Legislative Council

Tuesday, 29 September 1981

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

BILLS (3): ASSENT

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

1. Mental Health Bill.
2. Acts Amendment (Mental Health) Bill.
3. Animal Resources Authority Bill.

LEGISLATIVE COUNCIL

Standing Order No. 55

THE PRESIDENT (the Hon. Clive Griffiths): I draw the attention of all members to Standing Order No. 55 for their perusal.

QUESTIONS

Questions were taken at this stage.

BORROWINGS FOR AUTHORITIES BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.51 p.m.]: I move—

That the Bill be now read a second time.

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

Before proceeding to explain the main features of the Bill it is desirable to provide the House with some background as to the changing market scene and developments in Loan Council borrowing arrangements which have given rise to the need for a measure of this kind.

There have been major changes in the Australian domestic market for fixed rate securities in recent years. The greater popularity of investment trusts as an avenue for investment by the public and the increasing tendency for insurance companies and trusts to invest more in equity shares and less in fixed rate securities have contributed to a very competitive market for Government authority paper.

It is difficult enough for large, well-known borrowers such as the State Energy Commission to raise sufficient funds, but it is increasingly difficult for smaller, less well-known borrowers to attract investors, particularly if they borrow on the private loan market and do not float public loans.

A new borrower on the semi-Government market today needs to be a well-known or readily recognisable entity. Lenders need to be assured that there is a firm cash flow from which to service the debt. They do not want to have to monitor the accounts of smaller authorities to keep a watch on their performance and capacity to pay.

The existence of a Government guarantee is, in itself, not enough. Lenders do not wish to incur the time and trouble involved in recourse to a guarantor. They simply want to be assured that payments will be made correctly and on time by a body with the capacity to ensure performance.

The advent of the Australian Loan Council infrastructure borrowing programme for major projects has brought into sharper focus the need for a more sophisticated and packaged approach to the market by the several authorities which may be involved in the provision of infrastructure for a resource development project.

It is important to note that the allocations by the Loan Council for infrastructure purposes have been approved on a project-by-project basis. As such, the capital requirements for a particular project can involve borrowings by several authorities including, in the case of water supplies in country areas, the Minister for Works and Water Resources. A typical example is the approved allocation for infrastructure associated with the North-West Shelf gas project which related to the provision of items such as water supplies, hospitals, and harbour works. Borrowing approvals for infrastructure associated with the Worsley alumina project involve the provision of a water supply as well as railway works.

It is pointed out that, in the first example quoted, the need for State authorities to borrow has diminished as the joint venturers, for their own commercial reasons, have decided to make capital contributions to fund certain of the infrastructure requirements, in lieu of meeting debt charges on borrowings by the authority concerned. However, there is still a requirement to borrow for the water supply associated with the Worsley alumina project, and loans will need to

be raised in the current financial year for this purpose.

It is expected that special borrowings will be approved in the years ahead for other projects which could require loan raising in variable amounts, some large, some comparatively small, by more than one State authority. There is, therefore, a need to have adequate mechanisms in place to enable us to raise funds in the most efficient way and on the most favourable terms.

Also, as members are aware, the infrastructure borrowing arrangements approved by the Loan Council have added a completely new dimension to the borrowing capabilities of State government authorities. For the first time in over 50 years, State bodies now have access to overseas financial markets in respect of their loan raisings.

Under the special borrowing programmes approved for infrastructure purposes, semi-government authorities must first seek to fill their allocations from the domestic market. However, should the local market be unable to provide sufficient funds at the time they are required, with the approval of the Loan Council, approaches may be made to overseas markets.

The infrastructure borrowing arrangements were framed in the knowledge that the Australian capital market was limited in the amount of funds it could provide for the projects involved and that, therefore, approaches to offshore sources would be a regular feature of our borrowing activities.

This new dimension has brought with it new responsibilities and has required the development of considerable expertise in the workings of international financial markets and the marketing of loans in these areas. Moreover, it is important that overseas borrowings be undertaken in substantial amounts at any one time and only by authorities which, recognisably, have the financial strength to service the debt. Smaller and less well-known authorities seeking to borrow relatively small sums offshore are unlikely to be acceptable to the market or, at best, they would have to pay higher rates to attract lenders.

To these ends, the Bill now before the House proposes to empower the Treasurer to borrow on behalf of State authorities, for the purposes of both the infrastructure programme and the programme for borrowing by larger authorities if required.

The co-ordination of loan raisings by a central authority has the essential advantage of allowing packaging of borrowings on behalf of authorities, which to date have not been major borrowers and whose individual loan requirements may not be large, with the aim of seeking loans of sizes acceptable to financial markets.

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

These advantage are apparent readily in respect of offshore operations where competition for funds is fierce and the strength of the borrower is of paramount importance in gaining support for our loans at the least possible cost.

In the Australian market the ability to package is equally important in that it makes possible the issue of public loans for multiple purposes instead of seeking a series of private borrowings in relatively small amounts in what is a difficult section of the market.

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

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

In drafting the Bill, particular care was taken to limit the power of the Treasurer to borrowing only for the benefit of authorities which themselves have borrowing power. That is necessary to demonstrate clearly that the borrowings are in no way on behalf of the State itself and that there is, therefore, no intention or means of contravening the financial agreement.

The Bill ensures also that by virtue of the definition of "authority" and the schedule to the Bill which specifically excludes all bodies not covered by the gentlemen's agreement, borrowings can be undertaken only on behalf of those authorities regarded as semi-Government authorities for the purpose of regulation by the Australian Loan Council and the requirements of the gentlemen's agreement. It is important to note

that borrowings proposed by this Bill will, therefore, be only in respect of programmes approved, and on terms and conditions approved, by the Loan Council.

The mechanism proposed is therefore simply a means of packaging borrowings authorised under the existing rules and procedures of the Loan Council.

The measurers contained in the Bill are most important and will enable a strong and consolidated approach to the market by our smaller authorities.

They will help considerably in enabling us to raise the funds required to provide for the infrastructure needs of resource development projects now and in the future.

I commend the Bill to the House.

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

LEAVE OF ABSENCE

On motion by the Hon. F. E. McKenzie, leave of absence for 10 consecutive sittings of the House granted to the Hon. D. K. Dans (Leader of the Opposition) on the ground of parliamentary business overseas.

MISUSE OF DRUGS BILL

Third Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.00 p.m.]: I move—

That the Bill be now read a third time.

Recommittal

THE HON. H. W. OLNEY (South Metropolitan) [5.01 p.m.]: I move—

That the Bill be recommitted.

I appreciate that this is a rather unusual step to take, but I feel that circumstances justify the recommittal of the Bill for the purpose of facilitating two amendments which I believe should be incorporated into it in order to put beyond any doubt the assertions which the Government has made with respect to the effect of clause 5.

I do not propose to go over material which I have touched upon already during the second reading debate and the Committee stage. However, in order to explain the purpose of my motion for recommittal, I would like to remind the House of the structure of clause 5.

Clause 5(1) commences with the words "A person who" and it then has five paragraphs from (a) to (e). Paragraphs (a) to (c) include the word "knowingly"; so under paragraph (a) an offence is committed if a person knowingly permits something.

Paragraph (b) provides that an offence is committed if a person knowingly permits something else. Paragraph (c) provides that an offence is committed if a person is knowingly concerned in the management of certain premises.

Paragraphs (d) and (e) do not contain the qualifying word "knowingly" to indicate that a guilty mind is necessary in order to commit an offence. On the face of those paragraphs (d) and (e) they do not appear to require *mens rea*; that is, a guilty mind. So under the provisions of paragraph (d) a person who has utensils or pipes in his possession is guilty of an offence irrespective of whether or not he knows he had them or knows they could be used in connection with the purposes set out in the Bill. The provisions of the paragraphs would apply, irrespective of whether he knew there was a detectable trace of a prohibited drug or plant on those utensils.

The PRESIDENT: The question before the Chair at the moment is that the Bill be recommitted. The debate on this question must be confined to reasons that the House should decide whether to recommit the Bill. I agree there is a pretty fine line between talking about what is in a particular clause and talking about the justification for recommitting the Bill. However, the honourable member's motion is that the Bill be recommitted, and I suggest he should spend a little more time giving arguments to justify that proposition, rather than talking about the deficiencies of some clause.

The Hon. H. W. OLNEY: I accept your criticism, Sir. The purpose of the motion to recommit the Bill is to facilitate the moving of amendments to clause 5. Perhaps I have assumed mistakenly that some of the members are not as familiar as I am with the provisions of clause 5. I was trying to paint in a little of the background of the clause.

Perhaps I can indicate my reasons for wanting to have the Bill recommitted by indicating the form of the amendments I propose to move. If this Bill were recommitted, I would move an amendment to clause 5(1)(d) to delete the words "has in his possession" with a view to substituting the passage "without lawful excuse, proof of which is on him, has in his possession".

Similarly, if the Bill were recommitted, I would move to add in paragraph (d) after the words "prohibited plant" the passage "without lawful excuse, proof of which is on him". I suggest that

if those amendments were made, they would improve the Bill; the Bill would then say what I understood the Minister to tell us it says. With the greatest respect to the Minister, I disagree with him as to his understanding of the proper effect of the paragraphs.

I would like to refer to a few matters by way of background. During the debate on this Bill an analogy was drawn with the provisions in the Police Act relating to persons unlawfully upon premises kept as a gaming house. The Minister told us that when police officers raid a gaming house, they have a discretion, as it were, whether or not to charge an individual with an offence. I think the relevant section of the Police Act demonstrates the point which I wish to make; the point I believe justifies the recommittal of the Bill.

Section 86 of the Police Act makes it an offence to be the owner or keeper of a gaming house. At the end of that section, these words appear—

> . . . and every person found in such house, room, premises, or place, without lawful excuse, shall on conviction be liable to a penalty of not more than twenty dollars.

Those words, "without lawful excuse", are used in section 86 of the Police Act advisedly. As that section was referred to by the Minister as being analogous to clause 5 of the Bill, I feel there is good justification for using the same words in clause 5(1)(e), which deals with people found in certain places used for specified illegal purposes.

Another provision of the Police Act which has not been amended is section 65(5). This subclause creates an offence which is punishable by a certain fine or imprisonment in these terms—

> Every person having in his possession, without lawful excuse, the proof of which shall be on such person, any deleterious drug.

So we have a similar offence presently in the Police Act—and it is to remain in the Police Act—dealing with the possession of substances described as "deleterious drugs". I suppose that a substance classified as a "prohibited drug" under this Bill would come within that category, and a person found in possession of such a substance is guilty of an offence unless he has a lawful excuse, the proof of which excuse lies upon him.

To be consistent, this Bill ought to be recommitted and amended so that it is put beyond doubt that the possession of a drug, or being upon premises being used for one of these illegal purposes, will not make a person guilty of an offence if he has an appropriate excuse or explanation.

When I first approached the problem, I thought all that was needed was to insert the words "without lawful excuse" in the appropriate places. However, on mature consideration, I believe that is inadequate. As a matter of construction, it would then require the police, upon a prosecution, to establish the lack of lawful excuse. I do not think it is reasonable to require the police to have to establish the lack of lawful excuse in this type of offence. As I indicated, section 65(5) of the Police Act requires the lawful excuse to be provided by the person who says he has a lawful excuse, and I think that is fair enough. I would not want to put the onus of proving a negative upon the police.

When I approached the Minister about this matter, I indicated that I felt the words "proof of which is on him" ought to be added, so that if a person is in possession of a substance mentioned in clause 5(1)(d), or if he is found in premises mentioned in paragraph (e), the onus is on him to prove he has a lawful excuse.

The PRESIDENT: Again I suggest to the honourable member that he is advancing arguments in support of an amendment to a clause in the Bill rather than advancing arguments in support of the justification for recommitting the Bill. I repeat my earlier comment that I believe there is a very fine line between the two. I am sure that the member will agree with me that the line he is now taking is to justify some amendments to the Bill. That is not his purpose at this stage. If his present proposal is successful, he will have nothing left to say when he moves the amendments because he will have said it now. I suggest that he should say something about his reasons for seeking to recommit the Bill.

The Hon. H. W. OLNEY: Unfortunately, if my present proposal is unsuccessful, I will not have a chance to say what I want to say.

The PRESIDENT: You are not entitled to say it, if you are not successful.

The Hon. H. W. OLNEY: I will heed your comments, Sir.

Unless the Bill is recommitted, we will not have the opportunity to consider the proposals which I have outlined briefly. It is appropriate that the Bill be recommitted. The matter was debated in Committee, and an explanation was given in Committee. The Committee was prepared to accept that explanation. On further investigation of the explanation given by the Minister, I have found that there is at least some doubt. There ought to be some doubt in the minds of all members; but in the minds of some of us there is

no doubt that the Bill is not adequate to provide for the proper defence in the case of a person innocently in possession or on premises.

I urge members to support this motion for recommittal so that the whole argument can be debated, and a balanced and mature judgment can be made on the arguments.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.17 p.m.]: I thank the honourable member for his brief comments and some background on the reason for his proposal to recommit this Bill. I cannot accept his proposal, and I urge the members of this House to oppose the motion to recommit.

As far as I am concerned, the clause was debated adequately in the Committee stage. The honourable member has foreshadowed no new ground that would make any change to the discussion at an earlier stage.

I was interested to hear the member using the words, "lawful excuse" and although I will not debate the issue with him, I draw his attention to the wording of clause 5(1)(d)—

> 5. (1) A person who—
>
> (d) has in his possession—
>
> (i) any pipes or other utensils for use in connection with the smoking of a prohibited drug or prohibited plant;
>
> except when he is authorized. . . .

In other words, the person needs to be authorised to hold these pipes and utensils.

The Hon. Peter Dowding: That is not the point.

The Hon. G. E. MASTERS: I hope the Hon. Peter Dowding will allow me to continue. I am pleased that he is here. That was the point made by the Hon. Howard Olney.

The Hon. Peter Dowding: That is not the point.

The Hon. G. E. MASTERS: The point is that the honourable member was talking about lawful excuse. I am saying the authorisation is the lawful excuse under the law as it stands.

The Hon. Peter Dowding: Come on! It cannot mean that.

The Hon. G. E. MASTERS: I say simply that, in fact, if a person—

The Hon. R. Hetherington: You are talking nonsense.

The Hon. G. E. MASTERS: The Hon. Robert Hetherington should not get upset. It does not do him justice.

The Hon. R. Hetherington: I am saying, "Don't talk nonsense".

The Hon. G. E. MASTERS: A person who has a lawful excuse obviously has the authorisation under this Bill or the Poisons Act to hold the goods. That is what it is all about. Therefore, "lawful excuse" is already provided for in the Bill.

The words proposed to be inserted by the Hon. Howard Olney give us no reason to recommit the Bill, because the situation is already covered adequately. If a person is not authorised as far as this Bill is concerned, as far as the Police Act is concerned, or as far as the Poisons Act is concerned, he is covered adequately by section 24 of the Criminal Code.

The PRESIDENT: Order! The Minister is doing the same thing. I recommend that he refrain from talking about the proposed amendment. The question that we are discussing is whether the Bill should be recommitted. I would be delighted if the Minister would give us some reasons.

The Hon. G. E. MASTERS: I have given a number of reasons. I referred to clause 5 at frequent intervals; but members have had the opportunity to learn the gist of what I am saying. There is no purpose in recommitting the Bill to discuss the clause that the honourable member has mentioned. Members have been convinced that this Bill caters adequately for the situation that the Government intends to cover. For this reason, there is no purpose in recommitting the Bill.

THE HON. H. W. GAYFER (Central) [5.20 p.m.]: I intend to support the proposition before the House for the recommittal of the Bill. I do so because, for various reasons, it has become apparent over the last half-hour that the only way we can understand the question from both sides of the argument is to hear the discussion in full. Therefore I intend to support the motion for the recommittal of the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [5.21 p.m.]: I rise to support the motion for recommittal because the Minister has shown the need for the recommittal of the Bill. Briefly, he alluded to a specious argument which I cannot accept at all.

The Hon. G. E. Masters: It is not specious.

The Hon. R. HETHERINGTON: He argues that a narrow authorisation is, in some sense, a lawful excuse. If this is the kind of argument he is using to show that the Bill should not be recommitted, we should look at this more closely.

One of the matters concerning the people opposing this Bill and trying to amend this Bill—and certainly it is of concern to my honourable friend who moved the recommittal—is

that we are anxious to make sure that the rights of the subject are not too proscribed, and that the individual be given his maximum legal rights.

When the Hon. Howard Olney spoke to me before this House assembled and pointed out the clause that was of concern to him, it seemed quite clear on the face of it that the amendment he wants to move if the Bill is recommitted is a sensible amendment. Certainly he deployed a whole range of arguments which you, Sir, would not let him put forward now, to convince me that what he was trying to do was desirable. All I ask is that he be given a chance to do this again in the Committee stage. At that time, no doubt he could develop the kind of argument he put to me and which he foreshadowed when he was arguing for the recommittal.

Because of the specious arguments put forward by the Minister, the Bill should be recommitted and debated in Committee so that the member's arguments can be examined more closely.

The nub of my colleague's argument is that he accepted in the Committee stage an explanation which, since he has had time to do his own research and consult kindred bills, is not applicable to this Bill. Therefore he wants the Bill to be recommitted in order to discuss the action to be taken on it.

An amendment should be moved to make this Bill analogous to similar Acts. Any Minister who believed in free discussion and the kind of democracy about which the Minister for Fisheries and Wildlife talks—

The Hon. H. W. Gayfer: If you keep this line up—about democracy, and all that—you will even lose my vote.

The Hon. R. HETHERINGTON: We need to have free discussion about this matter. No doubt the Minister will find that he has the numbers—

The Hon. H. W. Gayfer: You are presupposing.

The Hon. G. E. Masters: I have had a very good look at the proposal, and it does nothing.

The Hon. R. HETHERINGTON: I had expected that the Minister would accept the recommittal. In fact, I am surprised he did not. It was the kind of request which I would have expected the Government to accept with no harm to it at all. I would be glad if the Minister, even now, would consider changing his mind so that the whole matter can be debated in greater detail.

I hope that on this occasion members on the other side of the House, as well as the Hon. H. W. Gayfer, will give further consideration to supporting the recommittal, because if they did so they would not harm their Government in any way.

Motion put and a division taken with the following result—

Ayes 11

Hon. N. E. Baxter	Hon. Tom McNeil
Hon. J. M. Brown	Hon. H. W. Olney
Hon. Peter Dowding	Hon. W. M. Piesse
Hon. Lyla Elliott	Hon. I. G. Pratt
Hon. H. W. Gayfer	Hon. F. E. McKenzie
Hon. R. Hetherington	*(Teller)*

Noes 14

Hon. V. J. Ferry	Hon. Neil Oliver
Hon. Tom Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. P. H. Lockyer	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. Neil McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer
	(Teller)

Pairs

Ayes	Noes
Hon. D. K. Dans	Hon. P. G. Pendal
Hon. J. M. Berinson	Hon. N. F. Moore
Hon. R. T. Leeson	Hon. G. C. MacKinnon

Motion thus negatived.

Debate (on third reading) Resumed

THE HON. H. W. OLNEY (South Metropolitan) [5.29 p.m.]: I am disappointed that the House decided not to recommit this Bill to consider what I think can be regarded only as a very moderate and modest suggestion relating to an amendment to clause 5.

I do not propose now to go over the arguments. It is most unfortunate the Minister should be forced into a position of simply not being prepared to listen to reason. If the best the Minister can say in response to the motion for recommittal is that the words "except when he is authorised by or under this Act" cover the position, it shows he simply does not understand the proposal I put forward. I was not talking about the case of an undercover agent or police officer who is in possession of prohibited drugs or on premises where prohibited drugs are being used. It is obvious he is authorised by the Bill and protected adequately. I was talking about the person who innocently, without any knowledge or understanding on his part, is on premises where something unlawful is being done, about which he does not know, because under this Bill as it will be passed that person will be guilty of an offence.

The Hon. G. E. Masters: That is not true.

The Hon. H. W. OLNEY: I do not care what the Minister says to the contrary; that will be the law.

I have not been here long enough to claim any great wisdom as a parliamentarian or legislator;

but I have been in the practice of the law for nearly a quarter of a century and I suggest to the Minister that, within two or three years, he will be back here considering the very amendment I have proposed.

I suggest the first time a matter such as this goes to the Full Court, it will say exactly what I am saying now about the provisions in the Bill. I say that advisedly and with some experience of reading Statutes. In the last two or three years I have been to the High Court four times on appeals, not related to this legislation but in relation to another Act, which have involved the construction of legislation.

In each case, the people who knew best said the argument I was putting forward was wrong. On two occasions the High Court said I was wrong and on two occasions it said I was right. On some occasions the High Court divided three to two.

There can never be any real certainty in the interpretation of Statutes; therefore, why does the Government want to adopt a course which removes the possibility of some additional degree of certainty being imposed? The only reason I can advance is that, in this case, the Government is taking its directions from the police—from the people who enforce the law and who want to be able to say, "You are on the premises. I, the policeman, will decide whether to charge you. I do not care whether you have a good excuse on this occasion. I know you have previous convictions, you have long hair, and you consort with a person who has been convicted of a drug offence. I think you are guilty of something and, therefore, I intend to charge you with being on these premises, even though in truth and in fact you were here innocently". That is what the situation has come to. The Minister was quite open about it when he spoke during the second reading and Committee debates. He said the police exercise some discretion and decide whether an excuse is good enough. If that is the case, the Minister is confessing to be true what I say is true.

It is quite undesirable in this Statute or in any other Statute there should be a provision which enables the decision as to guilt or innocence to be made by the policeman who is preferring the charge. The decision of guilt or innocence should be made by the court in the proper way.

For those reasons, we oppose the third reading of the Bill.

THE HON. I. G. PRATT (Lower West) [5.34 p.m.]: I do not wish to delay the House or oppose the third reading, because I believe 99.9 per cent of the contents of the Bill are essential. We have a serious problem with drugs and I support strongly anyone who wants to get on top of the problem. Were it my choice, I would probably make some of the penalties harsher than they are.

My concern is with clause 5(1)(e). I do not share Mr Olney's concern for clause 5(1)(d).

I should like to thank the Minister for the time he spent discussing this clause with me. It is clear it is the Minister's honest opinion there is no problem in this regard. However, I am unable to accept the Minister's assurance on the matter, and my position is that if, when a case relating to this particular clause comes to court, we find the Minister's feelings are not correct, it is my intention to do something about the provision, even if it means introducing to the House a private member's Bill.

THE HON. TOM KNIGHT (South) [5.35 p.m.]: I have listened intently to the remarks made by the Hon. Howard Olney, and I was concerned also about the clause to which he referred. I took the opportunity to examine the Criminal Code and I believe the information contained therein under the sections which relate to police discretion, indicates the problem referred to by the Hon. Howard Olney is covered adequately.

However, I support fully the remarks made by the Hon. Ian Pratt and if in fact it is found the Hon. Howard Olney's contentions are correct, I would have no doubt about supporting the Hon. Ian Pratt if the matter were brought back to the House.

Many members on this side of the House feel very strongly about this provision. It was referred to the Minister and we examined the Criminal Code. If the position turns out to be any different from that which I understand it to be, I shall support the Hon. Ian Pratt when he brings this matter before the Parliament to have the appropriate clause amended.

THE HON. R. HETHERINGTON (East Metropolitan) [5.36 p.m.]: On the face of it, it seems if this Bill becomes an Act it will be possible for a person who has not knowingly done anything or deliberately done anything against the law to be charged with a criminal offence. In fact there will be no discretion in the court to decide the person has or has not committed an offence because, if charged, he can have committed an offence under the legislation.

Such a situation is highly undesirable and the Opposition is less than happy that the Bill is being passed in this way. I want to place on record our concern, because it seems to me our colleague's argument is irrefutable, unless better argument

than we have had so far in this House is brought forward to counteract it.

Therefore, I regret the Minister is concerned to go his own way and it looks as if the Bill will become an Act. I hope we do not live to regret this, but I feel we may do so.

THE HON. W. M. PIESSE (Lower Central) [5.37 p.m.]: I am also very concerned about this clause and, like the Hon. Ian Pratt and the Hon. Tom Knight, I was one of the Government members who discussed this matter with the Minister in relation to the Criminal Code. Whilst on the one hand it would appear it is possible there is a safeguard, on the other hand as the Bill stands at the present time it is really not clear enough.

The most important aspect of the Bill is that not only must it give the power by which the drug problem can be controlled, but also it must keep on side those people who are innocent.

I see a grave danger in this clause that the people who are innocent and who would be right on side to assist in clearing up the drug problem in this State may be alienated, and that would be a very dangerous situation.

The Hon. R. Hetherington: Well said.

THE HON. PETER DOWDING (North) [5.38 p.m.]: I concur with the remarks made by the Hon. Win Piesse, but I should like to take a slightly different tack, which is this: The Hon. Howard Olney has looked carefully at a specific issue. He has a measure of expertise and ability in the task of analysing Statutes. He offered to this House his distilled wisdom and indicated he would like an opportunity to explain fully the matter to the House. The Minister was not prepared to allow this House to listen to what the Hon. Howard Olney had to say in his analysis of this material.

That speaks eloquently on two matters: Firstly, on the way in which business is conducted in this House with an inability on the part of Ministers to tolerate what might be described as "free" debates; and, secondly, it indicates to an extent the procedures are really a sham, because clearly we are not over-burdened with work, and the House could have found time to listen to the Hon. Howard Olney. However, due to your rulings, Sir—proper rulings with which I do not disagree—he was not permitted to explain the reasons that this important piece of legislation should be talked about for five or 10 minutes. The Minister stood up and made bland assertions which, to all intents and purposes, and with respect to the Minister, were incomprehensible. I did not understand what the Minister was trying to say and I am sure the experts in this House listening to the debate did not understand what he was saying. The Minister missed the point completely.

The Minister should have given the Hon. Howard Olney the opportunity to explain to the House freely, without the restrictions of Standing Orders, and in words of sufficient clarity and simplicity that the Minister could understand them, the problems in this regard. Hopefully, had the Minister then been prepared to take back the matter to his experts for comment on the points made by the Hon. Howard Olney, it would have reflected better on the procedures of this House. Unfortunately that has not happened.

Effectively the Minister was not willing to allow a free debate for a short time in order that the matter could be drawn to his attention, to the attention of the Minister he represents, and to the attention of his staff and experts. The Minister made some inconsequential blatherings and we have not had the opportunity to test this piece of legislation.

If members think—as it appears the Hon. Tom Knight does—that we can overcome the problem by passing bad legislation and salve our consciences by saying, "If it is really bad we can come back in a couple of years and debate it again" they are wrong. If we adopt such a course, this House will be brought into greater disrepute in the eyes of the public.

THE HON. R. J. L. WILLIAMS (Metropolitan) [5.42 p.m.]: I do not want to enter into a slanging match, but I want to pass comment on the situation.

Legislation was enacted in 1968 and in 1973 the then Chief Justice (Sir Lawrence Jackson) made a pronouncement about the section of the Act to which reference has been made. If any member of the House can give me an example of a situation in which the police have used that section illegally or have wrongly taken into custody one person because of that provision, I would be prepared to change my mind. I want one concrete example; I do not want muttered ravings.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.43 p.m.]: The Hon. John Williams struck the nail on the head. It was unfortunate the Hon. Peter Dowding was not here when this matter was debated previously, because a number of members expressed their concern and opinions in regard to this clause.

The reason I was not prepared to support the recommittal of the Bill was the clause had been debated thoroughly and the proposals put forward by the Hon. Howard Olney would not have

changed the position one iota. The member was good enough to let me have a copy of his proposals, and I believe the position is quite clear.

In order to clarify the position for the Hon. Peter Dowding and in an endeavour to ensure the situation is understood exactly, let me say this: The clause which has been of some concern to members has been in operation in the Police Act since 1968. During that time the provision has never been misused by the police.

The Hon. Peter Dowding: How do you know?

The Hon. G. E. MASTERS: The loud member opposite who has just interjected could not quote one case of this nature. Therefore, there is justification for saying the provision is working well and there is no cause for concern.

The Hon. Peter Dowding: You are pathetic.

The Hon. G. E. MASTERS: Who is pathetic?

The Hon. Peter Dowding: You are pathetic. What a silly argument.

The Hon. G. E. MASTERS: We all know the excuses put forward by the member who has just interjected and the loud exclamations he makes are just for show. Therefore, I will address myself to the more reasonable members of the House.

The points put forward by the Hon. Ian Pratt, the Hon. Win Piesse, and the Hon. Tom Knight were discussed at length during the Committee stage. When we are talking about people who are on premises, we refer, in particular, to clause 5(1)(e)—

The PRESIDENT: Order! Honourable members seem to completely misunderstand the stage of the debate. Whilst I have allowed certain leniency in regard to some of the comments, I want to draw the attention of members to the fact that currently we are talking about the question of whether the Bill should be read a third time. Clearly debate has to be confined to that question and it should not be used as an opportunity to justify any particular part of the Bill. That is wrong. I suggest that the Minister confine his remarks to justifying whether or not the Bill should be read a third time.

The Hon. R. Hetherington: He could have done it in the Committee stage if he wanted to.

The Hon. G. E. MASTERS: I could be overruled, of course. I was merely answering the accusations made by the opposite side of the House, and explaining the fears of some of our members. What I was endeavouring to do was to justify that the third reading of this Bill should be approved by this House. Certain areas of concern were expressed by members. For those reasons, they would like an explanation before supporting the third reading. I was endeavouring to make that clear to members. In particular, clause 5 which we were dealing with, is one clause that members say may need some revision at a later stage.

The Hon. R. Hetherington: We think it needs revision now.

The Hon. G. E. MASTERS: The events of the past and the use of this particular provision by the police have never given cause for concern and the provision has never been misused. I am quite certain that in the future it will not be misused.

The Hon. R. Hetherington: One can never speak for the future. That is ludicrous.

The Hon. G. E. MASTERS: Those people who are innocent and have become involved in one way or another are very well protected by the Criminal Code.

The Hon. Peter Dowding: How?

The Hon. G. E. MASTERS: By section 24. If the member wants to read the Criminal Code, he can do so. I will disregard his remarks because they are of no consequence. I am trying to answer members who have reasonable arguments. The public are generally well protected by that clause. I would urge members to support the third reading.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

LIQUOR AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.48 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware that a Government committee, consisting of the Chairman of the Licensing Court, the Director, Chief Secretary's Department, and the Superintendent of the Liquor and Gaming Branch of the Police Department, was appointed in June 1980 to conduct a review on amendments proposed to the Government by various sectors of the liquor trade, private organisations and individuals. The report of that committee was publicly released in late December 1980 and a copy provied also to each member of Parliament.

Particular note should be taken of the fact that the committee was not given the task of conducting a full-scale review of the Liquor Act, but was required to consider the various proposals which had been received by the Government during recent years.

While the review did not involve public hearings, nevertheless, organisations and individuals who requested the opportunity to do so were interviewed by the committee which met on 22 occasions.

Members have, no doubt, taken note of the committee's report and will be aware of the more important recommendations contained therein.

The only recommendation which the Government has decided not to accept is that which would allow the game of bingo to be played on licensed club premises.

In addition, the Government has taken the opportunity to include certain other amendments considered necessary since the report was received.

A further committee recommendation, which would have denied provisional members of licensed clubs the right to nominate guests, was withdrawn by the committee after publication of its report. The implementation of this recommendation would have caused undue hardship on many clubs, particularly golf clubs, where provisional membership is related to the ability of the particular course to cater for players at weekends.

The strength of certain spirits in Western Australia—whisky, brandy, and rum—is specified in the food and drug regulations of the Health Act. Information received since the receipt of the committee's report indicates that the National Health and Medical Research Council is endeavouring to standardise the strength of spirits throughout Australia. It is considered advisable to await the outcome of the findings of the National Health and Medical Research Council to ascertain the appropriate action to be taken.

It is recognised and appreciated that individual views on liquor legislation can be at variance and for this reason the Government presents the Bill to Parliament on non-party lines.

The main features of the Bill are now explained.

Trading hours by hotels, taverns, and clubs on Sundays are to remain unchanged. However, the existing restriction, which enables licensees to sell only two bottles of beer to a customer during Sunday trading hours will be abolished.

The Hon. H. W. Gayfer: You should be very happy about that.

The Hon. G. E. MASTERS: I am very happy. The effect of this amendment will enable licensees to indulge in normal trading in packaged liquor within the present hours specified for Sunday trading.

Trading hours for licensed clubs will be extended on Monday to Friday from 11.00 p.m. to midnight and on Saturday from 11.00 p.m. to 1.00 a.m. Sunday.

In future licensed clubs will be able to apply to the Licensing Court for temporary delicensing of parts of their premises. This amendment, sought by the Association of Licensed Clubs, will enable junior bodies affiliated with the parent club to conduct meetings and hold club functions, such as annual presentations, where liquor is not permitted.

Action has been taken to tighten the control of visitors to sporting clubs. At present, section 35 of the Act exempts clubs involved in competitive outdoor sport from the requirement for guests of members to be recorded in a visitors' book. Section 69 of the Act provides that persons visiting clubs involved in competitive sport either—

> as a member or an official of, or as a person assisting, a team that is to contest a prearranged event in that sport on that day; or
>
> as an invitee of a member of that club to engage in sport on that day,

are deemed to be honorary members of the club.

The amendments to sections 35 and 69 will mean that only members of teams, those officials associated with the team, and persons invited by members to engage in sport on the day concerned, will be exempt from signing a visitors' book. All other visitors will have to be signed in by a member.

In addition to their present function of serving liquor in association with a meal, limited hotels will be able to trade with the public, in a bar set aside for the purpose, but only within the present hours prescribed for limited hotels and only for liquor consumed on the premises. I advise members that I will move an amendment to this clause in the Bill during the Committee stage to correct the wording as it now stands.

The Bill provides for licensees of hotels to be given the right to close some bars of their premises according to their own discretion and the dictates of customer demand. This amendment was sought by the Australian Hotels Association

to help combat labour costs during quiet trading periods. The provision in the Bill will require a hotel licensee to have at least one bar remain open, at public bar prices, during normal trading hours.

The principal Act provides for voluntary association permits, which allow associations to conduct meetings in licensed club premises when the Licensing Court is satisfied that no suitable hotel exists in the area for meeting purposes.

Some taverns are now able to offer meeting and catering facilities similar to hotels. In response to a submission the committee accepted that before the issue of a voluntary association permit, the Licensing Court should satisfy itself that there is no suitable hotel or tavern in the area. This request is facilitated in the Bill.

The Bill will enable licensed clubs to hold more private functions for members by deleting the requirement that such functions be held in a dining room as defined by the Act. However, the requirement that such functions should be with or ancillary to a meal is retained.

An amendment, sought by the Retail Traders' Association of Western Australia, will allow licensed stores to remain open to 9.00 p.m. in lieu of 8.30 p.m. on normal late shopping nights.

Because the Air Force Association Western Australian Division (Inc.) is bound to conform to the requirements of the Federal constitution of the Air Force Association, it is unable to comply with the requirements of section 69 of the Act for the grant of a club licence. The Government has agreed to bring forward the recommendation of the committee that a special new section be enacted to enable the issue of a club licence to the association, which will place it on terms similar to those of the Returned Services League and the Anzac Club.

An amendment to the operating hours for licensed cabarets will enable them to open one hour earlier at 8.00 p.m. to facilitate more effective competition with entertainment now offered by hotels and taverns.

The Bill provides for two new types of licence; namely, reception lodge licences and ballroom licences. A reception lodge licence will enable the licensee to have complete control of all liquor, food, and entertainment provided on his premises. At present, the owner of a reception lodge has to operate under a caterer's permit or function permit for the supply of alcohol on his premises.

A ballroom licence will enable the licensee to be responsible for the provision of all food and refreshments on his premises. Ballroom proprietors will need to satisfy the Licensing Court that they are capable of conducting a ball in conjunction with the serving of light refreshments, and that the ballroom is of a sufficient standard, capable of seating 500 persons.

Vignerons, who satisfy the Licensing Court that their premises are suitable and there is sufficient tourist demand, will be entitled to sell bottled wine on Sundays for consumption on and off the premises, within specified hours approved by the Court.

The Government has considered whether, in light of a recent court decision, it is appropriate to leave as they stand the provisions of the Liquor Act which appear to allow a refusal of service on racial grounds in the premises of hotels and taverns. The effect of the court decision arising out of a situation which occurred in Mullewa is that an hotel keeper appears to be entitled to refuse service to any person, white or black, in any part of his hotel if he is prepared to provide service in another part of the hotel, regardless of the standard of dress or behaviour of the person seeking service.

For a long time the practice has existed of distinguishing between different areas in hotels where different standards of dress and behaviour apply. It is intended that this practice may continue, but that the refusal of service on grounds other than those specified in the proposed amendments to section 122 will not be accepted. In other words, refusal by publicans to serve customers in hotels or taverns purely on racial grounds will not be permitted.

An amendment to section 122 of the Act dealing with the rights of a licensee to refuse service, will mean that a licensee will have reasonable cause to refuse service to a person if, and only if, the person—

> is at the time of requesting the service, unclean as to his behavour or person, or is not dressed in conformity with any reasonable standard of dress required by the licensee;
>
> is, or is known to be, quarrelsome or disorderly, or is seeking to obtain liquor by begging;
>
> is a person whose presence, or the provision of service to whom, on the licensed premises will occasion the licensee to commit an offence against this Act; or
>
> is requesting service on a part of the licensed premises for the time being set aside in good faith by the licensee for the purpose of a private function.

A further proviso means that nothing in amended section 122 compels a licensee to sell and supply liquor outside his lawful trading hours.

It is considered that section 168 of the Act has become superfluous and should be repealed. This section empowers the Treasurer to make payments for purposes such as the conduct of educational programmes to discourage intemperance under the auspices of the Education Department and the provision of medical and other treatment for inebriates through the Public Health Department. Subsections (2) and (3) also enable the respective Minister to pay grants to persons or associations of persons who carry out such functions privately.

With the advent of the Alcohol and Drug Authority in 1974 most of the provisions of section 168 of the Act became superfluous, with the possible exception of subsection (2) which, apart from empowering the payment of grants, also enables the Minister for Education to apply funds for the purposes of instruction in Government and private schools on the effects of over-indulgence in alcohol. Although section 18 of the Alcohol and Drug Authority Act lists education on the abuse of alcohol as one of its functions, it does not specifically refer to schools.

Sitting suspended from 6.00 to 7.30 p.m.

The Hon. G. E. MASTERS: The situation in schools, however, appears well catered for with the effects of alcohol abuse a part of the health education curriculum. Substantive support in this area is provided also by the Health Education Council of Western Australia.

In 1980 at three conferences, all State and territorial liquor licensing authorities agreed to recommend to their Governments that the laws be amended to prevent the suspected evasion and loss of revenue.

Where a licensee purchases liquor in another State, there is no means whereby the Western Australian revenue authority can check as to whether the purchase is included in the licensee's return of liquor purchases. The licence fee payable is assessed on this return.

Whilst it is impossible to say how much revenue is involved, it is believed a substantial trade in wine is conducted between States without the intervention of any wholesalers. Whilst many licensees who are retailers no doubt return all their interstate purchases for revenue assessment, there is difficulty at present in verifying the accuracy of these returns. The proposed amendments will facilitate this verification.

The Bill also incorporates many minor technical and procedural amendments proposed to the Government committee by either the Licensing Court or the Police Department. Included in the committee's report was a general revision of penalty provisions throughout the Act and these are specified in the Bill.

Generally, the changes reflect inflationary trends since 1970, but each penalty was considered individually by the committee. For this reason, some penalties have attracted a greater percentage increase than others.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

MINISTERS OF THE CROWN (STATUTORY DESIGNATIONS) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

As to Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.35 p.m.]: This Bill, together with the Acts amendment (Statutory Designations) and Validation Bill, the Water Supply, Sewerage, and Drainage Amendment and Validation Bill, and the Interpretation Amendment Bill, which follow, are all interrelated.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.36 p.m.]: I move—

That the Bill be now read a second time.

The object of this Bill and the three accompanying Bills I have already mentioned is to facilitate the task of changing administrative arrangements of the Government.

It has been the general practice in our legislation to make mention of departments and offices of the Government and, to a lesser extent of Ministers, by reference to specific designation of the Minister, department, or office current at the time that the legislation is introduced.

This has led to discrepancies over many years when designations of Ministers, departments, and offices for one reason or another have been altered.

Consequential legislative amendments to give effect to these changes were not made to the legislation in which references to those Ministers, departments or offices occurred. This has led to

some anomalies and raised some doubts in relation to these positions.

In order to avoid some of the confusion arising from these doubts, Parliament in 1974 passed the Ministers of the Crown (Statutory Designations) and Acts Amendment Act. This conferred power on the Governor to amend the designations of Ministers by Order-in-Council.

The object of this Bill is to extend that power to amend references to departments and offices. Legislation similar to this exists in the United Kingdom, the Commonwealth, and other States.

In the Commonwealth a more indirect and less satisfactory approach is taken with heavy reliance on statutory interpretation. In the States, other than Victoria, legislation similar to that now being introduced is in force. In Victoria there is a standing direction to Parliamentary Counsel not to mention Ministers, departments, and offices by specific designation, though in some cases references do occur.

Under this Bill, whenever the Governor creates or abolishes a Ministry or a department, he will be able to make an Order-in-Council to alter references in any Act, order, or document to the previous Ministry, department or office, to be read in the manner directed in the Order-in-Council. It is proposed to use this technique to keep specific references up-to-date with the references that will apply after any change is effected.

In order to clear up, as far as possible, the existing references and any doubts arising therefrom, a separate Bill, the Acts Amendment (Statutory Designations) and Validation Bill, will follow. This will amend existing references and resolve doubts that may arise from the exercise of certain functions by departments or officers other than those designated in the Acts in the schedule to the Bill.

In order to overcome the special problems in the Water Supply Act 1912-1950, a separate Bill, the Water Supply, Sewerage, and Drainage Amendment and Validation Bill, has been prepared. This will continue the intention of the original legislation, but will clarify the designations of the Minister and the department.

In addition, the opportunity is being taken to complete the corporate powers of the Minister by conferring on him the power to borrow.

Over the longer term it is proposed, where necessary, to introduce the term "permanent head" into legislation. This will avoid the practice of specifying the more exact description of the permanent head in legislation, thus obviating the necessity for frequent need to amend the description by Order-in-Council. There will still be a need to invoke the power where other offices are mentioned.

The passing of these Bills will enable Governments to respond to the problems of the time with greater flexibility than is now possible and with significant advantages in speed and efficiency.

I commend the Bill to the House.

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

BILLS

Cognate Debate

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.41 p.m.]: I seek leave of the House for the four Bills referred to, to be discussed concurrently at the second reading stage in accordance with Standing Order No. 246.

Leave granted.

ACTS AMENDMENT (STATUTORY DESIGNATIONS) AND VALIDATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.42 p.m.]: I move—

That the Bill be now read a second time.

As indicated in the preceding Bill, this is complementary legislation to amend existing references and resolve doubts that may arise from the exercise of certain functions by departments or officers other than those designated in the Acts in the schedule to this Bill.

I commend the Bill to the House.

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

WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT AND VALIDATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.43 p.m.]: I move—

That the Bill be now read a second time.

The intent of this Bill has been covered already in my earlier speech.

Apart from clarifying the designations of the Minister and the department in the principal Act, the Bill makes provision to confer on the Minister the power to borrow moneys.

I commend the Bill to the House.

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

INTERPRETATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.45 p.m.]: I move—

That the Bill be now read a second time.

This amendment to the principal Act introduces the definition of "permanent head" to avoid the practice of specifying the more exact description of such offices in legislation.

I commend the Bill to the House.

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

ARCHITECTS AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [7.46 p.m.]: I move—

That the Bill be now read a second time.

The three principal amendments contained in this Bill are the result of proposals put forward to the Government by the Architects' Board, which is responsible for the regulation of architectural practice in this State.

The first proposal is to make provision in the principal Act to allow the formation of a corporate body by a sole practitioner. At present this is not possible under the Act, because the Companies Act requires a minimum of two directors in order to be eligible for registration. The existing provisions of the Architects Act require a corporate body to have a minimum of two architect directors who must hold a three-fifths majority of the voting power of the company.

The amendment will permit a sole practitioner to form a corporate body with the appointment of one other director acceptable to the board but who is not necessarily a registered architect. This then overcomes the restrictions which would have applied previously by virtue of the provisions of the Companies Act.

However, in order to ensure that the control of the company's activities remains with the registered architect director, the Bill provides for such director to hold all the issued shares carrying a right to vote at a general meeting and to have a casting vote in other instances. Further, the Bill provides that no directors' meeting can take place without the presence of the registered architect.

The Bill provides also for control by the Architects' Board over the formation of beneficial trusts and the distribution of income. The board is responsible for ensuring that the standards of practice of registered architectural corporations are monitored and, therefore, should have statutory authority to control the formation of trusts and be in a position to approve of the suitability of the beneficiaries of such trusts. The control will help overcome any possibilities for the exercise of undue influence on the practice by persons in receipt of trust income.

It has been necessary to make a consequential amendment to section 22A(1) to permit the distribution of professional income from a practising corporation to persons who are acceptable to the board. In order that the board may be better informed on corporate practices, the Bill provides for the lodgment of and acceptance by the board of articles of association. This is in addition to the existing requirement for lodging of the memorandum of incorporation. Articles of association supply more detail on the rules and regulations used in conducting the day-to-day affairs of a company and are, therefore, appropriate in assisting the board to control the activities of architectural companies in accordance with the Act and to carry out its obligations of ensuring a high standard of architectural practice.

The Bill also deletes the references to "practising architects" in certain sections of the Act and substitutes "registered architects". This amendment was considered desirable in order to avoid any confusion between practising corporations and natural persons.

The amendments set out in the Bill will in no way diminish or affect the personal professional responsibilities of registered architects.

I commend the Bill to the House.

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

ABATTOIRS AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [7.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Abattoirs Act 1909-1975 to provide for a retirement age of 70 years for members of the Western Australian Meat Commission in accordance with general Government policy.

At present, the Act stipulates that a member of the commission shall retire on attaining the age of 65 years. In view of this requirement, difficulty is experienced in appointing members who may be able to make a valuable contribution to the commission or in retaining experienced members. In particular, a recently appointed member will reach the age of 65 in March 1982.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

PERTH THEATRE TRUST AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [7.52 p.m.]: I move—

That the Bill be now read a second time.

The Perth Theatre Trust Act defines "manager" as a person appointed to be manager of the trust. However, it has been found that this title as used by the chief executive officer is confusing as it is used also by persons controlling the other venues under the trust's control. To obviate this problem an amendment to the appropriate sections of the Act is proposed by describing the position as that of "general manager". A further amendment clarifying the appointment date of the general manager as the result of this change is required also.

During discussions prior to the establishment of the trust it was agreed that any employees of the Perth City Council would not be disadvantaged in any way in their change of employment from the council to the State Government. To facilitate this, an amendment to the Act is required to give recognition to trust employees for the years of membership with the Perth City Council superannuation scheme and recognition of medical certification for the council scheme as a satisfactory entry to the Government scheme.

A requirement of the current Act is that every person employed by the trust must be screened by the Public Service Board and approved by the Minister. While this is necessary for senior appointments, it is not required for the appointment of temporary and casual staff, who are often required at short notice and are subject to a continual change-over. An amendment is proposed to allow such appointments at the discretion of the trust.

I commend the Bill to the House.

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

ACTS AMENDMENT (MISUSE OF DRUGS) BILL

Third Reading

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

PLANT DISEASES AMENDMENT AND REPEAL BILL

Second Reading

Debate resumed from 23 September.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [7.55 p.m.]: I thank members for their support of this legislation. Rather than moving to go straight into the Committee stage last week, I adjourned the debate to ascertain certain points to answer various queries which were raised.

The Hon. J. M. Brown raised various points, in particular, fees provided for in the Act which have never been repealed but were modified in 1971. He indicated that non-commercial orchards were required to be registered only once but commercial orchards continue to be subject to an annual fee. Both fees are still being collected under the legislation, but of recent times this has not necessarily been enforced.

There is no intention of not continuing to enforce the legislation and to come to grips with the fruit-fly problem. The fact that an increase in penalties is provided in this Bill indicates the acceptance on the part of the Government that there is a problem. It is appreciated that the problem is endemic and that the best controls will have to be those practised by the individual orchardist and householder.

A technique for control has been worked out, but it is really impossible to inspect all individual fruit trees in the State. There are something like 250 000 metropolitan households besides the commercial orchards in the rural areas. It would be quite impossible to carry out a manual inspection of all these establishments. Nevertheless, techniques have been developed and materials supplied which are quite capable of keeping fruit fly under control.

Mr Brown thought less money was being spent on the control of fruit fly. In fact, expenditure is increasing. An amount of $130 000 was spent on fruit-fly control inspections, baiting schemes, and commodity treatment in 1980-81. In addition, the biological control programme cost another $148 000, and the community fruit-fly baiting schemes involved a further $50 000. So collectively that is quite a considerable amount of money.

Mr Brown drew attention to the latest *Journal of Agriculture* which commented on biological control; but this is only one part of the total control system, and we will still be relying on physical controls as well. He also raised the matter of a quarantine incident involving a passenger travelling with Air India. That matter came under the Commonwealth Quarantine Act rather than the Plant Diseases Act. Nevertheless, we do have much the same sort of problem at our checkpoints at Norseman and elsewhere.

The Hon. J. M. Brown: We have never had the same severity of fines.

The Hon. D. J. WORDSWORTH: No; the maximum fine under the Federal Act is $10 000 and ours is $2 000.

The Hon. J. M. Brown: If it is presented to a local court the maximum is $2 000.

The Hon. D. J. WORDSWORTH: So it has to be taken to a higher court for a fine of $10 000 to be imposed. Magistrates are aware of the seriousness of these offences. I know farmers at times despair a little because they feel the general public do not appreciate the great significance of keeping plant diseases and pests out of the country. People must realise how lucky they are to live in a country free of plant diseases and pests in comparison to problems confronting older countries such as those in Europe.

The Hon. Peter Dowding: What do you mean by that? This is a fairly old country.

The Hon. D. J. WORDSWORTH: I am referring to the aspect of civilisation.

The Hon. Peter Dowding: For 40 000 years this country has been civilised.

The Hon. D. J. WORDSWORTH: Our comparative freedom from these diseases and pests is enhanced considerably by our isolation.

Federal Government campaigns have been instituted to try to make the general public more aware of the situation. The Harry Butler "Declare it for Australia" campaign has made more people aware of the situation. The campaign is costing several millions of dollars to implement, but we hope it will have the intended result.

The campaign at Carnarvon against fruit fly is a community baiting scheme which has the support of backyard and commercial gardeners. As well, the local shire and the Department of Agriculture support the programme. Members would be aware that Carnarvon is being used as a trial area for a programme of biological control of fruit fly. Sterile males are being released, and that programme is fully funded by the State Department of Agriculture. Members would appreciate also that local authorities never have been given the responsibility to control fruit fly. They have been invited to participate, but generally speaking the programmes and schemes are run by voluntary groups working under the authority of the Act. They have the tacit approval of local shires, and in some cases shire sponsorships.

Mr Brown raised the matter of the increased powers of inspectors under the Act, but these increased powers do not relate to the control of fruit fly infesting established fruit trees. The increased powers apply only in relation to sections 21 and 23 of the Act, which concern check points. The fines that can be imposed will be increased because of the very much higher value of a load of fruit. When one sees a semi-trailer load of vegetables worth $10 000 it is obvious that the fines for infringements against the Act should be updated to that which they were previously.

Mr Brown referred to only $50 000 being spent on the control of plant diseases. The figures I gave a few moments ago total $300 000. This amount includes interstate quarantine and quantity inspections.

The Hon. J. M. Brown: I was referring to eradication.

The Hon. D. J. WORDSWORTH: Entomology and pathology services and research have been carried out.

The Hon. H. W. Olney: Where do we stand with the codling moth?

The Hon. D. J. WORDSWORTH: A considerable amount of money has been spent in Western Australia on the control of the codling moth. The amount spent totals approximately $120 000 and this is based on 1956 figures.

Another matter raised by Mr Brown related to the control of skeleton weed; however, that control is not covered by the legislation in question. It is controlled by the Agriculture Protection Board. A special levy is imposed on farmers; I think it is $30 per person who produces more than a given tonnage of grain delivered to CBH.

The Hon. J. M. Brown: That is correct.

The Hon. D. J. WORDSWORTH: Last year that levy raised $290 000.

The Hon. J. M. Brown: I suggested that is the industry helping itself.

The Hon. D. J. WORDSWORTH: The system is very good.

The Hon. H. W. Gayfer: The Act imposes taxes of all sorts, and that is something we must watch.

The Hon. D. J. WORDSWORTH: Grain growers were concerned about that aspect at the time of the introduction of this levy. They thought it could be abused, but I believe it has been fairly well accepted.

The Hon. H. W. Gayfer: I have always been concerned about this.

The Hon. D. J. WORDSWORTH: Obviously this matter is being well watched by certain rural members.

The Hon. H. W. Gayfer: I hope the Government responds appropriately.

The Hon. D. J. WORDSWORTH: The last matter to which Mr Brown referred related to the need to tidy up the legislation. Again Mr Ferry emphasised this point. Undoubtedly the legislation should be consolidated. The Act was brought into being in 1914, and many amendments have been made to it since then. Some of the terminology could be revised. If I remember correctly, the original legislation referred to pests as plant diseases. Whilst that terminology might have been accepted in 1914, modern farmers distinguish between problems with diseases and problems with insects.

A matter raised by Mr Ferry related to the need for vigilance on the part of those responsible for keeping the register of properties and observing changes in ownership of land and orchards. He recommended that advertisements be used, and those advertisements appear in local newspapers. Such a system has possibilities, although I understand baiting committees are fairly quick to be aware of changes in property ownership. They follow these changes automatically. He mentioned also that commercial orchardists should have a voting power in polls different from that of home orchardists. However, I believe he came eventually to the conclusion held by the Minister and others responsible for the operation of this legislation; that it is rather impractical to have two types of votes. It must be understood that no action can be taken unless it has the agreement of 60 per cent of the people voting.

Mr Ferry raised the matter of the transitional provisions of the Bill. He said they are confusing, and, indeed, they are. When the Act is reprinted, and its provisions consolidated, the duplication of the numbering of the sections will drop out, and the member's objection will cease to have relevance. He was concerned that because of this Bill the provision in the Act for a minimum period of two years and nine months before each poll may be conducted would be excluded. That is not so; the provision will continue. The minimum period will not be affected by any amendment.

As members probably would be aware, after 60 per cent of growers voting agree to a certain scheme, that scheme becomes compulsory on all growers, whether they be owners or occupiers of land on which fruit trees are grown. They are bound by the provisions of any scheme; however, a fruit-fly baiting committee established for the administration of the scheme can exclude certain areas from being covered by the requirements of an accepted scheme provided the grower has cleaned his trees of infected fruit.

The final matter which Mr Ferry raised related to the minimum penalty of one-twentieth of any maximum penalty. This provision is to overcome the problem of magistrates not imposing sufficient fines; it will ensure that at least a penalty is imposed, and that principle is important. People who are brought to court should not necessarily escape penalties because a magistrate considers the infringement to be minor. I believe much work is involved in getting an offender to court. It is not a bad idea at all to maintain the minimum penalty even through we will increase the size of maximum penalties.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. Tom Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 29 amended—

The Hon. J. M. BROWN: I take this opportunity to speak on the matter raised by the Hon. Vic Ferry. He referred to the minimum penalty for an offence against the Act. That provision is contained in section 35 of the Act. A magistrate does not have the power to impose a penalty less than one-twentieth of the stated maximum—in other words, 5 per cent of the maximum fine.

Section 29 of the Act refers to offences. This clause adds a proposed new subsection (2). My reading of the Act is that anyone hindering an officer is liable to a penalty or arrest. The minimum penalty points out to magistrates the importance of the Act. I must admit I agree with the Hon. Vic Ferry that the provision for the minimum ought to be viewed in the light of present-day penalties. Sections 27 to 35 of the Act indicate what should happen in cases of persons obstructing officers, and cases of officers trespassing. The powers of inspectors are referred to also.

When we refer to clause 35, we note that one-twentieth is the minimum fine. The remarks made by Mr Ferry are very pertinent to the question of the responsibility of our courts, and the judiciary. I am not suggesting that the Minister should amend this but I do believe as the Act has been as it is for 67 years it should be looked at in the light of our previous recommendation that it be rewritten.

I am expressing the observations of the Opposition and its concern about the penalties because magistrates may find themselves in a position where they must impose a penalty of 5 per cent of the total fine. When I mentioned this to one of my colleagues, he advised me that the fines for the case I had mentioned during the second reading stage were between 10 and 15 per cent of the Commonwealth level and that the $1 000 fine imposed indicated that the magistrate was lenient on that occasion.

However there may be a case which involves a minor transgression and the magistrate must impose a minimum fine of $100.

Whilst I do not wish to take away the importance of this legislation, which I cannot overemphasise, I believe there should be some latitude within the courts. Parliament should not dictate to the courts what must be done. I believe the legislation already indicates to the courts the seriousness of the matter.

I make my remarks in the full recognition of what we expect from our judiciary. If we have a minimum fine of 5 per cent it may well be a forerunner for future fines, bearing in mind that some magistrates in country areas may not have the experience of those in the metropolitan area.

The Minister has indicated that not many people have been brought before the courts in this matter; in fact, less than 100 people. I doubt very much whether many more will be brought before the courts.

We ought to review this legislation in the light of present-day requirements as well as the flexibility within our courts. Irrespective of how trivial an offence may be, with this legislation a magistrate must charge a minimum fine. I ask the Minister to give consideration to this matter as well as reviewing the Act with a view to having it rewritten.

The Hon. V. J. FERRY: I should like to add a few words with respect to the matter of minimum penalties. I raised this matter during the second reading stage and I thank the Minister for his remarks in reply. However I, too, feel that this minimum penalty provision should be reviewed.

It is said there is a need to emphasise the importance of protecting the industry by ensuring a reasonable minimum penalty is applied for offences under the Act. The same argument can be used in respect of any legislation in which penalty provisions are embodied. All legislation is important and all actions under legislation which attract penalties are important. So, that argument applies to all legislation. I do not know that the Plant Diseases Act is more important than any other Statutes on the books.

The real crux of the matter has been canvassed already and I wish to reinforce the belief within the community that minimum penalties should be left to the discretion of the courts. It has been said that actions under this particular Act are costly. I would suggest that any action under any Statute is costly. I have no wish to offend the food industry in this regard because I have a great respect for it and wish to respect it at all times.

As Mr Brown has pointed out, there may be occasions when a person so charged under the Act could be offending by way of a very minor breach of the Act yet the magistrate would have no option but to apply the minimum penalty under this section of the Act. I think there should be some discretion for the magistrate, and if an

offence is of a great magnitude, there are provisions to impose a very substantial fine.

I ask the Government to view this matter in the light of the current trend of dealing with penalties under our Statutes.

The Hon. D. J. WORDSWORTH: I shall draw the Minister's attention to this debate and to the views expressed with regard to the minimum fine. It is rather an old-fashioned provision because one has to remember also that we have criticised magistrates who, at times, have not appreciated the seriousness of the offence, and have let people off. Here, with this new provision, we are saying it is old-fashioned and should not be there.

I will draw the Minister's attention to the review of the whole legislation and that it ought to be updated to a form which is the accepted practice of today.

Clause put and passed.

Clauses 11 to 14 put and passed.

Schedule—

The Hon. J. M. BROWN: The main thrust of this legislation was the amendment of penalties to bring them into line with modern-day thinking and to point out the importance of the control of diseases.

I should like to say to the Minister that his response to the debate has been of great satisfaction to members of the Opposition. We do not usually receive such attention with legislation brought before this Chamber. The Minister's comments in reply to Mr Ferry and myself have been most satisfactory, and I believe indicate that we are all concerned about the future of the fruit-growing industry and, in particular, are cognisant of its value and worth to this State.

Section 4 of the principal Act will now be amended and section 34 also will be amended so that any person who commits an offence under this legislation will be liable to conviction and a penalty not exceeding $2 000. That is the final amendment to this legislation. I hope that the satisfactory co-operation we have received during the debate of this Bill will be evident when we deal with future Bills.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

LOCAL GOVERNMENT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.27 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to the Local Government Act in 13 separate areas. The amendments, in the main, reflect changes sought by local government to enable it to meet the challenges of the future in such areas as regional waste disposal, fostering sport and recreation through organised sporting associations, and councils' administration of the Act.

Possibly the most significant area of change contained in the Bill is that providing for the establishment and operation of regional councils. At present, section 329 of the Act enables the establishment of a separate legal entity, called a regional council, comprising representatives of any number of councils which wish to participate, for the purposes of performing a function for and on behalf of those municipalities.

A recent proposal by a group of metropolitan councils to establish a regional council for the purposes of waste disposal, identified deficiencies in the existing provisions of the Act.

For some time now, metropolitan councils and, in particular, the inner city municipalities, have been facing difficulties in long-term refuse disposal planning. One of the major problems is the lack of convenient and suitable sites for waste disposal. A possible solution which these councils propose is a co-operative approach to the acquisition and operation of waste disposal sites.

The amendments proposed in this Bill will enable councils to take that course of action. They clearly set out the circumstances and manner in which regional councils may be established.

These amendments will remove the problems identified with the provisions of the existing section 329, but retain the principle that regional councils may be formed only on a voluntary basis to carry out particular functions agreed by the constituent councils. Another significant amendment in the Bill will permit councils to

assist financially with the provision of sporting and recreation facilities by sporting organisations.

Councils at present have quite wide powers to establish, develop, and maintain sporting and recreation facilities but, generally, this power is limited to facilities that are open for public use.

There are many recreational and sporting organisations that have established facilities which, because their use is restricted to members, are not, in the strict sense public facilities. Councils are therefore precluded at present from assisting those organisations.

The Bill provides authority for councils to provide, establish, and maintain land and premises in their districts which are primarily used, or intended to be used, for sporting or recreational activities by an association of persons who conduct those activities as a body and not for their own profit.

The amendment will permit councils either to provide the facilities on land under the council's control, or to give financial assistance to a sporting organisation, providing such facilities are on land under its control.

Amendments contained in this Bill which relate to councils' administration of the Local Government Act, include an increase to $500 in the maximum penalty which may be prescribed for a breach of council by-laws; authority for a council to take action to obtain an injunction to ensure the observance of any provision of the Local Government Act or other Acts; and delegated legislation made under those Acts which the council has a duty or obligation to enforce.

Other amendments include—

Authority for councils to place obstructions in a private street to prevent the passage of vehicular traffic through that private street;

an extension of the powers of councils to appoint management committees to manage and operate municipal properties;

authority for councils to construct and maintain bicycle paths;

power for councils to prescribe in their by-laws landing fees at aerodromes under their control;

authority for councils to construct or assist financially with the construction of pedestrian bridges and underpasses in public streets;

provision for councils to raise loans for the construction of caravan parks;

the removal of the necessity, under the Local Government Act, for councils to obtain the Governor's approval for any compulsory acquisition of land prior to the resumption being dealt with under the Public Works Act; and

inclusion in the seventeenth schedule, which is the form of the notice of valuation and rate, of a requirement that the notice contain an explanation as to a ratepayer's right of objection and appeal in respect of the valuation and rate.

As mentioned earlier, the majority of the amendments proposed in this Bill have the general support of local government. In fact, a number of them have been requested by the associations of local government.

I commend the Bill to the House.

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

TRANSPORT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 16 September.

THE HON. F. E. McKENZIE (East Metropolitan) [8.32 p.m.]: This Bill is to amend certain sections of the Transport Act, and we do not intend to oppose it. The first amendment is to insert proposed section 19A, and its purpose is to give the commissioner power to delegate authority to other officers of the department. The legality of one of the practices of the commission has been questioned, and this amendment is to overcome any possible difficulty in this regard.

Section 16 of the Act makes it quite clear that the commissioner, under the direction of the Minister, is the only person with authority to issue licences. However, permits can be issued by an officer under the delegated power of the commissioner, so I can see the reason for the insertion of section 19A to give the commissioner power to delegate authority.

The proposed amendments to sections 25 and 31 provide for the delegation of authority to be extended to omnibuses. Proposed new sections 43A and 43B and the amendment to section 44 provide for delegation of the authority to issue temporary licences for aircraft.

It has been questioned also whether it was legal, under the existing Statute, to collect a licence fee on the fuel used by vehicles owned by oil companies. It has not been suggested that the oil companies have not been paying the licence fee; it is a question of whether the Act provided for the money to be collected legally. One must

assume that the fee has been collected, although it was not clear in the Act that the oil companies were required to pay it. If any oil companies have not met their expected commitment under the Act, then the provision of retrospectivity can be applied as from 1 July 1979. We have no argument with that provision.

I would like to refer to a matter which was raised in another place. The Transport Act has been amended on many occasions over the last few years. I have the amended Act in my hand, and members can see that obviously it would be very difficult for anyone to follow its provisions. Many sections have been completely rewritten. I hope that the Minister in this place will inform the Minister for Transport that the Act should be redrafted. I notice that it is to be amended yet again during this session. Surely the opportunity should be taken to consolidate and redraft it. We support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.37 p.m.]: I thank the Opposition for its support of the legislation. As has been pointed out, the intention of the Act has always been quite plain, and it has not been suggested that people have been breaking the law. However, as Statutes are under very close examination at present, and it is necessary to cross every "t" and dot every "i", it was felt that perhaps the Act would not meet a strict test, and so the decision was made to amend it.

When the Hon. Fred McKenzie held up his copy of the Transport Act, we could see many amendments flapping from it. Certainly it will be reprinted in the near future, and that will help. However, at the present time considerable changes are taking place in the transport field, and so more amendments will be necessary. I hope the reprinting will help those who need to refer to the Act.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

House adjourned at 8.40 p.m.

QUESTIONS ON NOTICE

SHOPPING CENTRES

Floor Space per Head of Population

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

Further to my question 522 of Wednesday, 16 September 1981, would the Minister advise—

(1) What preliminary figures are available on the retail floor space per head of population for the towns of—

(a) Geraldton;
(b) Bunbury; and
(c) Perth?

(2) From what source were the figures made available to the Minister?

(3) What criteria was used in establishing all these figures?

The Hon. I. G. MEDCALF replied:

(1) (a) to (c) A preliminary figure of 1.79 square metres per person can be calculated for the Town of Geraldton. This does not, however, reflect the retail catchment population and therefore cannot be compared with the latest available figure for Perth of 1.41 square metres per person. No similar figures are available for Bunbury.

(2) Figures indicating the retail floor space in Geraldton were supplied by the Town Planning Department.

(3) Actual or estimated floorspace divided by population.

STOCK: SHEEPSKINS

Treatment

539. The Hon. N. F. MOORE, to the Minister representing the Minister for Agriculture:

In view of the criticism of the product "Clout" by the sheepskin industry—

(1) Is the Minister aware that the label statement on drums of "Clout" carries the recommendation that "Clout" be not used on sheep which are to be slaughtered before the next shearing?

(2) Would the Minister comment on a statement by A. D. Parsons in a paper entitled "The Place of 'Clout' in the Australian Sheep and Wool Industries" that "If all of WA's sheep now conventionally dipped were treated with 'Clout' the industry would overnight be better off by $4 million"?

(3) Would the Minister comment on claims made by the manufacturer of "Clout" that, if all sheep in Australia were treated with "Clout", only 500 000 to 600 000 (or 0.004-0.005 per cent) skins would be adversely affected?

(4) Does the Minister agree that the majority of skins adversely affected by "Clout" are still suitable for the fellmongering trade?

(5) Does the Minister agree with claims that between 15 per cent to 30 per cent of skins are damaged in the slaughtering process which makes them more suited to the fellmongering trade?

(6) If not, could the Minister give an estimate of the skins damaged in the slaughtering process?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) The savings quoted by the author are based on calculations of expected deaths in sheep associated with dipping sheep by conventional dipping techniques.

(3) The basis of this calculation is not known. The department believes the figure could be higher.

(4) This is not known. No complaints have been received from industry on this aspect.

(5) Yes.

(6) Not applicable.

EDUCATION: DEPARTMENT

New Building

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

(1) When are the new offices of the Education Department expected to be available for occupation?

(2) What space will be occupied by the department in the new building?

(3) What space will be vacated by the department on its relocation, and what is the location of such space?

(4) Where space to be vacated is in Government owned buildings, to what alternative use will these buildings be put?

The Hon. D. J. WORDSWORTH replied:

(1) March-April 1982.

(2) The entire building, with the exception of a Treasury ADP section which will occupy part of one wing and the provision of office and meeting space for the Western Australian Council of State School Organisations.

(3) Claver House, 823 Wellington Street;
Bridgewater House, 863 Wellington Street;
Commerce House (part of), 644A Murray Street;
Vapech House, 632 Murray Street;
47-49 Havelock Street;
45 Havelock Street;
35-37 Havelock Street;
17 Ord Street;
34 Parliament Place;
36 Parliament Place;
44 Parliament Place;
1 Harvest Terrace;
Hale School Site;
322 Hay Street;
Bown House—(part of);
11 Ventnor Avenue;
30 Ord Street;
10 Victoria Avenue—(WACSSO)

(4) The Government owned accommodation is the main Education Department buildings on the location bounded by Harvest Terrace, Parliament Place and Havelock Street; 34 Parliament Place; 1 Harvest Terrace. The Government accommodation committee has considered the reallocation of the accommodation. The Education Department head office buildings in Parliament Place are to be utilised as a distance education centre, which is a teaching function. Consideration is being given to the disposal of 34 Parliament Place. The property at 1 Harvest Terrace is to be used for purposes associated with Parliament House.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Boards, Commissions, and Trusts: Membership

541. The Hon. R. T. LEESON, to the Leader of the House:

Will the Minister please submit to the House for the purpose of laying on the Table for the information of members, an up-to-date list of personnel of all commissions, boards and trusts, operating under State Statutes, together with the remuneration payable to each person serving on such instrumentalities, along similar lines to that supplied in response to a request by the Hon. F. J. S. Wise in 1970?

The Hon. I. G. MEDCALF replied:

The information sought by the member is being collated, and will be tabled in due course.