Legislative Council

Tuesday, 17 November

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

PARLIAMENT HOUSE

Fire Alarm

THE PRESIDENT (Hon Clive Griffiths): When the House adjourned last Thursday, I indicated that I had asked for a report in regard to the fire alarms sounding last Tuesday. I have received the report, which reads as follows --

> With reference to the fire alarm which occurred on Tuesday, November 10, I wish to report that a faulty smoke detector was discovered in the liquor cool room situated on the ground floor, next to the machinery room, caused by condensation and corrosion. It has now been replaced.
>
> For your information and clarification on some points made in the House on Thursday, November 12, it was stated that "there is a note sitting on the switch panel which says, in effect, that the switch will stay in a manual position while the House is sitting", well, that is quite incorrect. I can assure you that the alarm switch is always kept in an automatic position.
>
> I will send a memo to all members and staff advising of the following procedures.
>
> > Once the alarm is activated, that should be a warning of a possible fire or other emergency and be on standby for further action. Should an evacuation be needed, then a further recording will be heard over the P.A. as follows "four long beeps followed by emergency alarm please evacuate the building" -- this message will be repeated as long as it is necessary.
>
> A Fire Safety Committee will be convened and you will be advised of developments.

The report was signed by Vince Pacecca, Executive Officer.

The situation since the Fire Brigade installed this system has been that, before members or persons are required to evacuate the building, a tape recording would automatically commence, indicating the necessity to vacate the building. Members will recall that although we were all horrified at the noise that occurred, that tape did not indicate that the building had to be vacated; therefore, it was reasonable to assume we did not have to vacate it.

I am not quite sure how secure honourable members feel as a result of that report but the fact of the matter is, and I concur with it, that the Executive Officer has determined that a Fire Safety Committee will be convened so there will be no doubt in the minds of all people in this building as to what is required of them when these alarms do sound.

FINANCIAL ADMINISTRATION AND AUDIT ACT

Report Tabling: Extension of Time

THE PRESIDENT: I table the following notification of extension of time for the tabling of annual reports for the 1986-87 year granted under section 70 of the Financial Administration and Audit Act 1985 --

> The Minister for Education --
>
> > Annual report of the The Western Australian College of Advanced Education.

(See paper No 480.)

PARLIAMENTARY GRAIN INDUSTRY DELEGATION REPORT

Statement by Hon J.M. Brown

HON J.M. BROWN (South East) [3.37 pm] -- by leave: The Parliamentary Grain Delegation visited the United States of America between 15 August and 15 September. In tabling the report to the House I remind members that the delegation which I led to the

(See paper No 482.)

MARKETING OF EGGS AMENDMENT BILL

Committee of Reasons

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [3.54 pm]: I present the following report --

> The committee appointed to draw up reasons for the Council's insisting on its amendments to the Egg Marketing Amendment Bill 1987 has resolved that they be as follows --
>
> > The Legislative Council recognises that the Bill contains a mechanism for review of the operation and effectiveness of the Egg Marketing Board and the effectiveness of the Act.
> >
> > The Council also recognises that such a mechanism has been acceptable to both Houses of Parliament in a number of other, recently passed, Bills of a similar nature.
> >
> > However, the reasons given by the Legislative Assembly in rejecting the Council's amendments confused the powers of the Parliament with the constitutional limitations imposed on the Legislative Council by section 46 of the Constitution Acts Amendment Act 1899. Those limitations are not in issue in context of the Council's amendments to this Bill.
> >
> > The Egg Marketing Board is created by Parliament, and if Parliament enacts that a future review of the board's operations is to be conducted by a committee of the Legislative Council -- that is, by a subordinate body of a part of the Legislature -- there can be no doubt that Parliament is entitled to make that provision.
> >
> > The Council denies that Parliament or any part of it can be excluded from reviewing the operations of any statutory authority where it resolves to do so. The existence of a Standing Committee on Government Agencies of this House specifically appointed to perform such a review function confirms this. No Government of this State has challenged the power of the Council to appoint that type of committee or the exercise of its functions by the committee since its creation in 1982.
> >
> > The Legislative Council does not deny the right of the Assembly to reject this, or any amendment, made by this House to legislation. Nevertheless, the Council is obliged to inform the Assembly that its reasons for rejection, in light of the foregoing, are not well founded and a denial of the powers of this Parliament to determine who shall review the board's operations.
> >
> > In the event that the Assembly is willing to accept that it has misconstrued the Council's intent, the Council informs the Assembly that it would be prepared to reconsider its stand on the amendments in issue.

I move --

> That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

Reasons thus adopted and a message accordingly returned to the Assembly.

(See paper No 483.)

ACTS AMENDMENT (IMPRISONMENT AND PAROLE) BILL

Second Reading

Debate resumed from 29 October.

HON JOHN WILLIAMS (Metropolitan) [3.58 pm]: When the Minister for Corrective Services finished his second reading speech on this Bill, he said that the subject matter of the Bill was both important and complex. Having struggled with the Bill over the past few days, it became even more complex at two o'clock this afternoon when I read some amendments to

it on the Notice Paper. Nevertheless, I assure the Minister for Corrective Services that while it will take me a little longer to slot those amendments in for the Committee stage debate, the Opposition supports this Bill. I welcome the Bill because it is the culmination of many years of work and research, as the Minister for Corrective Services pointed out, by successive legal experts in the Crown Law Department, ad hoc committees, and special committees of inquiry.

Prisoners have always been concerned about when they will be released. Many of them who have been in prison before know, from the moment the judge pronounces sentence, precisely when they will be released. That date will not be as difficult to calculate under these new provisions because their parole will be automatic, and that is good. I believe that will help a person to settle into prison life because the prisoners will know that, provided they abide by the rules and regulations laid down by the prison authorities, they will be paroled automatically on a certain date.

I agree totally with some of the built-in safety procedures in the Bill. I believe it is essential to include the provision relating to a parolee who may be a danger to the community or to a person being refused parole by the board. Where that parole has been refused, the Minister for Corrective Services will be able to call for a report and make that report public. Many people believe that parole is automatic. It is not; it is a privilege. The prisoners have to contribute something to acquiring that privilege. I considered the old system of minimum periods to be served unsatisfactory because the public believed, when they read of that term in the Press, that the prisoner would be released automatically at the expiry of the minimum term. As was pointed out in the Minister's second reading speech, parole is a continuation of a sentence under different circumstances.

It is essential that the Bill be passed by both Houses as quickly as possible. One matter I am concerned about is whether the Bill will allow sentences passed within the last 12 months to be reviewed retrospectively.

Hon J.M. Berinson: No.

Hon JOHN WILLIAMS: The Opposition welcomes the Bill and believes it to be a measure which should have been introduced years ago. The Opposition therefore commends the Government for its introduction.

Debate adjourned, on motion by Hon Margaret McAleer.

TRUSTEE COMPANIES BILL

In Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title --

Hon MAX EVANS: The previous legislation relating to trustees prohibited corporations from acting as executors or administrators of deceased estates. This is based on the view that the fiduciary duty of executor or administrator should be carried out only by natural persons. However, there are exceptions, and this Bill provides for those exceptions. This Bill combines the provisions of two special Acts which were enacted last century and which enabled the Perpetual Trustees and the WA Trustees to act in a fiduciary capacity in the estates of deceased persons. There have been only a few changes to those Acts since then. The two corporations will now be controlled by this one piece of legislation.

The Bill also provides for additional competitors to be authorised by regulation for the same purpose. We believe that the authorising of a corporation to act in a fiduciary capacity should not be made just by regulation with the approval of the Governor. The two previous Acts have been operating for nearly 80 years, and if another corporation is to be included in these provisions, that approval should be considered by this Parliament. Looking after trusts of estates is a very special power. We will therefore seek to amend that part of this Bill.

The industry was consulted on this Bill some time ago. However, it was disappointed that it was consulted at about the end of March and was given 10 days to report on its examination of the Bill. It had to rush its consideration of the legislation and then report in 10 days. The

next thing it knew was that the Bill was introduced into this place on the second last day of the autumn session of Parliament. It appeared that the Minister wanted to rush the Bill through the House on behalf of the two companies. However, the shadow Attorney General and I decided that we would not allow it to be rushed through as it was completely new legislation. It was then held over until this session of Parliament.

The industry then approached the Attorney through his adviser, and a certain number of amendments were tabled several weeks ago. They were not exactly what the industry required. The industry appreciated having personal contact with the Attorney General because, until that stage, it did not feel that the adviser fully understood its recommended amendments to this legislation. After contacting the Attorney General, another set of amendments were lodged about three weeks ago which have now been withdrawn and a new set has been lodged. The amendments were altered by the Attorney General at the request of the industry.

An important part of the legislation that was changed was that relating to the fees charged by trustee companies. When the legislation was drawn up, the fee for administering an estate was set at that which was applicable at the time that the will was made out, not at the time of death. That provision has now been changed, but it is amazing that anyone drafting this type of legislation could hope to bind somebody to a fee of that type.

Hon J.M. Berinson: It was subject to change on notice.

Hon MAX EVANS: Yes, but trustee companies do not always know that they have been appointed executors. The trustee company could have been bound by fees set 20 or 30 years ago, which would be completely uneconomical. We were surprised that that provision was put into the first Bill. However, it has been changed now to make it fairer. The trustee company has to make a profit and run its business properly. If it was not getting a proper fee it would not do a proper job.

My other point concerns clause 19 relating to estate common trust funds, under which trust companies have to make monthly distributions of income and increase or decrease the capital value of the funds. An amendment also appears on the Supplementary Notice Paper in relation to this clause.. If the Government had had better consultation with the industry, I do not think this amendment would have been proposed in the first place. There is no way that interest could have been paid every month with, for example Government bonds. Interest was to be received every three or six months. The cost of working out monthly payments would have been considerable. Bodies like the SEC or the Water board do not pay out monthly distributions of interest.

Hon J.M. Berinson: As you have said, we have changed it, but it is not as impossible or difficult as it sounds. In fact, in at least one other State they do have monthly distributions.

Hon D.J. Wordsworth: If you are a beneficiary you will find it is necessary to have monthly distributions.

Hon MAX EVANS: Suitable arrangements could be made to cope with that. Trustee companies would have to calculate monthly payments according to the rise and fall of income over the year. If they simply pay out what has been received, that may be practical, but quarterly payments would ease the cost of administration. Most people could live on quarterly rather than monthly payments.

I missed the second reading debate, and have appreciated being able to make my comments now. This Bill, and the amendments proposed by the Government, is supported by the industry. I support the Bill.

Hon J.M. Berinson: All the amendments?

Hon MAX EVANS: Yes.

Hon D.J. WORDSWORTH: As the Chamber is aware, this Bill got through the second reading speech without comment.

Hon J.M. Berinson: I commented twice.

Hon D.J. WORDSWORTH: Members may have heard me speak previously on the trustee Bills when they were concerned with individual companies. I said at the time that I felt that trustee companies in Western Australia had abrogated their right to look after trusts. Indeed,

they had become money markets and venues for businessmen to set themselves up under a company structure under the protection of an Act of Parliament. I reported that a particular trustee company had allowed one of its assets, which it was meant to be managing -- a hotel -- reach the stage where the licensing court was prepared to take away its licence because of cockroaches on the premises.

Hon J.M. Brown: The trustees.

Hon D.J. WORDSWORTH: On one occasion I found that a trustee company had no idea which city properties it was meant to be managing.

Hon H.W. Gayfer: It got its 10 per cent.

Hon D.J. WORDSWORTH: That company still ended up getting its 10 per cent from a will, which had been executed some 50 years before, and from which the beneficiaries had no way of extricating themselves. I am ashamed at the manner in which some of our leading citizens have managed the trustee companies of which they were directors. In fact, the very man who used to sit beside us on this side of the House was at one time in the past one of those trustee directors.

A different situation exists in Tasmania where the directors of the trustee firms are individually responsible for the estates. They each have the estates for which they are responsible listed, and they take their responsibility seriously. They have regular meetings with the beneficiary -- for example, a widow. They form a board which provides day to day management of the estates. They took the job so seriously that if they happened to be managing a farm estate, and they were farmers, if they saw a commodity being offered at a discount which they wanted for their own farms, they would ensure that the property being run by the trustee firm would also enjoy the benefit of that discount. The situation here, certainly over the last 10 years, is completely different.

I disagree with Hon Max Evans over when payments should be made. Trusts are not set up for the benefit of the companies which run them, but for the beneficiaries. That is why they have the protection of this Parliament and Acts specifically relating to them. I think I am right in saying that funds which have been received and are waiting to be distributed in quarterly payments do not attract interest for the trust.

Hon J.M. Berinson: They do.

Hon Max Evans: This is a common fund we are talking about, not individual estates.

Hon D.J. WORDSWORTH: Is that right? In other words, the individual estate does not benefit from interest on moneys which have been paid to the company.

Hon J.M. Berinson: It does; it accrues an entitlement.

Hon D.J. WORDSWORTH: Does it? Is that only under this Act or has it always been so?

Hon J.M. Berinson: Certainly under this Act.

Hon D.J. WORDSWORTH: The point I am making is that it did not previously. Problems are often created for beneficiaries of an estate when payments are held back for quarterly distribution, particularly where large amounts are concerned. Perhaps a provision could be made for interim payments. This matter of monthly payments should not be dismissed completely.

The manner in which some trustee companies have carried on their business during the last five or 10 years is unsatisfactory, and I hope that my remarks on this Bill might make those people more aware of what they should be doing. It might also encourage competition from outside, and we will see other companies taking on trusteeships. Trustee companies have a new role to play. For example, there are trustees for the Burswood Island shareholders.

Hon J.M. Berinson: Unit holders.

Hon D.J. WORDSWORTH: Unit holders. This opens a new field and creates more responsibility. I welcome the amendments proposed.

Hon MAX EVANS: I would like to clarify the last point made by Hon D.J. Wordsworth. The trusts for debenture issues are set up under the Companies Code, not this Bill. This Bill is only in respect of trustees for estates of deceased people, not corporate trustees. I had the same query clarified by the Commissioner of Corporate Affairs.

Hon J.M. BERINSON: I will comment briefly as most of the matters that have been raised are dealt with in the individual clauses.

Firstly, although the Government has accepted quite a range of amendments proposed by the trustee companies, Hon D.J. Wordsworth can be assured that these were not accepted uncritically, or simply for the purpose of better serving the interests of the trustee companies. We have been looking throughout to ensure that the interests of the beneficiaries were kept paramount, and that has been done at every stage. One matter that has been referred to by both Hon Max Evans and Hon David Wordsworth relates to the one-monthly or three-monthly period between payments. The reason why we accepted the submission by the companies to move to a three-monthly distribution, rather than monthly, was that the companies were able to demonstrate that the sort of investments they could enter into, which lent themselves to three-monthly but not monthly distributions, provided a higher return to beneficiaries while fully protecting their interests from a security point of view. There was a bit of a balance. The question was asked whether it was better for the beneficiaries to get the money more frequently or to get it somewhat less frequently but to receive a higher return. In the end we came down in favour of the higher return, bolstered by the fact that the current arrangements by the companies provide three-monthly returns and the Government has been given absolutely no indication of those causing any difficulty to beneficiaries. I suspect that that may in some cases be due to a certain amount of flexibility by the trustees in looking after any special interest which required a more frequent payment.

The fact remains that nothing has been brought to attention to indicate that the existing practice of three-monthly payments was causing difficulty from the beneficiaries' point of view. I stress again, however, that although we have moved to the acceptance of this fairly large number of amendments proposed by the private trustee companies, it has been on the basis of taking advantage of their practical experience in the field and not with a view to serving their own interests as against those of the beneficiaries.

I conclude with the important point that one of the results of this Bill will indeed be to increase the competition applying in the private trustee company field and the recognition of the benefits of that new competitive framework are reflected in a whole range of provisions in the Bill itself.

Hon D.J. WORDSWORTH: I was referring to rentals collected by the trustee firm from city premises fortnightly. I see no reason why such moneys should be kept for three months before being redistributed. I am not sure whether we are referring to that part of the Bill, but I know that although these companies used to distribute funds monthly, during the last three or four years they have discontinued that practice on the basis that it is easier to distribute the funds a few times a year. That is quite ridiculous, and I think I am correct in saying that no adjustment is made for interest on those moneys while they are held for distribution.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation --

Hon J.M. BERINSON: I move the following amendments --

Page 3, after line 6 -- To insert the following definition --

> "published" in relation to a scale of charges, means published in such form and manner and at such time as are prescribed by regulations;

Page 3, lines 16 to 20 -- To delete subclause (2).

The amendments anticipate the amendment proposed to be moved in a few moments to clause 18. Hon Max Evans has already drawn attention to the fact that as originally drafted the Bill required that any change in the scale of charges should be advised individually by post to persons who had lodged wills with the company. There have been many persuasive arguments against the practicality of that, as a result of which it is proposed that clause 18 should be amended to provide that it will be sufficient for these purposes to publish the new scales in a way that will bring details to the attention of the public in an effective way. Both amendments are supplementary to the substantive provisions we shall reach on the later clause.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 4: Application --

Hon MAX EVANS: I move an amendment --

Page 5, line 3 -- To delete subclause (2).

The amendment refers to the trustee companies listed in schedule 1 which the Governor may amend by regulation; the present companies listed on page 33 are Perpetual Trustees WA Limited and West Australian Trustees Ltd. It could be anticipated that further trustee companies will be added to that schedule; for example, the ANZ bank has taken over the Trustee Executive Agency in Melbourne, and it may come into this category. If amendments are made to the list of trustee companies, they should come before this Parliament. Executors of estates are a very important factor and should not be dealt with by regulation. When matters are dealt with by regulation this Parliament is not always fully informed. That is our serious view on the nature of this legislation dealing with trustee companies handling deceased persons' estates. It would be better to have two separate Acts of Parliament, and any amendments to the list of trustee companies should come before this Parliament.

Hon J.M. BERINSON: I urge the Committee not to accept this amendment. It is quite undesirable in both of the ways in which it would operate. In the first place it would require another Act of Parliament to add to the list of authorised trustee companies. In the second place it would require a separate Act of Parliament to delete a company from the approved list.

The aim of the Bill is basically to deregulate the private trustee company industry, and we are hardly trailblazers in this respect because as far as I can recall we will be about the last State in the Commonwealth to move in this direction. The fact that we are deregulating should not be taken as any suggestion that there will be any move away from a requirement for the most stringent financial and prudential provisions for any company seeking to be authorised to act as a private trustee company. We are not suddenly going to see 20 private trustee companies in this State. Nevertheless there is room for more and when we approach the question of approvals we will be doing so with criteria which will be self-evident to members.

Firstly, we will be looking for experience in the field, because this is a specialised field. Secondly, we will be looking for well-established management expertise. Thirdly, we will be looking for very sound and solid financial backing behind any company expecting to be authorised here. To add to that process a requirement that we bring a Bill to Parliament each time is really to make this process much too difficult. I can imagine that we will be looking at perhaps three, four or five additional companies at the most being approved over the next year or two. That we should have to bring in three, four or five Bills to the Parliament for the purpose seems to be grossly excessive.

If it is thought that the Government, either by lack of judgment or simply by a mistake, is likely to authorise a company to act in this field which would not meet the general acceptance of the Parliament, we have a built-in safeguard in the provision requiring that additions to the schedule should be by way of regulation. Like any regulation, one which added a company to schedule 1 would be subject to disallowance, and that would amply cover any concern that anyone might have that the Government might not be properly cautious in adding to the list of approved companies.

I turn now to the second aspect of the problem raised by Mr Evans' amendment. The effect here is to require a separate Act of Parliament to prevent a company from continuing in the trustee field. The possibility of such an event occurring, given all the precautions that will be taken in the initial approval of such companies, will be extremely remote. Nonetheless, as recent experience with TEA in Victoria has shown, if such an occasion arises, it needs rapid action. The situation over there involved hundreds of millions of dollars; it went bad almost overnight. In circumstances like that, while it might be said that we can bring in an urgent Bill as quickly as we can bring in a regulation, that is only true if the Parliament is sitting.

I am sure that members will accept that this is not an ideological debate; we are talking practicalities. I am sure that all members on both sides will accept that a Government would

not go off half-cocked and take the most dramatic step of withdrawing approval from one of these companies unless the reasons for the withdrawal were absolutely unanswerable. If they are unanswerable and if, as is likely to be the case, there is an element of great urgency involved, we should not be taking the risk that Parliament will not be sitting, to pass the required Act.

The same argument about regulations is available on the problem of deletions as with the problem of additions to the list. If the Parliament is of the view that the Government has acted wrongly, in too much haste or unfairly in deleting a company from the list, the remedy again is a disallowance of regulations. I indicated before in respect of the addition of companies to the schedule that the events will occur very rarely. When we come to the question of deletions we are dealing with events which will almost never happen and, I hope, will never happen. Certainly they will be of such a rare order that they will arise only where the delay involved in introducing a Bill makes it inappropriate. For those reasons, involving both additions and deletions, I urge the Committee to stay with the Bill as drafted and not accept the amendment.

Hon MAX EVANS: Are the regulations published in the *Government Gazette*?

Hon J.M. Berinson: Yes.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 17 put and passed.

Clause 18: Commission chargeable by trustee company --

Hon J.M. BERINSON: I move an amendment --

Pages 12 and 13 -- To delete clause 18 and substitute the following clause --

Commissions and other charges

18. (1) This section applies only to remuneration that may be charged by a trustee company for its services in respect of the administration or management of an estate --

(a) as executor;

(b) as administrator, with or without a will annexed and whether by appointment, assignment, power of attorney, election or otherwise;

(c) as trustee; or

(d) in any other capacity prescribed by regulations,

that commences after the commencement of this Act.

(2) A trustee company is entitled to charge as remuneration for its services in respect of the administration of an estate in a capacity referred to in subsection (1) commissions and other charges not exceeding those fixed from time to time by the board of directors and set out in the latest scale of charges of that trustee company published before the administration of the estate commences.

(3) The board of directors of a trustee company may fix and set out in the published scale of charges different rates of commissions and other charges that may be charged as remuneration in respect of different classes of estate and the time and manner of making such charges.

(4) Nothing in this section prevents --

(a) the payment of any commissions or other charges that a testator in his will has directed to be paid;

(b) the payment of any commissions or other charges that have been agreed on between a trustee company and the interested parties,

either in addition to or instead of the commissions or other charges provided for by this section.

(5) Nothing in this section prevents the reimbursement to a trustee company of all disbursements properly made by the trustee company in the administration or management of an estate.

(6) Any commissions or other charges charged by a trustee company in accordance with this section are payable out of the capital or income of the estate.

(7) Any commissions and charges which a trustee company is entitled to receive in respect of an estate may be paid or deducted out of the estate at any time after the commencement of the administration or management of the estate that is in accordance with the time and manner provided for in the latest scale of charges of that trustee company published before the commencement of the administration or management of the estate.

(8) In addition to the commissions and other charges chargeable under this section, a trustee company may, in respect of any estate, charge and receive a reasonable fee or remuneration for work involved in the preparation and lodging of returns for the purpose of or in connection with assessments of any duties or taxes (other than probate, death, succession or estate duties).

(9) The published scale of charges of a trustee company must include a statement to the effect that the trustee company may in addition to the commissions and other charges chargeable under this section charge a fee for work involved in the preparation and lodging of returns for the purpose of or in connection with assessments of any duties or taxes (other than probate, death, succession or estate duties).

Subclauses 18(2) and (3) of the Bill as originally drafted provide increased flexibility for a trustee company to modify the scale of charges applicable to an estate administered by the company. Modification in the original draft was to be effected by sending written notice of the scale as modified to the testator at his last known address. The trustee companies have suggested that the various deregulatory initiatives in the Bill, particularly those relating to fees, would result in more competition and therefore more frequent modifications of fee scales. Given that each company holds some 60 000 wills which have been made by people who are still alive, the companies have submitted that the cost of notifying those people individually each time an alteration occurs was unwarranted. There is also the problem that many testators change address without notifying their executor, so that notice to the last known address would not come to attention in many cases.

The Government has agreed to replace the provision for written notification with a provision that amendments to fee scales will be effective following publication of amended scales in such form and manner and at such times as are prescribed by regulations. This appears in the proposed subclause 18(2).

Trustee companies have also requested that, in keeping with other deregulatory initiatives contained in the Bill, a trustee company should be permitted to charge any commissions and other charges it wishes, whether expressed as a percentage of the income or capital of an estate or otherwise, providing that those fees are published as prescribed. In addition, trustee companies have requested that a trustee company be permitted to deduct its fees at any time and in any manner it wishes, providing that the time and manner in which fees are deducted are published as prescribed. The Government has agreed to provide for greater flexibility in relation to these matters in the Bill, and that is provided for in proposed subclause 18(2).

The trustee companies also requested a provision empowering a trustee company to charge remuneration for administering an estate "as trustee" as distinct from administering an estate as administrator or executor. Trustee companies argue that following completion of the administration of an estate, a trustee company may continue to administer certain property in a capacity as trustee and that the provisions of the Bill regulating remuneration should apply in such circumstances. Appropriate amendments have been included in the Bill in proposed subclauses 18(1) and 19(2).

My own view was that the ability of the companies to act and to charge in the capacity of trustee was implicit in the Bill as originally drafted; nonetheless, uncertainty on this point was expressed to the companies by legal advisers, and the amendment to which I have

referred has been included for greater certainty. The companies submitted that they should be entitled to charge a separate fee for professional services rendered for matters such as the preparation and lodgment of income tax returns and land tax returns, etc. It was suggested by the companies that the preparation and lodgment of such returns is not part of their ordinary executorial functions and should be the subject of a separate charge. Under the existing private Acts, the two local companies may currently charge such a fee. I might add that given an appropriate reference in the required scale of fees, charges of this kind could have been levied in any event. This provision, however, is included as proposed subclause 18(8), perhaps again for greater caution.

I also refer to proposed subclause 18(9), which will require a trustee company to include in its published scale of fees applicable to administration of estates a note to the effect that an additional fee may be charged for such matters.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 19: Estate Common Trust Funds --

Hon J.M. BERINSON: I move an amendment --

> Page 14, line 15 -- To delete "or" at the end of paragraph (b) and insert the following paragraph --
>
> (c) as trustee; or

I have already referred to the provision of an express capacity to charge as trustee in the course of my comments on clause 18, and the same considerations apply here.

Amendment put and passed.

Hon J.M. BERINSON: I move an amendment --

> Page 15, lines 4 to 7 -- To delete "on the first day of every month calculated in accordance with this section and having regard to any distribution made on that day" and substitute the following --
>
> calculated in accordance with this section and having regard to distributions made

Members will note a number of amendments are proposed to clause 19, and these are listed on the suplementary Notice Paper as amendments (D) to (K). These amendments cover quite a narrow point, and it might be helpful if I indicated the general basis of the amendments.

In the course of moving amendment (E), I point out first that proposed clause 19 relates to the establishment of estate common trust funds. The trustee companies suggested that as estate common trust funds are maintained for the benefit of the estate, a trustee company should be entitled to charge a fee for providing such a facility. The existing private Acts make provision for such a fee.

The trustee companies have also proposed a three-month distribution period in lieu of the one-month distribution period provided for in the Bill. The trustee companies argue that a three-monthly distribution period is consistent with the "term" based funds currently operated by the two locally based trustee companies. It has been demonstrated that such funds offer a more favourable return to estates. A three-month distribution period would be consistent with the provisions currently found in the existing private acts. The Government has agreed to appropriate amendments to clause 19 of the Bill in respect of those matters.

At this point, I respond to an earlier comment made by Hon D.J. Wordsworth who asked why rent should not be payable as received. The answer is that there is no reason rent should not be payable more regularly than at three-monthly intervals, and there is nothing in clause 19 that could prevent that. Clause 19 deals only with the estate common trust fund. It does not deal with property which does not go into a common fund but which is administered as belonging to or being in the interests of a particular estate. This purely relates to a fund established to provide a common pool for cash which is invested.

Amendment put and passed.

Hon J.M. BERINSON: I move the following amendments --

Page 15, lines 14 to 15 -- To delete ", of every investment held by the Fund on the first day of every month." and substitute the following --

at least once in every 3 months, of every investment held by the Fund.

Page 15, line 16 -- To delete "on the first day of every month" and substitute the following --

At least once in every 3 months

Page 15, line 21 -- To delete "on that day" and substitute the following --

at those times

Page 15, after line 27 -- To insert the following subclause --

(10) The entitlement of each participating estate to income earned by a trustee company in respect of the investment of an Estate Common Trust Fund shall be calculated on a daily basis from the date of participation to the date of withdrawal.

Page 15, after line 31 -- To insert the following subclause --

(12) The amount standing to the credit of an estate in an Estate Common Trust Fund shall be determined for the purposes of withdrawal having regard to distributions made under subsection (8) and to that estate's entitlement to income calculated on a daily basis.

Page 15, after line 38 -- To insert the following subclause --

(14) A trustee company may charge an estate participating in an Estate Common Trust Fund a fee or commission for the trustee company's services in relation to the establishment, conduct and administration of the Fund, but an estate shall not be charged a fee or commission in respect of an investment calculated at a rate or in a manner in excess of that set out in the scale of charges published by the trustee company at the time when the investment was made.

I would comment briefly on amendments (I) and (J). I said earlier that certain amendments have been agreed to at the request of the companies for greater caution, even though there may not have been an absolute need for them. Amendments (I) and (J) might be said to be the converse of that in that the companies believe that they are not necessary and simply reflect their present practice. For greater caution, the Government has moved these amendments to make quite sure that although distributions from the estate common trust fund are only payable in the ordinary course of events every three months, nonetheless the interest accumulates daily and if an amount is withdrawn from the common trust fund in between the three-monthly breaks, the beneficiary will be entitled to that interest calculated daily.

Hon MAX EVANS: The trustee companies hope that the Attorney will look into the Public Trustee's handling of these matters in a similar way.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 20: Investment Common Trust Funds --

Hon J.M. BERINSON: I move the following amendments --

Page 16, line 32 -- To delete "on the first day of every month".

Page 17, line 8 -- To delete "on the first day of every month" and substitute the following --

at the times provided for on the establishment of the Fund

Page 17, line 9 -- To delete "On the first day of every month," and substitute the following --

At the times provided for on the establishment of the Fund,

Page 17, line 14 -- To delete "on that day" and substitute the following --

at those times

Clause 20 deals with investment common trust funds and these are to be distinguished from the estate common trust fund in clause 19, which arose from the distinctive ability of these companies to administer estates. In the case of the investment common trust funds companies submitted that monthly distributions of any increase or decrease in the value of investments held by the funds should not be required and the regularity of distributions should be left to the deregulated market. It is therefore proposed that clause 20(8) be amended so as to provide that a trustee company shall distribute to the account of each investor the amounts referred to in that subclause on any day or days provided for by the terms of investment applicable to the particular investor.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 21 to 25 put and passed.

Clause 26: Court may order examination --

Hon J.M. BERINSON: I move an amendment --

Page 21, lines 8 and 9 -- To delete "whether the trustee company has performed its duties relating to that estate in a proper and efficient manner".

[Questions taken.]

Hon J.M. BERINSON: Some concern has been expressed with the requirement in clause 26(1)(a) that an auditor reporting to a court is required to report as to whether the trustee company has performed its duties in a proper and efficient manner. Although, as I understand the position, an auditor would address such matters in the normal exercise of his responsibilities, the present wording of clause 26(1)(a) may give to the auditor's opinion an unintended imprimatur. It is therefore proposed to amend the clause accordingly.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 27 to 46 put and passed.

Clause 47: Consequential amendments --

Hon J.M. BERINSON: I move an amendment --

Page 33, lines 1 to 12 -- To delete subclause (2).

As members will be aware, some amendments to the Trustees Act are up for consideration in the current session of Parliament. This has given rise to a timing problem in the interaction between this Bill and that dealing with the Trustees Act. To eliminate that problem, it is proposed to delete subclause 47(2). It is intended that that provision, which is a consequential amendment to the Trustees Act, should be dealt with in the Trustees Amendment Bill.

Amendment put and passed.

Clause, as amended, put and passed.

New clause 38: --

Hon J.M. BERINSON: I move --

Page 29, after line 15 -- To insert the following new clause --

Contributory investments

38. (1) Where a trustee company holds moneys belonging to more than one estate upon trusts which require or permit the investment of those moneys, the trustee company may invest such moneys as one fund and distribute the income arising rateably among the estates to which the moneys so invested belong; and any loss arising from any such investment shall likewise be borne rateably by those estates.

(2) Any such investment shall be made either in investments for the time being authorized by the *Trustees Act 1962* for the investment of trust funds or in investments authorized by each of the trust instruments.

A contributory investment occurs when a trustee company pools moneys from a number of estates for the purpose of purchasing a specified investment. The Bill enables contributory investments provided they are limited to authorised trustee investments, and the Bill enables any number of estate common trust funds to be set up for that purpose. The trustee companies have submitted that there should be retained a capacity for contributory investments to be created for the purpose of investment in non-authorised trustee investments, provided that in each instance the testamentary disposition authorises such an investment. This is to be allowed by the proposed new clause 38.

New clause put and passed.

Schedules 1 and 2 put and passed.

Schedule 3 --

The schedule was amended on motion by Hon J.M. Berinson as follows --

Page 34, lines 13 and 14 -- To delete "committed to the management or administration of one of the existing companies" and substitute --

where the administration or management commenced

Amendment put and passed.

Schedule 3, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

ELECTORAL DISTRIBUTION (ROTTNEST ISLAND) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [5.10 pm]: I move --

That the Bill be now read a second time.

The metropolitan region scheme boundary adopted by Parliament in June as the perimeter of the metropolitan area in the Acts Amendment (Electoral Reform) Act 1987 excludes Rottnest Island. It is appropriate that Rottnest Island should be included in the metropolitan area for electoral purposes in order to allow the Electoral Distribution Commissioners to include the island's residents on the roll of an adjacent metropolitan district. Without this proposed change to the Act, the residents would have to be enrolled in a non-metropolitan district. All that is required is the addition of Rottnest Island to the definition of the metropolitan area presently in section 1A of the Electoral Distribution Act. It is important that Parliament decide this matter as soon as possible as the change will be incorporated in the redistribution of electoral boundaries which commenced on Friday, 6 November.

This second reading will not be unfamiliar to members. In fact, we passed a Bill in precisely these terms a short time ago and the matter has only come to attention because of a failure of procedure in the Legislative Assembly in respect of recording an absolute majority. For that reason, I will be proposing to members of the Opposition and the National Party that when this Bill is listed for consideration tomorrow, it should be permitted to be debated and passed through all stages.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.G. Pendal.

BREAD AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [5.13 pm]: I move --

That the Bill be now read a second time.

The Government has coordinated a lengthy consultation on all legislative controls applied to the manufacture and distribution of bread products in Western Australia. During 1985 and early 1986, submissions to the Government from the bread industry continually supported the view that the current Bread Act was too restrictive and out of step with current market trends. Factors contributing to that assessment were observed and documented from other Australian States. They included --

(a) public demand for fresh bread on Sundays;

(b) the inability of the legislation to contain authorised country production to regional areas on Sundays;

(c) the illegal activities of metropolitan bakers at weekends in defending their established markets from the intrusion of country bakers;

(d) the intrusion of metropolitan manufacturers into traditional country markets on weekdays; and

(e) significant restructuring and rationalisation influences occurring in the industry at that time.

The development of weekend markets in the late 1970s and early 1980s provided a retailing forum ideally suited to the sale of fresh bread. Enterprising market stall proprietors had little difficulty circumventing the controls of the Act to fulfil the demands created. Bread was simply "collected" by the store proprietor or his agent from near-metropolitan bakehouses -- outside the 45-kilometre limit -- which were permitted to bake bread between 5.00 am and noon on Sundays. Growing public demand and sales from these venues adversely affected the financial viability of metropolitan bakers whose sales reflected significant downturn in the early days of each succeeding week.

In an attempt to recapture the sales lost to country producers, metropolitan manufacturers, faced with diminishing sales, chose to defy the restrictive baking Statutes applicable to the metropolitan area. At the same time, purportedly in reaction to the intrusion of country products at weekends, the larger national producers found that they could exploit their superior production capabilities and legally place fresh bread on country markets for the major part of each week.

During this period, the bread industry was additionally subjected to the rationalisation processes previously observed in other States. The operations of small to medium-sized bakeries were absorbed by large national producers and consolidated into single operations of high volume. The restructuring process and apparent loss of manufacturing points was counterbalanced, however, by emerging consumer demands for specialist products. Those demands provided the catalyst for the development and establishment of small hot bread shops and in-store bakeries.

In response to industry submissions on those issues, the Government released a discussion paper in April 1986 inviting submissions from the respective associations, unions, and individual manufacturers. Those submissions were reviewed in June 1986 by a committee representative of all industry participants. It was concluded that any amendments to legislation should have as objectives uniform regulation, consideration of consumer expectation, production flexibility, effective restraint on delivery, and meaningful penalties. Those objectives have been attained in this Bill.

The Bread Act 1982 sought to provide stability within the industry by applying restrictions to the hours during which bread could be baked. Nominal restrictions were also applied to

delivery hours. The baking of bread was authorised between 12.01 am and 6.00 pm on each Monday, Tuesday, and Wednesday, and from 10.00 pm Wednesdays to 12 noon on succeeding Saturdays. Country manufacturers were additionally permitted to bake bread on Sundays between 5.00 am and 12 noon.

The nominal delivery restrictions applied by the Act permitted metropolitan manufacturers to deliver bread to any location at any time between 12.01 am on Mondays and 8.00 pm on succeeding Fridays. Country bakers were authorised to deliver their products between 12.01 am on Mondays and 8.00 pm on Saturdays.

The industry consultative committee, though divided on the issue, recommended that modified delivery restrictions should impose a total embargo on the movement of metropolitan bread beyond 45 kilometres of the Perth GPO. The movement of country bread anywhere within a 45-kilometre radius of the Perth GPO was also to be banned. The committee additionally proposed the retention of expanded but nonetheless restrictive baking hours. The negative economic and consumer considerations of those proposals were unacceptable to the Government.

Revised Government-initiated proposals recommending deregulated baking hours and uniform delivery restrictions applying between 3.00 am and 6.00 pm daily, Monday to Saturday, were returned for industry consideration in January 1987. Consideration of those recommendations involved individual assessment by the associations representing city and country manufacturers and the Transport Workers Union.

The consultative process and the element of compromise from within the industry permitted recognition of the fact that restriction upon baking hours did not contribute to the preservation of established market share. The interests of all parties were seen to be best served by the deregulation of the prescriptive baking limitations in unison with the introduction of strengthened delivery provisions.

The Bread Manufacturers Association of WA, representing metropolitan manufacturers, was unable to reach consensus on the question of deregulated baking hours. However, overall they did not oppose the proposition. The hours between 3.00 am and 8.00 pm daily, Monday to Friday, and 3.00 am to 12 midnight on Saturdays, were offered by them with respect to delivery. The Country Bread Manufacturers Association (Inc.) endorsed proposals to deregulate baking hours and sought to establish the hours between 5.00 am and 6.00 pm each Monday to Saturday as appropriate hours for delivery.

The Transport Workers Union offered no comment on the question of baking hours. The union, however, was unable to validate the need for deliveries to continue to 8.00 pm each day and alternatively recommended that delivery should be conducted daily between 4.00 am and 6.00 pm, Monday to Friday, and between 4.00 am and 12 noon on Saturdays. The minor variations emanating from those individual negotiations were consolidated in the compromise amendments reflected in this Bill.

Deregulation of baking restrictions is supported, and this Bill provides for the removal of all restrictions with respect to this. The Bill restricts delivery operations to the hours between 4.00 am and 6.00 pm each Monday to Saturday. Those enhanced delivery restrictions are supported by substantially increased penalties which will impact upon all persons in default of the limitations imposed.

The Bill additionally addresses areas of legislative duplication providing the means by which matters relating to hygiene and consumer protection may be transferred to agencies specialising in those matters.

Prior to the Bill being introduced into the Parliament, the leaders of both the Liberal and National Parties were invited to discuss the amendments contained within it. Those invitations were never acknowledged.

Subsequent to the completion of this parliamentary draft, the Minister for Labour, Productivity and Employment further met with a deputation representing country bakers. That deputation sought daily reduction in the commencement delivery hour from 4.00 am to 5.00 am. The deputation was advised that the Government would accede to that request when presented in a form representative of all bread manufacturing interests. At a subsequent meeting on 8 September, both associations did support the commencement of deliveries at 4.00 am. Also at that meeting further support was sought for the delivery hours

to be extended to midnight on Saturdays. However, the Government remains unconvinced that this will achieve benefit to the consumers and was not prepared to accede to that request.

The Government is mindful of the different emphasis in the approaches taken by all parties to this important issue. As such the Government would welcome comment as to the approach adopted and will listen intently to alternative argument, if any, put by Opposition members which may improve the Bill. Nonetheless, the Bill is the result of the widest possible negotiation. It provides protective elements where necessary, sets just and competitive standards for the industry, and fulfils the reasonable expectations of consumers.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

ACTS AMENDMENT AND REPEAL (GAMING) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Sport and Recreation), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [5.22 pm]: I move --

That the Bill be now read a second time.

The Bill before the House amends those Acts which were affected by the introduction of the Gaming Commission Bill 1987. The amendments in the Bill are consequential, with the exception of some minor amendments made to the Casino Control Act. I propose to deal with each of the Acts in the order in which they appear in the Bill, and I will draw members' attention to the more salient changes to the respective Acts.

The Betting Control Act 1954 is amended to provide authorised officers of the Gaming Commission with similar powers to inspect bookmakers' records and financial returns. Sections 22 and 27 are also amended to permit betting in relation to gaming permits issued by the commission under the Gaming Commission Act.

The Casino Control Act is amended so that the Casino Control Committee is merged with the Gaming Commission and its functions, powers, and duties are vested in or imposed on the commission. Section 13 of the current legislation prohibits the release of any information obtained in connection with the administration of the Casino Control Act. In effect, this also stops the exchange of information with other casino regulatory authorities in Australia. An amendment to this section provides for the exchange of information between the Gaming Commission and other casino regulatory authorities on the authorisation of the chief casino officer.

Section 21A of the Casino Control Act is repealed and substituted with a section that provides greater powers of investigation and inquiry to the commission, the chief casino officer, or a member of the Police Force when so requested. The investigation may relate to any operation of the casino, including suspected corruption, or persons concerned in the management or operation of the casino complex. Where, as a result of the investigation, the commission considers it necessary, it may provide the Minister with a report and make recommendations as to the action that should be taken.

Under the present legislation the casino licensee is responsible for any breaches of the Act. However, the legislation did not anticipate that the licensee and the operator could be, and in this case are, two distinct corporate bodies. This defect has now been rectified by making the manager and the casino operator, in addition to the casino licensee, responsible for breaches of the Act.

Section 25 has been added to ensure the proper retention and maintenance of records and books of account. The amendment makes provision for the retention of such material for a period of seven years, and in a place and manner as approved by the commission. The present Act is silent on this matter, and while the Gaming Commission Act covers this aspect in some detail, it was considered appropriate to include this in the Casino Control Act.

The amendments to the Liquor Act 1970 are minor and consequential in nature and do not reflect any major changes to the Act. The amendments delete reference to the Casino Control Committee and substitute reference to the Gaming Commission. Section 126(1)(f) has been reworded to prohibit gaming on licensed premises unless sanctioned by the Gaming Commission Act.

Parts IV and V of the Lotteries (Control) Act, dealing with lotteries conducted by a person other than the Lotteries Commission and police powers, have been deleted as the authority for the issue of such lotteries now rests with the Gaming Commission. The powers of the police have also been transferred to the Gaming Commission Act.

Amendments to the Police Act are consequential in nature, but the opportunity has been taken to review and update the penalty provisions to bring them into line with penalty provisions in the Gaming Commission Act. Also the areas dealing with gaming generally, slot machines, and cheating have been deleted from the Police Act and transferred to the Gaming Commission Act.

The Race Meetings (Two-up Gaming) Act and Soccer Football Pools Act have been completely repealed and have been incorporated into the Gaming Commission Act.

Section 212 of the Criminal Code, dealing with a trade promotion lottery and penalties relative to the conduct of unlawful lotteries, has been repealed and transferred to the Gaming Commission Act.

Generally the amendments in this Bill are consequential to the Gaming Commission Bill, but the opportunity has been taken to review and strengthen certain areas of the various Acts to ensure that gaming in this State is kept under strict control.

I commend the Bill to the House.

Debate adjourned, on motion by Hon John Williams.

ACTS AMENDMENT (GRAIN MARKETING) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Sport and Recreation), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [5.27 pm]: I move --

That the Bill be now read a second time.

The current Grain Marketing Act 1975 has provisions for permit sales of prescribed grains, currently lupins, barley, linseed and rape seed. Under the permit system growers can sell their grain outside the Grain Pool as long as the seller has obtained a permit from the Grain Pool. Permits are issued at the Grain Pool's discretion. The Bill has been introduced to amend the Grain Marketing Act 1975 as it relates to permit sales of grain by --

(1) shifting the onus of gaining a permit from sellers to the buyer; and

(2) making it an offence to either sell or receive a prescribed grain unless the buyer has a permit; and

to amend the Bulk Handling Act 1967 for the purposes of --

(3) Enabling permit sales of barley.

The amendments allow for effective management of the permit system by the Grain Pool. The amendments give the Grain Pool powers similar to those available to the Australian Wheat Board for management of their stockfeed wheat permit system. The current legislative arrangements preclude permit sales of barley because the Bulk Handling Act 1967 requires that barley must be handled by the bulk handling authority. The Bill also amends the Bulk Handling Act 1967 to allow permit sales of barley to bypass the bulk handling system. Under the amendments, the Grain Pool will be able to exercise effective control over the permit system. The amendments will enable the Grain Pool to manage the end use and destinations of grain sold under the permit system in the overall interests of maximising

industry returns -- in particular, partially-processed grain which may be exported in competition with whole grain sold by the Grain Pool. The fee for a permit is to be determined by the Grain Pool, but must be approved by the Minister. The fee should cover the costs of administering the permit system and research and development levies.

An important provision of the amendments is that which allows for appeals to be made to the Minister should a permit to buy grain be refused, or if a person is aggrieved by the terms or conditions attached to a permit. Appeals can also be made if the Grain Pool refuses to sell lupins to a local buyer who intends to process the lupins and export the kernels. An appeal can also be made on the price charged by the Grain Pool for lupins to be dehulled and exported. The appeals provision aims to ensure continuity for the considerable private investment which has already taken place domestically in research and equipment, including the processing or dehulling of lupins. They should provide private investors with some confidence that supplies of lupins will be available to private operators who can demonstrate overall net benefits to the industry generally, or the State as a whole.

It is envisaged, at this time, that sales of lupins under permit, or from the Grain Pool, will be conducted under the following guidelines --

(1) Private sales of lupin kernels would not be allowed to those markets with which the Grain Pool has sales agreements which would preclude such sales. These arrangements would be reviewed when these current agreements expire.

(2) Permits would be granted for lupins to be processed and sold and used anywhere in Australia for any purpose whatsoever and for use as feed for animals leaving Australia by boat, while they are travelling on that boat and for use in making export foodstuffs which are naturally different from straight lupin kernels -- for example, dog food -- so long as the real net return to the grower would be similar to that exported through the pool.

(3) All by-products of lupin processing in Western Australia -- that is, products other than the cotyledons -- could be exported regardless of whether the lupins from which the by-products were derived were purchased under permit or from the Grain Pool.

(4) If local processors are exporting kernels it would be expected that the price they pay the Grain Pool for their lupins would reflect the sum, in real terms, that the pool would otherwise have received if the lupin seed had been sold into that market.

(5) With due regard to the other guidelines which have been set down, the Grain Pool would not refuse to sell lupins to a local processor if that processor requests the sale at that time of the year that the Grain Pool is arranging sales of the local crop, or if at any time lupins in the pool remain unsold. If very large quantities are involved, the Minister would use his discretion as to the fate of any appeal, taking into account the possible effect of the overall operations of the Grain Pool.

The Bill represents an attempt to provide a compromise for the various interest groups involved in grain marketing, in particular, lupins. It should help to ensure continuity for the private investment which has already taken place domestically with lupins and aims to provide industry with opportunity to use private entrepreneurship to develop markets for lupins if it is judged to offer net benefit to the grain industry. The new arrangements will be closely monitored and reviewed within two years to determine whether changes should be made to the arrangements introduced by this Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon C.J. Bell

ACTS AMENDMENT (FINANCIAL PROVISIONS OF REGULATORY BODIES) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Minister for Budget Management) [5.33 pm]: I move --

That the Bill be now read a second time.

The need to amend the legislation of a number of minor regulatory bodies for professions and trades is a follow-on from the financial administration and audit legislative package. When that package was being drawn up, it was recognised that a certain group of agencies -- namely regulatory bodies -- should be treated in a special manner. The bodies concerned have been established under their own Acts, financed mainly from member's registration fees, and do not draw significantly from the public purse.

The feature peculiar to these regulatory bodies, is their dual accountability: They are accountable both to the profession or trade they represent; and, as entities created by Parliament, they are also accountable to Parliament. Given their dual accountability, it is impractical and undesirable for the bodies to be subject to the full weight of the Financial Administration and Audit Act; however, a modified form of statutory accountability is considered appropriate.

A review of the enabling Acts of these regulatory bodies has revealed that financial provisions covering accounting, reporting and audit requirements are either non-existent or inappropriate. For example, almost half of the enabling Acts impose no accounting, reporting or audit requirements on the boards of the bodies. Only seven of the 17 bodies covered by the Bill are required to prepare an annual report, and of the seven, only five require the Minister to table the annual report in Parliament.

The Bill now before the House seeks to amend the enabling Act of each of the regulatory bodies by incorporating standard financial provisions to require the board to --

(1) keep proper accounts and prepare financial statements in accordance with the standards issued by the professional accounting bodies; and

(2) produce an annual report and audited financial statements, for submission to the Minister and tabling in Parliament.

In recognition of the dual accountability factor, the Bill also provides for the accounts to be audited by private auditors selected by the board.

In addition the Bill contains some minor technical amendments to the Nurses Act and Veterinary Surgeons Act, as a consequence of the Financial Administration and Audit Act. As most of the regulatory bodies concerned operate on a calendar year basis it would be desirable for the legislation to be passed in the current session and to become operative from 1 January 1988.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Neil Oliver.

ACTS AMENDMENT (ARTS REPRESENTATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [5.37 pm]: I move --

That the Bill be now read a second time.

The purpose of this Bill is to provide for the appointment of the permanent head of the Department for The Arts, or his nominee, as an additional member to the Board of the Art Gallery of Western Australia, the State Library Service, the Western Australian Museum, the Perth Theatre Trust and the State Advisory Committee on Publications.

The Department for The Arts was established as a State Government department on July 1, 1986 to facilitate, promote and advance the arts throughout Western Australia and to advise the Minister for The Arts in all areas of the arts in this State. The Arts portfolio includes responsibility for the administration of the Art Gallery, the State Library Service, the Museum, the Perth Theatre Trust and the Censorship Office and their respective statutes. The Executive Director of the Department for The Arts is responsible to the Minister for The Arts for the effective administration of the department and for coordinating the activities of statutory authorities within the arts portfolio. All directors of the authorities report to the Minister for The Arts through the Executive Director of the Department for The Arts but this does not affect the direct links between the Minister and the chairpersons of the boards. It is essential that these links be maintained.

To effectively facilitate its coordinating role, it is important that the department be represented on the boards of all the authorities in The Arts portfolio. It is proposed, therefore, that the Statutes of these authorities be amended to provide for the appointment of a permanent head, or his nominee, to the boards as an additional member. The quorum of each board should also be increased by one member, where applicable, to maintain the balance. In amending this legislation, the link between the Department for The Arts and the authorities will be formalised and this will further assist in consolidating the constructive relationships which are developing.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.G. Pendal.

WESTERN AUSTRALIAN WATER RESOURCES COUNCIL AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

HON NEIL OLIVER (West) [5.39 pm]: I do not want to repeat what previous members have said about this Bill. What does interest me is that this Act contained a sunset clause which will most likely not be re-enacted. I notice that the Minister made no mention of the reasons why this provision will not be continued. As the Australian people are subjected to over 10 000 Bills in any one year, which ultimately are proclaimed as Acts, and to 30 000 or more regulations or subordinate legislation which goes before the Parliaments of Australia, I think sunset clauses are a commendable idea and should be included in more Bills. These days, with the number of documents, subordinate legislation, and reports that are tabled, it is physically impossible for members to peruse them all and, if thought necessary, comment on the reports or, if required, move for the disallowance of the regulations. Frankly, from what I see, the sooner we have more sunset legislation the better it will be for the people of Australia. I cannot see any explanation in the Minister's second reading speech notes in that regard.

I doubt very much the purported functions of the Western Australian Water Resources Council. I can appreciate that in Western Australia we have a great need to continue to monitor and identify the problems we have in regard to water resources, but already we have a major statutory body to do that, with possibly the largest value of Government assets -- the Water Authority of Western Australia. Surely that body pursues the same aims and objectives as those set forth in the Minister's second reading speech. If the authority is not doing that, obviously it is not doing the things with which it is charged in the various legislation under which it operates.

Another matter that concerns me is that the Bill proposes to add more members to the council. Hon W.N. Stretch has spoken about that, and especially about the way in which the members are selected. However, what really astounds me is that with this change the State Planning Commission again appears in the arena of water supply.

It was only some seven or eight years ago that I suddenly found, by an examination of the Town Planning Act -- which, of course, now has been superseded by the State Planning Commission Act -- that there was collusion between the Water Board and the Town Planning Board, in that the Town Planning Board was able to allow the Metropolitan Water Board, as it was called some eight years ago, to usurp the role of the Parliament, or the interpretation of the legislation that we passed in this Parliament, to its own advantage and in a way which was never intended by the members of this House when that legislation was passed. I am referring to the manner in which headworks charges are raised, and it affected all members of this House. It was at the time of the Liberal-National Country Party Government, and when I brought the matter to the attention of the House it also came to the attention of many people who had been subjected to this manipulation of the law, if members want to call it such, and ultimately a very large number of refunds were processed by the Metropolitan Water Board, to the extent that under the Court Government over $250 000 was disbursed. If I had continued to get more Press coverage about it, the coffers of the State probably would have been depleted to the tune of $2 million to $3 million.

I would like to explain to members how this legislation, passed in this House, was circumvented in a manner which was never intended. There was an example in the electorate of Hon John Williams. A property owner there had his or her house already erected on the property and connected to the water supply which passed either to the front or to the rear of the property. The property happened to be larger than the normal area required under the town planning schemes as they affected the City of Perth, and that constituent of Hon John Williams decided that in view of this he would have the property subdivided. The procedure was to make an application to the City of Perth for approval to subdivide, which ultimately went to the Town Planning Board. Having received it, the Town Planning Board could have approved that subdivision immediately, but instead it passed the application to the Metropolitan Water Board for its decision on the matter. So off it trundled to the Metropolitan Water Board. The board decided that one of the requirements of this planning subdivision would be the provision of water -- but that was already there. The water supply already ran past the front of the property, and the house on the property was drawing water from that main. However, the requirement for the provision of water allowed the Metropolitan Water Board to raise a headworks charge because another dwelling -- in essence, another property -- was being subdivided and another lot created. That was something no member of this House had ever intended.

Frankly, I become concerned when we have all these councils and boards sitting, many of them duplicating activities already being undertaken by other Government authorities. I do not want to mention Hon John Williams again, but he has sat on the Standing Committee on Government Agencies, as have many members of this House. Of course, Hon Mark Nevill is the current chairman and there is a new set of committee members. We are all aware of these quangos, and from what I can see a lot of diligent work by members has been put into the Standing Committee on Government Agencies, but the committee does not seem to be getting anywhere. This is a typical example, and a sunset clause might have enabled this Parliament to remove the burden of the unnecessary law-making with which successive Governments seem preoccupied.

It is about time we looked at legislation and asked, "Is it necessary?" I do not know why it occurs and why the Government continues along this path. As I have said, successive Governments have done it, but surely there must come a time -- even in the short time I have been here there must come a time -- when we ask why we have this legislation. Why do Ministers have to introduce Bill after Bill? Currently the Australian community is subjected to over 10 000 Bills a year, as well as subordinate legislation, from all the Parliaments of Australia. There must come a time when the people either have something to say about it or revolt against it.

HON J.M. BROWN (South East) [5.49 pm]: I support the Bill, and wish to detail to the House some of the objectives that the Minister has in mind for ensuring that the vast areas of Western Australia that are unserviced and that are populated have an opportunity to be serviced with water.

The objectives of the rural water strategy are to provide progressively a clean and reliable domestic water supply to all country towns and rural and remote communities in Western Australia, including major initiatives to establish and upgrade water supplies to remote

Aboriginal communities and, where possible, to assist farmers in the provision of stock water supplies. They are two very important components of the strategy.

Originally, the Rural Adjustment and Finance Corporation loaned funds to farmers for farm water supply provided the water would be used for stock and not for human consumption. There has been a dramatic change because funds will now be loaned for water supplies for human consumption also.

I pay tribute also to the Rural Water Council which has continually encouraged members of Parliament, particularly those within this Chamber, to support its activities in providing water to country areas. It has been an invaluable asset to Ministers of the day over many years in pursuing the Government's objectives. It has left no stone unturned to ensure the commencement of the Agaton water scheme and has expressed its confidence in the Minister for Water Resources, Ernie Bridge, for his support and cooperation.

Some areas of the State that have been provided with water through the work of the Minister are Miling and Bindi Bindi, which have never had water supplies before. Lake Varley, Lake King, Wyndham 7 Mile, Munglinup and Denmark have also been provided with essential water supplies. Mr Deputy President (Hon D.J. Wordsworth), you would understand the importance of the Munglinup project because that area has been requesting supplies for many years.

I do not see anything wrong with the composition of the WA Water Resources Council which will be set by this legislation. It is not unusual for panels of names for appointment to such bodies to be submitted to the Minister. I have been involved with the Country Shire Councils Association of Western Australia, which has always submitted three names, and it is not unusual for the association's first choice to be accepted by the Minister. The Minister has the right to choose whoever he thinks is the most eligible to serve on the council. A classic example of a Minister's responsibility is the appointment carried out by a former Minister, Hon June Craig. I imagine she would have a great deal of difficulty accepting Mr Wilson Tuckey's nomination to a committee when one considered the volatile nature of the man. However, as I said, it is the Minister's responsibility to choose a name submitted to him or her by the various bodies involved.

I do not see any great difficulty in having the Chairman of the State Planning Commission appointed as an ex officio member of the council. Water resources and planning are much the same thing. There is also nothing wrong with a nominee from the Chamber of Mines of Western Australia being appointed to the council. That could be very beneficial to water resources in this State.

Bearing those matters in mind, it is with a great deal of pleasure that I support the Bill and acknowledge Hon Ernie Bridge's endeavours in this regard. Today's Press includes a report of the setting up of an inquiry into the potential for water to be supplied to the metropolitan area from the Ord River. That has been a pipe dream of many of his predecessors and at last he is establishing a committee to examine the proposal. The Minister is the driving force behind all of these schemes and has been well received in country communities. The Rural Water Council holds him in extremely high regard. He is cooperative and visionary and this Bill is another step forward in the continuing expansion of water supplies to rural communities.

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [5.55 pm]: I am pleased with the general support for the Bill and the work done by the Western Australian Water Resources Council and of the Minister for Water Resources. I believe the Minister would be very pleased with the positive comments made about his work in relation to water resources in this State, as I am sure he will be pleased with the positive comments made about the WA Water Resources Council. I will draw those comments to his attention and to the attention of his staff.

Before dealing with the amendments to be moved by Hon W.N. Stretch I will make some general comments about the WA Water Resources Council because I believe some things need to be clarified. The council's main objectives will be to coordinate water resource matters with planning, particularly in relation to land use, and also to prepare long-term strategies for coordinating the allocation and utilisation of water resources most effectively for all uses that have a benefit for the community, including public and private supplies, conservation of the environment, and recreation.

We need to keep those objectives in mind in considering the amendments to be moved by Hon Bill Stretch. The council's role will be purely an advisory one, even though it is a very important role. The job of implementing any policies that the council may convince the Government to implement is up to the Government department or agency involved. In many cases, it will be the Water Authority that carries out much of the work; but there is competition in land use and water resources, and gradually other agencies are becoming more involved. We need to look at a wider brief than has been the case in the past. I think that wider brief has been established as a necessity.

The council is currently preparing a strategy plan dealing with water use and allocation in the Perth-Bunbury region until the year 2035. That plan is likely to have very far-reaching effects on all aspects of human endeavour in that region. One of the key players in that is the State Planning Commission. I make it clear to members that the council requested the involvement of the State Planning Commission and that is the reason for its inclusion in the restructured council. It was a definite decision by the Water Resources Council that, to be more effective, the State Planning Commission should be involved in the council, which makes the amendments to be moved by Hon Bill Stretch more disturbing.

Hon Bill Stretch referred, in colourful language, to the SPC's being like an octopus with its tentacles stretching throughout the State. It may be that the agency sees the value of having the State Planning Commission involved at the planning stage and, knowing that water use must take into account land use, it is much better that it be involved in the work of the council.

Sitting suspended from 6.00 to 7.30 pm

Hon KAY HALLAHAN: I refer to Hon Bill Stretch's concerns about the State Planning Commission being included on the Water Resources Council. The honourable member could look at the council as a watchdog on the actions of those Government agencies charged with managing and planning our most vital resource; perhaps the member could think about that as well. The council asked for the involvement of various interested groups because the management of our water resource is critical not only to the immediate but also to the long-term preservation of our way of life. Certainly we will not preserve our pleasant way of life without adequate planning in relation to water resources.

The farming sector has three representatives on the council, and they have already made a positive impact on it. Members will be aware of the people who are developing plans in assisting the Minister for Water Resources through the rural water strategy which has received wide acclaim.

The effect of the amendments proposed by the Opposition is to remove the State Planning Commission representation from the Water Resources Council; and the council is very distressed by that prospect. The step is a retrograde one to take and does not take into account the very important role of planning in our processes.

I have spoken to Hon John Williams in relation to comments he made during the debate in relation to council membership moving from 15 to 22. However, I clarify for members that this was an error in reading by Hon John Williams. He acknowledges that membership will be 16.

Members lay themselves open to some extraordinary statements, such as the reference to the members on the council. Hon Bill Stretch said that the method of choosing members for the body changes under the Bill because in the past bodies each nominated one person as their representatives on the Water Resources Council.

Hon W.N. Stretch: I have done some more reading too.

Hon KAY HALLAHAN: I cannot help making the point for the sake of the House. Extraordinary accusations have been made about this Government and its appointing people to boards and committees. Section 4(5) of the principal Act of 1982 reads --

> A body eligible to nominate a person for membership of the Council shall, when required to do so by the Minister, nominate to the Minister in writing but without any indication as to preference as between the candidates, 3 persons competent and willing to act as members, . . .

Hon W.N. Stretch: I was wrong, but I can smile about it.

Hon KAY HALLAHAN: The member says he can smile about it. He is a good natured fellow, although he did say some rather outlandish things in reference to this Government.

Hon W.N. Stretch: No, just that.

Hon KAY HALLAHAN: I agree, but I am making the point as the member would expect. I would also make the point to Hon Neil Oliver as he said the nomination of three members never happened before the Labor Government came to power. It must be most edifying for members opposite to hear that this Government learns from them. I take my hat off to the Opposition for its good sense; the pity is it did not realise it had such good sense.

Hon G.E. Masters: Don't look up my record on that.

Hon KAY HALLAHAN: No, I would not like to because I presume it is the same.

Hon G.E. Masters: I used to always insist on the three.

Hon KAY HALLAHAN: Of course the member would; any sensible person does if one wants a balance of representation. I commend reading of the speeches by members as they really went over the top in saying Ministers should have more to do than saying, "Eenie, meenie, minie, mo", about who to select as councillors. If Hon Bill Stretch were in Government, one could suppose he would not have panels of nominations, but he may be overruled by his colleagues.

Hon G.E. Masters: Does the Minister prefer just a single nomination?

Hon KAY HALLAHAN: No. I personally think a panel is much better. As I have found in my own portfolios, this allows for a balance of regional, gender, and other interests to be represented. A sort of naivety seemed to emanate from the back bench of the Opposition, but when Opposition members said this provision has not applied before I was intrigued and astonished when I made inquiries to find that this is not a new practice at all.

Hon G.E. Masters: The Government will bring in a Bill to the opposite next week -- perhaps we will have fun on that.

Hon KAY HALLAHAN: I am sure it will be very nice. I emphasise the advisory nature of the council. Although there are Government departments that do a good job, the advisory council has a special role to play in that it brings expertise to bear from a whole range of community and departmental areas. As I have experienced them, they have been a constructive and alternative source of advice for Ministers, so the council plays an important role.

I know that nobody disagrees with that remark, but in order to carry out its role to the full extent it has as its mandate that it should have on it the people who are most relevant and satisfactory to its operations. In relation to what was said by Hon Bill Stretch, the fact is that nowadays the Planning Commission is a very important part of any ongoing and future planning in relation to many of our major resources. I have been told that Mr Ken Kelsall, chairman of the council, would welcome the opportunity to brief members who are not aware of the work done by this valuable council. Therefore, members can perhaps keep in mind that an invitation could be extended to them, if they indicate to me their interest in this matter. The Bill is an eminently sensible one, and I ask members to support it and to defeat the proposed amendments.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon Garry Kelly) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 4 amended --

Hon W.N. STRETCH: I thank the Minister for drawing to our attention some of the apparent anomalies raised earlier in relation to the appointment of members. As I said by way of interjection, I believe that choosing members for an advisory body from a group of only three people is not the most desirable way of appointing those members when one is trying to get

as wide a cross-section of members as one can get from the contributing bodies other than the council.

Country shire councils pick their members for their experience, generally picking people who best fit a role on the Water Resources Council. My objections are brought about because of the recent performance of the State Planning Commission. I have sincere doubts about its role when taking over planning on a State-wide basis. I am a great one for development by region rather than for centralised planning.

During the second reading debate I pointed out that the intrusion of the State Planning Commission is spreading to areas for which it is totally unsuitable and inappropriate, and this includes areas such as farm planning and local authorities well away from the metropolitan area. The total politicisation of the State Planning Commission has caused members on this side of the Chamber to hold great distrust for that body. That is unfortunate. If the State Planning Commission were operating properly and in a bipartisan manner, it could be making a great contribution and would receive better acceptance. Also, it would not have aroused the distrust of people such as myself, and other members. I accept the Minister's point of view that there is a role for the State Planning Commission, if it acts in a truly bipartisan manner.

I have a different vision than has the Minister in relation to what the Water Resources Council should and could do. As I indicated earlier, I am disappointed that it is not more of a think-tank -- that is, rather a lateral thinking body than a collection of engineers, planners, and such like. It has been put to me in discussion that there is a role for what I call lateral thinkers in society to come together on a less formal basis to discuss matters relating to water. I have been advised that the role is one for a different sort of body. This council is a semiprofessional body taking advice from a combination of engineers and lay people such as those from country shire councils, and from users.

I will not proceed with my amendment, not because I believe that the State Planning Commission has a role to play under its present set-up but in the hope that in the future it will be a better and less politicised body. I would like to see the day when we have an advisory think-tank, probably of engineering students who have not been moulded into a role-model departmental-thinking or farming-thinking, or anything else. That body would include people such as water diviners, way-out mining engineers, and other people who could find a way-out approach, if you like, to the problems that we face.

As the Minister in charge of the Bill has rightly pointed out, water supplies will be the limiting factor to the development of Western Australia and we need the broadest possible input in relation to it.

On that basis, I accept the proposal and will not move my amendment. However, I hope that the Water Resources Council gets together all the people who can make a contribution so that they may share their ideas. It is surprising as one moves around to find the number of people who have a genuine interest in matters related to water and the ability to find water. A person at Dumbleyung said to me the other day that if I drew a map of my farm he would sketch it on the ground with a stick, walk over it, and tell me where water is; so there are all sorts of people who can tap the different resources. The Mines Department has a role to play on this body because it has the geological surveys which show where water is. Hopefully, the Water Resources Council will continue to make the contribution that it has made in the past but with a bit more freedom and lateral thinking among its ranks.

Hon E.J. CHARLTON: I am pleased that Hon. Bill Stretch did not proceed with his amendment to the clause because I would not like to give the Government, or the Minister, any excuse not to proceed with a number of intentions outlined in his strategy.

I was interested to see a report in today's *The West Australian* which very ably described a process for water to be brought from the Kimberleys. Members on this side of the Chamber, and people right across the broad spectrum of politics, want to see the Government supported by everyone in this place in an attempt to involve people, departments, and other organisations in this matter.

I mentioned during my second reading speech, and point out again, that in the past few days as I have travelled around the bush I have been amazed by the number of people who have commented about the present critical situation in relation to water supplies. Many people are

commenting on whether there may or may not be enough water to see the summer through, and there is an increasing number of people who say we have to spend money to bring water from the north. I hope the people who make up this committee keep that thought in mind, that this is not a dream. I heard Howard Sattler say yesterday that it is not on because it will cost too much money. I hope there are not people on the council who hold that sort of view and take that weak line, because this is the lifeblood of the nation. Australia is the driest continent on earth and I hope that the council will be fully supportive -- and indeed I hope everyone else involved, including the State Planning Commission, will be fully supportive -- of this legislation, because the position is a serious one.

Certainly I can assure the Minister and the Government that they will receive 100 per cent support from the National Party and everybody in the bush, regardless of their politics, in respect of the costs. As I said in my second reading speech on this legislation, I hope that there will be a labour-intensive operation. Obviously that cannot be completed tomorrow but we must have an understanding, undertaking and commitment in this regard so that there is something for people right across the State to look forward to.

Hon KAY HALLAHAN: I welcome the fact that Hon Bill Stretch will not pursue his foreshadowed amendments. I think that the council will be well heartened by the support it is now receiving across the board from all parties represented in this Chamber. I cannot help but say that I have tried to point out to Hon Bill Stretch the value of the SPC and I am pleased he has listened to the arguments of other people in whom he has far greater trust.

Hon W.N. Stretch: It was mostly you.

Hon KAY HALLAHAN: Anyway members, I think it is a very satisfactory outcome and the council will feel supported in its work by our passing this legislation tonight.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [7.54 pm]: I move --

That the Bill be now read a third time.

I want to make one final comment, which I should have done in my response to clause 6. The comments made by both Hon Bill Stretch -- and his vision about the way the council would work and the matters it would address itself to, and the sort of people it would involve -- and Hon E.J. Charlton will be drawn to the attention of the council. I do not want members to feel that those points which they placed on the record will not be drawn to the council's attention.

I thank members for their support of the legislation.

Question put and passed.

Bill read a third time and passed.

PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

Second Reading

Debate resumed from 10 November.

HON MARGARET McALEER (Upper West) [7.56 pm]: The Opposition supports this Bill, which makes special and sensible arrangements to provide for a public holiday on 25 January, the day preceeding the public holiday specially proclaimed for Australia Day on 26 January.

It should go without saying that the Opposition also supports the public bank holiday on 26 January, or Australia Day, as an appropriate day and way of celebrating the Bicentenary. Mr Lou Holme, for the Australia Day Council, has for a number of years tried to encourage

the celebration of Australia Day on 26 January but he has had restricted success, partly because it has not been a public holiday and so the celebratory events have had to be fitted in around the working day, but also because Australia Day does not have very great significance for Australians generally. That is partly because it is obscured by the traditional long weekend which follows it and some people consider that the Monday is in effect the Australia Day holiday; more importantly, it has very little emotional connotation for Western Australians or indeed anybody in Australia unless perhaps they be Sydneysiders and people in New South Wales generally.

I distinguish two days of national feeling in Australia -- that is, Anzac Day and the day of the Melbourne Cup. Although they are significant events for very different reasons I think they both engage the emotions, the interest and enthusiasm of us all. It has always been considered by the Australia Day Council and those who are interested in the celebration of another national day that it would take a good many years to establish Australia Day on 26 January as a day of significance to all Australians. It may be that this Bicentennial celebration will greatly speed this process. In the Minister's second reading speech he touched rather lightly on the differences of opinion in the tripartite council which prevented agreement from being reached on how to treat Monday, 25 January 1988. I would be very interested to know the obstacles which arose or the difficulties in the tripartite council which made it impossible for them to reach agreement on how to treat that particular day -- whether in fact it was a difficulty which arose from the Confederation of Western Australian Industry or on the part of the trade unions, or whether in fact problems arose from both those parties as well as the Government.

Apart from that, we understand that the transfer of the public holiday from Monday 28 December, to 25 January, is not entirely welcome to the retailers of this State because, firstly, they fear that this may set a precedent for a four-day weekend and, secondly, because they feel that they are losing an additional day of trading. That is to say, they are losing Saturday, 26 December, which is Boxing Day, and then both Monday and Tuesday, 25 and 26 January. I understand that the Chamber of Commerce has suggested that retailers be compensated for this loss by the provision of an additional date for night trading prior to Christmas. It goes without saying that the Opposition does not regard the public holiday on 25 January as setting a precedent for a four-day weekend when other public holidays, such as Anzac Day, occur on a Thursday or on a Tuesday. I am quite sure that the Government does not see this as setting a precedent either, otherwise it would not have bothered to transfer the Monday holiday on 28 December to 25 January; however, perhaps it would give reassurance to the Chamber of Commerce and retailers if the Government were to repeat that it does not see this as setting a precedent.

In this special case we believe the arrangements are sensible because, as the Minister has explained, the Australia Day weekend at the end of January is longstanding, and many arrangements and events are programmed for that time. As well as that, the long weekend preceding Australia Day may well facilitate arrangements for the celebration of the Bicentennial Australia Day itself. Therefore we support the Bill.

HON H.W. GAYFER (Central) [8.01 pm]: The National Party supports the Bill and what it seeks to do, but I think it is a little like Tweedledum and Tweedledee. I cannot get enthused over the Bicentennial celebrations to mark the occasion of the first European setting foot in New South Wales, when Dirk Hartog set foot in Western Australia in 1616, and of course, the first Englishman to set foot here was William Dampier in 1688. If we are looking at history and wanting to preserve it, why should we not preserve Western Australian history and remember that it is something like 370 years that we should be celebrating rather than 200 years of some eastern State which has suddenly decided it should come alive.

I do not understand why it should be of any great interest to Western Australians. After all, Western Australia only joined the rest of Australia in 1901, so it is no great deal. The Prime Minister has decided to go gaga over this great day and proclaim a holiday all over Australia on 26 January. We now find out there is some desire to alter it to another day -- 1 February. Admittedly, it suits everybody. It will be a long weekend which will enable the holiday to be celebrated, but to go overboard enthusiastically about this Bicentennial bit has a hollow ring when one considers that not only is Western Australia the oldest part of the continent by a long shot, but also it is most likely the oldest part of South East Asia. I believe we should be celebrating our 370th birthday rather than applauding something which happened in that other part of the continent 2 500 miles away.

It is no skin off my nose, but I do not think this is a big deal at all. I suppose the fact that the Bicentenary means something to somebody is all right, but I do not know why we should get enthused about it. I would give greater credit to the Government if it promoted the fact that Hartog or Dampier set foot here years before the rest of the continent was discovered. The *Western Australian Year Book* has always been very proud to print our early history. It has formed part of the *Year Book* for many years although in the last few years that early history has been deleted from the front of it. I will not blame the present Government for doing that, but that information has certainly disappeared. It is a rich history -- richer by far than any that one can read about the east coast of Australia.

It is only by a fluke that we are not a French State. The British Government had to send Lockyer over here to Albany to annex this part of Australia. He came and raised the flag and proclaimed Albany as an English colony.

Hon Mark Nevill: That should be our foundation day.

Hon H.W. GAYFER: Not necessarily. Stirling then came up the Swan River and did exactly the same thing. There was another flag raising ceremony and another annexation of Western Australia as a colony. So this has happened twice. I cannot see any difference between that and Dirk Hartog's hammering his plate on a tree.

Hon Garry Kelly: We would be Dutch, then.

Hon H.W. GAYFER: Hon Garry Kelly is double Dutch, so he should be proud of his antecedents.

Hon Garry Kelly: They are Irish.

Hon H.W. GAYFER: I thought Hon Garry Kelly may have been Dutch the way he talked.

This business is a whole lot of malarky. We are supposed to get hyped up about a 200-year celebration, but as Western Australians we should think about our own State and its history and get hyped up about that. We should not chop off our first 170 years and forget about it and suddenly support the New South Welshmen who have never done any good for us. They use us by exporting great amounts to us and taking very few of our goods in return.

Hon Tom McNeil: And pinch our footballers.

Hon H.W. GAYFER: That is right. At least they have adopted a decent code.

My objection to this Bicentennial business is that it is sad we do not celebrate our own traditions, nor does anybody bother much to read the history of the hundreds of landings that took place in Western Australia long before Cook decided to set foot in some remote part of the country at Botany Bay. What does it mean to us? Not a thing. All right, we can get enthused about it; I suppose if we were enthusiastic we would argue more about Hawke saying that the celebration will be on a particular day. He said he would like it celebrated on 26 January.

Hon Margaret McAleer: It is being celebrated on 26 January.

Hon H.W. GAYFER: On a long weekend. We are taking Monday, 25 January as well. I am not interested in what is being taken off; I am interested in the fact that this place does not recognise the history of this State as it should be doing.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon Mark Nevill) in the Chair; Hon. J.M. Berinson (Leader of the House) in charge of the Bill.

Clause 1: Short title --

Hon MARGARET McALEER: I realise that the Leader of the House was distracted during the course of my second reading speech, but I asked him two questions which require responses. Firstly, I asked whether he would reassure the Western Australian Chamber of Commerce and Industry, or the retailers, that there was no intention on the part of the Government to set a precedent for a four-day weekend when other public holidays, such as Anzac Day, occurred on a Thursday or a Tuesday and might lend itself to declaring other Monday or Friday holidays.

The second question I asked was whether he would agree to elucidate on difficulties which were discovered by the tripartite committee when it discussed how to deal with the Monday holiday. We know that the retailers are slightly upset because they are losing a trading day and they are frightened of the four-day weekends. What matters were raised with the tripartite committee, either by the trade unions or the Confederation of Western Australian Industry, which prevented agreement on how to deal with the matter?

Hon J.M. BERINSON: Answering the second part of the question first, I do not have first-hand knowledge of the discussions of the tripartite committee, but my understanding of the position is that one problem arose from the question of whether there should be a reduction of other holidays to balance the additional day on the Australia Day weekend.

Another question which was preliminary to all of that was whether there should be an additional day at all, or whether, indeed, Australia Day should be celebrated on the actual day without reference to any link to the weekend. Those were matters on which the various parties had differing views, as I understand it, and not all of them could be resolved.

The first question that Hon Margaret McAleer reminded me of related to the possibility of a precedent being set of four-day long weekends. I can assure the honourable member that there is not the slightest intention by the Government to establish such a precedent. It is only moving to this quite exceptional four-day long weekend because of the very special nature of the Bicentennial.

I think that Hon Mick Gayfer has failed to appreciate the importance of the event and, in that, I must say, he is taking what only can be described as a very exceptional stance. Having allowed the earlier opportunity to pass, could I say that no-one would complain if Hon Mick Gayfer wanted to mark 1988 as not only the Bicentenary of the Australian nation, but also the 372nd anniversary of Dirk Hartog's arrival.

Hon H.W. Gayfer: Why don't you do it?

Hon J.M. BERINSON: The 372nd anniversary does not have the same ring as a bicentenary, a centenary, or even a sesquicentenary, but when we come to the 400th anniversary of Dirk Hartog's arrival I will be very happy to join with Hon Mick Gayfer and mark it in an appropriate manner. I am being serious. It is an important anniversary to look forward to, and I look forward to joining with Hon Mick Gayfer to mark that at that time.

Having broached this subject, I have to take issue with Hon Mick Gayfer on the question of the Bicentenary having no interest for Western Australians because, as he appeared to be putting it, it is only an Australian event. I am quite happy to be as patriotic a Western Australian as Hon Mick Gayfer. I make no bones about my parochial attitude to the importance of Western Australia and the importance of its place in the federation, but I cannot proceed from there to say that the federation does not matter. It is the most significant event in Australia, and there can really be no doubt that our character as Western Australians is coloured by our membership of the nation.

I really do believe, and I put it seriously to Hon Mick Gayfer, that he is out of step, not simply with 99 per cent of Western Australians, but with an even larger proportion of them in his view that our membership of the Australian nation does not count.

The Bicentenary marks not simply the arrival on the shores of an odd adventurer, but the beginning of the European settlement of Australia. In turn, that was the forerunner of the foundation of the Australian nation. That is what we are celebrating next year, and I believe all Australians will join in marking that as an event which, indeed, is something to be celebrated in the way that is proposed.

Clause put and passed.

Clauses 2 to 6 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 Hon J.M. Berinson (Leader of the House), and passed.

ACTS AMENDMENT (MEAT INDUSTRY) BILL

Second Reading

Debate resumed from 29 October.

HON W.N. STRETCH (Lower Central) [8.19 pm]: This Bill was introduced as a reasonably simple and small change to the marketing of meat in Western Australia. Unfortunately, on further study, it turned out to have a few stings in its tail which have caused the Opposition some concern.

The Bill starts off fairly simply. It enables the Western Australian Meat Marketing Corporation to engage in the trade of offal for human consumption. In the past, offal was processed for pet foods, blood and bone, and meat meal, but never for human consumption. Now, with the development of overseas markets, we have found that all kinds of interesting people eat all sorts of interesting parts of animals. Some of the gory details were debated in the Legislative Assembly, and any member who has that sort of bent can read *Hansard* to see what parts of the animal are consumed. I am sure that they will be as surprised as I was. However, we have no complaints at all with that part of the Bill. It simply changes it from animal processing to include human consumption. The Bill goes further and makes a few minor amendments.

The proposed amendment to section 15 of the Act is a sticking point for most members on this side of the House; that is, the power to --

> carry out, or arrange for the carrying out of, with the approval of the Minister, the selling of live lambs outside the State;

The history of the Lamb Marketing Board in Western Australia has been long and chequered and it is not necessary for me to go into the long and devious history of how the board was set up, the various traumas it has gone through and its successes, failures and general effect. Suffice to say that in the marketplace where I operate opinion is divided 45:55 about whether there should be a total acquisition board for lambs in Western Australia or whether there should be a freer market. My research -- from going around the country talking to different people -- indicates that people definitely recognise the need for the lamb marketing authority, which is called the Meat Marketing Corporation, but there is also great concern about the total acquisition powers of that authority. For 15 or 16 years that authority was called the Western Australian Lamb Marketing Board and although its name has now been changed to the Western Australian Meat Marketing Corporation, everybody in the industry knows to which body I am referring when I use the word "board". I am sure the Minister will bear with me.

In the past all lambs, wherever processed, became the property of the board on delivery to any abattoirs. This is of major concern. The reason for the legislation in the early days was well accepted because there was a heavy carryover of lambs in some seasons causing glut conditions, with producers getting low returns. The board was consequently set up to cope with that and it has been reasonably successful for many growers. The tragedy of this operation is that it has tended to force out the genuine, totally lamb-oriented producer in favour of those who tend to grow crossbred lambs from old merino ewes. They are a good product, but they do not compare with the product we used to call the fat lamb but which is now called good trade, lean lamb.

I would prefer some combination of the two schemes whereby adherents to the Meat Marketing Corporation would continue to sell lambs through the corporation with the full protection of that market, and those who philosophically or otherwise have differences of opinion can sell their lambs on a parallel structure and pay the board a research levy. The direct contribution to the board which can range from $6 to $11 a head would not have to be paid. I have had representation from one body which would like this sort of structure to be put in place.

The argument against it is that if some lambs are taken from the board that will lead to the ultimate destruction of the board. It is a little emotive and carrying things too far to take that view and there seems to be a strong belief in the industry that there is room to set up that parallel structure. It would provide a good gauge of the efficiency of the board's operation. It would not necessarily be deleterious to the Meat Marketing Corporation although it could perhaps cause some hiccups. The system should be looked at and it could be fine tuned, if

necessary. The two-year review provision in the Bill means that this could be an ideal time to try a little deregulation of the outside lamb market, while still allowing the corporation to receive the bulk of lambs from the bulk of growers. This parallel measure should be given a fly. It would not do the industry too much harm, but if it did start causing damage the provisions of the Act would enable the Minister to take corrective measures.

As with the water resources Bill I discussed earlier, there is room for us to think a little more broadly. The Meat Marketing Corporation or its predecessors have been in operation for 15 or 16 years with fairly good results for most people, but some in the outside world have an element of concern and they would like to try something different, to be innovative, and to see what the effects would be. I do not think the effects would be as horrific as some might imagine.

The problem occurs with many of the country abattoirs; for example, Kojonup Abattoir buys a lot of lambs by private treaty -- some are small lots of 10, 20 or 30 lambs. They also buy at auction at Katanning. The lambs are taken to the abattoirs where they are processed and many of them are sold through their own shops in country towns and a couple of outlets in Perth. They are resentful when they have to send a cheque to the corporation with the return of the lambs slaughtered for lambs the corporation has never seen, never knew about, never handled and never will. Their resentment is understandable.

At the risk of boring the House, as lamb marketing legislation has been wont to do over the years, I would like to repeat figures, now out of date, which illustrate the point I am making. The returns were sent to me by a small farmer in the south west who grows lambs on his small farm. He has had his own butcher shop for many years. He grows top-quality lamb which he takes to the Manjimup abattoirs. He delivers them to the abattoirs for processing and then sells them through his shop in Manjimup. The return he receives for his three lambs -- medium fat, score two, good quality heavy lamb, 48 kilograms total -- is 97c a kilo. For three lambs his return is $46.56. The minute he unloads the lamb from his truck at the abattoirs for slaughter they become the property of the corporation. He picks the lambs up three or four days later and the price has increased from $46.56 to $95.04. This increase is on lambs the corporation has never seen, never knew he had, and never knew he would use. It seems to a producer such as this that he is paying double the money to get his lambs back to sell in his own shop. The difference in price is not only accounted for by the levy, it includes slaughtering charges and the usual amount the corporation pays to the Manjimup abattoirs to have lambs slaughtered and prepared for processing. The average levy is approximately $8 per lamb which goes direct to the corporation.

Hon Graham Edwards: Twenty four dollars over the three?

Hon W.N. STRETCH: Yes. He took some exception to this, being a rugged individualist. He did not want the corporation; he did not vote for it; yet he feels that he supports it. There are a lot of people like that, and I raise that example because they happen to be the figures that were sent to me, which are fairly typical and represent very clearly the points of view of that sector of people.

I wonder whether now is not the time to look at some minor amendments to this Bill to give the industry more deregulation and to see what happens out in the marketplace. From my own experience, we are not big lamb producers but we sell some of our stock to the corporation and some to the saleyards, and there is very little difference in the prices. The argument put forward by private traders is to ask what the marketplace would pay if it did not have to pay the levy as well; so the $19 lamb at the saleyard could well be a $27 lamb. There are many unanswered questions, and I think there is a case for taking a courageous stand and giving deregulation a go for a year or two, and if the Minister finds that this is having disastrous effects, and if Mr Burston finds that his throughput is falling away to glory, he can approach the Minister, and I believe that both Houses of Parliament would give the matter a sympathetic hearing.

Another feature of this Bill which concerns many of the people who have contacted me is the proposal to move into the selling of live lambs outside the State, which virtually means the export of live lambs. As members know, the export of livestock has been carried out in Western Australia for more than 30 years, starting in the Kimberleys with the export of live cattle, and moving down the coast with live sheep from the Gascoyne. In the last decade or so the export of live sheep has probably been the biggest single factor in the profitability of

sheep farming right throughout the State, because the heavyweight old wether that we kept on as a top wool cutter, before live exporting, was probably worth $8 to $10; he is now worth $20 to $30, depending on demand and seasonal conditions. There has been an enormous lift in the price of those older sheep.

I mention in passing that the type of sheep which is exported is not in the main a type of sheep which would meet great demand from the Australian domestic market. Australians tend to prefer tender, younger meat, and members can imagine what the effect on the cool stores would be if we were left with this very large carryover of heavy mutton. The truth is that we would not be able to grow these large numbers of sheep because there would not be the market for them or the space to store them if they were not in demand. The live sheep export trade has been a very beneficial development for the rural industry in Western Australia. The Middle East market -- along with the Australian market -- has developed a taste for the younger, more tender sheep, so we are now getting down to specialist exports such as live hogget and live ram lambs. The entire sheep which has not been touched by a knife is in great demand in Muslim countries. The market for the live lamb trade is a very specialised and sensitive market, and the members who have dealt with the Middle East will know how easily offended by religious customs the people in those markets can be. The exporters of live sheep have built up a reputation for reliability, sensitivity, and performance in those markets, and they are naturally concerned that the corporation now wishes to move into that market.

We must remember that the Meat Marketing Corporation is the servant of the taxpayers of Western Australia; it is not a body which pays its own way. Members in this House have a responsibility to ensure that if the corporation is to move into this market, there will be a payoff to the taxpayers, and the object must be to lower the losses of the corporation.

Another disturbing aspect is that several bodies which are deeply involved in the exporting of live sheep have not been consulted about this Bill. One of those bodies is the Western Australian Livestock Exporters Association, which has been formed as a representative body of exporting companies, the major ones being Emmanuels, Fares, Metros and some other companies whose names do not readily come to mind. I believe that the *Danny F*, which is the Fares' large sheep carrier, can accommodate about 125 000 wethers, and I would not mind the wool from that clip.

These organisations have built up the expertise and know-how to handle these large numbers of sheep. One does not just round up a mob of sheep and say they are going on the boat tomorrow. Those sheep have to be treated; clipped; shorn; cleared of any parasite infections, either internal or external; and adjusted to on-board life, which means they have to be put into feedlots for maybe several weeks at a time and accustomed to lot feeding such as they will experience on board.

Much has been said about the so-called cruelty of the live sheep export trade, and certainly in the early days of the development of the trade there were fairly heavy losses. However, the state of the art now is that the losses are very low; in many cases they are lower than the losses suffered by farmers in normal flock handling of their sheep. This is a reflection of the care and husbandry techniques that have been developed, and a lot of it leads on from the breaking-in of the sheep to the feedlot conditioning. Feeders now have bars running across the tops of the feed troughs where the sheep are being fed in lots, and there is a dye on the bar so that when the sheep feed in the trough, they end up with a red mark on the back of their neck, and the stockmen know that the sheep marked in that way are accustomed to feeding from a trough, know where the feed comes from, and are therefore acclimatised to on-board life. If the sheep do not have that red mark, the stockmen know they are not feeding and that there will be a danger of them dying of malnutrition on board, so they do not go.

I take the claims of organisations such as the Livestock Exporters Association fairly seriously, and that organisation wrote to me and expressed concern and said it had come to its attention that legislation might go through State Parliament which would give the Western Australian Lamb Marketing Corporation power to trade in and export live lambs. The organisation said that the only way they can see the corporation breaking into those markets is by undercutting. It escapes me how a marketing corporation can go into an export market on a price cutting basis and increase returns to growers. It is not as if the corporation can

undercut for a while and then build up the price, because the market has been too well established for too long.

There are many unanswered questions about this legislation, and I would like to know how many lambs the corporation receives in the course of normal receivals which are suitable for export. I would be very surprised if more than one or two per cent of the lambs that came in would be suitable for export. How long will it take the corporation to build up a lot big enough to attract interest from an overseas buyer? Alternatively, how many will it put together to make up a saleable lot? Where will it hold them, bearing in mind the size of some of the exporting live sheep carriers; or will the corporation go out into the marketplace and buy lambs in direct competition with the established exporters?

Far be it from me to criticise competition; as a farmer I think it is a great thing. But are we going to build up the expertise within the Meat Marketing Corporation to compete with the people who have been in the trade for 30-odd years? As some members will know, the chartering of ships and the general running of that operation is a very complex one. Will the corporation give its lambs in consignment lots to one of the established live sheep exporters to export on its behalf? If so, why not use the powers it has now to put those lambs back on the market and sell them to the exporters under contract? I cannot see for the life of me how the Meat Marketing Corporation will set up the marketing and buying expertise, the shipping and holding aspects, the holding paddocks, the feeding, and all of the things associated with preparing sheep for live export. I fail to see how the corporation will compete with the established companies. I might be cynical, but I have seen very few cases where Governments run things better than private enterprise companies, and I do not think this will be one of them.

Further on in the Bill, proposed section 22A gives the corporation the power to purchase lambs at auction or on farms. Again, that is not a worrying concept if it is buying for domestic purposes; but if it intends to go out buying in the marketplace, putting together shipments of live lambs, my argument stands. How will it set up that expertise to do it cheaper than the buyers do it now?

The Western Australian Livestock Salesmen's Association -- WALSA -- knew nothing about this legislation. They are the people who run the saleyards -- Elders, Wesfarmers, and any of the new companies; all of those people are associated with WALSA. They are probably closer than anyone to the market, yet the corporation or whoever drafted the legislation did not see fit to consult them, or so they tell me; certainly not in recent days, and they say never. However, I would not say never because this has been in the pipeline for a long time. In fact I think the first time I saw it was when I came to Parliament in 1984. Hon Dave Evans, the then Minister for Agriculture, issued a Press release on 27 July 1983 which began --

> The Government has proposed that the Western Australian Lamb Marketing Board be given the power to trade in live sheep in a variety of markets.

So it is not a new thing. On that basis I will not say that these bodies have never before been consulted about it. It certainly was around then, but no recent negotiations have taken place with the livestock traders.

The problem now is that there are too many unanswered questions about how the corporation intends to work. It is one of those things that sounds like a good idea but nobody has gone into the fine details of it, and unless one has been involved fairly closely with the trade one does not realise the complexities and difficulties involved in the industry. I believe we should debate this Bill to the second reading stage, with the Minister's agreement, and wait for a little more time, if we possibly can, for more feedback from this industry.

Hon Graham Edwards: How much time do you want?

Hon W.N. STRETCH: I do not need very much more time at all. Some of the industry people are still concerned about it and I believe they are trying to set up talks with the Minister. The Pastoralists and Graziers' Association also has severe concerns about the legislation and members of that association have put forward a suggested draft amendment -- which needs some professional drafting to tidy it up -- that would give private buyers and the small abattoirs the opportunity to buy their supplies free of the levy. That gets back to the question I raised earlier.

I believe that is the way this House should handle this Bill to return extra flexibility to lamb marketing and see if we can find a way to appease the warring factions, as one could almost call them -- the pro-corporation and the anti-corporation factions. We should give them just a year or two to see who is right and who is wrong. Both sides maintain stoutly that they are right and I feel that, with the legislation before us having a suggested review provision, there could not be a better time to give it a belt and just see how effective total acquisition has been and whether a certain amount of deregulation in the marketplace would be beneficial or whether it would be as damaging as the pro-corporation faction believes.

It is an experiment very much in the interests of industry and of consumers of meat in Western Australia, because there is room in the marketplace to sell more lamb at a price. The private abattoirs maintain strongly that they can supply that at a reduced price if they do not have to meet this extra overhead.

I believe the only way in which the argument will be settled is along the lines I have suggested; that is, by allowing a little bit of free trading on the side to see how we are going. I will not go into the suggested amendments at this stage, except to foreshadow that one will deal with the writing into the legislation of a sunset clause rather than merely having a review on the side. The other relates to allowing some parallel trading.

HON E.J. CHARLTON (Central) [8.48 pm]: There always will be conjecture and comment regarding the operations and costs of the corporation, whether it is acting in the best interests of the industry, and so on. That will continue while this part of the industry is in place.

I acknowledge and recognise that a number of problem areas are associated with the corporation's activities, and that goes back to the very beginning when the corporation was first set up. We had in place then an operation that was trying to be everybody's godfather. The old adage is that one cannot be right all the time in all things, and one cannot be everything to everyone. That was one of the bad aspects of the Lamb Marketing Board in its original operations. The corporation has come a long way in ironing out many of those anomalies. However, whether we have a totally deregulated operation or whatever, it will never be 100 per cent satisfactory to everyone.

The changes proposed in the Bill are all to the good because the opportunity for the commission to trade in these various products is part and parcel of the industry itself and no-one I can think of would oppose its taking place. In relation to some other aspects of the corporation's activities with regard to lambs, we have to say that when lambs are purchased by the corporation there will obviously be a percentage which are not in the best condition for the corporation to trade. Therefore, it needs some flexibility to put them back onto the market in whichever way is beneficial to the producer, the corporation, and overall to the industry.

Obviously a private operator would not accept those sorts of lambs, so why should the corporation? As everyone who is familiar with the industry would know, people book in a particular lot of lambs and if a percentage of them do not appear on arrival to be in condition for slaughter, it is in the best interests of everyone to put them back onto the market. Any free trader or operator would do that, so that aspect of the corporation's activities is in line.

As far as export goes, that market is in place whether the exporting is done by the corporation or some private operator. Hon Bill Stretch referred to deregulation in the home market, and that is what is taking place on the export side by allowing the corporation to sell some of its lambs live overseas. A great percentage of lambs in Western Australia are exported, and that is one of the big differences between Western Australian and Eastern States' lamb production. A great percentage of their lambs are consumed, whereas it is a historical fact in Western Australia that a large percentage of ours are exported.

In my travels to the Eastern States in the last couple of years I have seen significant fluctuations there in the price of lamb because of the supply and demand situation. There have been very significant differences in price in the last two years. This year we have seen very few lambs coming into this State, and I was told the other day that Western Australian lambs are now being taken to the Eastern States. Whether that is right, and what numbers are involved, I have no authority to say; but it bears out the fact of the fluctuation in prices.

Obviously the board came into operation originally because of the extreme fluctuations. Without that, this corporation and this method of marketing would not have been set up. The fact that such a significant proportion of lamb production goes to the export market must reflect on the home market price. The other aspect that is significant -- and this is an area where the corporation should be making changes -- is that out of season and prime lambs are being produced and the premium paid to those producers is not high enough; the reward is not there. We see this occurring in parts of the year when different people have a capacity to produce a particular type of lamb. They should be rewarded for doing so.

That is not directly related to what we are debating in this Bill, but it is of great importance as far as the operations of the corporation are concerned, and more importantly the industry. We saw too much evening-out of prices initially, and although this has lessened in the last few years it is still significant.

The other aspects of this Bill improve the situation. We can debate whether the operations of the corporation and the commission should be watered down or deregulated, but when it comes to marketing this type of product we are really stuck with two alternatives -- we get rid of this body altogether or we put it in place and have orderly marketing. One either agrees or one does not. I have always said we should never look at a sacred cow and say, "That is the way it is, and we cannot change it". We should look at it all the way along the line and refine the process. Conditions, markets, and products change, and we have to make changes and be flexible enough to make an operation efficient and be able to gain the best return for people in the industry.

Obviously the first people we have to think of are the producers because they provide a commodity for the market. If they are not in the best position to get the greatest returns they will not produce the goods. I would not support deregulating aspects of the corporation's activities, because if we created a situation in which it could be demonstrated that the system was not working, the next step would be to take it over one way or the other. We have to make up our minds whether we want this system. If we decide we want it, we have to get it to work as efficiently as is humanly possible.

HON D.J. WORDSWORTH (South) [8.58 pm]: It is rather ironic that I came to Western Australia because I was attracted by the very high market for fat lambs here compared with the Eastern States. This was brought about because Western Australia's season is so much earlier than that in the Eastern States and New Zealand, and Western Australia has always been able to beat production from any other large sheep producing areas. This State always used to get 50 per cent more than the Eastern States or New Zealand for its lamb. That, together with cheap land, was the reason I came to Western Australia.

I consider myself to have been fairly successful at producing fat lambs before I came here because I won prizes at Smithfield Market for lambs I exported to Britain, and I can also say I was going pretty well in Western Australia in the 1960s. However, in 1969 regrettably there was a drought in Western Australia and we lost our major traditional market for lamb in the UK. The price of wool fell to about 25c a kilogram and we had a massive glut of lambs on the market. Producers became very unhappy. Merino breeders in particular could not see any point in carting the lambs home and feeding them grain because the wool market had collapsed. There was a drought and they dumped their lambs on the market with disastrous effect.

I came to this Parliament in 1971, and a month before or after -- I am not sure -- a referendum was held on what was loosely called the orderly marketing of lamb. The referendum involved all producers of more than 100 lambs. It took years for the people who produced lambs as a business to work out why they lost the referendum. They were completely outvoted by the merino wool breeders who, because they sold 100 lambs in the previous season -- no regard was had for the fact that they were not fat lambs -- were entitled to vote, but the lamb breeders were getting better prices and the merino breeder could not sell his. The person who began as a prime lamb producer was conned into a different market for which he would have a great deal of trouble producing.

One of the objectives was to have a differential price. The merino breeder wanted to know why, when he sold his lambs in the spring and there were plenty of lambs on the market, he could get only $6 and the person who produced for the market in March received $16. They were jealous. The differential price allowed for some of the money received for sales in

still the chairman of the corporation, I understand, but he is unable to attend meetings regularly. I do not know if he has lost interest because the Government has not accepted his recommendations, but he is a busy man. It is to be noted that the producers themselves are a little concerned.

The PRESIDENT: Order! Honourable members will come to order and cease audible conversations.

Hon D.J. WORDSWORTH: He will hold the position of chairman of the WA Meat Marketing Corporation for another term, which I think makes it three years. I will await with interest amendments to be put on the Notice Paper by Hon Bill Stretch.

Debate adjourned, on motion by Hon Tom Stephens.

ACTS AMENDMENT (CHILD CARE SERVICES) BILL

Second Reading

Debate resumed from 11 November.

HON E.J. CHARLTON (Central) [9.18 pm]: Obviously some changes are required to bring the child-care services into line under the Act, and the logic of this Bill can be seen. We thank the Minister and her officers for the information which has been provided to both the Liberal Party and the National Party.

It concerns me when I see the number of child-care centres and day care centres in Western Australia. The number of these centres, which are required to cater for children who should be looked after by parents and guardians, is increasing. It is a very damaging and unacceptable situation that we need this great Government instrumentality to cater for these children. It has been argued time and time again that we must have these centres to enable parents to continue in their work and have their children looked after in acceptable and safe conditions.

There is a place for these operations, but I am not convinced that we need all of them. I qualify that remark by saying that if there is to be a system in Australia in relation to employment, and if there is to be the degradation and breakdown of family life that there has been over past years, we will need more and more of these operations. We are trying to provide a medicine to cure an ill rather than putting in place a preventive system so that the proper and responsible people -- the parents -- are able to look after their children.

I say that parents are forced into this situation because of their economic situation. They should be the No 1 priority of this nation, not only from an economic point of view, but also because of the many other responsibilities that parents have in bringing up their children. That is why the problems we see appear in this place every day.

People want changes in the prison and parole system because there are so many people breaking the law who cannot be looked after. Every time a problem arises we react and say that money must be put here; and where do we get that money from? We tax the people who are working, so the working family is taxed even harder and the wife has to get a job, so more child centres are needed, and on it goes.

Hon G.E. Masters: There is a breakdown of the family system.

Hon E.J. CHARLTON: Absolutely, and this is not a political criticism. One should not try to substantiate things by making the sorts of comments that have been made, because that indicates one accepts what is happening. This is not happening in all other countries to the extent that it is happening here. One can go through the economics of nations that have gone backwards, and not just since Labor Parties have been in Government, but over the past 15 or 20 years. When Governments have changed people have not had the internal fortitude to say that a problem has existed and to ask, "What are we going to do about it?" It is similar to what I was saying about the water problem --

Hon Robert Hetherington: You do not like our solution?

Hon E.J. CHARLTON: That is not a solution, merely a bandaid treatment to be put over the sore so that people do not see it and hope that it will not continue to exist. One of the most significant things is that many children in these situations come from de facto relationships rather than a true family situation. Many people do not like me, or anybody else, saying this.

Members should look at the statistics, because I can see where this problem comes from. I am not saying that every child in every child-care centre will finish up in trouble, but obviously the Parliament will agree to this Bill; and I make my comments to bring home to Government members, and to people generally, that we should not take this problem for granted. Our problem is that there are all these children to be looked after during the day and evening while their parents are working. For what other reason would they be put there than that there is no-one to look after them? At the same time there are all the young people coming out of the education system who cannot get jobs because there are no jobs around as the married women have them.

Hon Robert Hetherington: My God!

Hon E.J. CHARLTON: The member says, "My God", but it is true. I cannot understand members on the Labor side of this Parliament saying the sorts of things that they are saying and being naive enough to believe them. The young people leaving school form the highest percentage of unemployed people in the nation -- they cannot get jobs. There are many problems associated with the inability to get jobs. The education system has gone backwards in the past 10 years.

Tonight we again saw on the television the Minister saying that he is going to get school teachers to pick out cases of child bashing -- we will find out in schools where that is happening. They will find that it is caused by the people who are responsible for children being in child-care centres because they have nobody at home to care for them. People are bringing children into the world and not wanting to have anything to do with them. I am not talking about everyone, but a percentage of people, and a percentage that is growing. If one goes on down the line one sees the result of this in the Children's Court, and the courts and everywhere else. All members know, but try to hide the fact, that the children who end up in that situation are the ones without any sort of stable home life.

Hon Robert Hetherington: It has to be caused by a de facto home relationship?

Hon E.J. CHARLTON: I said that they are a prime source, that the people need two incomes and that is because of the taxation situation. Right across this nation people are being taxed out of existence because others are trying to maintain the capital input necessary to provide all these services, and not just in relation to the topic about which we are talking, but across the board.

Hon G.E. Masters: Are you saying that there should be big tax concessions for mothers who stay at home?

Hon E.J. CHARLTON: Absolutely! That is the reason why the National Party was so keen during the recent Federal election to make major changes to the taxation system, because that is the place to start to give people an incentive to stay home. There will be child-care centres for the children of those who do not want to stay at home, but they can pay a greater proportion of the cost of those centres than they are now paying, if they wish to work. The first priority of this nation should be to give incentive to parents who bring children into this world -- and they do not ask to come into the world -- to stay home; yet we are thinking about all sorts of ways for those children to be looked after by someone other than their parents. It is acknowledged that the reason why children are in these centres is that their parents have gone out to work. People must make a decision about whether they are going to look after their children or have someone else look after them.

Hon Robert Hetherington: That is stupid!

Hon E.J. CHARLTON: Hon Robert Hetherington says that that remark is stupid, but I suppose it is just as stupid as all the other problems associated with the children in this State. There is no reason for this happening; it just happens. Members should know better than to make those sorts of comments, because they have seen these things for themselves.

Hon T.G. Butler: So female members of Parliament should be at home, should they?

Hon E.J. CHARLTON: If they are going to put their children into child-care centres for the rest of their lives, that is all right; but in 10 years when something goes wrong with them who do they blame? They blame the system -- it is always someone else's fault. Every time a problem arises it is the fault of someone else. I have made that point before, and obviously some people do not agree with it. Every time a matter comes before this Parliament we have

to provide more capital so that the State can provide these sorts of care and services to enable children to be looked after. Having said that, I return to the point that to institute change we must start at the very beginning, with the reasons why those people are in that situation and need that facility.

As far as this legislation is concerned, obviously there are some queries and concerns about how it is being set up and the number of children who will be in a particular residence at a particular time. I am sure that the other members of the National Party, given the information and assistance of the people in the Minister's department, accept that the safeguards and other aspects that are proposed are simply there to ensure that those children, while in those facilities, will be cared for to the very best of the ability of everyone involved. No-one would argue with that.

As far as the question of relatives, and so forth, is concerned, that has been well-documented by Hon Gordon Masters. The explanations that have been given are acceptable. We accept those explanations, and that it is in the best interest of everyone concerned.

There is no significant reason for us not to support the implications contained in the Bill. I emphasise that it is a great shame in a nation where we have parents who really want to spend their time with their children -- particularly when they are very young -- and give them as much time and attention as possible, that they are denied that opportunity simply because of the prevailing economic conditions. On the other hand, there is another segment in the community who, through no fault of their own, are not in a position to balance out the problems that I referred to earlier.

With those remarks, I support the Bill.

HON ROBERT HETHERINGTON (South East Metropolitan) [9.33 pm]: I want to briefly indicate my support for this Bill. I point out to the honourable member who has just sat down that the question of child-care is not a new one. The question of people going out to work is not a new one. Working class women in Britain and Australia have been going out to work for the last two centuries.

Several members: Hear, hear!

Hon ROBERT HETHERINGTON: Those women used to leave their children with all kinds of people. They used to leave them with their mothers quite often but, with the social mobility that we now have, we have not got that ability to care for people.

Hon. E.J. Charlton interjected.

Hon ROBERT HETHERINGTON: I suggest that the honourable gentleman should look at the whole problem. He will realise that all the evils have not happened in the last 20 years. If he reads his C.J. Dennis about Ginger Mick, and the mobs and pushes in the 1930s, he will find there was a great deal of delinquency then, and a great need for child-care centres in Sydney, which were not there.

Hon E.J. Charlton: Do you deny that all these young people who have not got a job should not be given preference and the opportunity to work, and do something about this by changing the economic rules?

Hon ROBERT HETHERINGTON: I believe we should try to return to full employment, yes. If we had full employment we would not have the problems we have got. I believe that the technological changes that we have had, which were pushed on by the owners of the means of production and exchange -- people like Mr Elliott of Elders IXL -- mean that people will not get jobs. Our technology is changing and we have a high unemployment rate, as we have had in this country ever since we have been here. After all, one of the things I was working on when I was an academic was the destitute people in South Australia from 1836-1850. We had an asylum for destitute people there who are out of work; we had places to look after orphaned children; we had places to look after all sorts of destitute people because the problems have been in our society for many years. What we are trying to do with this Bill is grapple with the problem of child-care.

In many ways it is a bandaid, I know that. It is not the most perfect solution in the most perfect of societies. One of the things we have to realise is that many of the people who will, and do, use child-care centres are mothers who stay at home to look after their children, who find that they need to go out occasionally. They use child-care centres for one or two days a

week. I suggest that the honourable gentleman looks at some of the child-care centres around the city and at the kind of people who are using them. He will find that child-care centres are quite often helping mothers who are staying at home to look after their children to remain sane, because the pressures of looking after one's children in a working class suburb, when one's husband has not got very much money, are very great and very grave.

It is all very well to toss moral attitudes around, but it is much better to look at the problems facing our society. We can look at some of the problems in our northern suburbs where developers have developed the suburbs without any recreational spaces for young children; where people have gone after a fast buck and have not worried about how other people live and how the kind of people who live in those houses manage to exist and look after their children.

Members should talk to the people I have talked to from the northern suburbs who say, "We have no transport to get away from it all, go to the beach or do other things." Those people have problems, and problems are endemic in a vast megalopolis, a vast series of dormitory suburbs surrounding the metropolitan area. We get problems wherever we get the growth of cities. There were problems in Chicago in the 1930s. That does not mean the Americans are worse than we are, it means that they grew much faster.

We have to deal with these two problems in two ways. First, we have to deal with the people who are facing problems now. We have to deal with the parents who are having problems in looking after their kids. People go to work for all kinds of reasons. I suggest to the honourable member that there are some mothers who go to work because they are not attuned to looking after children, and by going to work and letting other people look after their children, their children are better looked after. There are some people who go do work for economic reasons. People go out to work and have their children looked after for a variety of reasons. I suggest that the member looks at the range of things that happens, and see the real situation, instead of talking through his own prejudices. If we have people doing this --

Hon E.J. Charlton: Why don't you address the problem?

Hon ROBERT HETHERINGTON: -- we might do rather better. I am talking about some of the problems. I am talking about the problems of large cities; I am talking about the problems of development of cities without adequate facilities to look after people; I am talking about the nature of the community which changes as it grows larger and loses its sense of belonging and community.

I would also like to talk about the good things that have happened in our society with local authorities and the municipal authorities now going into the welfare area and trying to develop a sense of community. It would be a good idea if --

A member interjected.

Hon ROBERT HETHERINGTON: It is something that is very useful. For instance, if one looks at Belmont one will find the development of a whole range of services which are very good.

Hon Neil Oliver: And Midland.

Hon ROBERT HETHERINGTON: One can look at a whole range of things. In other words, one can see things which, in the post-war world indicate that we have ceased to ignore the problems and have said to ourselves that we must now try and build back the sense of community that we lost with the growth of large dormitory suburbs.

Hon Neil Oliver: Don't worry about Belmont, you can look at Kalamunda.

Hon ROBERT HETHERINGTON: We are now taking steps to repair some of the errors of the past. One of the things we are now doing is trying to pick up the problems for children who do not have adequate care, and this is not a new problem. As I have said before, it is a problem that has been endemic in our society since it first existed. It is one of those problems that is well known to working class mothers who go and work in biscuit factories and who used to go and work in biscuit factories in the 1920s and 1930s. Members should not run away from the idea that it was only in the post-World War II period that women have gone out to work for economic reasons. In fact that is not true.

Hon E.J. Charlton: I said it has become worse.

Hon ROBERT HETHERINGTON: Of course it has because our economy has become worse and that has happened because we have developed new technologies which get rid of unskilled and semiskilled labour. That creates problems that face us all and with which we have to deal. We do not deal with them by moralising and saying that people should go back and stay at home.

Hon P.H. Lockyer: He's getting an academic flogging.

Hon ROBERT HETHERINGTON: Well, that is nonsense. It is not an academic flogging. Some things I have learnt from being an academic, which is a rude word in this place -- if one is an academic, somehow one knows nothing about anything -- but other things I have learnt from being a member of Parliament for working class suburbs. I have learnt a great deal from that and some of it has given me no joy at all. I have learnt of people who have to live in motorcars because they have no homes; I have learnt of people who are deserted by their husbands because they cannot stand the pressures of our lives, and I have learnt --

Hon P.H. Lockyer: All members do.

Hon ROBERT HETHERINGTON: Not all do; some do, some do not. I suggest to the honourable gentleman that it is not an academic flogging; it has something to do with me being a member of Parliament. It may surprise the honourable gentleman to hear that I have learnt a great deal since I became a member of Parliament, but I am not sure that he has.

Hon Kay Hallahan: He will. He is loaded with potential.

Hon ROBERT HETHERINGTON: That is true. I withdraw that last statement because I know he does learn all the time. He is really a sweet and attentive person.

For whatever the reason, we have a problem at hand and we have to make sure that the children are looked after. We do not solve the problem in any way by making moral judgments about the parents. Firstly we solve the problem of child-care.

Hon E.J. Charlton: I did not make any moral judgments. I said people did not have an economic opportunity to look after their children.

Hon ROBERT HETHERINGTON: I suggest the honourable member read his speech. First we solve the problem of child-care, then we solve the problem of the economy because one is something that we can solve in the short term and the other is something that we may be able to solve in the long term, if we try very hard, although I doubt it. One of the things which shocked me when I went to the detention centre for delinquent boys was the number of young men there who could not tell the time and could not read or write. They finished up in gaol. I am not surprised because they had no future in our society. If one cannot tell the time and one cannot read or write, one has failed. We have to try to do something about that. Therefore, we have to try to improve our education system. I point out to Hon Eric Charlton that no longer have we the secondary industry developed by Ben Chifley after World War II to mop up the illiterate and semi-illiterate. That solved one of our problems; we had people who could do unskilled and semiskilled jobs after World War II because of our postwar industrial development, which is now gone.

Now we have unskilled and semiskilled work being done by machines and we have people out of work. It would not matter if all the women were sent back to work because there would still be people out of work because they did not have adequate skills. That is one of the problems we have to look at, but it is not one of the problems that the Minister has to look at because her brief is to look after the children here and now. This is what this Bill does -- it faces the fact that, for whatever reason, there are kids who need looking after and there are women who have a right to have some kind of facility so that they are not prisoners at home all the time, as many working class women are, and so that there are adequate child-care centres for all children.

It is not one of the fields I am expert in; I am just talking from general principle, but I certainly am proud to be a member of a party behind the Government that is doing this.

I applaud the honourable Minister for this Bill.

HON NEIL OLIVER (West) [9.46 pm]: I was interested to listen to what Hon Robert Hetherington had to say regarding the growing need for child-care centres in Western Australia and the problems that are associated with disadvantaged people.

Hon Robert Hetherington has seen the streets of Collingwood, Carlton and Clifton Hills and he knows the various problems associated with people placed in those circumstances. However, I am concerned about what is called "this explosion"; in her second reading speech the Minister said that there has been an enormous change to the provision of children's services in Western Australia. At some point in her speech she describes it as a "mini revolution" and says that this need must be a continuing one in order to enlarge the child-care services and the licensing of additional child-care services. I am concerned that it is almost a case of after the event. There has been a serious decline in the number of dependent children in families in Australia. At the last census, the figure was approximately 1.8 children per family unit.

Hon T.G. Butler: Hon Garry Kelly is doing all right.

Hon NEIL OLIVER: Of course with a name like "Kelly" he would have to keep up with the other part of the fraternity. I commend Hon Garry Kelly for it and hope that there will be a few more of them around.

There is no doubt that there has been a serious decline in Australia of the number of children per family and it has now reached the very serious situation of 1.8 children per family, so much so that it will create major problems for those child-care centres that we are about to bring into existence, because they will run out of customers. They will not actually have the number of parents who will have children that require these services. The other serious factor is that with this decline in the younger age group in our population and the increase in the age of the population generally, there will be a decline in the number of working people within our population. It will just not support these proposals.

In fact, this country will not be in a position to afford these services. The services should be available on the basis of need. I hope that the Minister will be in a position to give me an undertaking that the people who are disadvantaged will receive the services which Hon Bob Hetherington spoke about. I accept the sincerity with which he spoke. He spoke extremely well about his concerns for the people who are in need. I require an undertaking from the Minister that these services will not only be provided to the people who can afford them, but also that they will not be abused by these people.

The previous speaker has recognised the needs of people in his electorate, and he has spoken to them about the availability of services. I hope that this legislation will not lead to the proliferation of child-care centres and that it becomes a mini revolution. I hope that it will not culminate in the inability to deliver this service to the very people who need it most. The reason that it may culminate in the inability to provide these services to the people who need them is that the population will be unable to deliver the revenue to provide the services because of the ageing population, the decline in the number of youth, and the decline in the number of working people in our community. Frankly, this will create a problem that certainly will exercise the minds of members in all Parliaments in Australia in the next few years. It will become an increasing problem to any Labor Government because of its hell-bent attempt to try to deliver these services to everybody.

Another point which interests me is that in society today we are reaching a situation where one requires a diploma or a degree to undertake any type of work. No doubt, people will require some form of diploma or degree to register a child-care centre. The cost of providing a sufficient number of suitably qualified people to register centres will become a further drain on the public purse. It will result in a dog chasing its tail situation.

Hon Des Dans will agree with me that there is only one person who can look after a child better than anyone else; that is, a mother. A mother is the most suitably qualified person I know who has the ability to care for her child or for another person's child when assistance is required.

My wife and I have not been fortunate enough to live close to our children's grandparents or other relatives, and we have not had the chance to call on their services when we have required assistance in the care of our children. In fact, when my wife has been hospitalised we have had to pay for child-caring services. Fortunately, I have been in a position to pay for that service and, justifiably, I should pay for it. Under the system proposed by the Minister many people who can pay for child-care services will not.

I was interested to hear what previous speakers said about the tax system and the way in

which they related it to the unemployment situation. Members can read letters in *The West Australian* and the *Daily News* every day about the unemployment problem experienced by our youth. The tax scales in this country are such that a woman aged 23 years with either a BA or a Diploma of Education, and her husband of the same age who has some form of professional degree, have a disposable income in the vicinity of $60 000 and $70 000. This is very common today for young married couples. In addition to that, their disposable income -- that is, the amount of money available to them after tax -- is greater than the person who earns $100 000 a year and whose wife is not working. It is creating a situation in this country where there will be a decline in the growth of families. The Minister would be in a better position than I to recognise that there is a change occurring in our society because of the level of disposable income available to married couples. There is also a different attitude among young married couples with regard to having families. No doubt the Minister is well read on the subject, and that the matter has been discussed at the many seminars which she has attended.

I am concerned that there will be a proliferation of child-care centres and that they will have to meet strict requirements. It has been suggested to me that they will be required to instal small water closets for children. I am sure that the water closets the children use in their own home would not meet such requirements.

The great bureaucracy will demand that child-care centres must be of a certain size and that the people operating them must have a degree or a diploma. Heavens knows what other requirements will be necessary. The rooms in these centres will be subject to various specifications.

Hon H.W. Gayfer: Perhaps they will have to put bricks around an existing one to make standing room.

Hon NEIL OLIVER: I can appreciate that. No doubt that will come under the renovations that will be required.

Hon Kay Hallahan: I will take you to a child-care centre.

Hon NEIL OLIVER: Hon Mick Gayfer did not mention it, but I wonder how this legislation will work in places like Lake Grace and Mukinbudin. Hon Bob Hetherington referred to loneliness, and I wonder how lonely a mother who lives 18 miles out of Mukinbudin can become. Will she require a child-care centre because she is depressed and she wants somewhere to go? I will be interested to hear how the operation of this legislation will deliver the same child-care services to the rural community as it will to the metropolitan community. Let us not differentiate between these; let us see how this wonderful child-care mini explosion will deliver what the Minister wants to the rural community. They equally should share in it. I appreciate the Minister's intention; I commend her efforts, but I hope she is not building this huge bureaucracy. It is a mini revolution already and, by the time the bureaucracy has cranked up, it will no longer be required. With the decline in our population in the future we shall be looking for alternative uses for the premises or have the qualified people sitting in them, advertising for business and trying to get people to utilise their services.

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [10.01 pm]: It has been a most enlightening debate, and I have been heartened by the interest members have taken in it, which is most encouraging. I had an awful vision, without knowing it, that members would not be at all interested in child-care regulations. We are talking about a range of child-care provisions in our community that we are attempting to deal with in one Bill. We are not dealing with the regulations tonight; we can have lots of fun with those at a later date. If members would like to visit a child-care centre and have not yet had the opportunity to do so, I would be happy to arrange it. It seems to me that some members have not caught up with the fact that child-care is an integral part of the community resources that people depend upon and demand. If members have not been on the end of those demands, I find it somewhat surprising.

In some regions in our State the demands have been enormous. They certainly are in the metropolitan area and in remote areas with huge populations -- for example, in the mining areas. We are receiving from rural areas a demand for more flexible provision of child-care so that, as Hon Neil Oliver said, people who live in our country centres can hope for some

access to a child-care facility. A part of the regulations is about greater flexibility to meet the needs of our families today.

We heard some impassioned speeches which were impressive, and I will make a few comments about some of the remarks made. We need to take into account the very real concern of Hon Eric Charlton. In acknowledging that concern, I need to say that there is no evidence that the children who require care in either a child-care centre or family day care scheme will be disadvantaged emotionally or in any other way. There is no evidence that those children suffer breakdowns in relationships or offending behaviour, or are generally not as well adjusted as children who may grow up in the image of a typical two-parent family with one parent at home, one parent being the breadwinner, and the kids being cared for generally by the woman. That image of a family accounts for 13 per cent of the population. We have very changed circumstances.

Hon G.E. Masters: Shame!

Hon KAY HALLAHAN: Hon Gordon Masters can make a moral judgment, but I am talking about the reality and the demands for child-care. Changes are taking place, whether the two parents are working, by choice or necessity, or it is a single-headed family with the one parent working. We know that unemployment is a huge problem for single-headed families when the single head is a woman. We have very changed circumstances, and although I was aware of the great demand for child-care, I was astonished at the demand for places and the waiting lists everywhere I inquired. It seems we need to bring ourselves up to date every now and again with what is going on in our community and the demands of our constituents. Perhaps this debate has added to our understanding of what is going on. In child-care, men particularly, and more particularly men from rural centres and in industrial relations, tend to overlook family-related matters and to assume that they are taken care of totally in the family.

I also make the point that child-care is needed across the community; it is not merely for people on low incomes or the poor. Middle-class and working class families equally demand this facility. In that regard I thought that the debate ranged rather widely from the content of the Bill, but to answer Hon Neil Oliver's query with regard to people on lower incomes having access to services, the Federal Government provides a subsidy to people on low incomes. To answer his concerns about whether that is apportioned equitably, the people who receive a subsidy have their incomes assessed by the coordinator of either the centre or the family day care scheme in which they place their children. That is the way the subsidies are administered. It is a Federal Government issue and is not related to this Bill, or the subsequent regulations before us tonight. Members may not realise the complexity of the child-care field. I have answered the member's query, although it has nothing at all to do with the Bill before us.

I reiterate that it has been my experience that parents who place their children for care in a centre or with a family day care giver really do care about their children. They want to know that if their children must be left, either by necessity or by choice, they will be well cared for in an adequate and appropriate way. We need to get that fairly clearly lodged in our heads.

I refer now to the reason for shifting the legislation from one Act to another, which was raised by Hon Gordon Masters. There is a good quote in the report made available to members which states that the Child Welfare Act provides for the protection, guidance, and maintenance of children in need of care and protection, and for the control and treatment of children offending against the law. That is a very narrow perspective of children, and it is not adequate these days for the way care has now crossed the spectrum. It is not about children in need of care or protection or those offending against the law; it is a family support, community service measure. We feel it will fit more realistically and comfortably under the Community Services Act. There is a duty to promote individual and family welfare in the community. I regard child-care as one of the great family supports today. We do not want to lose sight of that, and that is the fundamental reason for shifting it from a narrow concept of the care and protection of juveniles who offend across to a broadly-based, community service aspect and into that Act.

I will run through the points raised by Hon Gordon Masters in his speech. I know that since then he has had access to considerably more information, but I will go through them in the hope of answering some of the questions he raised. It should be noted that this Bill comes

before us after a very open consultative process. We have not gone through this process before. We have had ad hoc measures and provisions which people generally have been critical about. The Bill now before the House is more than fair and receives an enormous amount of consensus in the community about its provisions and what should go into the regulations -- which of course we are not debating because that will be the next step along the line. I am happy with the interest members have shown in bringing along draft regulations which still have to go to the parliamentary draftsperson --

Hon N.F. Moore: The Minister may say "draftsman" if she likes.

Hon KAY HALLAHAN: I did not like, that is the problem.

Hon N.F. Moore: There is such a thing as a man and a lady.

Hon KAY HALLAHAN: Yes, I agree.

Hon N.F. Moore: So you could say "draftsman".

Hon KAY HALLAHAN: It could be a draftsperson, you see.

In establishing the Child-care Services Board, for the first time this sets in place strong accountability, some objectivity, and much greater clarification about regulations. The regulations will be spelt out again in ordinary language in a manual which will be made available to everybody in the field. The manual will outline the way in which people can approach the Child-care Services Board and the way in which they can then proceed to the local court if unhappy about a decision of that board -- the provisions have not been available before -- and remove the discretionary aspects of current regulations which have been found unsatisfactory. This Bill seeks to redress many of those aspects.

Regarding the question of a day care giver being licensed for four children under the proposed legislation -- although we are not dealing with the regulations tonight -- the committee promoted the notion of four children rather than five on the grounds of safety. If one goes shopping with four children at pre-school age -- most people can handle two children to each hand whether going shopping or to the zoo --

Hon N.F. Moore: The Minister should try it.

Hon KAY HALLAHAN: I know, but can the member imagine handling five children?

Hon N.F. Moore: I have three; that's enough.

Hon KAY HALLAHAN: Precisely. In an ordinary car, seat belts are fitted for the driver -- the day care giver -- plus four young people. When we looked through the numbers of care givers who are licensed, 90 per cent have actually chosen to have four children, not five; that is a statement in itself.

In family day care one does not need junior toilets, but in day care centres it is important that children learn independence and go to the toilet on their own. The children involved are four or five years old, and at that age we hope they will be able to go to the toilet themselves.

I agree with people who say that in years to come, as we have an ageing population, the centres may be used for something else. The centres are excellent and very flexible, and I am keen for members to accept my invitation to visit one so that they can appreciate that flexibility. The reality is that a great need exists for these centres while we are all around and living on this earth -- such is the present demand and the demand yet to be met.

I will go into Hon Gordon Masters' comments in more detail at the Committee stage. However, the definition of "family day care" exists in the Bill on page 2. Some of the concerns the member may have arise out of the fact that this is a report only, and we refrained from sending the report into the community as it would have added to the confusion.

I am willing to have open discussion with members of both Opposition parties in relation to the drafting of regulations. I will make those drafts available before bringing them to the House.

The Bill is an excellent one which sets to right the many anomalies and historic problems in an area which has developed quite rapidly. Members have not been aware of the size of the social change which is upon us. The Government is indeed meeting that to some extent with the provisions of this Bill. I ask honourable members to support the second reading of this Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clause 1: Short title --

Hon G.E. MASTERS: I listened with interest to the Minister's reply to the second reading debate. I was disappointed we did not receive more information. However, the Minister has indicated this will be provided in detail during the Committee stage. The Minister talked about the consultative processes that were carried forward and I will comment on that point later. Clause 4 is a crucial clause which will enable me to make most of my points at that stage.

I thank the Minister for providing a copy of the draft regulations. I note with great interest and hope that the regulations are not in final form and that much of the debate and the results of that will be reflected later in the final regulations brought forward by the Minister. If that is not the case, I can assure the Minister I will look at the regulations with a view to making some changes or deleting selectively some parts of the regulations if necessary. I look forward to the support from members on my side in that regard.

As debate progresses some commitment and assurances from the Minister should be gained, although in other areas the Minister may not be prepared to give that commitment.

Members should excuse the Opposition for being suspicious and rather critical of the Department for Community Services. The stories brought forward to many members of Parliament, past and present, have suggested that the Department for Community Services and some of its officers are overenthusiastic, to say the least. Terrible reports have been brought forward of overbearing attitudes and arrogance which greatly distress some people within the community. I put that on record as it reflects the fears we have relating to parts of this legislation. The legislation is not good legislation and should be rewritten. I do not expect the Minister to agree, but the Bill should be rewritten to the extent that a great number of matters contained in the regulations, ought not to be in the legislation.

I would feel happier if some of the proposals in the regulations were included in the legislation, because that would mean that any changes that take place would have to come back to Parliament. I know that regulations have to come back to Parliament, but members on both sides of the House would know that regulations slip through very easily and rarely receive the amount of scrutiny which legislation receives as it progresses through both Houses of Parliament.

I made some comments about our suspicions and doubts about the Department for Community Services, but this legislation and the draft regulations really confirm that it may once again be an empire building exercise. I notice that there is a proposal in the legislation to set up a licensing board, and I intend to make comments about that matter at an appropriate time because I think that the licensing board will be nothing more than an advisory board and will not have the powers that I believe it should have.

As I read the legislation and the proposed regulations, the departmental head will have total control over the child-care arrangements, whether they be the day care giver or the child-care centre. I believe the powers of the departmental head are too strong, and we on this side of the House have been concerned about this for a long time. It is difficult to see in the legislation, and particularly in the regulations, where one can draw a line between the requirements that are going to be placed on the child-care centre and the family care units, and perhaps the Minister will be able to reassure me about this during the progress of the Bill.

So far as I am concerned, there should be a definition in the Bill of child-care services and of family day care. That is not the case, and there has been quite a departure from previous legislation, where there always has been a definition of a child-care service. The family day care area is included in that definition now -- doubled up, if you like -- and that concerns me. I point out to the Minister that at an appropriate time I could consider deleting that part of the definition of child-care service dealing with family day care and placing that under a separate

heading or definition, thereby clearly distinguishing between the two.

I do not intend to make any more remarks until we get to clause 4, but I seek an assurance from the Minister at this stage that she will take into account the comments that are made during the debate and assure the House that the regulations will reflect to a great extent the fears and concerns on both sides of the House that the people in the industry who are undertaking child-care, for whatever reason and at whatever level, will receive the protection that the law should entitle them to; and that they are protected from some of the activities that have taken place over recent years.

Hon KAY HALLAHAN: While it is regretted that the member has had negative experiences with the Department for Community Services, significant changes have taken place within that department. That is not to say that it is a department which is never going to have an officer who might be overbearing and arrogant -- none of us could make a claim like that for any body of people, agency or department -- but I assure the member that there has been a restructuring of the department, and I think the experiences he has had in the past are much less likely to happen at present.

The reason why we have brought in this legislation, as the foundation for laying down the regulations, is to spell out very clearly what is expected and what are the rights of people providing care. It has been a very ambiguous area to now, and that is something which the Government wants to rectify. I am very keen to see the Bill progress and move on to the important part of drawing up the regulations, which will be based on the document which has been made available to both the honourable member and the National Party so that members can see where the Government is going and the sorts of instructions that we will be giving to the parliamentary draftsmen.

I believe we are making the information as readily available as we possibly can in an attempt to clear up an area which has needed attention for a long time, and no person who is active in the field would disagree with that. I can understand the comments made by the member, but he needs to proceed with a little bit of trust as well as a whole heap of suspicion. The Child-care Services Board, which will be the licensing board, will have power delegated to it by the Director General; so it is not a paper tiger, as the member suspects.

It is necessary to unload administrative requirements from the Minister's desk and from the Director General's desk, and this board should be able to be the point at which people in the community approach the department with their requirements about licensing, and if they do not get satisfaction, they can then go to the local court. There has never before been the sort of approach where people are able to hold departmental personnel accountable; with an objective board to which they can go; and then with a system of appeal outside the department. This is a new departure, and I would have thought it would allay some of the anxieties that members might have.

I am heartened by the recognition of the seriousness of this area and by the level of support that might be forthcoming.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 3 amended --

Hon G.E. MASTERS: I hope that the Minister will show some leniency in discussions on this clause because I think that much of what I have to say can be said in the debate on this clause. I make that point by drawing the attention of the Committee to the area I wish to discuss, which is the definition of child-care service. As I said during the debate on the short title of the Bill, the definition of child-care service includes family day care. Most of my comments relate to the effects of the draft regulations -- which the Minister kindly gave to me -- in the family day care area and to the family day care givers, so I will range over the draft regulations, keeping in mind the effect they are likely to have on the child-care service and the family day care giver; and for that reason I advise the Committee of my intentions.

My concern is that the advisory committee made substantial recommendations to the Government which resulted in this legislation. It is interesting to note that the consultative committee comprised nine people, all of whom were women. I wonder whether there was any gender balance there, to use the Minister's own words in a previous debate. It seems

strange to me that there were no men involved in the consultative committee. After all, times have changed, and I would have thought a fair balance would be for some of us men to have a go. Nevertheless I take it the Minister has good reasons and will give me an answer.

Hon Kay Hallahan: Oh!

Hon N.F. Moore: You should.

Hon Kay Hallahan: I will.

Hon G.E. MASTERS: This is an important point, and I am pretty disappointed in that sort of thing.

Hon Kay Hallahan: You blokes have to get into the business of child-care. You are absent from it.

Hon N.F. Moore: There are lots of men in it.

Hon Kay Hallahan: There are growing numbers in it.

The DEPUTY CHAIRMAN (Hon John Williams): Order! Hon Gordon Masters has the call. I can control that debate but not that going on between the Minister and Hon Norman Moore. I would prefer to hear Hon G.E. Masters.

Hon G.E. MASTERS: I made the point, and no doubt the Minister will give us a good reason why there were no men on the review committee.

The report was forwarded to the Minister, and she kindly gave me a summary of it. I managed on the same day to get a complete copy of the report. I thought it was necessary in case there was something which was not clear in the legislation, so I read the full report which came to my notice by a bit of luck.

Hon Kay Hallahan: You mean it fell off the back of a truck?

Hon G.E. MASTERS: Someone who thought I should have it gave it to me. After reading it I was surprised that the Minister could not let me have it because there is nothing in it which would embarrass her.

The committee made a number of recommendations in relation to child-care services and the family day care giver. It recommended that a licensing board be set up consisting of three people who would issue licences. The committee recommended that a clear delineation between the two be established -- that is, the relationship between licensing and advisory functions. It recommended that responsibility for licensing be undertaken by a board with power to determine whether to grant a licence or a permit by using a range of measures at its disposal. That recommendation of the committee does not seem to be reflected in the draft regulations where, if one looks at the board to be set up, one finds it has very limited powers. Page 37 sets out the board and its structure, and on page 36 under the heading "Child-care Services Board" it says there shall be a Child-care Services Board whose members shall be appointed by the director general. Again I would have thought the Minister should make the appointments.

I am putting this on record because I hope when the regulations come forward the Minister will consider this proposition. The document goes on to say that the board shall consist of three members, one of whom shall be a legal practitioner and the chairman of the board, one shall be a user or recent user of a child-care service, and one shall be a person who in the opinion of the director general is suitably qualified and experienced to act. Bearing in mind my earlier remarks about my party's suspicion of the department and past practices -- not directly a criticism of the director -- we would much rather see the Minister make the decisions.

On page 37 there is strong reference in almost every case to the director general making all the decisions. I suggest that the board itself will only be an advisory board with little or no power. It is true the director general will rely on the board for advice, but that is all. It appears to me that on every occasion the director general will be giving the directions and making the decisions. That seems to be in conflict with the recommendations of the committee which said a licensing board should be set up with powers to determine. I would appreciate the Minister's making some comments on those remarks.

Hon KAY HALLAHAN: In relation to family day care givers, I do not agree with Hon

Gordon Masters about his determination to remove family day care from the list of care that is provided. It is very important that we see family day care as part of the whole child-care system and that within that system people will either work from their own homes, if that is the way they choose, or people will be in the work force with the children in centres. It is important that the provision of child-care should be across the board, and family day care centres are an integral part of that. Family day care is an important part of care provisions because it is more domestic and more intimate, and there will be people who choose to have their child cared for in that smaller environment rather than a centre.

We need not get beyond that to remove it for any reason out of the context of its being a part of child-care provisions. It is important that it sit within that context. I would find great difficulty in supporting the direction Hon Gordon Masters wants to go on that matter.

I believe the board will have power delegated from the director general. There are a number of ways in which power is being delegated more from the director general, and I think it will be quite an autonomous board within the department, which is able to grant licences and hear people's complaints about matters relating to that. No board member can be a staff member of the department, so it is a body of people --

Hon G.E. Masters: Who have no powers.

Hon KAY HALLAHAN: They will have power delegated from the director general, and they will be able to carry out their work effectively. I think it will prove quite adequate. My contention is that it is going to work well. If when we review this matter in two years we find it does not work well, and Hon Gordon Masters is right and I am wrong, we will fix it, but I will be very surprised if it is necessary to separate it out into a statutory authority. I do not know whether that is one of the things the member is thinking of.

Hon Gordon Masters has indicated he would be happier if the appointments were made by the Minister, but this is a portfolio in which many decisions are made by the Minister which might better be dealt with within the department. At this stage I would prefer to stay with the recommendations in the draft proposals for regulation.

Hon G.E. MASTERS: I do not agree with the Minister. I think it is essential that the Minister appoints the members of the board. I do not think that is asking too much. She would obviously receive recommendations which would ensure that the board had some degree of independence which it does not have now.

I cannot see anywhere in the legislation where the director general delegates certain powers to the board. Everything that I have read suggests clearly to me that the director general will have total control. For example, the draft regulations state that an application for a licence or permit shall be made to the director general. Therefore, all applications will be sent to him and he will submit them to the board. If the board is to have delegated authority, surely the applications could go directly to the board and not to the director general. Why set up a board if applications are to be received by the director general?

Hon Kay Hallahan: You have persuaded me to reconsider that.

Hon G.E. MASTERS: The next point I wish to raise relates to the family day care service and the effect the regulations will have on the day care giver. Will there be a requirement for the family day care giver to meet the same rules as far as buildings and physical requirements of homes are concerned as will be required of child-care services? A whole range of requirements for child-care services will come into being. I cannot accept that a family day care giver is not exempted from those requirements. There is no way that a housewife who looks after fewer than five children will be able to meet those requirements.

Page 70 of the draft regulations states that "except in family day care, lighting in play and restrooms shall be connected to circuits . . ." etc. In all other cases there will be no exception for family day care givers.

Hon KAY HALLAHAN: I will reconsider the question of the board's appointment by the director general and will look seriously at the benefits of having the board appointed by the Minister. However, that is not something that we need to consider tonight. I accept the point made by the Leader of the Opposition and will look at changing that area.

Hon G.E. Masters: I am also talking about delegated authority. The board seems to be nothing more than a weak advisory power.

Hon KAY HALLAHAN: I am prepared to have a look at the lot of it. I am not sure how far I can go in accommodating the Leader of the Opposition's view and will consult with him about the regulations.

I know that the Leader of the Opposition is concerned about the proposals relating to family day care givers. The regulations as they stand fit the service provided in the normal family home. The Leader of the Opposition's concerns are unnecessary because what appears in the regulations fits both what is applicable to a centre and what is applicable to a normal home environment from which family day care givers operate. There is a power for a waiver of the regulations by the director general in certain circumstances. That was put in explicitly because the older suburbs do not have the required space outdoors and in the north of the State, many people live in caravan parks. We need flexibility to meet those exceptional circumstances and that has been taken into account.

We expect responsible adults to ensure that fencing is safe and that pools are not accessible to small children. That is all covered by the requirements of family day care givers in the normal family home. The draft regulations were tested to see whether they were realistic before we got them to this stage.

Hon G.E. Masters: Where does it say in the draft regulations that the family day care giver will be treated differently from child-care centres?

Hon KAY HALLAHAN: I think the Leader of the Opposition pointed that out. Where it is not applicable it says, "except for family day care" and exempts it. I do not believe there are any problems with that.

Hon G.E. MASTERS: These matters are important. I assume that where family day care givers are not mentioned, the requirements applying to child-care services will apply.

Hon Kay Hallahan: That is generally the case.

Hon G.E. MASTERS: If that is the case, I am even more concerned. The space requirement is that there shall be a minimum of nine square metres of playing space for each child.

Hon Kay Hallahan: That has been tested and it is okay.

Hon G.E. MASTERS: In private homes?

Hon Kay Hallahan: Yes, it fits, and they operate with that now.

Hon G.E. MASTERS: Is it a requirement now?

Hon Kay Hallahan: No, it is not required now, but places which are licensed now fit that requirement. Also there is a grandfather clause in the Bill.

Hon G.E. MASTERS: The regulations also detail the requirement for a fence or an approved equivalent no less than 1 200 millimetres in height. I suggest that may be a difficult proposition for people looking after children in their home. It states that any gate on the property must be equipped with an efficient self-locking mechanism or lock. A person looking after four children in the home, whether in the city or in the country, will require a fence of the specified height with special gates to make sure the children cannot get in or out. I suggest that that is not the case at the moment, and the people looking after children will have these additional requirements imposed on them.

It states further conditions with regard to the provision of a staff room.

Hon Kay Hallahan: If it is a family day care centre, you do not have staff.

Hon G.E. MASTERS: Further conditions are laid down with regard to the kitchen and the laundry. Reference is made to windows and glazing, including Australian standard AS1288. Often these care givers are people with small homes who have their own children. They may be good mothers who have brought up their families, and they are doing it to earn a little more money. They will be faced with the prospect of inspectors coming to their homes and telling them what conditions must be complied with.

[Pursuant to Sessional Orders, progress reported and leave granted to sit after 11.00 pm.]

Hon G.E. MASTERS: It may be that some of the existing family day care givers, who may have modest homes and modest incomes, will not be able to provide the expensive facilities

required. They will be faced with the prospect of inspectors reading the regulations to them and telling them what to do. People faced with that prospect will simply decide not to provide the service. If that occurs it will disadvantage many people who wish to use those services, particularly in country areas. It is not fair for these people to be forced out of the area of giving genuine service to the community. I have been concerned about this from the start and I am even more concerned that these requirements will be applied to people in the area about which I am talking.

Hon KAY HALLAHAN: I remind the member that he is talking about the regulations which are not in the consideration of the Committee tonight. In spite of that, I advise him that many modest homes at present meet the requirements for licensing. They will not be screened out and, quite frankly, properties must be equipped with that kind of fencing to keep the children safe. We are going through this exercise because we are concerned about adequate care for children. An adequate fence is a necessity, and people are not complaining about that provision.

Houses have laundries and other facilities, and I think Hon Gordon Masters is worrying too much about these conditions. I do not mind going through them more thoroughly when the regulations are considered; and we shall be able to reassure the member at that stage.

Sandra Taylor, the person on the bottom of the list of members of the consultative committee, works in family day care. She is a very well respected, sensible person and family day care givers were well represented in bringing together people who knew their area of care and could inform the consultative committee on the things it may not have been aware of to help it avoid the errors the member is worrying about. An effort was made to overcome that problem by the choice of members of the committee.

I would be very happy to see men making a career in the child-care area, and I accept that more and more men are doing so. However, historically women have the knowledge that one would bring to a consultative committee because of the depth of that experience. It is like the areas in which men have been able to claim their experience gives them a greater depth of knowledge.

Hon G.E. Masters: I am pretty disappointed.

Hon KAY HALLAHAN: It is disappointing the way men have not shouldered the responsibility for child-care and parenting.

Hon N.F. MOORE: I have not seen the draft regulations with regard to clause 4, so the Minister may be able to help me. I refer to paragraph (d) in the definition of child-care services which states that it is care provided as an ancillary service to a commercial or recreational activity. I am concerned about "recreational activity". I am thinking of, for example, the Mukinbudin Football Club which holds 10 games a year at the oval and employs a lady to look after the children so that parents can watch the games. Similarly, with the tennis club, while the parents are playing they get someone to look after their children.

What sorts of facilities would have to be provided at those venues for that organisation to come within the requirements of the new legislation?

Hon KAY HALLAHAN: Hon Neil Oliver will be pleased to know that even in Mukinbudin there are two licensed family day care givers. That, no doubt, answers his anxieties about the accessibility of services to people in country areas. That is the beauty of family day care, it is so flexible and accessible without there being large numbers of children involved.

Hon G.E. Masters: That is why it is important that they are protected.

Hon KAY HALLAHAN: I agree. It is an essential part of child-care provisions. In relation to the point raised by Hon Norman Moore, that provision is needed because in some commercial centres people leave their children in a child-care centre, in shopping centres, for example.

Hon N.F. Moore: My wife does that.

Hon KAY HALLAHAN: People want to know that they are leaving their children at a centre which has some standards. The same thing applies to recreational activities. I draw the member's attention to paragraph (bb) at the top of page 3, relating to care provided in

certain circumstances mentioned in paragraph (aa) in relation to care provided in close proximity. If someone is close by and a child has an accident, they can run and get them, or call out to them.

I think that the member was talking about country areas; people will be at recreational facilities and children are bound to be looked after in close proximity. That exclusion would cover them and was deliberately designed that way. However, we have to accept that there are big complexes nowadays, in particular shopping centres, and some recreation centres are getting bigger, but they are in a minority.

One has to accept the fact that one could not say that parents are in close proximity, so a big centre like that with a child-care facility in it has to comply with the regulations; but in general circumstances it will not apply.

Hon G.E. MASTERS: I draw the Minister's attention to the requirements in relation to the physical environment and building construction. I think that I have received an assurance from her that there will be no demands placed unfairly on family day care givers and that the regulations will not be a costly exercise. Obviously, measures need to be taken to protect children in the home, and I understand that.

Unreasonable conditions should not be imposed, because that would be grossly unfair and would force people out of business. I refer the Minister to page 40 of the draft regulations where it states that when persons apply for child-care service licences they must do certain things. On the same page there is reference to the fact that when an application relates to a child-care service to be located at existing premises, a site plan drawn to a scale of not less than 1:500 and showing the location of every building on the land comprising the premises will have to be provided. How on earth will a person of modest means who is looking after four children and who is a genuine, conscientious mother be able in her application to draw a site plan, and to scale, etc? That seems to me to be something that would be difficult to achieve unless the person got an expert in, which would cost money. All those costs build up. My understanding is that the child-care service application is similar to the application applying to a family day care giver.

Hon KAY HALLAHAN: I assure the member that those provisions are already mentioned. People can get a site plan from the Water Authority, which is what they do. There is no need for a document drawn up by an architect. What is presently provided is adequate for that recommendation.

Hon G.E. Masters: Does the Minister say that anyone can get this sort of plan from the Water Authority?

Hon KAY HALLAHAN: That is what they do now.

Hon G.E. Masters: So I could ring for a site plan?

Hon KAY HALLAHAN: I do not know whether the member could do that, but if someone rings and says that they are applying for a family day care plan, then they can get one.

Hon G.E. MASTERS: I am serious about this matter. Can the Minister assure me that this is already a requirement and that site plans can be obtained from the Water Authority, because if she can I am happy to accept that. However, I point out that although we might be joking about this matter tonight, when an application is made by someone of modest means then these things will be fairly daunting. I suggest that unless we consider this matter carefully, we will put off more and more people. I will make inquiries of the Water Authority tomorrow to ascertain whether this is the case, but I will take the Minister's word at this time.

Another matter appeared in the draft regulations that I have not had adequate time to consider. There is a reference at page 52 to the keeping of records. Is it necessary for a family day care giver to keep records, and what sort of records will have to be kept? The Minister shakes her head, but here we have someone who is no more than a housewife --

Hon Kay Hallahan: The member denigrates housewives terribly, and I find that astonishing.

Hon G.E. MASTERS: My wife is a housewife, and proud of it, as I am.

Hon Kay Hallahan: And very smart, as well.

Hon G.E. MASTERS: I am pleased that she is one. I do not want her to be anything else, and she does not want to be anything else, so the last thing I would do is denigrate housewives.

A person caring for four children could be faced with all these requirements such as building requirements, fencing requirements, applications for licences, site plans, and now we are saying that they will have to keep records. For heaven's sake! On top of all those matters I have just mentioned, what sort of record will they have to keep? How can a marvellous housewife who is looking after four children reasonably fulfil all these requirements?

Hon KAY HALLAHAN: I get flashes of impatience, and I regret that.

Hon G.E. Masters: My wife suffers the same problem, but has given it up now.

The DEPUTY CHAIRMAN (Hon John Williams): Order! I am not interested in the domestic arrangements of the Leader of the Opposition.

Hon KAY HALLAHAN: The fact is that the people in family day care, be they housewives or women who have given up professions to stay home with their children and taken a couple of other children to look after, can manage to record the names, ages, addresses, and contact numbers of the children in their care. In addition to that, they do record something of the activities of the children, and they seem to be incredibly adept at doing that, too. Members will understand that is necessary, because the children are in their vital developmental years and family day care givers do take an interest in developmental activities for the children in their care and make brief notations of that.

Hon G.E. Masters: That is all that is required now. Will any more be required?

Hon KAY HALLAHAN: I reassure members that this legislation is about encouraging the provision of child-care services within our community, not discouraging it. I come from the point of view of clarifying an ambiguous area and making it clearer for people to operate in. The Leader of the Opposition seems to be coming from the point of view that he thinks the Government is trying to make it more difficult. That is a wrong assumption on which to approach the subject. We will see that when we get these regulations into place in the next session of Parliament, and after they operate for a few months. I invite Hon Gordon Masters to come and look at some of the family day care givers in their homes.

Hon G.E. Masters: I know some already; my daughter-in-law uses one.

Hon KAY HALLAHAN: The family day care system runs well at present. It will continue to run as it does now, but there will be greater flexibility in the circumstances we have outlined. There are exceptional circumstances. Some people at present have trouble complying with the regulations as they exist, and we want to remove the anomalies.

I cannot say more than that to reassure members that tonight we are not dealing with the regulations, but it is very good for me to hear the concerns members have. I will take on board their concerns, and departmental officers will certainly take them on board when they speak to the parliamentary draftsman and have the regulations drawn up for the next parliamentary session.

Hon N.F. MOORE: I agree with Hon Gordon Masters in the sense that he seems to be expressing the view that if we make it too onerous for family day care providers to provide day care, they will opt out of the market and we will reach a situation where more and more children end up in large institutions, especially Government-funded and run institutions.

I worry about that because I know the philosophical bent of this Government, and that may be the ultimate ambition it is striving to attain. The Minister may tell me that is not right and when she does -- if she does -- I will be pleased to know that. I support day care. I am a realist -- I happen to think day care is absolutely essential because I have three children and I know there have been times when my wife has maintained her sanity only because of day care. I see an absolute need for it in many parts of the community.

Hon Kay Hallahan: Don't let Hon Eric Charlton hear you saying that.

Hon N.F. MOORE: I worry that this legislation may create circumstances which are onerous for people in the private sector, and therefore a set of circumstances will arise whereby the public sector finds it must take on more and more responsibility because the private sector has opted out. I would be interested to hear whether the Minister genuinely would prefer to

have more and more people from the private sector involved in day care, thereby reducing the burden on the Government, or whether she would prefer to have a situation whereby the Government was involved to the exclusion of the private sector.

Hon KAY HALLAHAN: Personally I do not think that what I think in that regard is even of interest. The fact is that we have a huge demand for child-care in this community. We have demands for every sort of child-care, and it is my interest to see that those child-care needs are met. We can do that only by having the broadest range of child-care services and by giving parents options about how they would like their children cared for, what sort of care they would like, whether it is centre or family day care based, or whether we can come up with other alternatives. Presently we have only two models. There may well be other alternatives to be suggested by people with flexibility and imagination. We are limited pretty much to our history.

However, the member can be assured that I am coming from a position that says there is an enormous, unmet need out in the community. There is no way that I want to see limits placed on people who provide services if they are interested in doing so. I do not believe the sorts of recommendations we have here are onerous. Family day care givers are providing them currently. They had the opportunity to have input into this matter, and the recommendations are not insensitive to their needs in any way whatsoever.

Hon G.E. MASTERS: I want to address one other matter contained in the regulations; I would like some assurance from the Minister on staffing. I understand that staffing requirements in the regulations will apply almost entirely to day care centres.

Hon Kay Hallahan: To centre-based care.

Hon G.E. MASTERS: But in talking about staffing and the need for training, I would like to know if any qualifications will be required for the family day care giver. By that I mean qualifications in the way of first aid, or nursing, or child-care qualifications. Or is it simply a matter of having the right sort of person with the right background who, in the judgment of the licensing authority -- in this case hopefully the board -- would be a suitable person to do the job and would not really need any academic or other qualifications?

Hon KAY HALLAHAN: They do need a qualification, in the form of a first aid certificate. That is a reasonable requirement, but that is the only one.

Hon G.E. Masters: That probably exists now, does it?

Hon KAY HALLAHAN: Yes, and it will continue.

Hon G.E. Masters: Is that the only qualification?

Hon KAY HALLAHAN: It is. We do find some people become interested and go on to do part-time courses. That is good to see, but there is certainly not a requirement to do that and not everybody does it.

Hon G.E. MASTERS: I do not intend to proceed with the other 25 questions I have about the regulations because I understand that the Minister has offered to me, and I guess to my party --

Hon Kay Hallahan: Yes.

Hon G.E. MASTERS: -- the opportunity to look at the regulations before they are brought to Parliament and for us to make some sort of input, if we are able. I accept that while we are being given the opportunity it would be up to the Minister to say whether or not she agreed; but at least I or whoever is representing my party will have the opportunity to examine the regulations with a view to making some input, and hopefully some results will emerge as a consequence of our discussions.

If that is the case I will not proceed to discuss in detail any more of these regulations. I just point out to the Chamber that I am still concerned that these regulations may impose requirements on people that will be difficult to meet. The Minister has assured us otherwise, so I guess the judgment will be made when the regulations come forward.

As I have said, the regulations cover the whole range of issues I have put forward, and I felt the best way to deal with them was to raise them during debate on clause 4. I have endeavoured to do that. I do not propose to make any more comments on clause 4 after the assurances of the Minister, and I thank her.

Hon KAY HALLAHAN: I have said on more than one occasion during this debate that I am happy to make available the regulations, when drafted, to both Opposition parties; and I hope I will not regret that undertaking.

I can give honourable members an assurance that, should they at that point make some comments about those regulations, I will give consideration to them. I cannot give any further undertaking in that regard, nor would they expect me to, I am sure, but that I would take their concerns as a serious expression and consider fully what they had to say.

That is a good understanding on which to proceed. It is not a way that I have actually gone before, but perhaps I have not dealt with very much legislation before, either. It is important in this field that we achieve a great level of support for what is a very basic issue of caring for our children, and in this Chamber I think we should be able to reach agreement to a large extent about what those provisions ought to be, as will be reflected in the regulations.

I have been pleased to listen to the concerns expressed by the Leader of the Opposition. I have come to know this area very well and understand that not everyone has the opportunity to understand such a complex issue.

Clause put and passed.

Clause 5: Sections 17A to 17F inserted --

Hon G.E. MASTERS: Will the Minister advise me of the cost of the licenses and permits referred to in this clause? Does the Government anticipate increasing the cost of those licenses? Is there a difference between a licence for a child-care centre and the licence for a family day care giver?

Hon KAY HALLAHAN: It is not proposed to have fees for those licences, per se. We wanted a provision in the Bill to charge a fee, but it may be a fee for a consultancy about the adequacy of a site for a service. The process in relation to child-care centres and buildings is particularly time consuming. The fees have been rather low and are very much more expensive to administer than the income derived.

Clause put and passed.

Clauses 6 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Community Services), and transmitted to the Assembly.

House adjourned at 11.24 pm

QUESTIONS ON NOTICE

COMMUNICATIONS: LEE REPORT
Implementation

402. Hon B.J. HOUSE, to the Leader of the House representing the Premier:

(1) Is the Premier aware that the implementation of the Lee report as it affects Telecom staff in the south west is imminent?

(2) Will he say whether his representations to the Prime Minister on this matter have been successful?

(3) If yes to (2), will he say in what way?

(4) What actions will the Premier now take to ensure the Prime Minister intervenes to prevent the loss of 150 residents of the south west?

Hon J.M. BERINSON replied:

(1) Yes. However, Telecom is already implementing a policy derived from the Lee report.

(2) The representations to the Prime Minister were aimed at seeing that Telecom reviewed its policy and consulted affected personnel and the State Government.

(3) Representations in that respect were a success, although Telecom's style of review and consultation left much to be desired. Telecom did concede that no staff will be retrenched or relocated but centralisation will occur through attrition.

(4) The State Government does not, at this stage, intend to approach the Prime Minister, but rather will continue to pursue negotiations direct with Telecom. It must be remembered that Telecom is an independent statutory body with a high degree of autonomy in respect of its operational practices. It is not under the direct control of the Prime Minister.

The State Government is also concerned with the lack of a bipartisan approach to this problem. Mr G. Prosser, the Liberal Federal member for Forrest, was included on the Government's Telecom task force, but seems to have done very little. The Opposition has not assisted the Government in dealings with Telecom, but instead seems more interested in sitting on the sidelines sniping at the Government's actions. The Government assumed that the Opposition would actively support the Government in its endeavours to prevent the centralisation of Telecom. The Opposition's actions or lack thereof in this matter are just simply not good enough. The Opposition is placing politics above the welfare of country people.

EDUCATION: SCHOOLS
Covered Assembly Areas

404. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

(1) How many schools are provided with covered assembly areas per year?

(2) What are the criteria used to decide which schools will receive such covered areas?

Hon KAY HALLAHAN replied:

(1) Provision is dependent upon available funds. In addition to those provided during major additions and alterations, there are five covered areas to be provided from funds in the 1987-88 Budget.

(2) The criteria used to decide such areas are --

(a) school design;

(b) pupil enrolment;

(c) climatic conditions;

(d) local environmental factors.

EDUCATION: HIGH SCHOOL
Pemberton District: Construction

405. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

When is it anticipated that a start will be made on the new Pemberton District High School?

Hon KAY HALLAHAN replied:

Consideration will be given to commencing a replacement school for Pemberton when funding becomes available from a future capital works programme. The work is listed for attention, but no indication can be given in advance of funding being available.

TRANSPORT: RAILWAYS
Boyup Brook-Donnybrook: Closure

409. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Is it the intention of the Government to close --

(a) the Donnybrook to Boyup Brook railway line;

(b) the Boyup Brook to Katanning line?

(2) If so, when?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The Donnybrook-Boyup Brook section of the Donnybrook-Katanning railway line is currently being evaluated by the Department of Transport, and the department's report is expected shortly. The Boyup Brook-Katanning section of the line has been effectively closed since June 1982. However, formal closure has not been pursued because of the possibility that rail freight requirements may change in the future necessitating restoration of the track.

The question of initiating a discontinuance Bill to permanently close these railways will be examined upon receipt of the Director General of Transport's report.

ELECTORAL DISTRICTS
Proposals: Publication

411. Hon A.A. LEWIS, to the Leader of the House representing the Minister for Parliamentary and Electoral Reform:

When is it expected the new proposed electoral districts will be ready for public comment?

Hon J.M. BERINSON replied:

The notice under section 3(2)(a) of the Electoral Distribution Act, 1947-87 inviting written suggestions relating to the division of the State and written comments on those suggestions was published in *The West Australian* and the *Government Gazette* on Friday, 6 November 1987.

Having regard for the processes to be followed from that date, it is expected that the Electoral Distribution Commissioners will publish under section 3(d) of the Act the proposals for the division of the State by early February 1988. Any objection to the proposals may be lodged in writing with the Electoral Distribution Commissioners within 30 days of their publication.

"ARTSNEWS"
Publication

421. Hon P.G. PENDAL, to the Leader of the House representing the Minister for The Arts:

(1) Who publishes *Artsnews*?

(2) What was the print-run of the first issue of *Artsnews*?

(3) In relation to the first issue, will he give the break-up of the cost of --

(a) the photography;

(b) any contributed written material;

(c) preparing final artwork including design, typesetting, bromides, and composition;

(d) printing including negatives and plates;

(e) distribution including cost of envelopes and postage?

Hon J.M. BERINSON replied:

(1) Department for the Arts.

(2) 4 000 copies.

(3) (a) Photography was done in-house, and separate costs for *Artsnews* were not identified;

(b) nil;

(c) $6 268;

(d) $6 118;

(e) $2 909.65.

BICENTENNIAL CELEBRATIONS
Street Parties: Legality

422. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

(1) Has an approach been made to the Police Department on the legality or otherwise of street parties being held during 1988?

(2) If so, what advice can he or the commissioner give to people wishing to organise or participate in this type of celebration?

(3) Is any legislation needed to permit street parties?

(4) If so, when will it be introduced?

(5) Is it possible to produce a brief, simple-to-read set of guidelines that could be made available to people wanting to arrange this sort of activity?

Hon GRAHAM EDWARDS replied:

(1)-(5) The Minister for Police and Emergency Services has requested a discussion paper from the Commissioner of Police. However, the commissioner has previously indicated his opposition to such parties because of law enforcement difficulties. To enable consideration to be given to preparation of advice to the public, the Minister for Police and Emergency Services has agreed to request the commissioner to provide advice on --

(a) the extent to which the law presently permits activities in the nature of street parties;

(b) details of the policing difficulties.

ARTS: PERTH ENTERTAINMENT CENTRE
Ownership Arrangements

426. Hon P.G. PENDAL, to the Leader of the House representing the Minister for The Arts:

(1) Has the sale of the licence for Perth's third television station affected the arrangement concerning the ownership of the Perth Entertainment Centre?

(2) Regardless of the answer to (1) above --

(a) who now owns the Entertainment Centre;

(b) does the new owner still have obligations to provide $3.5 million worth of TV air time to promote the arts in WA;

(c) will the centre still be made available to arts companies on a "free access" basis for the next 10 years as per the agreement between the Government and West Coast Telecasters;

(d) is there any variation in the agreement as a result of the sale of West Coast Telecasters to Northern Star Holdings, and if so, what are those variations;

(e) will the Minister table the present agreement;

(f) have the boundaries of the land involved in the sale been resolved and if so, will he indicate the precise land holdings involved?

Hon J.M. BERINSON replied:

(1) No.

(2) (a) The State Government still owns the Entertainment Centre. Settlement of the agreement for sale has not yet been made. The new owner will be Belimba Pty Ltd, a subsidiary of West Coast Telecasters;

(b) yes;

(c) yes;

(d) no;

(e) after settlement of the agreement for sale, the document will be tabled, if requested;

(f) the land concerned is in two lots. Lot 990 contains the Perth Entertainment Centre, and Lot 991 is the land between the Entertainment Centre and the bus station. Lot 991 excludes land of interest to Transperth. The exact boundaries are available in plans held by the Department of Land Administration, and they can be made available if requested.

AGRICULTURE: FARMS
Water Loan Fund

429. Hon MARGARET McALEER, to the Minister for Sport and Recreation representing the Minister for Agriculture:

Would the Minister advise what amount of money is available for lending in the farm water loan fund administered by RAFCOR?

Hon GRAHAM EDWARDS replied:

$1.5 million new funding to be sourced from RAFCOR borrowings, and $279 000 previously committed, to be sourced from the general loan fund.

SOUTH WEST DEVELOPMENT AUTHORITY
Grimwade Township: Potential

430. Hon W.N. STRETCH, to the Minister for Sport and Recreation representing the Minister for the South West:

(1) Is the South West Development Authority currently investigating the potential of the Grimwade township?

(2) Is the Tourism Commission or any other department currently investigating the future of Grimwade township?

(3) If so, have any decisions been made, and what are they?

Hon GRAHAM EDWARDS replied:

(1) Yes. The South West Development Authority is currently investigating all options available for the retention in some form of the Grimwade township.

(2) No.

(3) No.

EDUCATION: SPECIAL SCHOOL
Carson Street: Break-ins

434. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Education:

I refer to the Carson Street Special School in East Victoria Park.

(1) Is it correct that the school has suffered two break-ins recently?

(2) If so, did these break-ins occur following the removal of electronic surveillance equipment from the school?

(3) Why has the surveillance equipment been removed?

Hon KAY HALLAHAN replied:

(1) Yes.

(2) Yes.

(3) The portable equipment was removed for use at a school with a higher priority. A radio alarm has subsequently been installed.

EDUCATION: SPECIAL SCHOOL
Carson Street: Future

435. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Education:

(1) Is the Minister aware that the parents of potential students at the Carson Street Special School in East Victoria Park are being advised by departmental officers that there is no certainty that the school will continue to function beyond 1988 and that, therefore, they would be advised to seek enrolment elsewhere for their children?

(2) What are the reasons for the large turnover of teachers at the school?

Hon KAY HALLAHAN replied:

(1) Parents seeking to enrol children at Carson Street for the first time are being advised of the possibility of the closure of Carson Street. They are then given the options as to placement.

(2) Five changes are proposed for 1988. The school, due to falling enrolments, will lose one teacher; one teacher will go on long service leave; two have applied for transfer to other metropolitan schools; and one temporary teacher has applied for a country posting. A similar pattern of teacher movements was evident in 1986 for 1987.

EDUCATION: SPECIAL SCHOOL
Carson Street: Property Caveat

436. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Education:

I refer to the Carson Street Special School in East Victoria Park.

(1) Is it correct that parents of the school students sought to have a caveat placed on the school property?

(2) If so, what was the outcome?

Hon KAY HALLAHAN replied:

(1) A parent did seek to lodge a caveat over the school property.

(2) A caveat cannot be registered against a Crown reserve.

MR MARK THORNTON
Police Interview

438. Hon P.G. PENDAL, to the Leader of the House representing the Premier:

(1) Did the police visit Newspaper House to interview the journalist Mark Thornton arising out of actions taken by the Premier?

(2) Why was this action taken?

(3) Has the Australian Journalists Association expressed its views on this matter to the Government or Premier?

(4) If so, in what terms?

(5) Will the Premier undertake not to send in the police on future occasions where he disagrees with the views of a journalist?

Hon J.M. BERINSON replied:

(1)-(2)

The police were not "sent in" because the Premier disagreed with a journalist. Any action taken by the police after the incident I presume the member is referring to was a matter for the police. The Premier simply drew the deputy commissioner's attention to a statement made to him by a journalist.

The journalist openly told the Premier that he had been told by a "senior police officer" that the Premier was "a close friend of Mr Alex Clark and dined regularly with him on Friday nights". That statement is completely false. Given that it is completely false, and given the circumstances surrounding the Teachers Credit Society at the time, it is a matter of serious concern that a "senior police officer" should make such a statement.

If in fact a senior police officer did make such a statement, knowing it to be untrue or being unable to confirm it because it is untrue, I am sure the member would agree that would constitute an action based in malice and motivated by totally inappropriate personal or political aims.

(3)-(4)

Not to my knowledge.

(5) See (1)-(2).

COMMUNITY SERVICES: ADOPTIONS
Age Ineligibility

439. Hon P.G. PENDAL, to the Minister for Community Services:

Further to my question without notice on 11 November on the subject of adoptions, I ask --

(1) How many applicants for adoption have been ruled ineligible because they are over the new age limit laid down by the 1986 regulations?

(2) Would she consider a change to the regulations to allow these people to be restored to the waiting list?

Hon KAY HALLAHAN replied:

(1) 52.

(2) No. The matter has been fully considered.

WILDLIFE: TAMMARS
Goonac Forest

440. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

Further to question 414 of 11 November 1987 with regard to the numbers of tammars in Goonac Forest, when was the last survey of numbers of tammars done?

Hon KAY HALLAHAN replied:

Approximately 15 years ago a Forests Department research officer sighted and recorded the presence of tammars in the area. He also recovered the carcass of a tammar which had been struck and killed by a car. However, no formal surveys to attempt to establish the number of tammars in the area have been undertaken.

TRAFFIC: PEDESTRIAN CROSSING
Hardey Road School Crossing

441. Hon FRED McKENZIE, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

(1) Following a recent decision of the schools crossing road safety committee to downgrade the Hardey Road, Belmont crossing near Elmsfield Street from classification "A" because of the lack of children now crossing, is he aware of the concern being expressed by the Belmont Primary School Parents and Citizens Association?

(2) Is he also aware that in the very near future Hardey Road is to be made into a cul de sac at the junction of Tonkin Highway and this will substantially reduce the almost incessant traffic flow along this road?

(3) In view of the impending cul de sac proposal, will he agree to leaving the crossing as an "A" classification until the cul de sac is installed?

(4) If not, will he agree to meet a deputation led by me from the Belmont Primary Parents and Citizens Association to discuss the matter further prior to the downgrading taking place?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) Yes.

(3) Yes.

(4) Not applicable.

ROAD: HARDEY ROAD
Closure

442. Hon FRED McKENZIE, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Is it still the intention of the Main Roads Department to cul-de-sac Hardey Road, Cloverdale, at the junction of Tonkin Highway when the new section of that highway over the Swan River is opened?

(2) If so, could he give me the expected date on which the cul de sac will be effected?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) The work is expected to be done immediately following the opening of the Redcliffe bridge. This is likely to take place in April 1988.

QUESTIONS WITHOUT NOTICE

CRIME: VANDALISM
Special Unit

427. Hon P.G. PENDAL, to the Minister for Community Services:

(1) Was a report commissioned to look at the creation of a special unit within the Government to combat vandalism?

(2) If so, has she received it?

(3) If so, what action, if any, is intended by the Government?

Hon KAY HALLAHAN replied:

(1)-(3) The question of vandalism is not one of my portfolio responsibilities, so I am unable to assist the member with a response.

GAMBLING
Instant Lottery Distributions

428. Hon P.G. PENDAL, to the Minister for Sport and Recreation:

(1) Can he indicate whether a full list of the grants allocated by his department in 1986-87 out of the Instant Lottery fund is available?

(2) Is it intended this year to limit to $3 million the amount to be allocated out of this fund for sport?

Hon GRAHAM EDWARDS replied:

(1)-(2) A lot of information is required in that question and I ask that it be put on notice.