigation Bureau been called into the inquiry?

(6) If "Yes" to (5), when and by whom?

(7) If "No" to (5), why not?

(8) Who were the "well informed sources" to whom the journalist referred?

Mr GRAYDEN replied:

(1) to (8) The journalist was able to write of measures under consideration because the Government was quite happy to indicate some of the proposals under consideration to reduce the current backlog.

SMALL BUSINESS ADVISORY COMMITTEE

Chairman

1261. Mr JAMIESON, to the Premier:

Is the chairman of the small business advisory committee, Mr K. W. Court, related to the Premier?

Sir CHARLES COURT replied:

Mr K. W. Court is a son of the Premier. He became associated with the small business committee as a nominee from Perth Chamber of Commerce and was elected at an inaugural meeting by members of the committee as chairman. The position does not involve remuneration from the committee or Government.

ELECTORAL

Half-Senate Election

1262. Mr JAMIESON, to the Premier:

(1) Does he intend to tender advice to the Governor on the issue of writs for a half-Senate election?

(2) Does he intend to ask the Governor to comply with the Prime Minister's wishes that writs will be issued on 10th November this year?

(3) As he has, on a previous occasion in November 1975, entertained the possibility of refusing to issue writs for a half-Senate election, as he then preferred a double dissolution of both Houses, is it his intention to refuse the issue of writs in this case?

(4) If "No" to (3), why not?

Sir CHARLES COURT replied:

(1) to (4) Executive Council yesterday approved the issue of a writ for a half Senate election to be held in Western Australia on Saturday, the 10th December.

I will table a copy of a Press release and make other copies available to members of the Opposition.

The paper was tabled (see paper No. 354).

STATE FINANCE

Federal Funds: Upgrading

1263. Mr JAMIESON, to the Treasurer:

In view of the deal which this State has received from the Fraser Government since it was elected to office, in terms of specific purpose payments and capital works borrowings and in view of the concern expressed by the Treasurer at the extent of these cutbacks, is it his intention to seek guarantees from the Prime Minister that the Federal Government will drastically upgrade the amounts that Western Australia will receive in future years in these forms of payments, if it is re-elected at the next Federal election?

Sir CHARLES COURT replied:

No.

Matters of this kind are of an ongoing nature and not the sort of thing to be treated as an opportunistic election type pressure exercise.

STATE FINANCE

Loan Council Meeting

1264. Mr JAMIESON, to the Treasurer:

(1) When is the Loan Council next expected to meet?

(2) Is it intended that the issue of the States obtaining loans from overseas will be raised at the next Loan Council meeting?

(3) Does he intend to press for a Loan Council meeting before the next Federal election?

Sir CHARLES COURT replied:

(1) No date has been fixed for the next meeting but council business can be and frequently is conducted by exchange of telexes and correspondence.

(2) I would expect that this matter will be dealt with by correspondence following receipt of the officers' report on guidelines. The nature of the officers' report could determine the need for a formal meeting.

(3) No.

UNEMPLOYMENT

Unfilled Vacancies

1265. Mr JAMIESON, to the Minister for Labour and Industry:

Adverting to his statement in *Hansard* No. 12 on page 2763 with reference to the unemployment situation in Western Australia that "We have a lot of vacancies we cannot get applicants for," and in view of the fact that—

(a) the unemployed-unfilled vacancy ratio for the total unemployed in W.A. is 13.14:1;

(b) the unemployed-unfilled vacancy ratio for juniors is 15.16:1;

(c) the unemployed-unfilled vacancy ratio for unskilled manual workers is 54.13:1;

(d) the unemployed-unfilled vacancy ratio for rural workers is 23.25:1;

will he list the areas in which there are a lot of vacancies for which applicants cannot be found?

Mr GRAYDEN replied:

The results of a survey conducted by my department in February 1977 showed conclusively that many vacancies had not been filled two weeks after being advertised.

Out of 314 male positions advertised only 197 had been filled.

Country and metropolitan figures were—

Country—148 positions advertised—65 engagements

Metropolitan—156 positions advertised—132 engagements.

It was partially as a result of this survey that the Government instituted a manpower planning unit and has commenced an investigation into structural unemployment.

Because of the nature of this problem a national inquiry has now been commenced, and Commonwealth and State working parties will be making their reports early in 1978.

HEALTH EDUCATION COUNCIL

Federal Funds

1266. Mr JAMIESON, to the Minister for Health:

(1) In view of the answer to my question 406 of 1977 in which he indicated that the Health Education Council anticipated some cut-back in their drug education programme as a result of a monetary increase of only 5.88 per cent in Federal funds for Western Australia's education programme, will he make representations to the Federal Minister seeking more funds, as this is a matter of growing community concern?

(2) Has he been able to ascertain from the Federal Minister why the Australian Government did not increase funds for the national drug education programme by reasonable amounts?

Mr RIDGE replied:

(1) Following a staff review we do not anticipate a significant cut-back in drug education.

(2) No, but the matter is under review by the drug education sub-committee of the national standing control committee on drugs of dependence.

CHICKENS

Broilers and Retail Price

1267. Mr H. D. EVANS, to the Minister for Agriculture:

(1) How many broiler chickens were hatched for meat production in Australia in each of the past five years?

(2) What was the retail price of chicken per kilo in each of the past five years?

(3) What has been the *per capita* consumption of—

(a) beef;

(b) sheep meat;

(c) pork;

(d) chicken meat,

in Australia in each of the past five years?

Mr OLD replied:

(1)

Year	Million
1971-72	123.2
1972-73	127.7
1973-74	153.3
1974-75	141.0
1975-76	158.6

(2) Retail price Sydney*

Year	c/kg
1971-72	99
1972-73	106
1973-74	130
1974-75	139
1975-76	147

(3)

Year	Beef and Veal kg	Mutton and Lamb kg	Pork kg	Poultry meat kg
1971-72	39.7	44.8	6.9	12.5
1972-73	40.1	34.6	7.9	13.3
1973-74	41.6	24.9	6.8	13.9
1974-75	65.4	27.1	5.2	13.9
1975-76	71.0	29.9	4.5	14.8

Excludes bacon, ham and all canned and processed meats.

Sources: Australian Bureau of Statistics
*Bureau of Agricultural Economics

CHICKENS

Broilers

1268. Mr H. D. EVANS, to the Minister for Agriculture:

(1) How many agreements between producers and processors have been drawn up each year since the broiler industrial negotiation committee was set up in this State?

(2) How many agreements have been the subject of disputation in each of those years?

(3) (a) What is the average price which producers receive per broiler; and

(b) what expenses per bird on the average is incurred by growers?

(4) How many producers which turn out in excess of 10 000 broilers per annum operate in Western Australia?

(5) (a) What was the total number of broilers produced in Western Australia in 1976; and

(b) of this total, what percentage were raised under contract; and

(c) by how many producers?

Mr OLD *replied:*

(1) Agreements drawn up between producers and processors are for a specific period and are not on an annual basis. Currently 35 agreements are in force.

(2) Disputation has involved specific aspects common to all agreements.

(3) (a) Contract growers currently receive about 19.5 cents per bird. This represents a price of about 75 cents/kg liveweight.

(b) Growers' actual on farm cash costs are variable but are believed to be about 13.0 cents per bird.

(4) 40.

(5) (a) 15.5 million.

(b) About 55 per cent. The balance is grown by farms owned by processing Companies which do not require a contract under the legislation.

(c) 35.

LAND

Grey Townsite

1269. Mr SKIDMORE, to the Minister for Lands:

(1) Have eviction notices been served on any of the occupants of land within the townsite of Grey?

(2) If eviction notices have been served, what is the effective date of same?

(3) If the eviction date is set prior to the end of this year, would she consider extending that notice until after the conclusion of the forthcoming school holidays?

Mrs CRAIG replied:

(1) to (3) There are no lawful occupants of Grey townsite and the Lands Department has not served any notices. It is understood that certain notices under the Health Act have been served by the Shire of Dandaragan.

BOARDING HOUSE LICENCE

Swan Shire

1270. Mr SKIDMORE, to the Minister for Local Government:

(1) Was an application lodged by a K & J Gillan for a boarding house licence for premises situated at 18 Victoria Street, Guildford with the Swan Shire?

(2) If "Yes", was the application granted, and if it was not granted, what were the reasons for its refusal?

(3) On what Act, by-law or regulation was the refusal based?

(4) What avenues are open to people wishing to appeal against such decisions to refuse an application for a boarding house licence?

Mr RUSHTON replied:

(1) to (4) This information is not available in my department. I suggest the member directs his inquiries to the Shire of Swan.

BUILDING PERMIT

Swan Shire

1271. Mr SKIDMORE, to the Minister for Local Government:

(1) Was an application made by Mr. and Mrs. Perry for a building permit for lot 22, East Street, Guildford, to the Swan Shire?

(2) If "Yes"—

(a) was the application rejected by the Swan shire, and if so, on what grounds;

(b) did the applicants lodge an appeal with the Public Health Department against the refusal of the shire to issue a building permit, and if so, was the appeal successful?

(3) What regulations, by-laws or Act empowers the Swan shire to reject such an application for a building permit?

(4) If the shire acted outside of the appropriate regulations, by-laws or Acts, would he take the necessary action to ensure that this attitude is not repeated in the future?

Mr RUSHTON replied:

(1) and (2) This information is not available in my department. I suggest the member directs his inquiries to the Shire of Swan.

(3) Section 374, Local Government Act.

(4) See answers (1) to (3).

ZOO LICENCE

"B"-class

1272. Mr SKIDMORE, to the Minister for Agriculture:

(1) What criteria are to be met by a person seeking a 'B'-class zoo licence?

(2) Under what Act does the administration of such zoos fall?

(3) (a) Are there regulations gazetted governing 'B'-class zoos; and

(b) if so, would the Minister identify same?

Mr OLD replied:

(1) to (3) The administration of zoos is subject to the provisions of the Commonwealth Quarantine Act.

I have asked my department to obtain the information sought from the Commonwealth Department of Health—and will advise the member accordingly when I receive this information.

SCHOOLS

State Flag

1273. Mr SKIDMORE, to the Minister for Education:

(1) Was an approach made to all schools from the Director of Education to the effect that each school should have a State flag?

(2) (a) If "Yes", is it the Government's intention to provide each school with a State flag free of charge;

(b) if not, why not?

Mr P. V. JONES replied:

(1) and (2) The following notice appeared in the Education Circular—

WESTERN AUSTRALIAN FLAGS FOR SCHOOLS

Schools are advised that a wide range of activities are being planned for Western Australia's 150th Anniversary Celebrations to be held in 1979.

One of the ideas put forward by the Celebrations Committee is that every school should have an Australian flag, available through its local Federal Member of Parliament, and might purchase a Western Australian flag, so that both flags could be flown on special occasions during the celebrations year. Since State flags would become a part of school equipment, it is suggested that schools might purchase a Western Australian flag, perhaps through their respective P. and C. Associations.

The purchase of Western Australian flags is being co-ordinated by the Commerce Committee for Western Australia's 150th Anniversary Celebrations and orders should be addressed to:

Officer-in-Charge,
Administrative Services Section,
Education Department,
Parliament Place,
West Perth 6005.

The latest date for the receiving of orders is the 16th December 1977.

PRE-PRIMARY CENTRE

Midvale School

1274. Mr SKIDMORE, to the Minister for Education:

(1) Is it the Government's intention to provide for a pre-primary school at the Midvale primary school in the forthcoming year?

(2) If "Yes", have plans been drawn up and what is the cost of the project?

(3) When is it anticipated that this project will commence and when will it be completed?

Mr P. V. JONES replied:

(1) Yes.

(2) The estimated cost of the transportable unit, including service connections on the site, is $20 000.

(3) The contract was let on 20th October, 1977, and the unit is expected to open at the commencement of the 1978 school year.

WORKERS' COMPENSATION

District Court Hearings

1275. Mr SKIDMORE, to the Minister for Labour and Industry:

(1) Is he correctly reported in the Press as having stated that it is the Government's intention to do away with the present Workers' Compensation Board and that all court actions would be conducted before the District Court?

(2) If "Yes", have discussions been held with the Trades and Labor Council regarding this matter, and if not, will those talks take place before any action is taken to disband the present system?

Mr GRAYDEN replied:

(1) I draw the member's attention to the article in question in *The West Australian*, which he has obviously not read, and I quote: "The WA Government may scrap the Workers' Compensation Board . . ."

The article continues to refer to a proposal which is being considered by a special advisory committee, who have been asked to make recommendations.

(2) On receipt of a recommendation the matter will be discussed at a meeting of the Minister for Labour's Advisory Committee.

POLICE AND RTA

Citizens' Complaints

1276. Mr TONKIN, to the Minister for Police and Traffic:

(1) Is he aware that legal advice has been given to various citizens who claim to have a grievance against police or Road Traffic Authority officers, not to make such complaints to the police because there is a danger that such action will result in criminal libel cases against them, as occurred on a previous occasion when citizens took a complaint to the Members for Whitford, Karrinyup and the Hon. R. J. L. Williams, M.L.C.?

(2) Given such advice, to whom should citizens complain of action by police or Road Traffic Authority officers?

(3) Is he aware that the Commissioner of Police has threatened over the telephone a journalist with respect to complaints against police or Road Traffic Authority officers?

(4) To whom should such a journalist complain so that there shall be an unbiased investigation of the complaint?

(5) Have complaints been received relating to the alleged assault of Arthur McDonald at 9 Gregory Street, Belmont?

(6) If so, is the complaint being investigated by the Criminal Investigation Bureau or by the Road Traffic Authority, bearing in mind that officers from both branches have possibly been harassing the inhabitants of 9 Gregory Street, Belmont?

(7) If both branches are not investigating the complaint concurrently, why have officers of the branch which it is claimed is not investigating the complaints so constantly visited and possibly harassed the occupants of 9 Gregory Street, Belmont?

(8) Why have Road Traffic Authority officers asked for the return of the infringement notices which were issued to Mr McDonald?

Mr O'NEIL replied:

(1) No, but if it was given, it would be incorrect advice. The matter to which the member refers involved published defamation by a number of persons, several of whom had criminal convictions, against police officers and subsequently proved to be defamatory.

(2) There is no knowledge of such advice being given, and if it was, it was incorrect advice. Any complaints against police officers should be directed to the Commissioner of Police.

(3) No.

(4) To his employer, if there were reasonable grounds. No such complaint has been received by the Commissioner of Police.

(5) Yes.

(6) and (7) Investigations have been made to establish the truth or otherwise of the allegations and take any action required as the result of such inquiries. No harrassment has occurred.

(8) Because McDonald gave a false name and address when given the infringement notices. Inquiries necessitated McDonald's arrest and subsequent appearance before a court and the withdrawal of the infringement notices.

ABATTOIR

Esperance

1277. Mr CRANE, to the Minister for Agriculture:

(1) Has the necessary finance been raised by shareholders of Esperance Meat Exporters to meet Government criteria as reported in the article of 19th August in *The West Australian?*

(2) Is the project programmed to start?

(3) If so, when?

(4) Has the Meat Industry Association of its own volition given permission for the abattoir to be built?

Mr OLD replied:

(1) The company has not completed its negotiations to raise the necessary share capital.

(2) and (3) This is dependent on finalising the raising of share capital.

(4) The company has been made aware by the Meat Industry Authority of the need for approval to construct and operate the proposed abattoir. To date however no application has been received.

WATER SUPPLIES

Harvey Weir

1278. Mr BRIAN BURKE, to the Minister for Water Supplies:

(1) What is the current state of the safety of the Harvey weir wall?

(2) Has any Government officer stated that "the weir wall will be safe for another two years"?

(3) Has any independent study of the safety of the wall been made?

(4) If "Yes" what was the nature of the study and its conclusions?

(5) If "No", will the Government arrange for an independent study to be made?

Mr O'CONNOR replied:

(1) The regular inspections made of the weir show that it is safe.

(2) No. Refer to answers (1) and (4).

(3) Yes.

(4) An independent inspection was made by the Snowy Mountains Engineering Corporation in 1971 when the weir was strengthened. This study drew attention to the fact that the concrete was likely to continue to deteriorate and, in due course further work may be required.

(5) Not applicable.

BRICKLAYERS

Oversupply and Migrants

1279. Mr BRIAN BURKE, to the Minister for Immigration:

(1) Is he aware of the current possible oversupply of bricklayers in Western Australia?

(2) If "Yes", what is his attitude to the continued encouragement of these tradesmen to migrate here?

(3) In what way has this attitude been publicy expressed?

Mr GRAYDEN replied:

(1) I am aware that the demand for bricklayers has subsided and that, with the influx from the Eastern States, there is some over-supply.

(2) It is not the policy to continue encouraging bricklayers from overseas. There is at present an over-supply and no advertising or recruiting is taking place.

(3) As late as the 1st November, 1977, I advised the House that advertising for tradesmen in the United Kingdom has been discontinued since November, 1976.

HOUSING

Nollamara, Balga, Girrawheen, and Koondoola

1280. Mr BRIAN BURKE, to the Minister for Housing:

(1) How many units of accommodation are vacant in—

(a) Nollamara;

(b) Balga;

(c) Girrawheen; and

(d) Koondoola?

(2) What type of accommodation is vacant in each suburb referred to?

(3) Where is each vacancy?

(4) How long has each of the units been vacant?

(5) What method does the commission employ to ensure that vacancies are identified and filled as quickly as possible?

Mr O'CONNOR replied:

This information will take some time to collate and I will advise the member by letter as soon as it is available.

STATE ENERGY COMMISSION

Staff, Electricity Generation, Revenue, and Expenditure

1281. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

(1) What was the total number of—

(a) wages staff; and

(b) salary staff,

employed by the State Energy Commission at 30th June, 1977?

(2) What was the total generating capacity (from all sources) of the SEC at 30th June, 1977?

(3) What was the total of electricity generation (total load) in kilowatt hours for the 1976-77 year?

(4) What was the maximum demand (peak load) during 1976-77?

(5) What was the SEC's total revenue from all sources during 1976-77?

(6) What was the SEC's revenue from electricity sales only during 1976-77?

(7) What was the SEC's expenditure for 1976-77 on administration only?

Mr MENSAROS replied:

(1) (a) Wages staff—3 308

(b) Salary staff—1 729.

(2) 1 305 567 kW (1 217 000 kW for the interconnected system).

(3) 4 243 514 427 kW.

(4) Peak load interconnected system 876 000 kW.

(5) $145 710 966.

(6) $136 940 876.

(7) Expenditure on general administration, financial management, computer services, customer billing, regulatory services, customer advisory services and long term planning amounted to $12 098 029.

SWAN RIVER

Fresh Water Bowl

1282. Mr BRIAN BURKE, to the Minister for Water Supplies:

(1) Has any consideration been given to turning the Swan River into a fresh water bowl?

(2) If "Yes", what consideration was given and what conclusion reached?

(3) If not, will such consideration be given to this matter?

Mr O'CONNOR replied:

(1) and (2) No.

(3) No. However, the nature of the proposal is very unclear. If it refers to the creation of a storage by constructing a dam above Guildford then it is pointed out that the main inflow comes from the Avon River which is saline due to agricultural development on the catchment. If it refers to the utilisation of the area between Guildford and Fremantle then it is pointed out that this is an estuary which is tidal, it is very shallow and is in a delicate ecological balance.

In either case any proposal to create a fresh water bowl would involve enormous and unacceptable physical ecological and social changes at great financial cost.

GREAT BOULDER MINES LIMITED

Goldmining Plant

1283. Mr GRILL, to the Minister for Mines:

(1) Is he aware that Great Boulder Mines Limited will be scrapping their gold treatment plant on its Fimiston goldmining leases?

(2) Does he know as to whether the plant is to be sold as one unit, broken up and sold or merely retained on the lease?

(3) In view of the need for a custom mill for the treatment of gold ores by various small producers in the Eastern Goldfields, would the Government give consideration to the purchase of the gold treatment plant for use by small goldmining operators?

Mr MENSAROS replied:

(1) to (3) No. On the contrary I understand the company has no such intention.

PRE-SCHOOL PROPERTY

Transfer to Education Department

1284. Mr WILSON, to the Minister for Education:

Further to his answer to question 532 of 1977 concerning the future of the premises at 1186 Hay Street, who is it anticipated will hold the property in trust and for whom?

Mr P. V. JONES replied:

Further to the reply given on 1st November, I reiterate that discussions are proceeding with the Pre-School Board.

An assurance has recently been given to the board that the most suitable and practical arrangement will be to vest the property at 1186 Hay Street within a board of trustees. This will ensure the property will be related to, and identified with, pre-school education in the future as in the past.

PRE-PRIMARY CENTRE

North Balga School

1285. Mr BRIAN BURKE, to the Minister for Education:

(1) Is it a fact that the decision to place a double unit pre-primary centre at the North Balga junior primary school was made without any prior consultation with the school?

(2) Is it also a fact that the building of such a centre adjacent to the school will possibly curtail playground space, which is already at a premium?

(3) Can he say whether any surveys were undertaken to justify the need for the pre-primary centre?

(4) If "Yes" to (3), what was the nature of such surveys and by whom were they undertaken?

(5) Will not the location of such a centre at this school duplicate existing pre-school facilities in the area?

Mr P. V. JONES replied:

(1) The location of new pre-primary centres is determined on a needs basis and the Education Department also considers requests from individual schools. The placement of a pre-primary centre at the North Balga junior primary school had been discussed with the school principal before her departure for overseas.

(2) An effort will be made to locate the centre where it has a minimum effect on the existing playground space.

(3) Yes.

(4) An analysis of the Balga locality compared the number of places in existing pre-school and pre-primary centres with the predicted number of five-year-olds in the locality in 1978. The survey showed a shortfall of over 150 places for five-year-olds in Balga. The analysis was undertaken by officers of the Education Department.

(5) No. There are no existing pre-school facilities which serve the north-west section of Balga where the North Balga junior primary school is located.

PRISONS

Unconvicted Prisoners

1286. Mr WILSON, to the Chief Secretary:

(1) In answer to question 1163 of 1977, the Minister for Police and Traffic stated that statistics relating to the monthly numbers of unconvicted prisoners on remand for the months October, 1976, to September, 1977, were not kept by the police: Can he say whether such statistics are kept by the Department of Corrections?

(2) If "Yes" will he please provide these statistics?

Mr O'NEIL replied:

(1) and (2) Statistics are not available to answer the questions posed in question 1163 of 1977. The Department of Corrections only holds prisoners who have not been convicted and sentenced on behalf of the Sheriff.

Bearing in mind that the majority of unsentenced prisoners are remanded for a period of eight days only and are treated as new receptions at the completion of each eight day period, any figures which may be available could be very misleading.

Remand prisoners are held at nine institutions between Wyndham and Albany and an endeavour was made to obtain the information asked in 1163 (1) of 1977. The information received was regarded to be statistically unreliable. For example, whilst the daily average

number of remands in Fremantle Prison for October 1976 was 59, the answer could be either that number or 297 (i.e. the number of remands for the month). The department, together with the Bureau of Census and Statistics, is currently examining the possibility of computerising statistical records in order to provide this and similar types of information.

QUESTIONS WITHOUT NOTICE

KIMBERLEY ELECTION

Court Case Costs

1. Mr BERTRAM, to the Premier:

(1) Whilst "most impressed" by the Government's alleged new-found desire to show evenhandedness, is not the Government's decision as to the Ridge case costs premature since the judge's order as to costs is not yet known to the public, and it is highly probable that, having the carriage of the action, Bridge's costs will far exceed Ridge's?

(2) Do the costs involving up to $100 000 of taxpayers' money include solicitor and client costs as well as party costs?

(3) Why has he excluded disbursements such as travelling expenses and witness fees and expenses, bearing in mind that Bridge called a huge number of witnesses and Ridge very few, if any?

Sir CHARLES COURT replied:

(1) There is no such thing as the "Ridge case" involved in the reimbursement of costs following the Government's recent announcement.

I assume the member is referring to the Kimberley Court of Disputed Returns. The Government's decision is not premature. On the contrary, it is much fairer for the Government to make a decision and an announcement before it knows the court's decision. By so doing it cannot be accused of making its decision prejudiced by the knowledge of whether the court's ruling is in favour of one party or another. If we waited until after the decision was known there would be interminable argument about prejudice one way or the other and about the amount payable.

Now all parties know what they can expect and will need to make their own arrangements beyond the promised contribution by the Government.

It is conjecture as to what are the total costs of any party and even a greater degree of conjecture as to what the judge will decree.

(2) The Government has indicated that it will provide amounts not exceeding $100 000 in all to the parties in relation to legal costs and counsel fees which they may be required to pay. As the source of the costs would be public moneys, the Government would require the costs to be taxed or otherwise established and reasonable.

(3) The Government intends to act in an evenhanded way to both parties recouping them for bona fide costs and expenses properly incurred in connection with the proceedings. No specific disbursements which have been incurred have been excluded provided they can be authenticated and shown to be reasonable and proper.

The member is reminded, however, that this is an *ex gratia* payment entirely within the Government's discretion and a strict accounting will be required.

In any case the ceiling limits on the Government's contribution will not be exceeded.

BREAD

Profiteering

2. Mr DAVIES, to the Premier:

I was not certain to whom to direct this question, and therefore I have given no notice of it.

It has been brought to my notice that one baker who allegedly was able to obtain supplies of flour released through a nursing home, has sold bread to the public for 48c for a small uncut loaf, about double the normal price.

In view of the Government's professed "public interest", what action will it take to prevent and punish such gross profiteering?

Sir CHARLES COURT replied:

If the honourable member will make available to me the details of the offence

and the person whom he regards as an offender—

Mr Tonkin: Offence against what Act?

Mr O'Connor: Why not listen and find out?

Sir CHARLES COURT: Just ignore him.

If the honourable member makes available to me details of the person whom he claims has offended in this matter, I will have the position investigated. I am sure the Minister for Consumer Affairs would do likewise. However, unless we have something specific it is impossible to express an opinion one way or the other, because first of all we have to establish the facts. I gather the member for Victoria Park has secondhand information, and that it is not based on personal observation or experience.

Mr Davies: That is right.

BREAD

Bakers' Flour Supplies

3. Mr B. T. BURKE, to the Minister for Labour and Industry:

Does the Minister still maintain that the comments reported in today's issue of the *Daily News* with respect to the number of bakers who are prepared to collect their own flour is correct, bearing in mind that a survey carried out by that paper indicates that a substantially fewer number of bakers are actually able to collect their own flour?

Mr GRAYDEN replied:

The information in the *Daily News* is substantially correct. The bakers would require the flour to be delivered, but that is no problem.