Legislative Assembly

Thursday, the 20th April, 1978

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

BILLS (5): INTRODUCTION AND FIRST READING

1. Petroleum Products Subsidy Act Amendment Bill.

   Bill introduced, on motion by Mr Mensaros (Minister for Fuel and Energy), and read a first time.

2. Zoological Gardens Act Amendment Bill.

   Bill introduced, on motion by Mrs Craig (Minister for Lands), and read a first time.

3. Local Government Act Amendment Bill (No. 2).

   Bill introduced, on motion by Mr Rushton (Minister for Local Government), and read a first time.

4. Town Planning and Development Act Amendment Bill.

   Bill introduced, on motion by Mr Rushton (Minister for Urban Development and Town Planning), and read a first time.

5. Liquor Act Amendment Bill.

   Bill introduced, on motion by Mr Watt, and read a first time.

ALUMINA REFINERY (WAGERUP) AGREEMENT AND ACTS AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Industrial Development) [2.22 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before the House is to ratify an agreement between the Government and Alcoa of Australia Limited. The agreement will set the conditions under which the company will establish a third alumina refinery at Wagerup, about 30 kilometres south of Pinjarra.

Except where specifically altered by this agreement, all the rights and obligations of the company pursuant to the existing Alumina Refinery Agreement Act, 1961-1974 (the principal agreement) and the Alumina Refinery (Pinjarra) Agreement Act, 1969-1976, (the Pinjarra agreement), will apply with the appropriate changes to this agreement.

Honourable members are no doubt aware that clause 13 of the Pinjarra agreement already confers on the company the right to construct another alumina refinery in the State. Therefore, legally speaking, the company was not required to enter into this new agreement with the State.

It was the desire of the Government, however, and the company readily agreed, that a new agreement be negotiated. This has enabled the Government to have included important new provisions related to the protection and management of the environment.

Accordingly, negotiations with Alcoa have proceeded and agreement has been reached on the terms under which the company will construct the proposed Wagerup refinery and related facilities for the production of alumina.

Honourable members will be aware that the production capacity of the company's Kwinana alumina refinery is 1.3 million tonnes per year. Apart from slight increases in capacity due to continuing process improvements, no significant change in this capacity is ever expected.

The Pinjarra refinery presently has the capacity to produce 2.2 million tonnes of alumina per year. The refinery could ultimately be expanded to a maximum of four million tonnes per year.

In considering the terms and conditions to apply to Alcoa regarding the production capacity of the new Wagerup refinery, the Government has been aware that it would be unreasonable to expect Alcoa to invest in a new refinery at all unless the company has reasonable assurance that, market factors permitting, the refinery will be able to be expanded to an economic size, which is about two million tonnes per year for a new refinery.

The agreement for the Wagerup refinery therefore will enable Alcoa to expand the plant from a minimum of 200 000 tonnes per year to a capacity of two million tonnes per year over a 15-year period. The establishment of the refinery and its expansion to this capacity will be dependent on—

(1) The company submitting to the Government for approval a detailed environmental review and management programme for the Wagerup refinery and associated mining operations, which will detail the company's commitments to long-term environmental protection and management.

(2) The company agreeing to a continuous programme of monitoring and research to improve environmental management techniques.

(3) The company submitting yearly reports and detailed three-yearly reviews of the results of research and monitoring programmes.

(4) The company continuing to observe all laws and regulations relating to protection of the environment in force from time to time.

If at any time Alcoa should propose to expand the Wagerup refinery beyond two million tonnes per year capacity, a new further detailed environmental review and management programme in respect of that expansion would need to be approved by the Government.

Although not a specific provision of this new Wagerup agreement, the company was told and understood that it is the policy of the Government that any proposals for expansions of the present Pinjarra refinery will require the approval by the Government of a new environmental review and management programme.

It will be appreciated that the establishment of a new refinery at Wagerup presents the opportunity for future expansion of Alcoa's alumina refining capacity to be concentrated at the new refinery, rather than at Pinjarra. This will have considerable benefits to the State in holding the rate of mining in the Dwellingup area at its present level for some considerable time.

It will thus increase the length of time when bauxite mining is concentrated only in the western, high rainfall, dieback infested, low salt content areas of the Darling Range where rehabilitation and water quality protection techniques are already well demonstrated. Further time will therefore be available for research in the lower rainfall areas, well in advance of any commitment to mine in these areas. This is precisely what is being required by those who are concerned with the consequences of mining in these fragile areas.

Honourable members will be aware of the importance of the alumina industry to the economy of the State. It is particularly important that the industry is healthy and proposing to expand at a time when many of our other primary industries, both agricultural and mining, are suffering reductions in employment and earnings as a result of adverse market and physical conditions.

Alcoa employs 2 800 people directly in its operations in Western Australia. The Wagerup refinery will provide an additional 330 permanent jobs at a production level of 500 000 tonnes per year. A further 210 permanent jobs will be created for every expansion of capacity by 500 000 tonnes per year. Therefore at the two million tonnes per year level, which is the maximum, 960 people would be directly employed.

It is generally accepted that for basic resource processing operations such as alumina refining there are between two and three additional jobs created in contracting, service, and retail industries for every direct permanent job. The alumina industry is therefore presently responsible for the livelihood of 8 500 to 11 000 people in Western Australia and the support of their dependants.

During the three-year construction period for the refinery, the contractors' work force will reach a maximum of 760, and will average about 380 over the three years. It is expected that a similar work force will be virtually continuously engaged if the refinery does expand to a capacity of two million tonnes over 15 years. One adds to this the multiplying factors and one can easily see that an additional 1 000 people will have jobs for 15 years. This is over and above the approximate 2 500 jobs as a result of ongoing production of two million tonnes of alumina.

Total investment by Alcoa in this State at present is approximately $450 million. The cost of the initial stage of the Wagerup refinery will be $150 to $200 million.

In 1977 Alcoa produced 3.5 million tonnes of alumina valued at more than $275 million.

The company spent $114 million on producing that alumina in this State, including $14 million paid to the State and local governments, $35 million paid as wages to direct employees and $65 million paid to contractors and suppliers. All this spending contributed to the creation of more jobs and stimulated economic activity in the State in a period of reduced activity in other industries.

I will now explain, in general terms, the effect of the Bill which is now being considered by this Chamber. I should also point out at this time that various provisions of this Bill are the same or are closely related to a further Bill, to be introduced shortly, which sets out to amend the agreement which is scheduled to the Alumina Refinery (Worsley) Agreement Act, 1973.

Firstly, new definitions of "environmental review and management programme", "State Energy Commission", "Wagerup refinery" and "Wagerup refinery site" have been inserted. These relate, respectively, to the detailed environmental review and management programme for the proposed new refinery which has to be submitted by the company for the approval of the State before

construction can commence. State Energy Commission is in lieu of the former State Electricity Commission, and Wagerup refinery means the proposed new refinery plant to be constructed near Wagerup for the treatment of bauxite to produce alumina. Wagerup refinery site refers to the location of the new refinery.

As I have already stated, the company will not be permitted to commence construction of the refinery and hence increase the capacity of its mining and refining operations, until its detailed environmental review and management programme has been submitted and approved. This is perhaps the most significant of all the provisions of this agreement.

The reason for this important provision is that the State has to be fully satisfied as to all of the measures intended to be taken for the protection and management of the environment; these include rehabilitation and/or restoration of the mined areas and areas used for the disposal of red mud, the prevention of the discharge of tailings, slimes, pollutants, or overburden, and the minimisation of salt release into the surrounding country, water courses, lakes, or underground water supplies and the prevention of soil erosion. Only after all these environmental measures are satisfactory will the State approve the proposed undertakings by the company, regarding the construction of the refinery.

In addition, the company is obliged to submit a 10-year mining plan of its proposed mining operations upon areas of State forest and Crown land. The plan will be reviewed and resubmitted at yearly intervals.

Likewise, the company is obliged to carry out continuous investigations and research—including monitoring and the study of sample areas—to ascertain the effectiveness of the measures it is taking pursuant to the approved ERMP. If necessary, the State can approve of variations to the approved ERMP from time to time to enable new measures to be introduced.

During the currency of the agreement the company is required to submit an interim report at yearly intervals and a detailed report at three-yearly intervals concerning the investigations and research it is required to carry out. The State may request additional information in respect of all or any of the matters the subject of the detailed report.

As I mentioned previously, a most important provision is that the company has not been permitted to undertake unlimited expansions of the proposed new refinery. The initial approval of the State limits the company to a refinery with a designed capacity of two million tonnes. If the company wishes to proceed beyond this level it is required to submit a completely new detailed environmental review and management programme for consideration, and, if appropriate, approval by the State.

Mr Bryce: That has not been written into the agreement.

Mr MENSAROS: Yes.

Mr Bryce: The two million maximum is in the agreement?

Mr MENSAROS: Yes. The second ERMP which could not be expected before about 15 years will limit any proposed expansion of the refinery to a capacity not exceeding four million tonnes per annum.

Complementary to these particular provisions of the agreement is the inclusion therein of the standard environmental clause which has been included in all new ratified agreements since 1971. Members will be well aware of this clause which requires the company, irrespective of the provisions of the agreement, to comply with any requirement in connection with the protection of the environment, arising out of or incidental to the operations of the company under the agreement, that may be made by the State or any State agency or instrumentality or any local or other authority or statutory body of the State, pursuant to any Act for the time being in force.

Amongst the future economic benefits of the refinery is a new provision of the agreement which will enable the company and the State Energy Commission to enter into arrangements for the establishment of combined electricity generating and steam generating facilities and also for the company to sell energy to the State Energy Commission.

These provisions could have the benefit of reducing the State Energy Commission's total generating cost for a given quantity of electricity produced. They could also facilitate the establishment, at some future date, by the company of a smelter to process some of its alumina to aluminium metal. This would have obvious benefits in terms of value added to local resources for export, more employment, and could enable future opportunities for local fabrication of metal products.

As with the principal agreement, and the Pinjarra agreement, the company is obliged to transport by rail to Bunbury and/or Kwinana all alumina produced from the Wagerup refinery and from Bunbury and/or Kwinana to the Wagerup refinery all the company's requirements of bulk materials required for the operations of the

refinery. Rail transport may also be used to transport the company's requirements of lime, limestone, and starch if the parties agree that it is economic so to do.

If for reasons such as *force majeure* or securing the most economic transport arrangements, the company elects to ship any of the output of the Wagerup refinery through Kwinana, the company will rail an equivalent quantity of alumina from Pinjarra to Bunbury for export.

Naturally, as a result of the expansion of its operations, the company may require some additional land in the vicinity of the Port of Bunbury. Provision has been made for the lease to the company of such land as may be approved, after first taking into consideration the requirements of the BPA, the SEC and other users of the port.

To assist the State, the company, if required, shall advance a sum or sums to be agreed towards the cost of the State providing locomotives, brakevans and wagons; and for upgrading the existing railway from Wagerup to Bunbury and/or Kwinana. Any such advances will be repaid on terms and conditions to be agreed.

Additional to this, the company shall, at its own cost, provide, maintain and renew, as necessary, loading and unloading facilities and terminal equipment. The terminal equipment includes weighing devices, communication systems and fixed site radio equipment, sidings, shunting loops, spurs and other connections.

The company will provide a staff adequate to ensure the proper operation of all such loading and unloading facilities and terminal equipment.

Provision has been made for the granting of licences for road transport of materials required for the construction and operation of the refinery. However, these are strictly subject to the obligation of the company to transport by rail the alumina and other bulk materials I have already referred to.

Although the company already is obligated under the principal agreement to give consideration to the use of local goods and services, it has been agreed with Alcoa to have included a new clause relating to the use of local professional services, labour and materials. This clause has been included in more recent legislation such as the mineral sands agreements.

The company will be responsible for the housing of its work force in the Wagerup area and will be required to contribute towards the cost of any public works made necessary as a result of its proposed operations.

With regard to any transportation systems—including pipelines, roads and conveyors—which the company wishes to establish outside the boundaries of the Wagerup refinery site, the company must submit proposals for the approval of the State.

The construction of any railway required for the company's operations either within or outside the boundaries of the Wagerup refinery site shall be carried out by the Railways Commission at the cost of the company. Any such railway will also be the subject of an approved proposal.

The company is also required under the provisions of this agreement to submit proposals for approval by the State in respect of any works which it wishes to carry out to supply the water requirements of the refinery and associated mining operations. This includes details of proposed bores, dams, supply channels or pipelines and diversions of existing drainage or irrigation works within the Wagerup refinery site.

Subject to the approval of such proposals, the State will grant the company, pursuant to the provisions of the Rights in Water and Irrigation Act, 1914, a licence or licences to permit the company to obtain water from above and/or below the surface of the Wagerup refinery site up to a specified maximum annual quantity.

Any private roads required by the company for its operations under the agreement shall be at the cost of the company. In addition, if the company uses public roads it shall pay to the State the whole or an equitable part of the total cost of any upgrading required or of making good any damage or deterioration as may reasonably be required by the Commissioner of Main Roads resulting from such use by the company.

The company will be entitled to request the State to approve the closure of existing roads within the Wagerup refinery site area, purchased by the company, but will be required to provide such alternative roads as may be necessary.

Such necessity is envisaged for example, where said closure prevents or impedes reasonable public access or denies any owner or occupier of land abutting or contiguous to such road from having reasonable access to a public road.

Opportunity has been taken in this agreement to make appropriate amendments to both the principal agreement and the Pinjarra agreement.

Honourable members will recall that the Pinjarra agreement made several amendments to the principal agreement at the time it was introduced.

In fact the only amendment to the principal agreement included herein is to substitute a new clause 28 for the existing one to enable the agreement to be brought into line with all other recent special agreements in so far as the provisions for varying the agreement are concerned.

What is proposed is that any future variation of the principal agreement shall be laid on the Table of each House of Parliament within 12 sitting days next following its execution. Each House may within 12 sitting days of that House, after the agreement has been laid before it, pass a resolution disallowing the agreement.

If on the last day such a resolution has not been passed, the agreement shall take effect.

It was also considered necessary to amend the Pinjarra agreement by including therein a new clause to enable the Bunbury Port Authority Act, 1909, to be modified.

This was to allow any leases or licences to be granted to the company pursuant to that Act to be for a term concurrent with the provisions of the agreement rather than be limited to the terms and periods referred to in section 25 of the Bunbury Port Authority Act which is 21 years.

Before I conclude there are several points I want to emphasise. Under the present agreement, the company is legally entitled to expand the Pinjarra refinery. It is also entitled to build a third refinery. Further, it is legally entitled, under the existing agreements, to do this without any submission to the Government for environmental approval.

Mr Bryce: It proves how weak those agreements were.

Mr MENSAROS: This agreement therefore has not been framed to expand bauxite mining and the alumina industry.

On the contrary its purpose is to restrict the industry, quantitatively and environmentally; to reduce the rights of the company to expand, without the State's approval, rights the company has under its existing agreements.

Mr Pearce: Who gave it the existing agreement? You did.

Mr MENSAROS: Under the agreement now before the House, the company is subject to very specific environmental conditions. It is limited to a maximum alumina production capacity at Wagerup of two million tonnes.

Mr Bryce: You have left the State wide open.

Mr MENSAROS: The member does not like to listen to this, because it defeats his purpose. He has no idea what is contained in the agreement.

The SPEAKER: Order!

Mr Jamieson: You lose your "cool" very easily, don't you?

Mr MENSAROS: Any expansion at Pinjarra will be subject to an environmental programme being approved.

From an environmental point of view this agreement creates major beneficial effects.

Bauxite mining in the next 10 or 15 years will be concentrated on the less sensitive high-rainfall areas around Wagerup. This in turn will provide an opportunity for thorough testing in the sensitive western escarpment around Dwellingup.

Surely the 10 or 15 years will allow time to prove whether such an operation on the eastern escarpment can be sustained from an environmental point of view with particular regard to forest and salinity problems.

In its submission to the System Six study the company's alumina production limit was envisaged at 9.5 million tonnes. But under the provisions of this Bill the company's production limit is 3.4 million tonnes at Kwinana and Pinjarra, and if the ERMP is accepted, another two million tonnes at Wagerup.

This total of about 5.5 million tonnes is nothing like the 9.5 million production limit envisaged in System Six. Any production above 5.5 million tonnes will of course be subject to new ERMPs.

I would also emphasise that clause 17 of the Bill has the "dragnet" effect of automatically applying to all of the company's operations any future environmental rules and regulations adopted by the Government of the day.

Finally, I would make the point that this legislation has been framed to put the Government in complete command of all facets of bauxite mining and alumina production but with particular emphasis on the environmental aspects.

I can earnestly and sincerely assure all members of this House that the utmost consideration and thought has been given by the Government and the officers of the relevant departments involved in the negotiation of this agreement to all the provisions contained therein.

It is with every confidence that I assert that the Government believes the agreement provides both adequate and sensible safeguards for the protection and management of the environment at the same time setting the framework for the extension of this most valuable industry and I therefore commend the Bill to the House.

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

ALUMINA REFINERY (WORSLEY) AGREEMENT ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Industrial Development) [2.53 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before the House is to ratify an agreement between the State and Alwest Pty. Limited and Dampier Mining Company Limited, which I will refer to as the joint venturers.

The agreement sets out to amend the alumina refinery (Worsley) agreement—the principal agreement—to take account of those matters where circumstances since 1973 have made the principal agreement inadequate.

I have already referred, when introducing the alumina refinery (Wagerup) agreement, to the considerable importance of the alumina industry to this State. The Worsley refinery will add a new dimension to the industry and will have several additional advantages for the State. Most important will be the contribution which the refinery will make to the economy of the south-west as a whole and to the Collie-Bunbury region in particular. The initial stage of the refinery will create 800 direct permanent new jobs in the area where employment in traditional areas has declined in recent years. Expansion of the refinery to its ultimate capacity of two million tons per year will add a further 400 to 500 direct permanent jobs.

The estimated investment by the joint venturers in the Worsley refinery will exceed $800 million at completion of the first stage in 1981. This initial plant will be capable of producing one million tons of alumina per year.

During the three-year construction period, an average of over 1 200 men will be employed on the project. The construction work force will peak at over 2 000 men in the last year of the construction programme.

With the multiplying factor that means an average of 3 600 jobs during construction, 2 400 in the first stages of production, and 3 600 during the fully extended production. Added to this, the increased work force with Westrail, the Collie coalmines, and the Bunbury Harbour has to be taken into consideration.

Alumina produced will be railed to Bunbury for export through the new inner harbour, while supplies will be imported through Bunbury and hauled by Westrail to Worsley.

The refinery will generate its power and steam requirements from Collie coal. This will require expansion of the coalmining work force. Moreover, the extra production will contribute to the more efficient extraction of coal for use by the SEC, with attendant savings to the State.

The location of the refinery at Worsley, utilising the natural resources of the south-west, together with the new Alcoa refinery some 40 kilometres north at Wagerup, will present great opportunities for all contractors, suppliers and other service industries in the region.

The effects of this project will be felt far beyond the creation of direct jobs at the mining area near Boddington and at the refinery. It is no exaggeration to say that it is the single most important project ever to be established in the south-west region. Its long-term benefits will be felt by all who live in the region, as well as by the State as a whole.

I will now explain, in general terms, the amendments made to the principal agreement, by virtue of the Bill before us.

Firstly, new definitions of "Alcoa", "Berth A", "Berth B", "environmental review and management programme", and "State Energy Commission" have been included.

Members will recall that the principal agreement required the State to make a berth at the Port of Bunbury available to the joint venturers.

In this agreement berth B is nominated as the berth to be allocated. Berth B is adjacent to the existing Alcoa of Australia terminal on berth A. Hence it was necessary to clearly define Alcoa, berth A and berth B.

I have, earlier today, when introducing the alumina refinery (Wagerup) agreement, explained the new definitions, "State Energy Commission" and "environmental review and management programme".

Various amendments have been made to clause 5 of the principal agreement. This clause describes the new obligations of the joint venturers in respect of the protection ad management of the environment. The joint venturers are obliged to submit for approval by the State a detailed environmental review and management programme, which will set out their commitment to ongoing environmental protection measures, research programmes, and monitoring and reporting to the State on the outcome of the measures and research.

The provisions in this variation agreement relating to environmental protection are the same as those placed on Alcoa in the new alumina

refinery (Wagerup) agreement. These have already been explained in detail and I do not propose to repeat the explanation here.

It is important to note that the maximum capacity of the refinery which the joint venturers may now construct is two million tons of alumina per annum, whereas previously no limit was stated.

It is not expected that the joint venturers will ever wish to expand the Worsley refinery beyond this two million ton per year limit, due to relatively limited reserves of bauxite. However, to cater for the possibility of minor expansions which could be possible by continuing process improvements if greater ore reserves were located, provision has been made for such expansions to be considered by the Government in light of a further new environmental review and management programme to be submitted by the joint venturers at the time any such expansions are proposed.

An obligation is placed on the joint venturers to commence the construction of the alumina refinery by the 31st October, 1978, or the date of approval of the environmental review and management programme, whichever is the later. In other words, if the ERMP is submitted and approved prior to the 31st October, 1978, then the joint venturers must commence construction by that date. If, however, the ERMP has not been approved by the 31st October, 1978, the joint venturers cannot commence construction until such approval is given.

Members will observe that where appropriate consequential amendments in respect of the new agreed date of the 31st October, 1978, have been inserted in this agreement.

I should make it quite clear here that the deletion of the provisions in clause 5 of the agreement has not relieved the joint venturers of their obligation to advance to the State an appropriate contribution towards the cost of dredging the access channel and turning basin at the Port of Bunbury.
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In fact a new clause—clause 5C—has been included which requires the joint venturers to advance $2 million to the State when they commence shipping alumina through Bunbury Harbour. In addition the joint venturers are obliged to advance to the State the total cost of any additional harbour works required if they elect to construct a wharf and associated shipping facilities at berth B.

With regard to the use of Bunbury Harbour, in essence what has been achieved is that—

the joint venturers have been assured of a lease of the berth B area;

commercial arrangements will be entered into between the joint venturers and Alcoa for the joint use of berth A, which presently and even with the production of the new Alcoa project at Wagerup will not be fully utilised by Alcoa;

the State will be recouped by the joint venturers for any future capital outgoings in respect of any works necessary to allow their alumina to be exported through Bunbury Harbour.

That is to say, if it was necessary for further works to allow a new wharf to be constructed at berth B.

Extensive amendments have been made to the existing provisions of the principal agreement in respect of royalties. The intention of the amendments is to place payment of royalties by the joint venturers on, as nearly as possible, the same basis as those currently imposed on Alcoa by virtue of the 1974 amendment to the alumina refinery agreement.

The obligation upon the joint venturers under clause 6 (1) to investigate the technical and economic feasibilty of establishing a smelter in the State has been retained. However, subclause (2) of that clause has been amended to require the State as well as the joint venturers to be satisfied that such a smelter would be technically and economically viable and competitive on world markets.

A new subclause has been added to enable the joint venturers to be released from their smelter obligations in certain defined circumstances which would prejudice their operations under the provisions of the agreement.

The provisions of the principal agreement with respect to mining operations on privately owned land have been carefully re-examined. The relevant subclause—subclause (9) of clause 7—has been replaced with a new subclause.

Essentially this provides that the joint venturers shall not commence any mining or related operations on any privately owned land until they have—

obtained the consent of the owner and occupier of any such private land;

entered into an approved compensation agreement with the owner and occupier; and

entered into an approved restoration agreement with the owner and occupier.

These provisions are very similar to the existing provisions. However, provision has now been made for resolution of any disputes which may arise in respect of either obtaining the consent to mine, compensation or restoration.

In the first case, that is a failure to gain the consent of the owner and occupier to commence mining or related operations, the joint venturers may apply to the warden to dispense with such consent.

I emphasise most strongly here that this could be used only as a last resort and only in circumstances where an owner and/or occupier had unreasonably withheld such consent. Where there is a failure to reach agreement on compensation the matter can be referred to the warden for a determination.

In respect of restoration, any failure to reach agreement shall be referred to the Minister for the time being responsible for the administration of the agreement for determination by him.

At the request of the Railways Commission an amendment has been made to clause 8 (3) of the agreement. This relates to the construction of the railway. It provides that the provisions of section 96 of the Public Works Act shall be deemed to apply to the construction of any railways.

Also at the request of the Railways Commission a new clause has been added. This will ensure that irrespective of any *force majeure* situation which may arise the joint venturers will be required to fulfil their obligations to the State in respect of any moneys to be repaid by them to the State.

The amendments to clause 12 were necessary because it is not intended to grant other than a lease to the joint venturers of the refinery site and land for the purposes of water collection and storage and the construction of red mud residue areas.

In addition it was necessary to provide for compensation to be paid to the Conservator of Forests for any State forest leased to the joint venturers for these purposes.

I have already pointed out that the joint venturers will be granted a lease of the berth B area. The new clause 12A sets out the conditions relating to the joint use with Alcoa of berth B.

As with the amendment to the alumina refinery (Pinjarra) agreement, as contained in the alumina refinery (Wagerup) agreement, it has also been deemed desirable for the terms or period of any lease or licence granted to the joint venturers under the Bunbury Port Authority Act, 1909, to be consistent with the provisions of this agreement. In this regard it has been necessary to modify the Bunbury Port Authority Act.

With regard to the water supply for the refinery and associated mining operations, the following amended provisions have been allowed for.

Firstly, a change in the estimated water requirements of the refinery. Secondly, a change to the basis for payment for water to be supplied to the joint venturers which will ensure that the actual cost to the State of the water supplied will be paid by them at all times.

A new clause relating to alternative sources of energy has been included. This obliges the State to keep the joint venturers fully informed of any new developments in energy availability in the State which may have a bearing on their operations.

The several amendments to clause 16 are necessary to reflect that the State forests are to be covered not only in respect of the joint venturers' mineral lease but all of their operations under the agreement. In addition members will observe that other minor self-explanatory amendments have been made to several other clauses.

The schedule of railway freight rates and the agreed escalation formula have been varied to take into account revised tonnages and the recent cost experience of the Railways Commission.

In conclusion I wish to emphasise again the importance of the project to the future welfare of the south-west region and the State as a whole. I also wish to highlight the important changes, which have been readily agreed to by the joint venturers, which extend the State's control over the size of the refinery and which will ensure the application of the best available environmental protection and management measures at all times.

In consideration of these most important factors, I have pleasure in commending the Bill to the House.

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

REAL ESTATE AND BUSINESS AGENTS BILL

Second Reading

MR O'NEIL (East Melville—Chief Secretary) [3.10 p.m.]: I move—

That the Bill be now read a second time.

The Bill is the result of a complete review of the present Land Agents Act. Members may recall that the report on the Law Reform Commission's review of the Land Agents Act was tabled in the

Parliament early in 1974. Subsequently several interested bodies made submissions to the appropriate Minister and the Bill follows close examination of the report and those submissions.

Firstly, and most obviously, the Bill provides for the substitution of the terms "real estate agent" and "real estate sales representative" for "land agent" and "land salesman" respectively. These changes reflect the views of the real estate industry, generally, and I am sure will have ready public acceptance. The Bill also provides certain controls over business agents and imposes certain obligations upon land developers. Neither group is included in the present Land Agents Act.

I shall now proceed to outline the principal provisions of the Bill.

It is proposed that the provisions will come into effect on such day or days as are proclaimed. However, to facilitate an orderly change from the old to the new, the proposal is for certain of the provisions, such as the repealing of the present Act and the commencement of the new licensing concept, to come into operation on a day appointed by the Minister.

The Bill provides that real estate auctions be conducted by licensed real estate agents or their employees, and this is a requirement not contained in the present Act.

It is proposed that the licensing and supervising authority be the real estate and business agents supervisory board to be set up as successor to the present Land Agents Supervisory Committee. The board will consist of five members, one of whom will be appointed as chairman, one a person experienced in commercial practice, one a legal practitioner, one a licensed agent nominated by the Real Estate Institute of Western Australia, and one a licensed agent elected for appointment by licensed agents. None of the first three-mentioned members may be a licensed agent.

The board will be assisted in the carrying out of its functions by a registrar and inspectors appointed under the Public Service Act. These officers will have the power to aid in matters under inquiry, subject to suitable safeguards, including the necessity to obtain a warrant prior to entering premises.

The person under inquiry is granted certain protection in cases where possible incriminating information is obtained from him. The services of the police may be obtained in making inquiries in similar fashion to the provisions of the existing legislation.

Under the provisions of the Bill the board will have power to hold an inquiry, summons witnesses and administer oaths in connection with its duties as licensing and supervising authority. It will also have the power to cancel or suspend an agent's licence or a sales representative's certificate of registration, or it may issue a caution to, or fine, a person in either category. With the exception of its licensing function, these powers are generally as contained in existing legislation. There is provision for any person aggrieved by a decision of the board to appeal to the District Court against such decision.

In addition to the licensing of agents, which is at present a function of the Courts of Petty Session, the new powers and duties of the board will be as follows—

> to appoint, subject to District Court order, a supervisor of the business of an agent where the court is satisfied there are reasonable grounds for believing that the agent is incapable of properly conducting his business, or has died;
>
> to fix the maximum amount of remuneration for services rendered by licensees;
>
> to prescribe a code of conduct for agents and sales representatives;
>
> to provide to the Minister an annual report on the activities of the board and a statement in respect of the fidelity guarantee fund and deposit trust for presentation to both Houses of Parliament.

The Government is aware that the practice of obtaining a licence and renewing it annually under the present Act is unnecessarily cumbersome and time-consuming and is consequently irksome to licensees. The provisions of this Bill make for simpler processes while at the same time preserving and indeed increasing the standard of entry and continuance in the industry. Renewal will be on a triennial basis and not annual as at present.

Application for a licence is to be made to the board under these proposals, and may be made by an individual, a firm, or a corporate body. Once granted, a licence will be continuous and not subject to annual renewal. To carry on business as such an agent will have to obtain from the board a triennial certificate by simple application and payment of fees. The board will have the power to attach such conditions as it thinks fit to any licence or triennial certificate.

The general qualifications of an applicant are set out and relate to character, repute, and the like. The more particular qualifications, including reference to prescribed examinations, are contained in the schedule to the Bill.

The present Act is somewhat deficient in the control of a practice commonly known as "dummying" or "ghosting", which is, in effect, the lending of a licence. The proposed legislation will restrict this undesirable use by the following means: the Bill before the House will make it an offence for an agent to permit another person to use his licence or triennial certificate.

The Bill also provides that where a firm or corporate body is licensed, a minimum number of partners or directors will be required to be licensed themselves, and in any event the person in bona fide control of the business must be licensed. The Bill further provides that the manager of a branch office shall be a licensee. There is provided in the schedule a transitional period of three years to enable presently-existing firms and corporations to comply with the last two-mentioned provisions.

Sales representatives will be required to register in similar fashion to present land salesmen. However, the board will be obliged to scrutinise applicants more closely than is required now.

The Bill provides that sales representatives may be required to be qualified by experience or otherwise as is prescribed. This leaves the way open for educational qualification to be required, if deemed necessary.

There are certain requirements imposed upon an agent in his direct dealings with his clients. Some of these requirements are embodied in present legislation but have been clarified and improved. Others are new.

An agent will be required to have written authority to act before he can take action for recovery or retention of fees or commission. He will be required to provide a copy of certain documents to persons signing them, and to provide a statement as to representations relating to finance. He will also be required to issue a statement of particulars relating to the sale of certain businesses. Provision is made to require an agent to disclose his position where there is a possible conflict of interest, and this provision is rightly broad. The agent must also ensure that rates and taxes are correctly apportioned between the parties.

The Bill requires an agent to maintain trust accounts and to have them audited regularly. The provisions are very similar to those in the existing legislation, but in certain areas have been altered to remove anomalies or add to the effectiveness of control. One example of change is that an auditor's appointment is continuous unless the board approves a subsequent change.

The Bill provides for the discipline of agents and sales representatives by the board and the courts. Once again the provisions are along the lines of present legislation but have been rephrased and, of course, made consistent with the rest of the Bill. The main difference is that the board will now have direct power to discipline agents, which the present committee does not have. Offences against the Act will continue to be prosecuted through the courts.

Under this Bill the present Land Agents Fidelity Guarantee Fund is replaced by the Real Estate and Business Agents Fidelity Guarantee Fund. This is a fund built up and maintained largely by contributions from agents and salesmen but increasingly from interest on investments. It is set up to provide protection to clients of agents in the event of pecuniary loss or loss of property by reason of any defalcation by a licensee or those associated with his agency business. The fund will be managed by the board and will be subject to audit by the Auditor-General.

Provision has been made for the establishment of a deposits trust. This trust is to be managed by the board and will consist of a certain percentage of a licensee's trust moneys. The moneys so deposited will, of course, be deemed to be part of the licensee's trust moneys and may be withdrawn by him at any time.

Pending withdrawal of the moneys deposited by licensees, the board will be required to hold those moneys on specified investment. The interest so earned is to be applied by the board, firstly in payment of administration costs, and then one half to the Fidelity Guarantee Fund and the other half to the establishment and maintenance of certain prescribed educational facilities.

In the last few clauses of the Bill are included miscellaneous provisions relating to availability of registers to the public, publishing of lists of agents and sales representatives, secrecy on the part of the board and staff, immunity of the board and staff, liability of directors in certain circumstances, and power to make regulations.

There is a very important schedule to the Bill to which I made passing reference a little earlier. Therein are provisions as to qualifications for the grant of a licence, restrictions on certain types of licences, and a method of short-term but immediate relief in the event of the death of a licence holder. The schedule also includes provision for the continuance of licences and certificates of registration issued under the existing Act, and for the automatic issue of licences and triennial certificates to then current firms and corporate bodies.

Provision is made in the schedule in respect of pastoral companies. At present these companies receive certain advantages which were bestowed at a time when their activity in real estate in the main was restricted to pastoral and agricultural land. In view of increasing involvement in metropolitan and country town properties, the Government considers it just and proper that these advantages be modified and the Bill so provides.

The schedule provides certain savings and obligations in respect of business agents. I indicated earlier that business agents are not presently obliged to be registered or licensed. Many business agents are in fact licensed as land agents for practical reasons, but under this Bill all will need to be licensed. The general provisions of the Bill will apply equally to real estate agents and business agents.

In protection of those business agents not now licensed, the Bill affords such persons the opportunity of obtaining a permit to operate for a period not exceeding three years from the appointed day. Qualifications for holding a permit are not harsh but do require a suitable standard of fitness and competence. Before a permit may issue, the applicant will be required to lodge a bond or guarantee of not less than $75 000 in protection of trust money depositors.

I referred earlier to developers. Under the Bill, developers are required to register their principal place of business with the registrar. It will be necessary for their sales representatives to be registered. Developers will be required to keep such records as are approved of all land transactions in which they are involved.

These are the main provisions of the Bill which I think should be drawn to the attention of members.

I would like to add that it is not the intention of the Government to proceed any further with the consideration of the Bill prior to the resumption of this session of Parliament in the latter half of this year. Members will appreciate it has taken considerable time to reach the stage where legislation can be presented for the consideration of this Parliament.

Mr Tonkin: I hope it is a good one after all this time.

Mr O'NEIL: So do I. I am assured that my predecessor as Chief Secretary and the Land Agents Supervisory Committee have consulted with all the parties that might be interested. There may still be some relatively minor matters of contention, not in principle, but rather in some small detail.

It is important that this new piece of legislation, which offers considerably more protection to the public than has been offered in the past, should be on the Statute book and given an opportunity to operate. Like most other pieces of legislation, no doubt it will be subject to amendment from time to time as experience proves that certain parts of the Bill are either impracticable or not warranted. However, that is a matter for experience.

I hope that anyone who has further concern about the legislation, including members of Parliament, will inform me or my officers of their comments and suggestions before the second reading debate is resumed. As I have stated, the debate will not be resumed until the second part of this session so that the Chief Secretary and his officers will have an opportunity to give close attention to any matters raised. I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [3.26 p.m.]: I move—

That the Bill be now read a second time.

The main amendment in this Bill is to provide for a late shopping night on Thursday of each week between 6.00 p.m. and 9.00 p.m.

It has been the policy of this Government to encourage extension of trading hours for the convenience of the public, but not without showing due regard for the position of employers and workers in the process.

A recent telephone survey taken by the Department of Labour and Industry of 521 metropolitan consumers showed that more than 64 per cent wanted night shopping once a week.

The survey supported community reaction which had been illustrated in recent years and which had persuaded the Government in December, 1977, to go ahead with a proposal for a regular late shopping night.

Retailers are to be given the option of opening or remaining closed.

Officials of employer organisations have expressed opposition to the prospect of late night shopping on the grounds that no injection of extra consumer spending will occur, overhead costs will cause price rises, and staffing arrangements will cause difficulties.

The Shop Assistants Union has also expressed opposition to the move. However, the Government feels that the wishes of the community at large should be paramount in providing what is regarded as a desirable facility and service.

Information obtained from a major operating outlet involved in late night shopping in the States of New South Wales and Victoria has shown that price rises have not been significant, and a detailed study had shown that a rise of about 0.6 per cent, which is slightly in excess of half a cent in the dollar, had occurred.

I suggested that a rearrangment of workers' hours of employment may be overcome by the use of a roster which could give workers a long weekend every second week and permit a later starting time once a fortnight on the night shopping day.

The employers' group and the Shop Assistants Union have found difficulty in reaching agreement in changes to award conditions to cope with a late shopping night, although an indication of the likelihood of the Government implementing the additional shopping hours was given in December, 1977.

The Government cannot tolerate an indefinite delay in the introduction of this innovation, and a tentative date of the 4th May has been given as the commencement of late night shopping.

The shop and warehouse award already makes provision that the ordinary hours of work shall be 40 hours a week or 80 hours in two consecutive weeks.

This allows for roster adjustments which may mean a worker being engaged slightly more than 40 hours one week and slightly less the next week, without overtime payment being involved.

An amendment in this Bill will also allow the same conditions to operate for workers who may be employed in a shop where the employer is not a respondent to the award, and the worker is free of award conditions.

The media have given ample publicity to the views of all parties on late night shopping and although many members may have personal opinions of the pros and cons of introducing it, there can be no denying that it will fulfil a useful service for those whose work precludes them from the availability of adequate shopping in normal hours and also will enable a family unit to shop together.

The Government has not lost sight of the effect upon small businesses. As from the 6th March, 1978, the range of goods which could be sold by a small shop was increased and this allowed further shops also to be registered as small shops. This gave consumers a better service and paved the way for increased profitability for small businesses.

In conjunction with the introduction of Thursday night shopping for shops generally, motor vehicle traders who now open to 10.00 p.m. on Wednesdays will have that arrangement altered so that in lieu, they can trade on Thursday night to nine o'clock.

Mr Jamieson: Not as well as?

Mr GRAYDEN: No, in lieu.

Operators have found that the extra hour of trading between 9.00 p.m. and 10.00 p.m. has been of no benefit to consumers or traders and that little or no business transactions are carried out in that period.

Mr Jamieson: I tried to tell you originally it would do good only to the *Daily News*, and that is all it has done.

Mr GRAYDEN: This change is favoured by the WA division of the Australian Automobile Dealers' Association.

Apparently the leasing or letting arrangements of premises by some retailers require them to open during all lawfully permitted hours.

At their request, and in view of the fact that a late shopping night is an optional measure, I have given an assurance that this Bill will protect them, as far as practicable, from the obligation to open the extra hours and clause 4, which adds a new section 57A, has made such provision in subsection (2).

Mr Jamieson: I suppose you could say eating is optional.

Mr GRAYDEN: Another important amendment is to section 99 which can affect junior workers under the age of 21 years, and adults whose employment is in areas to which no coverage by awards or industrial agreements applies.

That section protects a junior worker and an adult from being paid a wage less than one related to the basic wage, which in essence has been replaced by the minimum wage in this State.

The basic wage does still form a component of total wage in some awards but it has not been altered since 1974 by the Western Australian Industrial Commission.

The Department of Labour and Industry liaised with the Confederation of Western Australian Industry and the WA Trades and Labor Council in an endeavour to fix, for junior workers, a new scale of percentages related to the minimum wage; and although agreement could not be obtained, a new scale of percentages is introduced into

section 99, which will considerably improve the position and will have a close relationship to wages of junior workers who are employed under other awards of the commission, and will mean also that adults will receive at least the full minimum wage.

An amendment to section 96 will allow sick leave conditions for employees in shops where they are not subject to award conditions to be similarly applied to employees in warehouses in the same circumstances.

A further amendment to delete a quarry from the definition of "factory" has been made in agreement with the Mines Department as inspectors of that department carry out inspection duties in respect of quarries and there is no need for factories inspectors to be involved as well.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

RESERVES BILL

Second Reading

MRS CRAIG (Wellington—Minister for Lands) [3.34 p.m.]: I move—

That the Bill be now read a second time.

The Reserves Bill normally is presented to Parliament just prior to the conclusion of the session to permit the maximum number of amendments to be included in the one Bill and to obviate the holding over of certain proposals until the following session of Parliament.

So as not to delay unnecessarily, proposals for amendments to Class "A" reserves which have come forward since the last session, the Government has had these included in the Bill now before the House and it is intended that another Bill to include later proposals be presented to Parliament before the closure of the next part of the session later in the year.

The Bill proposes amendments to nine Class "A" reserves and I will now proceed to give a general coverage of the action involved.

Class "A" Reserve No. 11144 is an area of 121 hectares surrounding Boyagin Rock and was set apart for "park lands and picnic ground" in 1908. It was recently vested in the Western Australian Wild Life Authority after investigation by the Environmental Protection Authority, but the purpose prevents it from being administered under the Wildlife Conservation Act, 1950, as intended. It is therefore necessary to change its purpose to "recreation and conservation of flora and fauna".

The Environmental Protection Authority recommended, and Cabinet agreed, that the purpose of Class "A" Reserves Nos. 29800, 29803 and 29804 known as Alexander Morrison National Park should be changed from "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.

The Kojonup Environmental & Ecological Protection Society with the support of the Shire of Kojonup requested that the purpose of Class "A" Reserve No. 16031 be changed from "water" to "conservation of flora and fauna". The Department of Fisheries and Wildlife also supported the request after carrying out a field inspection and the Public Works Department raised no objection.

The Kojonup Environmental & Ecological Protection Society with the support of the Shire of Kojonup requested that the purpose of Class "A" Reserve No. 16568 be changed from "camping and public utility" to "conservation of flora and fauna". The Department of Fisheries and Wildlife also supported the request after carrying out a field inspection.

The refreshment kiosk at Yanchep Beach should have been constructed wholly within Reserve No. 29694 which is vested in the Shire of Wanneroo with power to lease for purposes consistent with recreation. However, the building extends onto Class "A" Reserve No. 12439, which is also vested in the shire for recreation but without power to lease. It is desirable to treat the whole kiosk site as part of Reserve No. 29694 and this clause authorises excision of a small section of Class "A" Reserve No. 12439 for addition to the other reserve.

The Kojonup Environmental & Ecological Protection Society with the support of the Shire of Kojonup requested that the purpose of Class "A" Reserve No. 9307 be changed from "water" to "conservation of flora and fauna". The Department of Fisheries and Wildlife also supported the request and the Public Works Department raised no objection.

A summit tank is required in the Mundaring-Darlington water supply scheme and the only feasible site is within Class "A" Reserve No. 6922. The Metropolitan Water Supply, Sewerage and Drainage Department has discussed environmental and aesthetic issues as well as engineering problems with the Shire of Mundaring and the Metropolitan Region Planning Authority and agreement has been reached as to treatment of the site.

The occupants of the monastery at Prevelli in Crete and local civilians sheltered and fed escaped Australian prisoners of war during the

German occupation. Mr E. G. Edwards of Mundijong wishes to commemorate this assistance by building a chapel in Grecian style on a site similar to that on which the monastery is constructed. A suitable position has been found near the mouth of the Margaret River and various organisations, including the Greek Orthodox Church, have endorsed the proposal to establish a church site and car park on 2 012 square metres from Class "A" Reserve No. 8431. This reserve is set apart for "protection and preservation of caves and flora and for health and pleasure resort" but this section is not vested in any authority. The Greek Orthodox Church will hold the block in trust as a church site.

The Manning Infant Health Clinic is constructed on Class "A" Reserve No. 24331, which is set apart for "hallsite, infant health clinic and recreation (tennis courts)". The Public Health Department and City of South Perth have agreed to the extension of the infant health clinic to cater for additional staff and to convert it to a community health centre. The Public Health Department is expending funds on capital works and needs to control the land involved, which necessitates alteration of the reserve purpose to incorporate "community health centre" in lieu of "infant health clinic". This reserve is also used for basketball and it is opportune to delete the restriction of recreation to "tennis courts".

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

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [3.41 p.m.]: I move—

That the Bill be now read a second time.

Members may recall a Bill introduced in 1974 to amend the Western Australian Institute of Technology Act with respect to clarifying and strengthening the institute's authority over parking and discipline in general at the Bentley campus.

The Bill now before the House results from the University of Western Australia experiencing similar problems to the institute, in adequately controlling vehicular traffic and parking both at the Crawley site and other lands under the administrative control of the university. Discussions between the Government and the representatives of the university have taken place and the amendments contained in this Bill relate in the main specifically to section 16 of the principal Act which provides the university with power to make by-laws for the purposes therein specified.

As indicated, the aim of these amendments is to enable the university to control more adequately vehicular traffic and parking on university lands, and by way of a by-law to prescribe modified penalties for breaches of those by-laws relating to traffic and parking which, for some years, have been controlled by regulations known as "traffic regulations".

The university has been advised that it has no power under the Act to impose monetary penalties and subsequently enforce payment of those penalties under these regulations. Consequently the university has been obliged to rely on the provisions contained in the Crawley site by-laws. These by-laws provide the university with certain general powers with regard to traffic and parking and the general conduct of persons on the Crawley grounds but do not extend to other areas under the university's control, such as playing fields away from the Crawley site.

Administratively, it has been very difficult for the university authorities to bring prosecutions for breaches of the by-laws and this together with generally unsatisfactory penalties has led to a situation where proper discipline is almost impossible.

The amendments contained in this Bill are intended to enable the university to overcome these difficulties simply and effectively.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

Sitting suspended from 3.43 to 4.04 p.m.

ART GALLERY ACT AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [4.05 p.m.]: On behalf of the Minister for Cultural Affairs, I move—

That the Bill be now read a second time.

The Bill before the House seeks to amend the Art Gallery Act, 1959-1974, in order that in the conduct of its affairs the Art Gallery may better reflect the important and growing role which it plays in the cultural and educational life of Western Australia.

There are two main amendments. The first increases the number of trustees from five, as at present, to seven, each of whom shall be appointed by the Governor for terms not exceeding four years.

The second clearly identifies the director's role in the management of the gallery; identifies him as the principal executive officer of the board; while still ensuring that the board, through the director, shall bear the ultimate responsibility for financial control and care of all works of art, exhibits and other property.

In addition to the above the opportunity has been taken to change the style and title of the gallery to "The Art Gallery of Western Australia", so bringing the institution into parallel with similar establishments in other parts of the Commonwealth.

The Government seeks to ensure that the Art Gallery be accepted as belonging to all Western Australians, and it is expected these amendments will assist in the expanding role which the gallery is now playing.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

BILLS (4): MESSAGES

Appropriations

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

1. Alumina Refinery (Wagerup) Agreement and Acts Amendment Bill.
2. Alumina Refinery (Worsley) Agreement Act Amendment Bill.
3. Real Estate and Business Agents Bill.
4. Art Gallery Act Amendment Bill.

LOCAL GOVERNMENT GRANTS BILL

Second Reading

Debate resumed from the 22nd March.

MR CARR (Geraldton) [4.08 p.m.]: The Opposition intends to accept this Bill in principle. It is a requirement of the Federal Act that this commission be in operation and that legislation be effective by the 30th June. We obviously have no desire to hold up the passage of funds to Western Australia and so we will be supporting this Bill in principle.

However, we have a number of criticisms of both the Bill and the impact on Federal, State, and local government relations caused by the so-called new federalism. Local government has undergone a very considerable revolution in recent years, and I made reference to this in last night's debate. Local government has accepted many new responsibilities and a local government authority now provides much more for the people who reside in its area. This has helped provide more in welfare services, recreation facilities, social facilities and community development projects generally.

One of the main reasons that this has been possible has been the amount of new funds available to local government in recent years. I refer in particular to Federal funds; funds made available by both the Whitlam and Fraser Governments. These two Governments have differed in the way they have allocated funds to local government and I know that the Minister and I have different opinions as to the advantages and disadvantages of the various means of allocation. However, I believe we both give credit to those Governments for providing the funds to assist local government.

The Whitlam Government gave local governments direct access to the Grants Commission through a system of regional groupings. I know that this scared the Minister for Local Government and other members of his party considerably and I know he was able to pass on this scare to his Liberal colleagues in local government.

I too had some criticisms of the manner in which the direct access to the Grants Commission was given to local government. I was somewhat critical of the arbitratory way regional boundaries were defined and I was critical of its hurried implementation. A number of councils found because they did not have much experience in making submissions for funds they were at a disadvantage when required to submit submissions very quickly.

However, allowing for those minor criticisms generally I am very much in support of the principle of local government having direct access to the source of funds; namely, the Federal Government and the Federal Grants Commission. I say this because I trust local government; I trust it to be able to use effectively greater powers that could be given to it. I believe local government has the potential to become involved in many more issues than it does at present. It has the potential to take a stronger place in our three-tier system of government. I say that provided of course a greater degree of democracy is introduced into local government, but this is the subject of another debate.

It seems to me that the Minister is frightened of giving greater power to local government. The Minister seems to want to hold a tight State grip on local government. He feels this tight grip will be weakened if local government is no longer considered the child of the State. It is true that

the constitution of local government, the Local Government Act, made local government the child of the State.

I believe local government is no longer a child; it has grown up and become an important sector of our three-tier system of government in its own right. The way should be prepared to give local government more status and independence so that it can make its own way in our three-tier system. It is no longer a child in the sense that it must be mollycoddled for fear it might do the wrong thing.

Mr MacKinnon: How does this Bill increase the State's grip on local government?

Mr CARR: The Bill deals with a system of funding local government through the States and I will go on in some detail later to mention the disadvantages this so-called new federalism is inflicting on local government. I will answer then any queries on the matter.

As well as giving local government direct access to the Grants Commission the Whitlam Federal Government emphasised the principle of equalisation; in particular the equalisation of allowing people to have access to facilities in their local government areas. The Grants Commission Act of 1973 set out to reduce the inequality of local government authorities, both individually as authorities and as authorities within a region.

I believe that the antagonism to the Whitlam Federal Government will finally cease in time and it will be remembered in particular for its aspirations to equalise the opportunities of people throughout Australia to have access to the full range of facilities and services available to them wherever they might reside. The facilities I have in mind include such humble things as playgrounds and libraries which certain authorities already provide.

The idea of the Whitlam Government was that irrespective of whether a person lives in a wealthy authority area or a poor authority area assistance should be given to enable each local authority to provide the sorts of facilities which make for a better life for all the people. On this basis more funds went to needy councils with expanding areas and less to councils which were more affluent and with established facilities. As an example less money went to shires like Peppermint Grove.

When the Fraser Government came to power it bowed to the States' right pressure imposed on it by the various Liberal Party State leaders. The effect is that States have now been granted responsibility to distribute the money from the Federal Government.

The Premier in this State asked the question recently concerning the matter of States' rights, "Why does not the Opposition stand up and say whether it supports States' rights or not?" I have strong support for the States' rights provided they are kept in perspective. As well as States' rights we have in our system of government, Federal rights and responsibilities and local government rights and responsibilities.

It is probably fair criticism to say that Gough Whitlam perhaps concentrated too much on national priorities. It is certainly true to say that, as a reaction to that, the Premier of this State and the Premier of Queensland and some other Liberal and Country Party leaders have gone too far the other way and have put States' rights completely out of proportion. These people no longer consider States' rights as one of the three levels of government; they consider the State has prime responsibility and they are trying to take away powers from the Federal and local governments.

The Government in this State is resisting the rightful role of local government to expand and increase its influence.

Mr MacKinnon: How?

Mr CARR: I will come to that. The State Government has used the banner of States' rights to suppress local government and prevent local government in this State from dealing directly with the Federal Government. The State Government is depriving the local authorities of the chance to develop in the manner they would have if they were given the opportunity to have access to the Grants Commission directly.

In fact we are watching a form of State centralism. We have heard a lot about the centralism of the Whitlam Federal Government and I suggest in this State we are seeing a form of State centralism based on Perth. This Government does not trust local government and is suppressing a potential rival; that is, the potential of local government in the future to play a bigger, more powerful, and important role in the government of the people throughout the State.

The main point I am trying to make is that local government generally has done poorly under this so-called new federalism. I believe local government has made very few gains, if any, under the Fraser Government. In making this point I refer to a number of approaches made by the Australian Council of Local Government Associations which has, in the last two or three years, campaigned for a number of benefits and has not been successful in getting any of them.

I refer to benefits the association has sought as a means of strengthening local government's role in the Australian community.

Firstly, the association has sought local government representation at Constitutional Conventions to be restored. Members will remember that the Whitlam Government granted local government the right to participate in Constitutional Conventions. This right was removed by the Fraser Government and in spite of representations from the association these rights have not been restored.

Secondly, the Australian Council of Local Government Associations sought the acceptance of a long-term commitment by the Federal Government that 5 per cent of income tax be made available to local authorities and at the same time it requested that 2 per cent be made available as an immediate commitment to local authorities. What has been the result of that? The result is that 1.52 per cent has been given to local authorities immediately and 2 per cent has been accepted as a long-term commitment. One starts to wonder how long term a commitment it is following the Government's deferral of the matter.

Mr MacKinnon: Do you think that 5 per cent should be paid by the Federal Government now?

Mr CARR: If that can be justified in economic terms by the Federal Government I would think so, yes. I realise there may well be difficulties in the Federal Budget moving from 1.52 per cent to 5 per cent in a short time; but certainly I believe it is a desirable long-term goal, and in fact the sooner it happens the better in my eyes.

The next point I want to refer to in the context of the Australian Council of Local Government Associations concerns the Advisory Council on Inter-Government Relations. This body was established fairly recently under the Fraser Government to co-ordinate or to consider relations between different levels of government. The Australian Council of Local Government Associations sought the right for local government to refer matters independently to the ACIGR. However, this was refused.

The situation at the moment is that the right to refer matters to the Advisory Council on Inter-Government Relations is reserved to the Federal Government and the State Governments through the control they have by virtue of the Premiers' Conference. I should like to quote briefly the reaction of the Australian Council of Local Government Associations to the decision of the Advisory Council on Inter-Government Relations. I quote from an article which appeared in the *Local Government Bulletin* of October, 1976 as follows—

> We said we applauded the proposal to establish the Council and that we are willing to co-operate in it. But what has now been presented (without, we add, consultation with us) is an entirely different proposal which, we submit; is unfair and inequitable in its treatment of local government and which is not the proposal to which we gave our imprimatur.

The Australian Council of Local Government Associations sought also to have a say in reviewing the financial arrangements between the three levels of government and I quote again from the same source what the council had to say about it as follows—

> The ACLGA also sought "a frequent and adequate opportunity" to review the impact of revenue sharing on local government, the methods of implementation, the formulae used in the distribution of funds and the absolute amount granted.

What was the result of that approach? Once again, no action at all. The Local Government Personal Tax Sharing Act of 1976 reserves the right of review to the Federal Government and the Commonwealth Grants Commission. So once again local government does not have the say it requested in the organisation at various levels of government in this country.

Mr O'Neil: You mentioned this committee on inter-governmental relations and that local government now has no opportunity to make representations to it directly. I happened to be present at one of the meetings of that council and we received submissions, personally and in writing, from representatives of the local government association in the Eastern States. That was only last year.

Mr MacKinnon: It has six representatives on it.

Mr CARR: That is so; but as I understand it they are allowed to deal only with submissions which have been received from the Federal Government and the State Governments on matters that have in fact been referred through the Premiers' Conference of interstate Governments. Therefore, it has to be referred through the conference to get to the committee. That is my understanding of the matter. I am happy to be corrected.

Mr O'Neil: My experience with the committee has been quite different; but you may be right. I do not know.

Mr CARR: It seems that in general terms local government has failed to gain the amount of consultation it wanted at the top levels of government in this country. I believe this shows the weakness in local government at the moment *vis a vis* the other levels of government in this country.

It seems to me that new federalism has not been the boon and benefit to local government that the Minister in this House suggested it would be. I think we should be aware also of another aspect of new federalism. We know that at the present time the States and local government receive a fixed percentage from Federal income tax. The local authorities receive 1.52 per cent. This, of course, will vary as the level of taxation collected varies. People may expect the amount of taxation collected to increase with inflation, but this is not necessarily so. If the tax rate was to fall in money terms, or even just in real terms—that is, if the increase in tax does not keep up with the increase in inflation—then the State Governments and local government will be worse off.

While people might say it is unlikely the amount of tax collected will fall, I believe such a comment does not take full account of what is proposed under the so-called new federalism.

The Federal Government is trying to reduce the amount of tax that it, the Federal Government, collects. It is not trying to reduce the amount of tax that is collected altogether from the people in this country. It is trying to reduce the amount of tax that it, the Federal Government, collects.

Mr Clarko: That is not true.

Mr CARR: It is true and it can be seen if one looks at the situation right through.

Mr Clarko: Our party, nationally, is seeking lower taxation rates.

Mr CARR: The whole basis of new federalism as it has been presented is the Federal Government intends to hand back to the States the responsibility for a whole range of services and issues. At the same time it is returning to the States the responsibility to raise the funds for them.

Also under the system of new federalism the States will be required to draw up legislation enabling them to raise their own income tax. We could well see the situation, if this so-called new federalism proceeds, where we have the State Government collecting a State income tax in addition to a Federal income tax.

Mr Clarko: It may be lower.

Mr CARR: In that context it is quite likely that the amount of income tax collected by the Federal Government will be less than it was at the time this percentage was agreed to.

Mr Clarko: That is a very good thing.

Mr CARR: That will be the case if not in money terms, then at least certainly in real terms. I cast that word of warning to local authorities that while they have a guaranteed percentage of income tax to be returned to them and a guaranteed size slice of the cake, it is possible the cake that is being cut up may in fact become smaller.

Mr Young: What would you think, as a member of the Labor Party, of a proposal that would ensure that people who can afford to pay income tax would pay for all the nit-picking surcharges and little things for people on lower incomes?

Mr CARR: In general principle that would be acceptable and desirable; but I have seen no evidence to suggest that the so-called new federalism is proposing to do that. I have seen no evidence to suggest that the new State income tax will replace taxes and charges. If the new State income tax does turn out to replace indirect taxes and charges I would be happy to accept that; but I have seen absolutely no evidence of that. If that is what the Government proposes, I would be very interested to have a sincere, genuine, and analytical look at it.

Having made a number of criticisms of the Federal Government I should like now to mention one area in which I have some respect for the actions of the Federal Government. I have respect for the fact that the Federal Government has attempted, at least to some extent, to continue with the idea of equalisation in the allocation of grants. I believe the Federal Government has tried to take equalisation fairly seriously. It has said, for example, that in regard to funds for local authorities only 30 per cent has been defined as having to be allocated in accordance with element A; that is, with regard to the weighted *per capita* basis.

The idea of that, of course, is it would avoid a shire missing out altogether if the funds were allocated completely on a needs basis. We do not argue that all shires should receive some funds under this system. The Federal Government, of course, intended that the States would allocate the other 70 per cent of funds on a needs basis to equalise the provision of facilities and services throughout each of the States.

Most States did this. In fact, every other State did so. Three of the States used exactly the same quota as was recommended by the Federal Government; that is, the States of South Australia.

Tasmania, and even Queensland. Those three States allocated their Federal Government funds on the basis proposed by the Federal Government; that is, 30 per cent on a weighted *per capita* formula and 70 per cent on a needs basis with the idea of equalising facilities throughout the various shires. The State of New South Wales went fairly close to the recommendation. It allocated 33⅓ per cent on a weighted *per capita* basis and 66⅔ per cent to equalise the facilities throughout the authorities.

Victoria allocated 40 per cent on the *per capita* basis and 60 per cent for equalisation. All those other five States put more emphasis on equalisation than on the *per capita* basis. All the other five States allocated over half their funds to equalising these facilities between the various local authorities. All the other five States put needs as the higher priority. What did this State do?

Mr B. T. Burke: Nothing.

Mr CARR: This State did the exact opposite. This State has said that the needs criterion is almost irrelevant and is worth only 20 per cent, while 80 per cent has been allocated on a weighted *per capita* formula. In other words, funds were allocated straightout to authorities on a *per capita* basis, the richer authorities along with the poorer authorities.

Mr Rushton: You are wrong—

Mr CARR: Does the Minister deny those figures?

Mr Rushton: You are wrong with regard to the criterion.

Mr CARR: Only 20 per cent of the funds have been allocated on the basis of needs and equalisation.

Mr Clarko: Would you give your views on the problem of establishing the basis of the needs? I understand the Shire of Belmont had only one kindergarten and it was built by Apex, while some other councils such as Wanneroo had 20. Should someone step in and say there is a need and give it money when that authority chose to do other things, or have low rates?

Mr CARR: It is difficult to decide what criterion to use. I am not saying it is easy, but I am saying any child wherever it lives in the State should have an opportunity to go to a pre-school centre and it should be available.

Several members interjected.

Mr CARR: The member for Karrinyup referred to pre-school centres, but it was not a good example because the State Government has taken them over.

Mr Clarko: I had a lot to do with that, too.

Mr CARR: That is questionable. Let us consider adventure playgrounds, and so on. I suggest that any child, wherever it is living, should have that sort of facility available within a reasonable distance and we could have a situation where some authorities, because they are well established and have all the footpaths and roads they need, have funds to spare to build that facility. That puts them at an advantage. The situation is different in an expanding area such as South Hedland which has less developed facilities such as footpaths, roads, and public libraries. That shire council would be reluctant to build what could be described as luxuries compared with essential items such as roads.

I am sorry the member for Karrinyup has been called away, but the point I am trying to make is that it is important that we give children throughout the State equal opportunities. I am referring not only to children. I also have in mind facilities like libraries and so on which local authorities provide.

Mr Laurance: The difficulty there is to impose that criterion onto a local authority and not interfere with its independence to make decisions.

Mr CARR: The member for Gascoyne is quite right. That is the difficulty. I am not saying every local authority should concentrate on playgrounds rather than on libraries or anything like that. I realise each authority should have an independent right to decide its priorities and as a result there will be a number of differences.

Each shire should have the opportunity to provide roughly comparable services. The important thing at the moment is that the shires which benefit are those which are well and truly established. I mentioned Peppermint Grove and Nedlands, but the same thing applies to any authority which has been long established and has all its footpaths, playgrounds, libraries, and pre-school centres. If such an authority receives the same amount of money as an expanding authority where there is a shortage of footpaths, libraries, children's playgrounds, and so on, obviously we are giving an advantage to the authority which is already advantaged. I suggest that is completely contrary to what the situation should be in the distribution of these funds.

I might add that the Government's attitude on the distribution of these funds is not unusual. It seems to me the Government is concerned with this type of distribution in its provision of all services, because it concentrates not so much on needs but on providing those well off with a little

more to help them along the way. It seems to me the Government is elitist and is saying, "Good luck" to those who live in the well-off areas. and, "Bad luck" to those in areas not so well off.

A Government member: How many councils by comparison are favoured under the present system? They are all better off.

Mr CARR: Councils are not all better off. Some are, and some are worse off. If we were in Government and allocated the funds differently —and I will mention that in a moment—we would certainly benefit some councils and disadvantage others. The ones which would benefit would be those which are faced with problems of providing services in new areas; for example, in the northern suburbs or in Mandurah where there is rapid expansion.

Mr Rushton: If you knew anything about the situation you would find that your argument was up the pole. Look at the situation in the northern areas.

Mr CARR: The Minister should study the figures. I might say that in criticising the allocation of 80 per cent on a weighted *per capita* basis and only 20 per cent on a needs basis the commission requested an alteration. It was only a moderate request. It wanted the 80 per cent *per capita* and 20 per cent needs allocation to be changed to 70 per cent *per capita* and 30 per cent needs. But even that request was refused by this elitist Government.

When the ALP is in Government it will concentrate much more on the principle of equalisation of access to facilities in allocating funds to local authorities. Members can be assured that whoever is the Minister for Local Government when the ALP is in office—myself or any other member of the ALP—there will be a much greater concentration of emphasis on needs. Obviously we will allocate at least 30 per cent to all local authorities as required, but I can assure members the amount we allocate on a *per capita* basis will be considerably less than 80 per cent and the amount allocated on a needs basis for the equalisation of facilities will be considerably greater than 20 per cent.

Mr Herzfeld: What proportion?

Mr CARR: I will not specify a figure at the moment, because quite obviously it would be subject to consultation with local authorities.

Several members interjected.

Mr CARR: Members opposite are not suggesting there has been consultation in this case, I hope!

Mr Laurance: You will provide 100 per cent for needs as you see them.

Mr CARR: No. There must be 30 per cent on a *per capita* basis. The figure will be worked out in consultation with local authorities and there will be room to compromise on a figure acceptable to the community at large and to local government.

Mr B. T. Burke: There will be consultation, and not imposition.

Mr CARR: That is right. Under the present Government there is imposition.

Mr Rushton: You don't have a good record. Your track record is very poor.

Mr CARR: I do not think the Minister is in a very strong position to be talking about consultation.

Mr B. T. Burke: The situation at Cape Naturaliste has been going on for about six months or for about six years.

Mr CARR: The Opposition will agree to this Bill without a very strong protest, because we accept the proviso which appears in clause 9. The proviso provides an opportunity for a fairer allocation to take place in future under another Government. Clause 9 states that element A funds shall comprise 80 per cent of the total amount of Commonwealth funds to which the State is entitled. Then, there is the proviso: Unless the Minister determines a greater or lesser percentage would be more appropriate.

A future Labor Minister for Local Government will determine that a lesser percentage would be more appropriate on a *per capita* basis, and a greater percentage on a needs basis. If that proviso had not appeared in the Bill we would have entered into a ding-dong debate with every member of the Opposition speaking to the measure. However, in view of that proviso, the Bill will be allowed to pass without very strong protest.

Mr B. T. Burke: Under some sufferance!

Mr CARR: Other comparisons can be made with the different States. I will compare Western Australia with the other States and, once again, I will show that we do not come out very well in three or four areas. The other States had legislation in operation during 1976. The legislation in those States set up the Grants Commission in 1976, but we are two years behind. I suppose we should not be surprised that our Minister is two years behind the Ministers in the other States, but I note that point.

Secondly, there is the matter of reporting to Parliament. Four of the other States have statutory provisions requiring the commission to report to Parliament. Those four States are

Victoria, Queensland, South Australia and Tasmania. In fairness, I should say that when I requested a copy of the interim report just recently the Minister tabled it without any problem. I presume that will be the situation in future, and that there will be no trouble in obtaining copies of reports. However, I would prefer to see the requirement written into the Bill.

Turning to the question of public hearings, in New South Wales, South Australia, Tasmania, and Queensland there is a statutory requirement that hearings be held in public. In Victoria, public hearings are at the discretion of the Minister. I understand that during the interim stages no hearings were held in public in Western Australia, but the Bill is a little unclear on this matter. I seek some clarification from the Minister. Clause 12(3) sets out that when the commission carries out an investigation, hearings conducted under subclause (1) of clause 12, shall ordinarily be held in public. Clause 13 sets out that the commission shall provide an opportunity for submissions to be made to it, as it thinks fit.

I ask: Is this ability to make submissions available also to any interested body or any interested party who wants to make a submission without being so requested by the commission to make a submission? Secondly, if that is the case and any interested body or person can make a submission, will that submission be heard in public? I hope the Minister can clarify those points. I believe the answer to both questions should be, "Yes". I am not sure on that point, and I seek the advice of the Minister.

In conclusion, I indicate general support of this Bill by the Opposition. We certainly approve of more Federal funds to be provided to local government. We are not happy with the way the Western Australian Government has allocated funds to local authorities, and neither are we happy with the strong-arm attitude of the Western Australian Government towards local government generally.

MR RUSHTON (Dale—Minister for Local Government) [4.44 p.m.]: I have pleasure in responding to the member for Geraldton, and thanking him for his remarks. In the main, those remarks indicated acceptance of the legislation, but he did offer a few criticisms. Of course, that is not uncommon from the Opposition and, therefore, the member for Geraldton did not take me by surprise.

I would like to explain why the legislation has come forward in its present form. The prime reason is that we have had the opinion of local government before us, and that opinion—in the main—opted very strongly for the 80 to 20 ratio. Had the member for Geraldton listened to the voice of local government he would have had no option but to support the formula calling for element A funds to be 80 per cent, and element B funds to be 20 per cent. If the member had listened to the voice of local government, as he has indicated, he would not oppose our actions.

Mr Carr: Perhaps the strongest voices of local government might be those authorities which are relatively affluent. The Minister cannot listen to all local authorities. He has to show leadership.

Mr RUSHTON: That is where the member for Geraldton is out of tune with local government. In the main, it has been the smaller local government authorities which have asked for this reduction to a ratio of 80 to 20. As the member for Geraldton has noted, we have provided an option for the future.

Another misconception held by the member is that the needs are only 20 per cent. The needs are on a weighted basis. The committee is charged with looking at the formula to see whether it can be made even more effective. Vital research is being done to see whether the formula can be improved, or whether evidence can be produced to show there should be a change from the 80 to 20 ratio. The interesting point is that local government was consulted in the formulation of the formula.

The honourable member criticised me because of the time taken to bring forward this Bill. The delay was obviously in order to give local government some experience by observing how the system worked. Local government was then able to comment and make recommendations. That action was taken so that we were not committed to something inflexible. The action has been taken in consultation with local government, so there has been obvious regard for local government.

The member for Geraldton spoke at length about a number of matters related to federalism. I will not touch at any great length on that, because our attitude is well known. The recommendations put forward by the member have no regard for local government. He talked about being in the power corridor of Canberra, and about the interests of the State Government being totally against the interests of local government.

Local government needs to be funded adequately in order to retain its present structure. If local government loses its local governing form—if it is not parochial and looking after local interests—it is no longer local government.

We well remember the efforts of the Whitlam Government when it set about regionalising local government. The Whitlam Government cut across the constitutional rights of local government and the State Government. Had the Whitlam Government stayed in office we would have seen a regional setup which was strongly advocated by that centralist Government. The control of the State Government would have been through this method and its constitutional powers would have been eroded. We would have seen another form of government in this country. The people of the country ably fought that proposition. I do not suppose there was any other issue related to bringing about the downfall of the Whitlam Government than its attack on the constitutional rights of the people.

The attacks were directed at the grass roots, and people in local government saw very clearly that they were direct attacks upon the constitutional rights of the people of Australia. This was apparent not only to people of the Liberal-National Country Party philosophy but also to Labor people. I do not need to go further than that because I think it was known and clearly understood by the people.

The honourable member mentioned a number, of issues, but in the main they were theories and not related to practicalities. I am pleased to be able to tell the House that we consulted local government. We framed the objective of having a formula and 20 per cent under element B in conjunction with representatives of local government. It has been working over a short period and there has been general acceptance of it. There will be opportunities in the future to vary the formula as it is flexible. It has been designed for that purpose.

The honourable member referred to the matter of hearings. The general objective is that there be opportunities for hearings but that councils be not obliged to have hearings. One of the problems previously was that people were travelling all over the place at great cost. The time to have a hearing is when it is required. This system has worked over a period, and councils have written supporting very strongly what has been done. Questions have been raised in odd cases but as yet no instances of inequity have been proved. There is room for discussion by people working together to strive for the best results on behalf of local government.

I was pleased to hear the honourable member say that local government has benefited from having a fund on which local authorities know they can rely. Previously, money was given to local authorities in different ways. The honourable member will remember that our criticism was that money was provided in such a way that local authorities were not sure from one year to the next what they would receive. When a sum of money was given, there was no guarantee it would be a continuing sum. Therefore it was not possible to do forward planning. Local authorities were able to programme only in the short term.

Under the new federalism, local government finance has been set as a percentage of taxation revenue. The sum varies but it is far more substantial than the finance provided previously. Local authorities can plan forward and obtain the benefit of spending money in the most economical way.

I wish to report to the House that in my visits to councils—especially those which have been hard hit by drought and other pestilences—I have been informed that the tax sharing funds as of right have been a life-saver. They have created tremendous stimulus, and morale in local government is very high. I believe this is due to the facts that, firstly, the State Government acknowledges the role of local government, and, secondly, local authorities know they will have funds year after year.

For the information of the honourable member, in the period I have been Minister we have created a liaison committee comprising the executives of the three organisations—the Country Shire Councils' Association, the Local Government Association, and the Country Town Council's Association. They can ask me to meet with them as often as they like, and I can ask them to meet with me; so it is a two-way business. The State Government can convey to local government any point it wishes to make, and likewise this immense force of volunteers in 138 local councils which administer the whole of Western Australia can make a case to the State Government any time they wish.

We consult regularly on vital matters, and I am strengthening my administration by receiving the views of local authorities on most items in relation to local government. We have been able to deal with a number of outstanding issues through this consultation, and it has led to greater confidence. That is what local government is all about. Local authorities need confidence and the belief that they are being supported by the State Government.

Local government is constitutionally linked with the State Government, and I ask the honourable member to think again when he suggests such extraneous matters as having a voice of power in Canberra. That would destroy local government,

and I think we would rue the day, because the local people would then have lost local government as we know it. It would not be local government and it would certainly be in competition with the Federal and State Governments.

Mr Carr: When you are so keen to have consultation between local government and the State Government, why is it you are opposed to local government having some kind of consultation federally?

Mr RUSHTON: Local government has a special place. We acknowledge and encourage it, and will continue to strengthen it. The State Government has a place in the system. Local government needs to be working with the State Government, not with the central or Federal Government.

Mr Carr: Should that stop it from talking to the Federal Government?

Mr RUSHTON: I suggest the Federal Government's role is to ensure adequate funds are available for State and local government. The family unit is State and local government, not Federal and local government as we saw in the Whitlam era. It would destroy local government to follow that principle. I would fight very diligently for the retention of the local content in local government. It is not worth anything without that.

I suggest the honourable member think again about all his great schemes for strengthening local government. We must be very careful not to destroy local government and not take away from it the role which ensures people have a voice at the grass roots.

I have spoken briefly on a subject which is dear to my heart, and I conclude by thanking the member for Geraldton for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Rushton (Minister for Local Government) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Allocation of Element A funds—

Mr RUSHTON: The amendments standing in my name on the notice paper were requested by local government. I do not want to stimulate the Opposition by saying so, but local government suggested that this Government might not be in office for all time, so therefore it desired provision for consultation. The amendments will ensure that local government will be consulted in the creation of the formula. Therefore, I move an amendment—

Page 7, line 6—Insert after the clause designation "10" the subclause designation "(1)".

Amendment put and passed.

Mr RUSHTON: I move an amendment—

Page 7—Add after subclause (1) the following new subclause to stand as subclause (2)—

(2) Before approving a formula for the purposes of subsection (1) the Minister shall consult the Local Government Association of Western Australia, the Country Shire Councils' Association of W.A. and the Country Town Councils' Association.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 15 put and passed.

Clause 16: Distribution of Commonwealth funds—

Mr RUSHTON: This amendment is consequential on the amendments already agreed to. I move an amendment—

Page 9, line 27—Insert after the word "under" the passage "subsection (1) of".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 17 to 19 put and passed.

Title put and passed.

Bill reported with amendments.

QUESTIONS

Questions were taken at this stage.

COMMUNITY WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th April.

MR HARMAN (Maylands) [5.34 p.m.]: The purpose of this legislation is to give some legal effect to the committees which have already been established and which are to be established by the Department for Community Welfare to advise the Minister on various aspects of community welfare. It has been considered necessary that these committees should be shrouded in some sort of legal apparatus so that they have a certain status in our legal system.

The Opposition is not opposed to the proposition put forward by the Government because for many years we have advocated that people in the community who are involved in the non-governmental side of community welfare should have some opportunity to express their viewpoints to the Government of the day. This proposition was well and truly presented to the Australian people by a former Prime Minister of Australia (Gough Whitlam) because he fervently believed in the community having this opportunity to participate in the decision-making processes of the Government.

In this State a number of organisations fulfil a very worth-while service to community welfare in areas such as child care, and those persons obviously should have some involvement in the decision-making processes of the Government. All this legislation proposes to do is to give these committees some sort of legal status. For that reason the Opposition supports the Bill, and we hope that through this process people in the community will have a renewed interest to take part in the discussions which are involved in advancing community welfare in Western Australia. We support the Bill.

MR RIDGE (Kimberley—Minister for Community Welfare) [5.37 p.m.]: I thank the member for Maylands and the Opposition for their support of this measure. As the member for Maylands has said, this measure is designed to give people in the community, particularly people associated with private welfare agencies, the opportunity to have a greater say in the process of government. Members will appreciate that when the Bill was introduced during the last session some concern was expressed by members of private welfare organisations; and so the Bill was not proceeded with.

Since then there have been discussions between myself, the Director of Community Welfare, and the people who expressed this concern. The result is that they have now indicated that they are completely satisfied with the measure, and I am quite sure that it will be of great benefit to people with welfare problems in Western Australia.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

THE FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 13th April.

MR T. H. JONES (Collie) [5.40 p.m.]: As the Minister has pointed out there have been very few amendments to this Act since it was introduced. This Bill is to enable a revision of limits to an area south of the river to which the company will have access.

In 1886 there was an amendment to the Act to redefine the company's limits to five miles from the Town Hall. In 1938 there was an amendment to the Act to extend the boundaries north of the Swan River and this present Bill seeks to extend the areas south of the river.

The Opposition does not oppose this Bill but does have one query. The Opposition does not understand why the operations of this company have not been taken over by the State Energy Commission. There may be good reason but with the extension of the State Energy Commission throughout Western Australia in taking over small power stations we have seen a reduction in the price of electricity to the relevant consumers. We would assume if the commission were to extend its operations and take over this company it would result in gas being made available at a cheaper rate to customers in the area.

We are not reflecting on the activities of this company but we believe it would be in the best interests of the community if the company were to be placed under the control of the State Energy Commission. We would be pleased to hear from the Minister as to whether this is to take place and if not, why not.

MR MENSAROS (Floreat—Minister for Fuel and Energy) [5.43 p.m.]: I thank the Opposition for its support of the Bill. In regard to the honourable member's query, takeovers of the nature he mentioned were by mutual agreement, without compulsion. In the main, takeovers have been of companies—mainly local authorities—involved in the production of electricity rather than gas.

Over the last four years I have queried whether this company would be prepared to negotiate with the SEC but at present this is not so. It is not the policy of the Government to force takeovers or to "nationalise" a company.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 3 amended—

Mr T. H. JONES: The Opposition cannot understand why the Government, which professses to be a free-enterprise Government interested in the people, does not take action to bring gas to the consumers at a cheaper rate. We see no reason why the takeover should not take place. As I said in my second reading speech, similar takeovers have resulted in cheaper power to consumers and so I believe the Government should take over the operations of this company in the interests of Western Australia.

The DEPUTY CHAIRMAN: There is no reference in the Bill to a takeover and so the honourable member is out of order.

Mr T. H. JONES: As I have said what I wanted to say I shall say no more.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

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

INVENTIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st March.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [5.48 p.m.]: The Opposiiton has no objection to this Bill although we would like to pose one question for the Minister which he might care to deal with fairly quickly in response. The question deals with the Inventions Advisory Committee and its decision to assist Western Australian inventors. We would be interested to know whether the Minister has had any experience with inventions not covered by the Commonwealth Patents Act but which are covered by the Commonwealth Designs Act.

MR MENSAROS (Floreat—Minister for Industrial Development) [5.49 p.m.]: I thank the Deputy Leader of the Opposition for his support of this Bill. Whilst I cannot bring to mind an instance described by the honourable member, I have been asked specifically by Councillor Ian McDonald, who is on the advisory committee, to amend the legislation if appropriate in respect of such an instance. Mr McDonald said there might well be cases which might possibly be protected by the legislation covering designs and which do not necessarily fall under the ambit of the Commonwealth Patents Act. I will make inquiries to see whether there have been cases of this nature and I will pass the information on to the honourable member.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

CEMETERIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd March.

MR CARR (Geraldton) [5.52 p.m.]: When the Minister for Local Government first gave notice that he intended to amend the Cemeteries Act we on this side of the House were very pleased and we assumed the Government intended to do something about the most important matter concerning cemeteries and funerals which is, of course, the question of the costs of funerals. However, as that matter was not included in the Bill you, Sir, will not allow us to speak about it except to say that I hope the Government does move itself on that matter in the very near future.

The Bill introduces three provisions and we have no opposition to any of these measures. The first provision involves increased fines for vandalism. The second provision involves increases in registration and search fees. We do have a minor criticism there in that the amend-

ment makes those fees open-ended. At the moment the Act says, "A fee not exceeding ten cents" and we are simply replacing that with the words "ten cents or other fee prescribed".

We would have been much happier had the wording been "a fee not exceeding a certain level", in that way setting the maximum level rather than leaving it open-ended.

The third provision allows cemeteries to operate without being divided into denominational sections. There have been a couple of queries concerning this, notably from the Polish Catholics who raised a query concerning the continuance of their practices in their sector. However, the assurance was given by the Minister in his second reading speech that the existing cemeteries have adequate amounts of space for continuance of denominational sections and we accept that assurance.

The point is made also that a cemetery board may only decline to allow denominational areas with the approval of the Governor so we note that extra safeguard. We support the Bill.

MR RUSHTON (Dale—Minister for Local Government) [5.54 p.m.]: I appreciate the remarks made by the member opposite in relation to this legislation. The intent of the Bill is to give some options and it has adequate safeguards which accord with the assurances I gave.

It is interesting to note that in 1975-76 the churches favouring the nondenominational cemeteries were 90 per cent and they have moved up to 93 per cent in 1976-77. Of course there is adequate provision in existing cemeteries to cater for the balance of the percentage.

Mr Davies: We know all about that.

Mr RUSHTON: I thank the member for Geraldton for his support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

MR O'NEIL (East Melville—Deputy Premier) [5.57 p.m.]: I move—

That the House at its rising adjourn until 4.30 p.m. on Wednesday, the 26th April.

Question put and passed.

House adjourned at 5.58 p.m.

QUESTIONS ON NOTICE

ROAD TRANSPORT

Frozen Goods: Hopetoun

520. Mr COWAN, to the Minister representing the Minister for Transport:

(1) Does a chilled and refrigerated goods service operate to Hopetoun?

(2) Have Westrail freighter/passenger bus services been affected by the changeover of chilled goods freight to private operation?

(3) Have any country road bus services been reduced as a result of the changeover or for any other reason?

(4) If "Yes" to (3) which services will be altered?

Mr O'CONNOR replied:

(1) No, but arrangements are in hand to provide one.

(2) Yes. Practically all perishable goods such as milk, small goods, fruit and vegetable traffic previously carried on these services is no longer being transported.

(3) and (4) No.

ROAD TRANSPORT

Frozen Goods: Country Areas

521. Mr COWAN, to the Minister representing the Minister for Transport:

(1) When were tenders called for transport of chilled and refrigerated goods from Perth to country areas by private operators?

(2) Was preferential treatment given to any company to provide a service in any particular area?

(3) (a) Have any tenders been recalled by the Government;

(b) if so, where?

(4) (a) Were any Westrail freezer vans disposed of;

(b) if so, when?

Mr O'CONNOR replied:

(1) and (2) Tenders were not called for the transport of chilled and refrigerated goods from Perth to country areas because carriers licensed for the transport of freezer goods and in some instances other perishables already existed and their licence was amended to include chilled goods in all instances.

(3) (a) and (b) No.

(4) (a) No.

(b) Not applicable.

TRANSPORT

Southern Western Australia Transport Study

522. Mr COWAN, to the Minister representing the Minister for Transport:

(1) Did the Government give an undertaking to release the Southern Western Australian Transport Study report for public discussions by March 1977?

(2) (a) When will the report be released; and

(b) will public comment be sought before implementation of any recommendations be made?

(3) As transport of chilled and refrigerated goods are an essential part of an efficient service, why was a decision taken to transfer it from Westrail to private contractors before the SWATS report was released?

(4) Did the SWATS committee recommend to the Government that Westrail should give up the freezer service?

(5) Was consideration given to Westrail retaining the service at a higher freight charge?

(6) Will the Minister give examples of increases of freight rates on chilled goods transported from Perth to—

(a) Merredin;

(b) Kalgoorlie;

(c) Albany;

(d) Esperance?

Mr O'CONNOR replied:

(1) No.

(2) (a) The report will be released after briefings of Government and semi-government bodies have been completed.

(b) Regard will be taken of public comment on the SWATS report, but this does not indicate that decisions on transport will not still have to be made by the Government in the interim.

(3) and (4) An efficient service and one which could comply with the Health Code had to handle frozen chilled goods door to door and SWATS indicated that a rail service does not lend itself to this task.

(5) Consideration was given to all practical alternatives. A report by senior officers found that any increase in Westrail rates would have been substantial.

(6) Freight rate variations differ greatly according to weight of consignment. It is not possible here to give what could be called "examples" of rates. Rate information is readily available from the Transport Commission and will be supplied to the member upon request.

BAUXITE MINING

Areas Involved in State Forests and Water Catchment Areas

523. Mr COWAN, to the Minister for Forests:

(1) With regard to bauxite mining in Western Australia, what area of land has been mined in—

(a) land controlled by the Forests Department;

(b) gazetted water catchment areas?

(2) What is the anticipated amount of land expected to be used by 1983 for bauxite mining in each area?

Mrs CRAIG replied:

(1) (a) The area mined on land controlled by the Forests Department as at the 31st December, 1977, was 783 hectares.

(b) The Forests Department does not have a record of the area actually mined within gazetted water catchment areas.

(2) It is not possible to answer this question as it will depend on the outcome of legislation to be considered in the near future and the environmental reports and management plans to be submitted by the companies concerned.

POWER STATIONS

Costs and Methods of Generation

524 Mr SKIDMORE, to the Minister for Fuel and Energy:

I direct his attention to question 1311 of 1977 relevant to cost and methods of generation at power stations, and the answers he gave, and also my further question without notice on the same evening to which he replied: "All I can do is undertake to discuss the matter with the SEC and try to provide him with further information." Is he now in a position to furnish that further information?

Mr MENSAROS replied:

The answers to the member's original question were compiled from a range of published sources and as I indicated in my answer to question 1311 of 1977, were given as typical indicative costs. I have discussed the matter further with the SEC and it is quite impracticable to provide a list of specific references in the manner requested by the member. They would be far too numerous and would also include work which is carried out by the SEC itself. I would be very pleased to arrange for a discussion with senior officers of the SEC to provide the member with the information which he desires.

ROAD TRANSPORT

Perth-Meekatharra

525. Mr McIVER, to the Minister representing the Minister for Transport:

Will the Minister explain why he stated that Bellway Pty. Ltd. had submitted the lowest tender per tonne for cartage on the Perth/Meekatharra road service, when Bell Freightlines Pty. Ltd. submitted a tender which was $10.50 less per tonne than Bellway's tender?

Mr O'CONNOR replied:

Bell Freightlines Pty. Ltd. did not submit a tender which was $10.50 less per tonne than the Bellway's tender.

On the basis of the information supplied by Bellway and Bell Freightlines Pty. Ltd. in their respective tenders, it was considered that the overall tender submitted by Bellway was the lowest tender.

ROAD TRANSPORT

Perth-Meekatharra

526. Mr McIVER, to the Minister representing the Minister for Transport:

(1) Under whose instructions did the Transport Commissioner reject Bell Freightlines tender?

(2) Was the tender rejected on the grounds that, instead of filling out each section of the tender documents—all items were bracketed and the one freight rate of $29.50 per tonne was inserted?

(3) Will the Minister recall the tenders and re-let the contract, in view of the fact that considerable savings might be available to people of the Murchison if tenderers are allowed to resubmit their tenders?

Mr O'CONNOR replied:

(1) Instructions were not given to the Commissioner of Transport to reject Bell Freightlines tender.

Bell Freightlines tender was considered in conjunction with all tenders received.

(2) As answered by (1) above, the tender was considered. However, it was not submitted in the format requested and this was to the disadvantage of the tenderer as it made direct comparison of his tender more difficult.

(3) No. It is not conceded that considerable savings would be available to the people of the Murchison if tenders had been re-let.

SEWAGE TREATMENT WORKS

Shenton Park

527. Mr JAMIESON, to the Minister for Water Supplies:

With reference to sewage treatment works at Shenton Park:

(1) Has this facility been overloaded or otherwise functioning beyond its designed capacity in recent months?

(2) (a) Have complaints been in evidence from other treatment works operated by the MWSS & D Board;

(b) if so, which were complained of?

(3) How much progress has been made into the recently announced research into methods of overcoming the discharge of offensive odours from the Shenton Park works?

(4) If overloading has caused the problem, would it not be possible to re-route a number of feeding mains into the more efficient plants operated by the board?

Mr O'CONNOR replied:

(1) Although the plant operates within its design capacity, the type of secondary treatment has proved to be unsatisfactory for local conditions. The situation has been aggravated by water restrictions and more recently by a complete loss of electric power on the 4th and 5th April.

(2) Isolated complaints have been received at Beenyup, but this plant is still under construction and is awaiting the installation of odour control equipment.

(3) Chemical dosing for odour control is already practised at the plant and action is in hand to apply the results of recent pilot plant tests for greater control of H_2S in the main trunk sewers.

(4) Subject to the comments in (1) above, yes, as practicable; i.e., where pipelines and pumping stations are available.

ROAD

Orrong Road

528. Mr JAMIESON, to the Minister for Urban Development and Town Planning:

(1) How many houses and/or other properties are involved in required resumptions for the current proposal for the Main Roads Department to widen Orrong Road?

(2) How many less properties would be affected if only a four-lane highway were contemplated?

(3) Has an alignment building restriction been in force for Orrong Road for some years?

(4) If so—

(a) for how long; and

(b) what were the details of this restriction?

(5) (a) Have any affected properties already been secured by the Main Roads Department or the Metropolitan Region Planning Authority for the purpose of widening Orrong Road;

(b) if so, what are the details?

Mr RUSHTON replied:

(1) There are 47 lots affected by the current amendment to the Metropolitan Region Scheme between Chamberlain Road and Kew Street.

(2) A four-lane highway has not been contemplated by the Metropolitan Region Planning Authority for this important traffic artery.

(3) and (4) Since 1971, all new building setbacks have been a minimum of 7.5 metres from the front boundary of the lots after the planned widening for Orrong Road has been taken into account.

(5) (a) and (b) The total road requirements have already been obtained from 9 properties between Chamberlain Road and Kew Street. These properties are not now affected. Of the 9 properties there are:

Residential lots, 7;
Industrial lots, 1;
Local public open space, 1.

PORTS

Waterside Workers

529. Mr H. D. EVANS, to the Minister representing the Minister for Transport:

What was the number of waterside workers available for work in each of the ports of—

(a) Fremantle;

(b) Bunbury;

(c) Albany;

(d) Geraldton,

in the years—

(i) 1940;

(ii) 1950;

(iii) 1960;

(iv) 1970;

(v) 1975;

(vi) 1977?

Mr O'CONNOR replied:

	Fremantle	Bunbury	Albany	Geraldton
1940	not available	not available	not available	not available
1950	1 125	180	98	82
1960	1 630	203	98	107
1970	1 301	173	77	68
1975	852	102	52	48
1977	855	66	44	43

COUNTRY SHIRE COUNCILS

Motor Vehicles: Licence Plates

530. Mr H. D. EVANS, to the Minister for Local Government:

(1) How many country shire councils are there in Western Australia?

(2) Of these—

(a) how many have indicated their acceptance of number plates with the caption "State of Excitement" on them;

(b) how many have rejected the use of number plates with "State of Excitement" emblazoned thereon?

Mr RUSHTON replied:

(1) There are 112 country town and shire councils ouside the Perth metropolitan region.

(2) (a) and (b) The current situation is that the views of 117 councils have been sought and 56 have replied. Of these 8 have accepted number plates with the caption "State of Excitement" and 48 have indicated non-acceptance.

RAILWAYS

Wood Chips

531. Mr H. D. EVANS, to the Minister representing the Minister for Transport:

By how much did the cost of transporting woodchips from Diamond Tree mill to Bunbury by Westrail exceed the amount received as freight paid by the woodchip company?

Mr O'CONNOR replied:

The freight rates for haulage of woodchips was set on a commercial basis and provided for recovery of an acceptable margin over and above the incremental costs involved.

It is not normal commercial practice to publicise information of this nature.

MEAT

Beef Industry Assistance

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

Can he explain why the 1976-77 Federal Budget estimates provided $636 000 for beef industry assistance but that the actual expenditure on this item in 1976-77 was only $61 000?

Mr OLD replied:

The rural adjustment scheme carry on loans replaced the beef finance scheme on the 1st January, 1977. Expenditure from both schemes on beef industry carry on finance in Western Australia during 1976-77 was about $250 000 and half of this was Federal funds.

Any further information sought by the member regarding the 1976-77 Federal Budget estimates should be directed to the Commonwealth Government.

DISTRESSED PERSONS RELIEF TRUST

Trustees and Amounts Disbursed

533. Mr H. D. EVANS, to the Deputy Premier:

(1) Who are the trustees of the Distressed Persons Relief Trust?

(2) What amounts of money have been disbursed by the trust in each of the past five years?

Mr O'NEIL replied:

(1) The present trustees are:—

Chairman—Mr P. W. McGinnity, Public Trustee.
Member—Mrs B. E. Harper-Nelson.
Member—Mr J. H. Baker.
Member—Brigadier V. A. H. Richards.
Member—Mr J. F. Harding.

(2) The Act was proclaimed on the 16th November, 1973, and since that time the annual trust expenditure has been—

To December 31, 1974	$26 909
To December 31, 1975	$26 669
To December 31, 1976	$32 444
To December 31, 1977	$43 258

HEALTH

Handicapped Children

534. Mr DAVIES, to the Minister for Health:

(1) How many—

(a) profoundly;

(b) severely,

mentally retarded children, including teenagers, are currently waiting to be accommodated by the department?

(2) What is the anticipated waiting time in each case?

Sir Charles Court (for Mr RIDGE) replied:

(1) (a) 19;
(b) 44.

(2) It is not possible to give any estimate of the anticipated waiting time in any case. When a vacancy occurs, the child considered to be most urgent is admitted.

The Minister has asked me to add, for the information of the member, that tenders have been called for the construction of the Bullcreek Hostel.

PROBATE DUTY

Abolition

535. Mr BLAIKIE, to the Premier:

Would he advise his Government's programme to remove the imposition of death duties?

Sir CHARLES COURT replied:

I announced the programme for the abolition of death duties in the Budget Speech on 20th September, 1977.

The steps in the total abolition of duties will be:—

(1) Abolition of duty on estates passing to a surviving spouse from 1st July, 1977.

(2) In respect of the estates of persons dying on or after 1st January, 1979, duty payable on assets passing to beneficiaries not already exempted by the spouse to spouse concession and other provisions will be reduced by 50 per cent.

(3) As from 1st January, 1980, one year later, no duty will be payable on the estates of persons dying after that date.

LOCAL GOVERNMENT RATES

Exemption of Central Methodist Mission Buildings

536. Mr BERTRAM, to the Minister for Local Government:

What portions of Central Methodist Mission buildings situated at corner of Murray and William Streets, Perth, have been declared exempt under section 532 of the Local Government Act?

Mr RUSHTON replied:

First floor offices, Nos. 7 to 11; Shenton lounge area 5, Tranby hall area 12, stage, kitchen, Sunday school and welfare shop area Nos. 13/17 respectively; second floor printing room 1, and office room 5.

PUBLIC SERVANTS AND GOVERNMENT EMPLOYEES

Annual and Long Service Leave

537. Mr BERTRAM, to the Premier:

Is it a fact that some officers of the Public Service and of Government instrumentalities have accumulated leave for periods in excess of 15 years and in some cases 20 years?

Sir CHARLES COURT replied:

In the case of long service leave, it is a fact that some officers of the Public Service and of Government instrumentalities would have accumulated leave for periods of service in excess of 15 years and, in some cases, 20 years.

This means that they would have entitlements of 6 months and 9 months long service leave, respectively, to their credit. In answer to question 452 on Thursday, 13th April, the member was advised that, under the Public Service Act, an officer may, with the approval of the Public Service Board, accumulate his entitlement, provided there are valid reasons for the request.

No cases of annual leave entitlements being accumulated for periods of service in excess of 15 years or 20 years are known.

It is highly improbable that any such accumulations exist, although the Public Service Act provides that, when the convenience of the department is served thereby, officers may accumulate more than 3 years entitlement, provided the permanent head so requests, and the Minister approves.

PREMIER

Newspaper Advertisement

538. Mr BERTRAM, to the Premier:

Who paid in the first instance and ultimately for the advertisement appearing at page 25 of *The West Australian* of 9th December, 1977 and which read in part: "A message from Sir Charles Court to

all West Australians, vote carefully the Government you elect must have a majority in the Senate to govern effectively"?

Sir CHARLES COURT replied:

The cost of the advertisement was met by the Liberal Party of Australia (Western Australian Division) Inc.

The import of the member's reference to "the first instance and ultimately" is not understood. If he could be more specific I shall be better able to respond to his question.

CORPORATE PRACTICE

Professions Involved

539. Mr BERTRAM, to the Minister for Works:

(1) Further to his answer to question 369 of 1978, which of the professions listed by him enjoy the right of corporate practice in consequence of specific legislation enacted for that purpose?

(2) How many architects are currently registered in Western Australia?

(3) How many prosecutions have occurred in each of the last five years for the practice of architecture by unqualified persons?

Mr O'CONNOR replied:

(1) None.

(2) 529.

(3) None.

SCHOOLS

Parking Facilities for Parents

540. Mr WILSON, to the Minister for Education:

(1) Is he aware of problems encountered by parents of junior primary school age children in parking safely when dropping off and picking up their children before and after school?

(2) Has any consideration been given to providing parking facilities for parents' cars by way of indented kerbing or some other means?

(3) If "No", is he prepared to take up the matter with local government authorities to see whether mutual arrangements can be provided at least for new schools?

Mr Old (for Mr P. V. JONES) replied:

(1) Yes, in some schools.

(2) and (3) Yes. The Education Department co-operates with local government authorities and other instrumentalities in providing student set-down and pick-up areas where required.

STATE ENERGY COMMISSION LOANS

Advertisement

541. Mr WILSON, to the Minister for Fuel and Energy:

(1) Is he aware that the television commercial "Power to the West" used to encourage Western Australians to invest in the State Energy Commission loans was actually recorded in a Sydney studio?

(2) Is he also aware that there are recording studios in Perth with facilities quite capable of handling such work?

(3) If "Yes" to (1) and (2) will he ensure that, if possible, recording of such advertising material in the future is handled in local studios, thus providing employment for competent local musicians and technicians?

Mr MENSAROS replied:

(1) The television commercial "Power to the West" was produced in Western Australia using a sound track recorded in the Eastern States.

(2) Yes. Demonstration tapes submitted by a local production company were considered.

(3) Yes. Two subsequent sound tracks have been produced by local musicians.

PRE-SCHOOL CENTRES

Teachers

542. Mr WILSON, to the Minister for Education:

(1) Can he confirm that some teachers in community based pre-school centres have been informed by his department that they cannot ever receive permanent status and that they cannot ever apply for or receive any sort of transfer?

(2) If "Yes" is not this information completely contrary to previous assurances given by him with regard to the future status of such teachers?

Mr Old (for Mr P. V. JONES), replied:

(1) and (2) Following discussions with the Pre-School Teachers' Union, teachers in pre-school centres have been advised that they have permanency in the community based pre-school group of centres and can transfer within those centres.

Teachers who have applied for permanent status as a government school teacher while teaching in a non-Education Department pre-school have been advised of the above conditions.

EDUCATION

Schools: Autonomy

543. Mr WILSON, to the Minister for Education:

(1) Can he say what powers are currently given to principals in all classes of primary schools with respect to the allocation of staff within their schools?

(2) Does he regard these powers as providing full autonomy to principals in this regard?

Mr Old (for Mr P. V. JONES) replied:

(1) Guidelines for the deployment of staff are made available to primary principals in November. Principals discuss their school organization with the regional superintendent before it is finalised.

(2) No.

ART GALLERY

Columbian Gold Exhibition

544. Mr WILSON, to the Minister for Cultural Affairs:

(1) Is he aware that charges of $1.50 for adults and 75 cents for children are being made for those wanting to view the Columbian Gold Exhibition which is partly sponsored by a major cigarette company at the W.A. Art Gallery?

(2) If "Yes", can he say whether it is normal practice to charge for admission to exhibitions at the W.A. Art Gallery and to provide facilities for business advertising and the sale of artifacts at the gallery?

(3) In view of the recommendation of the Report of the Senate Committee on Social Welfare that State Governments be encouraged to ban advertising of tobacco products, does his department approve of exhibitions at the W.A. Art Gallery attended by large numbers of children being sponsored by tobacco companies?

Mr Old (for Mr P. V. JONES) replied:

(1) to (3) Yes. The management of the W.A. Art Gallery is vested in the trustees; however, I am informed fully of their plans which resulted in this exhibition coming to Perth. This is the first major exhibition of its kind to do so. The admission charges concerned were a condition laid down by the Australian Art Exhibitions Corporation Ltd. whereby the exhibition was made available to the gallery. The organization and presentation of exhibitions of this kind are so expensive as to put them beyond the means of any art gallery or group of art galleries, which was the reason for the creation of the Australian Art Exhibitions Corporation Ltd.

Financial support for the exhibition by commercial sponsorship and the Commonwealth Government has been an essential requirement for the undertaking. Normally, admission to the W.A. Art Gallery is free of charge. Many exhibitions shown here as part of national tours are now receiving commercial sponsorship of a dignified character appropriate to the gallery. The sale of related publications, posters and souvenirs is considered to form part of this presentation, and is now accepted internationally as necessary and not inappropriate.

With regard to sponsorship of the current exhibition, the sponsors are relating their company to a prestigious presentation within their own promotions policy. There is no suggestion that any product marketed by that company has any particular qualities or any advantages over similar products. Specifically, there are no statements about tobacco products.

I am confident that the Board of the W.A. Art Gallery will continue to exercise its management responsibility in this, as in all other matters.

NATURAL DISASTER

Damage Estimates

545. Mr BLAIKIE, to the Premier:

(1) Is he able to advise the preliminary estimates of damage caused by cyclone "Alby" to—

(a) Government property;

(b) private property?

(2) Has any estimate of loss to—

(a) Government industry, i.e., State Energy Commission, Forests Department, etc.;

(b) private property, i.e., agriculture, fishing, industry productivity, etc.,

been made following cyclone "Alby"?

Sir CHARLES COURT replied:

(1) (a) Complete preliminary estimates are not available. However, the following major items of damage, other than those which are covered by external insurance, have been reported—

	$
Public buildings	250 000
Port installations and foreshores	1 635 000
Railway assets	436 000
Main roads tree clearing	120 000
Other public works	160 000

(b) Figures compiled by the Insurance Council of Australia indicated that private and commercial insured losses of $7 million had been reported up to 13th April, 1978. A revision of this figure is expected within a day or two and is expected to approximately double the earlier figure. Claims are still being received and further revisions of the total cost will be made as necessary. The figures quoted are limited to insured value and take no account of assets not insured or the amount by which assets are underinsured.

(2) (a) Estimates of the major losses known are—

State Energy Commission—

	$
Restoration of power supplies	666 000
Loss of sales	240 000
Total	906 000

Forests Department—

The area of pine plantations damaged by the storm was estimated to contain timber valued at $5 million. Recovery operations must be implemented quickly if any of the timber is to be saved. A salvage program is in operation and is expected to save timber to the value of $1 000 000 but the cost of recovery could well amount to $600 000.

In addition to the loss through storm damage the Forests Department estimates that the direct cost of combatting fires in the period immediately following Cyclone "Alby" was in the order of $250 000.

(b) No complete details are available but the loss of apples is estimated at about $2½ million.

SEWAGE TREATMENT WORKS

Shenton Park

546. Dr DADOUR, to the Minister for Water Supplies:

(1) Has any monitoring for H_2S gas been done at the Shenton Park sewage works over the summer period?

(2) If "Yes" what were the findings?

(3) If "No" to (1) why not?

(4) What is considered to be the upper level of safety of H_2S gas?

Mr O'CONNOR replied:

(1) Yes, there has been extensive monitoring for H_2S in the incoming sewage.

(2) The findings indicate a range of H_2S concentrations in solution of 2.5 to 7 p.p.m. depending on the flow. It is far less in the atmosphere.

(3) Not applicable.

(4) National Health and Medical Research Council list of contaminants specifies a threshold limit value for an 8 hour working day as 10 p.p.m. in the atmosphere.

QUESTIONS WITHOUT NOTICE

BAUXITE MINING

Demonstration

1. Mr BLAIKIE, to the Minister for Forests:

(1) Was the Minister aware that a demonstration opposing bauxite mining took place in Perth today?

(2) As the key point in the demonstration was the funeral of a jarrah sapling, will the Minister have investigations carried out to ensure that this tree was not taken without authority, from Government land—for example State forests or King's Park—and, if so, will the Minister ensure that, where applicable, appropriate charges be laid?

Mrs CRAIG replied:

(1) I was aware of the fact there was to be a demonstration today.

(2) I believe it would be extraordinarily difficult to ascertain from whence the tree came. I did not see it at close quarters, so I am not even able to say whether in fact it was a jarrah tree. I would like to say further that if the Campaign to Save Native Forests people are anxious to put before the public a reasoned story relating their opposition to bauxite mining in the Darling Range, they are certainly going about it in the wrong way by the publication of a Press release such as the one all members of this House were presented with today. Their arguments are erroneous and highly emotive.

ABORIGINAL LEGAL SERVICE

Misleading of Oombulgurri People

2. Mr HARMAN, to the Minister for Community Welfare:

(1) Does the Minister recall in the early hours of yesterday morning making an assertion that the Aboriginal Legal Service was misleading the Oombulgurri people?

Mr Ridge: What did you say? I missed the last part of your question.

Mr HARMAN: The Minister was having a conversation with the Premier, and I think I know why.

Sir Charles Court: No, you do not know why; you would like to know.

Mr HARMAN: I will repeat the question—

(1) Does the Minister recall in the early hours of yesterday morning making an assertion that the Aboriginal Legal Service was misleading the Oombulgurri people?

(2) Can he indicate to the House the evidence he has to support his claim these people are being misled by this organisation?

Mr RIDGE replied:

(1) and (2) Yes, I do recall the conversation which took place while the honourable member was speaking in the Address-in-Reply debate. I suggest he refer to the *Hansard* transcript, because he will find I did not say the Oombulgurri people were being misled by the Aboriginal Legal Service; I said that some people were.

Mr Harman: I have it here, boy.

Mr RIDGE: I said the Oombulgurri community was being misled by some people. If the honourable member looks at *Hansard* he will find that is precisely what is recorded there.

PICKETING MEATWORKERS

Stone Throwing: Police Action

3. Mr WATT, to the Minister for Police:

(1) Is it true that a person was charged under the Police Act with an offence relating to throwing stones at trucks on the Fremantle wharf on Tuesday, the 4th April?

(2) What was the outcome of that charge?

(3) If the answer to (1) is "Yes" is he aware of any approaches made on behalf of the man concerned by either the TLC or any union?

(4) Has he read any account of this incident and its sequel in the Press?

(5) Has any journalist approached him for comments regarding this incident and its sequel?

Mr O'NEIL replied:

(1) I understand that to be so.

(2) I understand the person charged was fined $5 with $9.50 costs.

(3) No, I have not been approached by the TLC or any other union.

(4) No.

(5) No.

BAUXITE MINING: WAGERUP

Environmental Impact Statement

4. Mr BARNETT, to the Premier:

Is it a fact that the environmental impact statement relating to the Wagerup proposal was printed prior to Christmas, 1977? If this is a fact, why is it not available for public perusal?

Sir CHARLES COURT replied:

If I understand the question correctly, the honourable member asks whether the printing of the ERMP for the Wagerup proposal took place before Christmas. I do not know whether that is the case.

My understanding is that it has not yet been printed, but will be printed and presented to the Government in due course.

SHEEP EXPORTS: INDUSTRIAL DISPUTE

Premier's Discussions with Prime Minister

5. Mr B. T. BURKE, to the Premier:

Is it a fact that the Premier has had discussions with the Prime Minister regarding the meat industry dispute and the charges which arose from that dispute? If so, will the Premier inform the House how the discussions originated, and of their nature?

Sir CHARLES COURT replied:

I will gladly tell the honourable member of my discussions with the Prime Minister regarding the livestock export dispute. I discussed the matter with the Prime Minister on a number of occasions by telephone prior to his departure for Japan, just to acquaint him with the situation which was developing and when it had developed to a certain point, because I believed that in view of the interstate nature of the dispute as it was then developing, I had a responsibility to tell the Prime Minister what was happening in this State and of how the matter appeared to be developing on the industrial front, and what action was being taken by the appropriate authorities in this State.

Mr B. T. Burke: The question referred specifically to the charges. Did you discuss the matter of the charges which arose from the dispute?

Sir CHARLES COURT: Not to my knowledge. The Prime Minister left for Japan, I think, on Monday or Tuesday, and I discussed the dispute earlier with him, before he left; but I cannot recall his discussing specifically with me the matter of charges. We discussed the general situation which had developed and the possibilities which were being foreshadowed by certain people. It was my responsibility as Premier to tell the Prime Minister, because some of these possibilities had a national character about them—which I did, and did faithfully and well. I reject the comments made by Mr Hawke, as reported in tonight's newspaper.

NATURAL DISASTER

Tomato Growers: Water Quotas

6. Mr CARR, to the Minister for Water Supplies:

I preface my question by saying that I have been advised that tomato crops in Geraldton have been damaged by the recent storm. Some growers have had to replant up to 5 000 plants each, thus necessitating increased water usage. As many growers have already used up their quotas, I ask whether the Government would be prepared to consider granting supplementary quotas to the affected growers?

Mr O'CONNOR replied:

I am prepared to consider this matter but must take into account the necessity to retain sufficient water for use by the Geraldton township.

ABORIGINAL LEGAL SERVICE

Misleading of Oombulgurri People

7. Mr HARMAN, to the Minister for Community Welfare:

Does the Minister recall interjecting "Their advisers do" in response to an assertion from myself during a debate in the early hours of yesterday morning that there was some conflict in the decision made by the Aborigines of the Oombulgurri Aboriginal community in respect of entry onto the reserves? Does the Minister also recall saying "It includes the Aboriginal Legal Service for a start", after I questioned him as to who the advisers were?

Mr RIDGE replied:

Yes, I do recall the crossfire that took place in the Chamber and the member for Maylands obviously has a copy of the transcript. If he reads it he will find that it is a fairly accurate record of what transpired, but I did not say that the Aboriginal Legal Service was misleading the Oombulgurri people. I said that they were advisers to the Oombulgurri people for a start, but if the member looks further down in the transcript he will find I said that other people were misleading. I think the interjection was to the effect, "being misled rather than led". That related to other people and the member's

remarks prior to my making that comment indicate that that is perfectly correct.

ELECTRICITY SUPPLIES

Contributory Extension Scheme

8. Mr CARR, to the Minister for Fuel and Energy:

With reference to the review of the SEC contributory extension scheme being undertaken by the Government—

(1) Can the Minister advise whether any decisions have now been reached?

(2) If not, will he indicate when the outcome of the review is expected to be known?

Mr MENSAROS replied:

I suppose the member for Geraldton is referring to some undertaking that, from a policy point of view, some of the charges introduced on the 1st July might be reviewed. If I am correct in this, the answer is as follows—

(1) No.

(2) I cannot pinpoint a specific time but I hope it will be fairly soon.