REGISTRATION OF IDENTITY OF PERSONS BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.33 p.m.]: I move—

That the Bill be now read a second time.

A committee of inquiry set up to investigate the situation of people who have no proof of identity has reported that there is a real hardship experienced by people who have no positive proof of identity or registration of birth, and find it absolutely impossible to obtain any recognition of identity whatsoever.

This position is not peculiar to Western Australia; it exists throughout the world. Nevertheless, it is reported that large numbers of people in Western Australia are so inconvenienced.

The purpose of this Bill is to assist persons resident in this State who have no legal means of identification by providing a certificate of registration of identity.

The committee of inquiry was emphatic that such an omission should not be allowed to persist. The legislation now proposed has been the subject of considerable research, and I assure members that ample provision has been made to protect all parties who could be affected. The proposed certificate, as set out in the schedule to the Bill, includes, for instance, the name of the person registered only, and does not mention any other person as a parent or relation.

This was considered to be a most necessary safeguard, as legal complications and distress could occur were such particulars shown.

Another safeguard is the provision that the certificate of the registration of identity is not *prima facie* evidence. A further provision ensures that, in the event of the Registrar General refusing to issue a certificate of registration of identity, the person concerned may appeal to the Minister, who may direct the Registrar General to comply.

I suggest to members that the machinery enabling the provision of a certificate as laid down concisely in the Bill can be more adequately dealt with in Committee, and I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

PUBLIC TRUSTEE ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

House adjourned at 4.35 p.m.

Legislative Assembly

Thursday, the 24th April, 1975.

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

ADDRESS-IN-REPLY

Presentation to Lieutenant-Governor and Administrator: Acknowledgment

THE SPEAKER (Mr Hutchinson): I have to announce that, accompanied by the member for Katanning (Mr Old), the member for Gascoyne (Mr Laurance), and the member for Canning (Mr Bateman), I attended upon His Excellency the Lieutenant-Governor and Administrator and presented the Address-in-Reply to the Speech of His Excellency the Governor, agreed to by this House, and that His Excellency has been pleased to reply in the following terms—

> Mr Speaker and members of the Legislative Assembly:
>
> I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which His Excellency the Governor opened Parliament.

QUESTIONS (38): ON NOTICE

1. WATER SUPPLIES

Warnbro: Knowle Way

Mr BARNETT, to the Minister for Water Supplies:

Can he advise when water will be available in Knowle Way, Warnbro?

Mr O'NEIL replied:

No. If the member has a specific connection in mind, it is suggested that he communicate directly with the Metropolitan Water Board.

2. PUBLIC RELATIONS OFFICERS

Employment by Government

Mr T. J. BURKE, to the Premier:

In view of the fact that the clarification sought by the Premier in response to question 54 of 16th April, 1975 concerning public relations officers employed by the Government, which sought a reply to question 32 of 26th November, 1974, was given to his secretary in December last year, would he please provide the information required as soon as possible?

Sir CHARLES COURT replied:

Yes, although there is a degree of uncertainty in my office about the nature of the information which

the member says was communicated to my secretary in December last.

3. STATE FORESTS

Dieback Disease: Affected Areas

Mr A. R. TONKIN, to the Minister for Forests:

(1) Further to questions on notice, 5 of 7th November, 1972 and 8 of 29th October, 1974—
   (a) what is the area of State forest which has been categorised as "suspect die-back";
   (b) how much of this area is under quarantine?

(2) Further to questions on notice 14 and 16 asked on 22nd October, 1970 respectively, will he table a map showing the assessment to date of die-back infestation and severity, including southern forest areas?

Mr RIDGE replied:

(1) (a) The area of State forest categorised as "suspect die-back" has not been extracted separately from maps.
   (b) None at present. Initial proposals for quarantine have, however, reached an advanced stage.

(2) No, a summary map is not available. There are approximately 160 detailed map sheets covering the areas mapped for die-back severity to date.

4. JUMBO STEELWORKS

Decentralisation

Mr A. R. TONKIN, to the Premier:

(1) Having regard to the enunciation of policy in the Liberal Policy Speech (1974-77) is the development of a jumbo steelworks at Peelhurst, Kwinana or north of Wreck Point or anywhere else between Mandurah and Guilderton consistent with decentralisation objectives?

(2) What incentives has the Government provided, or will it provide, which will encourage a siting of the jumbo steelworks so as to facilitate decentralisation?

Sir CHARLES COURT replied:

(1) Decentralisation is relative. There could be circumstances when the establishment of a major steelworks within an area such as the member enumerates, is an important degree of decentralisation away from over concentration in one location too close to a city. Normally, the Government, as part of its policy, would prefer to see an industry, such as a jumbo steelworks, further away from an established metropolis. Our views on this have been made clear on many occasions.

(2) The incentives—if any are needed—can only be positively assessed and negotiated when the studies have been completed.

5. DEMOGRAPHIC AND ENVIRONMENTAL RESOURCES COMMITTEE

Research Activities

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) Has the proposed research activities of the Environmental Protection Authority's Demographic and Environmental Resources Committee, as outlined in Tabled Paper No. 188 (1974) been referred to the Environmental Protection Council?

(2) If "No" why has this not been done?

(3) Does the council support the study proposals?

(4) Does the council support the urgent allocation of funds for the purposes referred to in (1) above?

Mr STEPHENS replied:

(1) to (4) The Demographic and Environmental Resources Committee is a committee set up by the Environmental Protection Authority under Section 30 (4) (a) of the Environmental Protection Act. The Chairman of the Demographic and Environmental Resources Committee is a member of the Environmental Protection Council and through him the council has been kept informed of the committee's activities. The Environmental Protection Council has not been called upon to debate either the research activities or funding of the Demographic and Environmental Resources Committee.

6. TOWN PLANNING

Coastal Areas: Departmental Report

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

Will he table the departmental report on coastal policy referred to at page 175 of the publication *Progress 1971-74*?

Mr RUSHTON replied:

Yes—report is tabled as requested. The member has already received this report last year.

The report was tabled (see paper No. 166).

7. LAND

Hopetoun-Cape Arid National Park: Area

Mr A. R. TONKIN, to the Minister for Lands:

(1) What is the area of the strip of land between Hopetoun and Cape Arid National Park and extending (about 10 kilometres in width) along the coast?

(2) What is the area of—

(a) reserved land;

(b) vacant Crown land;

(c) Crown land under lease,

within this strip?

Mr RIDGE replied:

(1) Total area: 366 339.336 4 hectares.

Includes—

Roads
Townsites
Lakes
Rivers
Freehold land
Reserved land
Vacant Crown land
Crown land under lease.

(2) (a) Area of reserved land: 218 867.231 1 hectares.

(b) Area of vacant Crown land: 28 909.494 3 hectares.

(c) Crown land under lease: 57 607.076 7 hectares.

These figures do not include areas within gazetted townsites.

8. LAND

Albany-Bremer Bay: Area

Mr A. R. TONKIN, to the Minister for Lands:

(1) What is the area of the strip of land between Albany and Bremer Bay between the coast and the road from Albany to Bremer Bay?

(2) What is the area of—

(a) reserved land;

(b) vacant Crown land;

(c) Crown land under lease,

within this strip?

Mr RIDGE replied:

(1) Total area: 199 363.957 5 hectares.

Includes—

Roads
Townsites
Lakes
Rivers
Freehold land
Reserved land
Vacant Crown land
Crown land under lease.

(2) (a) Area of reserved land: 46 129.127 7 hectares.

(b) Area of vacant Crown land: 7 462.403 3 hectares.

(c) Crown land under lease: 117 097.516 8 hectares.

These figures do not include areas within gazetted townsites.

9. TOWN PLANNING

Coastal Areas: Carnarvon-Cape Arid

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

In general terms of type, size and stage will he update the list of coastal projects between Carnarvon and Cape Arid published on page 22 of the *Local Government Journal* of Western Australia dated August 1972?

Mr RUSHTON replied:

Yes, a copy will be forwarded to the member as soon as practicable.

10. TOWN PLANNING

Coastal Areas: Kalbarri-Yanchep

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

What is the Town Planning Board's policy in regard to coastal development and residential/tourist resort subdivision along the coast between—

(a) Kalbarri and Geraldton;

(b) Geraldton and Dongara;

(c) Dongara and Yanchep?

Mr RUSHTON replied:

(a) and (b) Generally, the Town Planning Board's policy is that coastal development be confined to existing settlements where problems of servicing, erosion and environment are minimized; changes may be made as a result of various studies but in any event policy will be reflected in approved town planning schemes.

(c) Between Dongara and Yanchep there are some 40 identifiable settlements, mostly on Crown land. These are the subject of an investigation by the West Midland Study Group—on which the Town Planning Department is represented—to rationalise priorities in servicing and planning this section of coastline. In other areas, the board's policy is reflected in approved town planning schemes including the metropolitan region scheme.

11. TOWN PLANNING

Coastal Areas: Peelhurst-Bunbury

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

What is the Town Planning Board's policy in regard to coastal development and residential/tourist resort subdivision along the coast between—

(a) Peelhurst and Mandurah;

(b) Mandurah and Binningup;

(c) Binningup and Bunbury?

Mr RUSHTON replied:

(a) The Town Planning Board's policy is reflected within the metropolitan region planning scheme and local authority town planning schemes prepared by the Rockingham and Mandurah Councils.

(b) and (c) The coastline between Mandurah and Bunbury is at present the subject of a detailed investigation by a coastal study group; it is anticipated that appropriate recommendations of this and other studies will be incorporated within local authority town planning schemes.

Generally, the Town Planning Board's policy is that coastal development be confined to existing settlements where problems of servicing, erosion and environment are minimized; changes may be made as a result of various studies but in any event policy will be reflected in approved town planning schemes.

12. STATE FORESTS

Eucalypt Productivity Classes

Mr A. R. TONKIN, to the Minister for Forests:

(1) What is meant by "eucalypt productivity classes I, II and III" as referred to at table I of the Forestry and Timber Bureau's 1973-74 annual report?

(2) How much—

(a) State forest; and

(b) other forested land,

in Western Australia falls into these classes—

(i) in the timber zone;

(ii) outside the timber zone?

Mr RIDGE replied:

(1) and (2) There is no reference to "eucalypt productivity classes I, II and III" in table I of the Forestry and Timber Bureau's 1973-74 annual report.

As the report referred to is issued by a Federal Government Department, it is suggested that questions of interpretation be referred to the appropriate department.

13. STATE FORESTS

Types and Ownership: Maps

Mr A. R. TONKIN, to the Minister for Forests:

(1) Have maps been prepared or are they in the process of preparation showing forest types and ownership in the State?

(2) If prepared, what is their availability to the public?

(3) If in the process of preparation, what is the intention as to their availability to the public?

Mr RIDGE replied:

(1) The Forests Department prepares plans on a scale of 1:63 360 covering the State forests showing broad forest types and ownership of land adjoining State forest. Detailed type maps showing forest types have been prepared from air photo interpretation. The Department of Agriculture is preparing a series of vegetation maps at a scale of 1:250 000. So far the Pemberton and Busselton sheets have been produced and the Collie and Fitzgerald River sheets are in course of preparation.

(2) and (3) The 1:63 360 and 1:250 000 plans are available for purchase. The air photo interpretation plans are not produced for distribution.

14. PINE PLANTATIONS

Swan Coastal Plain and Esperance Plain

Mr A. R. TONKIN, to the Minister for Forests:

Further to page 7 of the Forests Department 1974 annual report, what portion of the 73 000 hectares of pine plantation is located on—

(a) the Swan Coastal Plain;

(b) the Esperance Plain?

Mr RIDGE replied:

The table at page 7 of the Forests Department's 1974 Report sets out the purposes for which State forests have been dedicated.

Of the 72 997 hectares listed as dedicated for pine planting:

(a) 59 025 hectares is located on the Swan Coastal Plain in the vicinity of Gnangara and Wanneroo.

(b) None is located on the Esperance Plains.

15. PINE PLANTATIONS

Crown Land: Utilisation

Mr A. R. TONKIN, to the Minister for Forests:

(1) Further to question on notice 18 of 4th November, 1969, how much of the 5 350 acres (approximately) referred to at part (5)—
  (a) was assessed for possible utilisation for pine plantations;
  (b) is now alienated?

(2) What was the total area of Crown land dealt with by the tribunal and what proportion was—
  (a) in the timber zone referred to at page 7 of the Forests Department 1974 annual report;
  (b) outside timber zone;
  (c) on the Swan Coastal Plain;
  (d) on the Esperance Plain?

Mr RIDGE replied:

(1) (a) Nil.
  (b) The majority of the area has been alienated. The actual area will be supplied in writing as soon as it is available.

(2) 274 185 ha
  (a) 100%
  (b) See (a)
  (c) 0.027%
  (d) See (a).

16. AUSTRALIAN IRON AND STEEL PTY. LTD.

Pig Iron Production

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) In tonnes of pig iron what is the full capacity of the A.I.S. blast furnace at Kwinana?

(2) What quantity of slag and associated waste material would be produced annually for the above capacity?

Mr MENSAROS replied:

(1) 750 000 tonnes per annum.

(2) 250 000 tonnes.

17. JUMBO STEELWORKS

Environmental Protection Authority: Action

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

Further to question on notice 41 asked on 20th August, 1974, what action has the Environmental Protection Authority taken in regard to the information concerning social and urban factors involved in the establishment of a jumbo steelworks provided by the Town Planning Department?

Mr STEPHENS replied:

The Environmental Protection Authority and the Environmental Protection Council are acting in concert and in accordance with their statutory obligations to keep the total environmental consequences of the jumbo steel proposals under continuous review. Due attention to social and urban factors in this context is ensured by—

(i) the inclusion of the Town Planning Commissioner on the Environmental Protection Council;

(ii) the common chairmanship of the authority and the council in the person of the Director of the Department of Environmental Protection;

(iii) the provisions of section 56 of the Environmental Protection Act 1971.

18. STEEL INDUSTRY

Pilbara: Discussions

Mr A. R. TONKIN, to the Minister for Industrial Development:

With regard to tabled paper 301 of 1974 and question on notice 14 of 30th October, 1974 concerning establishment of a steel industry in the Pilbara:

(1) What discussions have taken place between the Governments of Western Australia, Queensland, New South Wales and any other State on this matter?

(2) What discussions have taken place between the Government of Western Australia and any company on this matter?

Mr MENSAROS replied:

(1) Agreement has been reached with the Queensland Government to proceed with joint studies.

(2) As private enterprise will be involved in the establishment of a steel industry, discussions with interested companies will proceed contemporaneously.

19. SCHOOL AT CRESTHILLS

Establishment

Mr BATEMAN, to the Minister representing the Minister for Education:

(1) In view of the increased population in Cresthills, Thornlie, has

provision been made to provide a primary school to cater for primary school students in this area?

(2) If "Yes" where is the location, and when can it be anticipated the building will be ready for occupation?

Mr GRAYDEN replied:

(1) Yes.

(2) The South Thornlie Primary School is to be located on the combined primary-secondary school site with the Thornlie Senior High School. It is anticipated that the new school will be ready for occupation at the beginning of the 1976 school year.

20. VENEREAL DISEASE

Health Education Officers

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Does the Minister agree with the reported comments in *The West Australian* 21st April, 1975, page 20, regarding spread of venereal disease in Western Australia?

(2) If basically correct can he make urgent representations for the finance to appoint additional health education officers, as referred to in question 55 of 20th March, 1975 and 26 of 26th November, 1974?

Mr RIDGE replied:

(1) Yes.

(2) Urgent submissions have been made for funds. If these are successful, and it is reasonable to assume that they will be, there will be a significant expansion in health education facilities.

21. HOUSING

Carnarvon: Units and Waiting List

Mr LAURANCE, to the Minister for Housing:

(1) How many families are at present on the waiting list for accommodation units at Carnarvon?

(2) Of these, how many are Aboriginal families?

(3) How many accommodation units does the State Housing Commission have in the Morgantown area of Carnarvon?

(4) How many of the Morgantown units are occupied by Aboriginal families?

(5) How many accommodation units does the Commission have in the South Carnarvon area?

(6) How many of the South Carnarvon units are occupied by Aboriginal families?

Mr O'NEIL replied:

(1) 78.

(2) 61.

(3) 39.

(4) 15.

(5) 135.

(6) 50.

22. HOUSING

Carnarvon: Programme

Mr LAURANCE, to the Minister for Housing:

(1) What was the number and type of units planned to be constructed by the State Housing Commission at Carnarvon in the 1974-75 financial year?

(2) How many and what type of units is it now anticipated the Commission will complete at Carnarvon in this financial year?

(3) What are the plans for the provision of additional units at Carnarvon in the 1975-76 financial year?

Mr O'NEIL replied:

(1) Under all schemes the commission programme intention was to provide 51 houses comprising 45 single detached houses and 6 pensioner units.

(2) The commission has purchased 7 houses and is negotiating the purchase of a further 13 houses, and tenders for the pensioner units will be called during May. The commission is presently examining the feasibility of meeting the standards of construction which the local authority has imposed relative to the sale of the residential land.

(3) Plans are yet to be determined.

23. HOUSING

Carnarvon: Pensioners

Mr LAURANCE, to the Minister for Housing:

(1) How many—

(a) single;

(b) double,

pensioner flats does the State Housing Commission have at Carnarvon?

(2) How many applicants are on the waiting list for each type?

Mr O'NEIL replied:

(1) (a) 9 units.

(b) 4 units.

(2) (a) 10 applicants.

(b) Nil.

24. BANANA INDUSTRY COMPENSATION TRUST FUND

Claims and Contributions

Mr LAURANCE, to the Minister for Agriculture:

(1) On what occasions has a claim been made by banana growers at Carnarvon on the Banana Industry Compensation Trust Fund since its inception?

(2) What did payments to the industry amount to on each of these occasions?

(3) What is the total amount that has been paid to growers from the fund?

(4) What has been the total contribution to the fund by the Government?

(5) What has been the total contribution to the fund by growers?

(6) What is the present size of the fund?

(7) When does the Government arrange its contributions to the fund?

(8) How is the fund invested?

(9) What interest rate does the fund attract?

Mr McPHARLIN replied:

(1) Claims were made as a result of cyclones in 1964, 1967 and 1970.

(2) 1964 Cyclone "Katie" $13 364.
1967 Cyclone "Elsie" $121 160.
1970 Cyclone "Ingrid" $326 968.

(3) $461 492.

(4) $310 376 to 31st December, 1974. This amount includes an additional $165 281 contributed in 1970 when the fund was unable to meet claims made following Cyclone "Ingrid".

(5) $290 191 to 31st December, 1974.

(6) $212 728.16 at 23rd April, 1975.

(7) On a monthly basis.

(8) and (9) The fund is invested in Rural and Industries Savings Bank deposits and periodically, depending on the amount of the fund, fixed deposit investments are made. At present, $106 263.37 is invested with the Rural and Industries Savings Bank and is attracting an interest rate of 6% per annum. An amount of $100 000 is on fixed deposit with the Rural and Industries Bank at 9.5% per annum interest rate.

25. EDUCATION

Transport of School Children: Subsidy

Mr T. D. EVANS, to the Treasurer:

(1) Apropos his reply to question 1 of 9th April last would he please explain why the Treasury Department school children's bus travel scheme appears to apply only on the following routes in the Kalgoorlie-Boulder-Kambalda districts—

(a) Kambalda to Kalgoorlie (and return);

(b) East Kambalda to West Kambalda High School (and return);

(c) movements between the old Eastern Goldfields Senior High School to the new site during school hours?

(2) Would he explain also why on all other sections served by the Eastern Goldfields Transport Board school children's travel concession fares are 8c (to and from school)?

Sir CHARLES COURT replied:

(1) These services were arranged at the request of the Education Department, and agreement was reached with the operator for payment of a subsidy. In the case of (a) and (c) the Government pays the full cost in a similar way to a country school bus, but in the case of (b) the Government pays the excess of the normal fare over 5c similar to a metropolitan service.

(2) Children living within the Kalgoorlie and Boulder urban areas, and who travel to school by public transport, pay the fares demanded. If these fares exceed 50c weekly per child, the parents may claim a refund in accordance with education regulation 13 for the amount paid in excess of 50c weekly.

26. INDUSTRIAL DEVELOPMENT

Pressure Relief Valve: Assistance to Mr Catton

Mr MAY, to the Minister for Industrial Development:

(1) Has the department investigated the merits of the "Catton" pressure relief unit, and if so, what was the result of the inquiries?

(2) Has the department been requested to assist Mr Catton regarding the manufacture and marketing of this safety valve?

(3) If so, what positive form of assistance has been extended to Mr Catton by the Government?

Mr MENSAROS replied:

(1) Yes. The valve has good possibilities and has the conditional approval of the Metropolitan Water Supply Board as a supplementary relief valve.

(2) Yes.

(3) Mr Catton has received the advice he required, and has also been referred to valve manufacturers and to the W.A. branch of the Industrial Design Council of Australia. His device will be featured in the departmental publication *Enterprise*.

27. ELECTION PROMISES

Geological Surveys, and Preliminary Exploration

Mr MAY, to the Deputy Premier:

Adverting to my question 37 of 15th April, 1975 will he list each and every way in which the Government since April 1974 has given assistance to—

(a) geological surveys;

(b) preliminary exploration and research which is in excess or of a different nature to assistance provided by the Tonkin Government during its term of office?

Mr McPHARLIN replied:

It would be very time-consuming to list each and every way in which geological surveys and preliminary exploration and research are being carried out.

The basic role of the geological surveys has continued in essentially the same way as it has for many years with steady progress being achieved.

If the member is not familiar with the activity of the Geological Surveys Branch, a visit could be arranged.

28. ELECTION PROMISES

Article in "Master Plumber"

Mr BERTRAM, to the Premier:

(1) Has he seen volume 17 No. 5 of the *Master Plumber* the official journal of the Master Plumbers Association of Western Australia dated 5th April, 1975 at page 5 which is headed "Premier breaks a vital pledge"?

(2) If "Yes"—

(a) what is the pledge which is said to have been broken by him;

(b) will he now put things right by performing the vital pledge?

(3) If "No" will he look at the aforesaid publication of the *Master Plumber* in particular the item headed "Premier breaks a vital pledge" and supply details of the vital pledge which he is said to have broken and now put things right by performing the vital pledge?

Sir CHARLES COURT replied:

(1) Yes.

(2) (a) and (b). No pledge has been broken.

It is noted it was the publication *Master Plumber* which stated the Premier announced that his Government had advised the master plumbers' organisation it would thoroughly examine the practicability and effectiveness of liens legislation. This undertaking has been honoured.

The subject matter of liens legislation was referred to the Law Reform Commission, and that commission's report (Project No. 54) was tabled in Parliament on 16th October, 1974.

The Law Reform Commission recommended against liens legislation.

(3) Answered by (1) and (2).

29. POLICE

John Martin Best: Assault Charge

Mr BERTRAM, to the Minister representing the Minister for Justice:

Further to the Minister's answer to question 37 of 17th April, 1975 relating to the assault case, police versus John Martin Best, will he give his reasons for refusing to table the papers requested so that members may be able to take such action as may be necessary upon the best evidence rather than run the risk of wasting the time of the House in trying to establish or disprove facts which this Parliament and the public are entitled to know and which may already be capable of positive proof?

Mr O'NEIL replied:

The tabling of the papers was refused because it was thought improper that parliamentary procedures should be used to impugn decisions of the courts.

I will not answer any further question on this matter, as I believe that questions which reflect on the decision of a court of law are not in order.

30. ROAD TRAFFIC AUTHORITY

Takeover from Local Authorities

Mr DAVIES, to the Minister for Transport:

(1) Since the setting up of the new Road Traffic Authority how many local authorities have transferred their licensing jurisdiction to the authority?

(2) Which local authorities have not transferred such jurisdiction?

(3) What are the Government's requirements and timetabling for the takeover of local authorities as per (2)?

Mr Grayden (for Mr O'CONNOR) replied:

(1) None. The Road Traffic Act does not become fully operative until 1st June.

(2) All, but negotiations are proceeding to transfer licensing and enforcement to the authority from Mundaring and Kalamunda on 1st June, Wanneroo, Swan Guildford, Irwin and Albany Shire on 1st July.

(3) All other local authorities will act as agents for the Road Traffic Authority from 1st June while negotiations continue.

31. SHIPPING

"Nyanda": Industrial Dispute

Mr BLAIKIE, to the Minister for Transport:

(1) What are the conditions sought by waterside workers at Darwin relating to the dispute involving State Ship *Nyanda*?

(2) What has been the per day cost, including wages, wharfage dues, etc., to the State Shipping Service since dispute commenced?

(3) Is any cargo on *Nyanda* in danger of loss through dispute and can he advise the cost of loss?

(4) What is the current loss to the State in providing a shipping service to Darwin?

(5) What is the value to Western Australian producers and manufacturers of markets established with Darwin as base port?

Mr Grayden (for Mr O'CONNOR) replied:

(1) Darwin waterside workers together with Miscellaneous Workers Union and other Darwin unions, jointly seeking disability allowance of $55 per week from 25th December, 1974 to 30th June, 1975, plus payment two weeks' special R & R leave. All unions held a 24-hour stoppage early in February to press these claims and the Darwin waterside workers decided to take unilateral action against stevedoring employers from Monday, 14th April on the issue of the two week R & R leave and from Monday, 21st April should the disability allowance be not granted by that date. *Nyanda* was the only general cargo ship in port on 14th April.

(2) The daily operating cost of *Nyanda* including Darwin port charges is $3 528.

(3) This will not be known until chiller and other perishable cargo has been discharged and inspected at Darwin and Wyndham.

(4) This can only be measured in terms of whether Darwin is serviced by State ships or not and would be reflected in the cost saving in operating one ship less. The Australian Government provided the full capital cost of one ship of the present four ship fleet to ensure the continuance of the Darwin service from the west coast and this automatically ensures a weekly service to Western Australian ports.

In this situation where the State is responsible for operating costs only, the loss by trading to Darwin based on 1974 tonneages is calculated at approximately $366 000.

(5) It is estimated that the value to Western Australian merchants and manufacturers of the Darwin trade based on last year's tonneages of 58 000 tonnes, was $20 million.

32. PRIMARY PRODUCERS

Assistance: State Agencies

Mr BLAIKIE, to the Treasurer:

Can he advise the names of State Government agencies involved in the distribution and documentation of appropriated State and Federal Government moneys specifically directed to assisting primary producers as in existence since 1st July, 1974?

Sir CHARLES COURT replied:

The Rural and Industries Bank of Western Australia and the Rural Reconstruction Authority.

33. FARMERS' DEBTS ADJUSTMENT ACT

"Dropping"

Mr BLAIKIE, to the Minister for Agriculture:

Can he advise why the Farmers' Debts Adjustment Act was "dropped" from the Statutes in 1972?

Mr McPHARLIN replied:

The Farmers' Debts Adjustment Act expired in 1972 and was not renewed because it was considered its main function to assist farmers in financial difficulties was served by the Rural Reconstruction Scheme Act, 1971.

34. TECHNICAL SCHOOLS

Country Areas: Transport

Mr BLAIKIE, to the Minister representing the Minister for Education:

Has his department undertaken any study regarding transport of students to technical schools and similar tertiary institutions in country areas, particularly between towns where public transport is non-existent, and if so, with what result?

Mr GRAYDEN replied:

A study has been undertaken regarding transport of students to technical schools and similar tertiary institutions in the country area. Information has been received and the implications are currently being studied by the department.

35. TEACHERS

Trainees: Book Allowance

Mr A. R. TONKIN, to the Minister representing the Minister for Education:

(1) Is the Minister aware that many teachers college students have still not yet received their book allowance?

(2) How is it possible to buy books in February when the allowance has still not been given in April?

(3) What will the Minister do to rectify the situation?

Mr GRAYDEN replied:

(1) Teacher education scholarship book allowances have been paid to all scholarship holders except in some cases of late applications, changes of course, and a small group of students whose records were incomplete.

(2) Book allowances are awarded as a form of assistance towards the purchase of books and are not assumed to cover the full cost of student book purchases over the whole year. All tertiary education institution bookshops have been requested to give credit to Education Department students in the first part of the year.

(3) Claims for book allowances that have not yet been paid are currently being processed.

36. MARKETING OF EGGS ACT

Amending Legislation

Mr BARNETT, to the Minister for Agriculture:

(1) Has he received any requests from the Egg Board in 1974 and/or 1975 to introduce legislation to amend the Marketing of Eggs Act?

(2) How many requests were received and on what dates were they received?

Mr McPHARLIN replied:

(1) and (2) The Western Australian Egg Marketing Board has indicated that it considered its main avenue of approach in relation to amendments to the Act was the committee which examined and reported upon the implementation of the recommendations contained in the McDonald Report. Correspondence to the Minister in relation to aspects of legislative changes which were considered desirable by the board was sent on 1st March, 18th March, 19th March and 25th March, 1974.

37. WILLETTON SCHOOL

Sports Ground

Mr BATEMAN, to the Minister for Works:

(1) Is he aware—

(a) that ground facilities at the Willetton Primary School are inadequate for the physical education and play activities of the 650 children presently attending;

(b) that the inadequate ground facilities are the reason for the Education Department approving the reduction of the lunch break to 40 minutes?

(2) Will he advise whether a plan for the development of the Willetton Primary School grounds has been prepared?

(3) Will he advise what action to improve the ground facilities is proposed?

(4) If no action is proposed will he agree to development proceeding by the parents and citizens' association?

(5) Is he aware that the Willetton Primary School Parents and Citizens' Association purchased 200 ornamental and shade trees in the winter of 1974 and has been unable to obtain his department's approval for their location in the school grounds?

(6) Will he advise the boundaries of the residential area to be covered by the proposed South Willetton Primary School to be established for 1976 in order that a parents and citizens' association may be formed in advance of the school opening?

Mr O'NEIL replied:

(1) (a) No. The school site comprises 12 acres. Building additions and some topographical problems have hampered the development of playing space.

(b) The forty minute lunch break was approved at the beginning of this school year to overcome difficulties associated with building operations.

(2) A site plan for the development of the Willetton School is available. A water reticulation plan has also been prepared. However, a landscape plan has not yet been prepared.

(3) Some landscaping will be provided in conjunction with the present additions. However, the long term development of the grounds is a matter for negotiation between the Public Works Department and the parents and citizens' association. Ground developments are provided in primary schools by subsidy on a dollar for dollar basis up to a maximum of $1 000.

(4) Answered in (3). But any work undertaken by the parents and citizens' association should not conflict with future planned development.

(5) No. The officers in the department were not aware that the parents and citizens' association intended to purchase and plant 200 trees in 1974.

(6) The boundary proposed is—
Apsley Road from Riley Road to Ebo Avenue; Ebo Avenue from Apsley Road to Collins Road; Collins Road from Ebo Avenue to Lincoln Avenue; Lincoln Avenue from Collins Road to Panamuna Drive; Panamuna Drive from Lincoln Avenue to Pinetree Gully Road; Pinetree Gully Road from Panamuna Drive to Burrendah Boulevard; Burrendah Boulevard from Pinetree Gully to Lincoln Avenue.
The eastern boundary is yet to be established.

38. DEMOGRAPHIC AND ENVIRONMENTAL RESOURCES COMMITTEE

Consistency with Liberal Policy

Mr A. R. TONKIN, to the Premier:

Does the Premier consider the establishment of the Demographic and Environmental Resources Committee of the Environmental Protection Authority would be consistent with the policy stated in his policy speech (1974) of engaging specialist groups to assist the Government and provide it with extra thinking power?

Sir CHARLES COURT replied:

Yes, but the decision for the use of such specialist services and studies must always be equated in a practical way with overall priorities and finance available.

QUESTIONS (7): WITHOUT NOTICE

1. MILK

Quotas to New Producers

Mr BLAIKIE, to the Minister for Agriculture:

What is the anticipated general method of allocation of market milk quotas to new producers for production commencing on the 1st January, 1976?

Mr McPHARLIN replied:

I did not receive notice of this question. If it has been forwarded to my office I have not seen it and I ask that the question be put on the notice paper.

2. ABORIGINES

Centre at Gnangara: Report

Mr NANOVICH, to the Minister for Urban Development and Town Planning:

Is he aware of, and if so has he received a report regarding, a meeting recently convened by his department at the request of the Commonwealth Department of Aboriginal Affairs, to discuss proposals for Lots 6 and 7, Swan Location 887, Gnangara, Shire of Wanneroo to establish—

(a) a workshop manufacturing Aboriginal artefacts which would be sold from the site to tourists driving through the area;

(b) an area where corroborees would be staged for visitors;

(c) a horticultural centre where Aborigines could be trained;

(d) a licensed social club for use by Aborigines, and

(e) a caravan park for use by Aborigines?

In addition to these proposals it was indicated that a number of the staff and their families would require permanent accommodation on this site and that residential accommodation would be needed for the people receiving

horticultural training, and for visitors participating in the corroborees or attending functions at the club.

Those present at the meeting were the President and Shire Clerk of the Shire of Wanneroo, two officers of the Department of Tourism, an officer of the Department of Aboriginal Affairs and the land owner.

Mr RUSHTON replied:

Yes.

3. INDUSTRIAL DEVELOPMENT

Wesply Agreement: File, and Exemption from Act

Mr MOILER, to the Minister for Industrial Development:

(1) What are the transport and other factors peculiar to the proposed development and operation of Westralian Plywoods Pty. Ltd. near Dardanup which require special consideration from the Government or Parliament?

(2) Will he table for 28 hours—

(a) the Registrar of Companies Office file relative to Westralian Plywood Hearn Industries Limited;

(b) relevant papers and agreement made between the Superannuation Board and Westralian Plywoods Pty. Ltd.?

(3) Relevant to his second reading speech notes on the Wesply (Dardanup) Agreement Authorization Bill, on what section of the Trade Practices Act does he rely in making his statement, "In this way the agreement is exempt from the Trade Practices Act according to the provisions of that very Act"?

Mr MENSAROS replied:

(1) to (3) I think I can answer the question, although I did not quite hear the first part. The information that he requests was submitted only about an hour ago, if that. In replying to the first part of the question the answer is: section 51 (1) (b) of the Commonwealth Trade Practices Act.

As to the Companies Office file, this is a public document and I would not even have an opportunity to table it today, but in any case I do not think it is customary to table documents which are available to the public.

In regard to the Superannuation Board file, only a minute ago—and not even that—I received a message from the Superannuation Board which states the file is not available for tabling, because it contains methods of a commercial nature which must necessarily be kept confidential.

Besides Government funds private trust funds are also involved, which is an additional reason. Nevertheless, the board advises that if the honourable member is anxious to see the papers he can have a look at the file at my office by mutual agreement.

4. LAMB MARKETING

Press Reports on Statements by Minister for Agriculture

Mr CARR, to the Minister for Agriculture:

This question arises from an answer he gave to a question I asked yesterday in which he stated that the remarks he made at a public meeting were his own business. Are we to understand that the Minister for Agriculture will not allow himself to be asked questions in regard to statements he makes at public meetings in the future?

Mr McPHARLIN replied:

When I address meetings of my own party that is an internal matter and it is my business what I say to my own members.

5. COMMONWEALTH LOAN OF $2 000 MILLION

Consultation with States

Mr CLARKO, to the Premier:

Were the State Governments consulted regarding the Commonwealth Government's authority to the Commonwealth Minister for Minerals and Energy to borrow $2 000 million?

Sir CHARLES COURT replied:

No, but in view of an answer that was given to a question asked in the Federal Parliament yesterday, I immediately sent a message to the Commonwealth Treasurer asking him if he would supply the following information—

(1) For what purpose is this money to be used?

(2) Is it usual for a specific Minister to be given such a borrowing authorisation and, if so, under what powers?

(3) What conditions have been imposed on the borrowing?

(4) What is the relationship of this borrowing to Loan Council procedures?

To date I have not received a reply, but I can assure the honourable member that we take the matter very seriously, as do other States.

6. RAILWAYS

Flood Damage at Zanthus: Effect on Prices

Mr HARMAN, to the Premier:

A week ago the Premier undertook to provide me with some information and I now ask him if he has that information?

Sir Charles Court: What is the information?

Mr HARMAN: In answer to my question 4 without notice asked on Thursday last the Premier said that he would provide me with further information regarding a system of checks following the Zanthus washaway.

Sir CHARLES COURT replied:

I did in fact follow this matter up and I must confess that as the honourable member did not follow up the question himself to ask for the information I do not have it available for him. However, if he so desires, I will certainly supply it to him next Tuesday when the House meets.

Mr Harman: Do you want me to put the question on the notice paper?

Sir Charles Court: No, there is no need.

7. PINE PLANTATIONS

Sale Advertisements: South-East Asia

Mr H. D. EVANS, to the Premier:

To ensure that there will be no misunderstanding in this instance, has he the answer to question 2 I asked without notice on Tuesday last and to which his deputy replied that he would make the information available today?

Sir CHARLES COURT replied:

I appreciate the fact that ample opportunity was given to obtain the information so far as we are able. The answer is as follows—

(1) I have been unable to ascertain if such advertisements have appeared.

(2) See the answer to (1).

(3) (a) and (b) Not to my knowledge.

If the honourable member has any information to the contrary, we would be very pleased to obtain it.

CLOSING DAYS OF SESSION: FIRST PART

Standing Orders Suspension

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

That until the 31st May, 1975, so much of the Standing Orders be suspended so as to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and all messages from the Legislative Council to be taken into consideration on the same day they are received.

This is not an unusual motion and I want to explain the reason for its being moved. It will be recalled that when the Opposition was in Government it took the same move in connection with the split session and suspended the Standing Orders for a period which would adequately cover the first part of the session. In other words the suspension lapses automatically at a given time, and then when the House resumes for the second half of the session, say, about August, the Standing Orders are revived without this suspension.

I want to assure the Opposition and our own members that the intention is purely to facilitate the introduction of business and to deal with third readings. As members know a considerable amount of time is lost in asking leave and then getting to the stage where a Bill can actually be introduced. We often get another irritating factor concerning Bills which are not opposed. The third reading of these Bills cannot be dealt with on the same day as the second reading and Committee stages are disposed of. It is for these reasons we seek the suspension of Standing Orders.

I discussed the matter briefly with the Leader of the Opposition and wanted to assure him then, as I assure the House now, that we do not intend to use this suspension without consultation in respect of the normal adjournment after the motion for the second reading has been moved. In other words, if there is to be any expediting of this, it would be as a result of consultation between the Government and the Opposition. However, we do want to have the benefit of the suspension so as to be able to introduce Bills on the day leave is sought and get them to the second reading stage ready for adjournment; and at the same time, when we have completed the second reading and Committee stages of a Bill if there are no complications, we want to be able to dispose of the third reading and get the Bill to another place.

I commend the motion to members.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [2.51 p.m.]: The Opposition has no great objection to this proposal on the understanding that normal adjournments will be given when legislation is introduced. The other night we had the instance of eight rather insignificant Bills, but important in their own right, passing through the second reading and Committee stages very quickly. However, because Standing Orders had not been suspended, those Bills had to remain on the notice paper until the next day before they could be sent to another place

It seems absurd that when we can move legislation along we do not adopt powers to do so more expeditiously than has been the case in the past. There would be no great problem in this regard.

Having had the assurance of the Premier in connection with normal adjournments after legislation has been introduced—and, indeed, if the legislation were controversial, naturally we would expect reasonable time to have a decent look at it—the Opposition supports the motion.

Question put and passed.

BUILDERS REGISTRATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

Second Reading

MR O'NEIL (East Melville—Minister for Works) [2.54 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill now before the House is to amend the provisions of the Builders Registration Act to correct several anomalies which have become apparent; to increase penalties in some instances; and to introduce a number of new provisions including new grounds for registration, stricter control over certain registered builders, and one designed to lessen the incidence of frivolous complaints.

The various amendments incorporated in the Bill are as a result of submissions by the Builders' Registration Board, the Commissioner of Consumer Affairs, the Master Builders' Association, and the Housing Industry Association. I will now explain the various amendments in detail.

Clause 3 (a) is to clarify the fact that a builder who is not registered may construct only a single storey building consisting of a house or duplex. The Act at present does not make this clear as it refers to a dwelling house which may consist of, say, a basement, ground floor and one or more floors above, and in the case of the duplex it refers to "on ground level" which is difficult to define. Experience has shown that when an unqualified person attempts such a project there is every likelihood that the complete structure will be defective.

Clause 3 (b) is to increase the penalty provided for unregistered builders carrying on business as a builder under section 4 from a maximum of $200 to $1 000.

Clause 4 (a) mirrors the amendment in regard to an unregistered builder building a house greater than a single storey in respect of the issue of permits by local authorities.

Clause 4 (b) is designed to clarify another anomaly. The existing subsection (2) of section 4A provides for a penalty where a person in order to obtain a building license makes a fraudulent declaration to a local authority relating to the fee or charge payable or qualifications or right of exemption from registration. It does not require a statement of the value of the building to be erected which information is necessary to ensure that the provisions of the Act are not being breached. The redrafted subsection (2) corrects this omission.

Clause 4 (c) increases the present penalty for the sale of a house by an unregistered builder, within 18 months of the issue of the building permit, from $400 to $1 000. In practice the Builders' Registration Board has found that the $400 fine provided in the Act at present was an inadequate penalty as there were a number of offenders who regularly were charged under this section and it could be that a fine of $400 might be regarded as a business expense and added to the sale price of the house. With the fine being increased to $1 000 it will be more difficult for unregistered builders to pass the penalty on.

Clause 5 provides a new section designed to clarify the definition of the term "single storey".

Clause 6 (a) introduces two new grounds for registration as a builder. The first of these provides that a person who has had five years' practical experience in the work of building construction and has obtained corporate membership of the Australian Institute of Building can become registered automatically. Perhaps I should say not so much "automatically", but, "on application".

It is recognised throughout the industry that the qualifications to permit corporate membership of the Australian Institute of Building are of a higher standard than the examinations conducted by the Builders' Registration Board. The other new ground for qualification is to cater for the person who has had five years' experience as a manager or supervisor. The proviso here is that such a person would still have to satisfy the board that he is competent to carry out building work.

Clause 6(b) repeals subsections of the Act which are no longer relevant as they refer to the entitlement of B-class and unregistered builders operating prior to the Builders Registration Act Amendment Act of 1961 coming into operation to apply for registration within three months of the operative date of the aforementioned Act.

Clause 6(c) deletes the requirement that a registered builder shall fix his name and class of registration on work sites. The class of registration is no longer relevant and it is considered that there is no need to make an obligation that a builder's name appear on a sign. It is sufficient identification as far as the board is concerned to have the registered number.

Clauses 7 and 8 mirror the amendment in regard to partnerships and companies both in respect of signs on work sites and in advertisements.

Clause 9 is to provide further control over the practice of companies and partnerships employing registered builders in a nominal capacity only, colloquially called "stooge builders".

Cases have occurred where a building company employed one registered builder and have had under construction so many houses that it would be physically impossible for that builder to spend adequate time on each site in the course of a working week. This practice appears to lead to substandard workmanship and is the ground for many complaints to the board. It is therefore proposed to require the management and supervision of any building work prescribed by section 10B and section 10C of this Act to be sufficient to ensure that the whole of the building work was carried out in a proficient and workmanlike manner.

Clause 10(a) introduces a new area of consumer protection. Previously, when an unregistered builder built a house which was defective the person who contracted with that unregistered builder would have no recourse against him to have the defects made good. The new section is designed to overcome this problem by providing the board with the authority to order the unregistered builder to make good faulty or unsatisfactory work or, alternatively, to pay to the owner such costs of remedying the faulty or unsatisfactory work as the board considers reasonable.

Clause 10(b) is to grant, in the cases mentioned, the right of the unregistered builder to appeal to the Local Court when he is given such an order. In other words, to place him in a position equal to a registered builder in this respect.

Clause 11 introduces a new section which is designed to obviate an undesirable practice which occurs at present. There have been cases where it appears that a home owner has made a complaint against the workmanship of the builder for the sole purpose of deferring payment of the sum due to the builder on the expiration of the maintenance period. It is desirable to lessen the incidence of this practice by incorporating a new provision which will require a person making a frivolous complaint to pay the cost of the investigation.

Clause 12 introduces a new section which provides that a builder may request the board to assess the building work performed by him. This is in an attempt to prevent the situation developing where the owner complains to the builder that the house is unsatisfactory and refuses to settle the maintenance sum due to the builder, but will not make a complaint to the Builders' Registration Board. In such cases it is considered reasonable that the builder has the right to ask the board to assess the workmanship of the house in an endeavour to settle the dispute between himself and the owner.

Members will note that there is no compulsion attached to this provision but it is considered that the proposal may assist in bringing the parties to a point of reconciliation of their differences should a third party such as a Builders' Registration Board inspector examine the work critically and give a decision as to the quality and standard of workmanship.

Clause 13 introduces two new provisions. The first is a consequential amendment following the new subsection regarding supervision by registered builders, and provides that inadequate supervision will be grounds for cancellation of registration. The clause also provides that cancellation can take place if the builder misrepresents to a client the conditions under which finance or the terms or charges therefore are available.

Likewise, if a builder misrepresents the conditions relating to the purchase of land on which building work has been carried out, his registration may be cancelled. This amendment is proposed because of the number of cases where there have been complaints to the Commissioner of Consumer Affairs regarding misrepresentation, and it has not been possible to take any worth-while action against the offender.

Clause 14 amends section 22 of the Act by deleting the specified fees for examination, registration, certificates, etc. In future these fees may be set by the board to enable it to raise adequate funds to meet its operating costs. The board has given an asurance that under no circumstances will they be set higher than that necessary for the board to meet its legitimate running expenses.

I commend the Bill to members.

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

COMPANIES ACT (INTERSTATE CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [3.05 p.m.]: I move—

> That the Bill be now read a second time.

Members will be aware that the Companies Act of 1961 was produced by the Standing Committee of Commonwealth and State Attorneys-General and, for the first time, achieved substantial uniformity in company law throughout Australia. The present Government and previous Governments of this State have been concerned

to ensure that such uniformity should continue to exist because of its importance to the public, generally, and the commercial community.

One of the decisions of the standing committee in the company law field was the establishment in 1967 of the Company Law Advisory Committee, which consisted of Sir Richard Eggleston, who was a Commonwealth judge, as chairman; Mr J. M. Rodd, a Melbourne solicitor; and Mr P. C. E. Cox, a Sydney chartered accountant. The advisory committee has been responsible for recommending extensive changes in company legislation, some of which were given effect to by the Companies Act Amendment Act passed by this Parliament in 1973.

Although very considerable uniformity in company law has been achieved, there are significant differences between the Acts of the various States and Territories. On the 18th February last year, the Governments of Victoria, New South Wales, and Queensland entered into an agreement known as the interstate corporate affairs agreement, one of the main objects of which is to achieve greater uniformity in the law relating to companies, and in the administration of that law.

Members may be aware that the interstate corporate affairs agreement—a copy of which is set out in the first schedule to the Bill now before the House—was signed on behalf of Western Australia by the Minister for Justice on the 31st March, 1975. The purpose of this Bill is primarily to approve of that agreement and to give effect to certain arrangements made for the purposes of that agreement, and to make various amendments to the Companies Act, 1961.

Under the agreement, an Interstate Corporate Affairs Commission has now been established and, as appears from the agreement, its function is to exercise a supervisory role with respect to—

(a) incorporation of companies;

(b) The regulation of the securities industry and trading in securities;

(c) registration of prospectuses;

(d) approval of trust deeds and trustees in relation to interests;

(e) requirements relating to accounts and audit;

(f) proclamation of companies as investment companies;

(g) class and individual exemption powers relating to fund raising and takeovers;

and also with respect to other matters referred to it by the ministerial council.

That commission consists of two representatives of each of the participating States, one of whom is to be the Commissioner for Corporate Affairs in the relevant State, and the other to be a person nominated by the Minister in that State.

The present commissioners are the Commissioners for Corporate Affairs in Victoria, New South Wales, and Queensland—Mr B. J. Waldron from Victoria; Mr F. J. O. Ryan from New South Wales; and Mr B. F. Kehoe of Queensland—and also Mr J. M. Rodd, CBE from Victoria, Mr P. C. E. Cox, MBE from New South Wales, and Mr J. R. Nosworthy, CBE from Queensland. I should point out that Messrs Rodd and Cox were members of the Company Law Advisory Committee, also known as the Eggleston Committee, to which I have already referred. Mr Nosworthy is a very experienced Queensland lawyer, with extensive business experience.

The Interstate Corporate Affairs Commission exercises its functions and powers subject to the direction and control of a ministerial council constituted under the agreement, and consisting of the Attorneys-General in each participating State.

At the direction of the ministerial council, the commission is already carrying out a complete examination of the Companies Acts of the participating States with a view to reconciling all departures from uniformity in those Acts. It has also begun preparation of various information bulletins and guidelines intended to achieve common standards and uniformity of administration, as well as greater convenience for the public and increased public awareness of the requirements and standards of the law and administration in such areas as—

(a) the approval of prospectuses;

(b) the approval of trust deeds for unit trusts;

(c) relief from any of the accounts and audit provisions of the Act;

(d) financial years of companies and group accounts;

(e) applications for licenses under the Securities Industry Act.

It is appropriate to mention here that the Bill seeks also to change the title of the Registrar of Companies to "Commissioner for Corporate Affairs". The other participating States use the title "Commissioner for Corporate Affairs" and it seems appropriate that Western Australia should follow suit. The registrar will continue in the same position, but will have a new title. This change is effected by clause 28 of the Bill.

After the clause dealing with the approval of the interstate corporate affairs agreement, and apart from the change in the title of the Registrar of Companies, the majority of the provisions of this Bill deal with the concept of recognised companies.

As it stands at present, the Companies Act deals with locally incorporated companies and foreign companies registered in this State. The Bill seeks to introduce

a third category—namely, recognised companies—that is, a company incorporated under the law of one of the other participating States.

A recognised company will automatically be able to carry on business in any of the other participating States, without further registration, except that it must give to the Commissioner for Corporate Affairs in each participating State in which it carries on business, notice of the situation of its registered office within the State, and before commencing to carry on business in one of the other participating States it must obtain approval of its name.

The obligations on such a company in the State in which it was incorporated will remain as they are at present, but it will be seen that the obligations on a recognised company in any State other than the one in which it was incorporated will be very much lower than for a foreign company at present. This will result in the elimination of the multiple form-filling and form-filing requirements which such companies must presently comply with.

However, in order to protect the interests of members and creditors of the companies concerned, and the public generally, certain of the provisions of the principal Act relating to foreign companies have been adapted and included in the provisions of the Bill applicable to recognised companies. Apart from the requirements of the Bill as to approval of the names of recognised companies, and the obligations imposed upon them as to the establishment of a registered office and notification to the Commissioner for Corporate Affairs of the situation of that office, these include provisions as to service of documents on recognised companies at their registered offices, and provisions governing branch share registers of recognised companies.

As part of the principle of reciprocal recognition of companies adopted by the Bill, it is necessary to provide that the name of a Western Australian company —or proposed company—if in the future it wishes to establish a place of business in any of the other participating States, shall be available for its use at that time. The Bill now before this House, and the corresponding amendments already passed in the other participating States, therefore contain provisions in respect of the reservation of company names in each participating State for an unlimited period.

Similarly, the Bill contains provisions for recognition, rather than registration, of a prospectus of a recognised company so long as it has registered in the company's State of incorporation.

It also exempts a recognised company, which complies with the so-called borrowing company provisions of the Act in its State of incorporation, from the need to comply again with the corresponding requirements of the principal Act.

The Bill includes similar provisions for reciprocal recognition of trust deeds, trustees, and prospectus-like statements relating to unit trusts and similar schemes, where the deed, trustee, and statement have been approved in the State of incorporation of a management company, which is, itself, a recognised company.

Corresponding amendments in relation to each of these matters have already been enacted in the other participating States, so that if this Bill is passed, the benefits of all of these new provisions will become available to Western Australian companies.

The changes that are envisaged by the Bill have necessitated the levying of certain new fees, in relation to recognised companies. In addition, the other participating States have all agreed to increase the fees payable under the Act. In Queensland and New South Wales, these increased fees became operative on the 1st January of this year.

It is understood that the fees payable under the Victorian legislation will be increased shortly. The present scale of fees is contained in the second schedule to the principal Act, and this Bill seeks to substitute a revised second schedule to the principal Act.

In commending the Bill to members, I should add that the response from the business community to Western Australia joining the Interstate Corporate Affairs Commission has generally been favourable, and I believe it is a positive step towards improving the law in this area.

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

ACTS AMENDMENT (STATE ENERGY COMMISSION) BILL

Second Reading

MR MENSAROS (Floreat—Minister for Fuel and Energy) [3.17 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to establish a State energy commission which will combine the existing State Electricity Commission and the Fuel and Power Commission.

The new body will have responsibilities which include all those now appropriate to each of the separate organisations, but it is felt that in combining their responsibilities and staffs there is an opportunity to achieve greater efficiency over the whole range of energy-related matters in Western Australia. The new commission will function as a State instrumentality.

The approach proposed by the Government in framing this legislation is to amend the State Electricity Commission

Act, but to preserve and continue the existing body corporate with the new name; the State energy commission.

When giving consideration to this Bill, it was originally intended to extensively revise and update the provisions now included in the existing State Electricity Commission Act. However, there was a very great need to create the new body quickly and it was apparent that an in-depth review of the existing State Electricity Commission Act would take far too long.

The Bill now before Parliament establishes the required new organisational structure and writes amendments into the existing State Electricity Commission Act which are drawn from part II of the Fuel, Energy and Power Resources Act.

The Government stresses that this is holding legislation and extensive studies, plus pragmatic experience under the reconstructed management, will lead to a completely re-drafted State Electricity Commission Act in about 12 months' time and, in particular, amendments to engineering, administrative, and land acquisition provisions.

For a number of reasons, the Government feels that the quicker the new body is in operation the better. Paramount is the fact that the provision of adequate fuel and energy needs are vital to the State's welfare and progress. Also, having announced the merger of the two commissions on the 12th March, it is vital that the change be completed as quickly as possible to remove any uncertainty which might exist among the staff of the present State Electricity Commission and the Fuel and Power Commission.

In merging the two commissions, the Government is confident that there is a real desire among the staff of both to achieve a good reputation for their organisation which will reflect credit on its staff, commission, management and on the Government.

These people are anxious to get on with the job of providing and maintaining the State's power needs, but lengthy delays could lead to a feeling of uncertainty. Therefore, it is the Government's intention to have this legislation passed by the end of the autumn session.

Since coming to office, it became quite obvious to the Government that a progressive, forward-looking energy commission with a modern management approach was long overdue.

The new structure includes a five-man commission and an energy advisory council, with similar responsibilities to the existing Fuel and Power Advisory Council.

There will be a commissioner, who will be the chief executive officer, and two associate commissioners, who, together with the commissioner will have voting rights. The term of appointment for the commissioner shall be not more than seven years and that of the associate commissioners shall be not more than three years.

One of the associate commissioners is to be chairman of the energy advisory council. The second associate commissioner will represent industry.

In addition, there will be two assistant commissioners, who are to be full-time top-level executives of the commission but will have no voting rights.

Under these two full-time assistant commissioners there will be six divisions; namely, marketing and distribution, finance and administration, and personnel, all responsible to the assistant commissioner (finance). The other three divisions—generation, transmission and resources, and research and development —will be responsible to the assistant commissioner (engineering).

These two senior officers, who will be the second line executives, will attend all commission meetings, contribute to debates and assist in the shaping of decisions with the advantage of direct knowledge and participation in affairs of those divisions of the new organisation for which they will have direct responsibility. When decisions are taken at a commission meeting, the assistant commissioners will then be fully informed on the intent and spirit of any commission decisions and can proceed immediately to give effect to what has been decided. The State energy commission will meet fortnightly.

Dealing with the energy advisory council, members will realise that the new council will deal with a much wider range of problems than the present Fuel and Power Advisory Council.

The new body will be charged with the responsibility of ensuring that the view of industry, utility customers, and other interests are available to the commission. It would serve also to inform these groups of the policies and developments within the commission.

The Council will also make specialist knowledge from industry available to the commission and to the Minister. The advisory council will normally meet 10 times a year.

The chairman of the new advisory council will be an associate commissioner of the new commission. There will be permanent members, of whom two shall be representatives of the Department of Industrial Development and the Mines Department.

The remaining two permanent members shall be representatives of the Western Australian Chamber of Manufactures (Inc.) and the Chamber of Mines of Western Australia.

As with the Fuel and Power Advisory Council, there can also be representative members appointed by the Governor and

members co-opted by the Minister. The council, subject to the Minister, may invite anybody to act in an advisory capacity to the council.

The functions of the new council are the same as with the Fuel and Power Advisory Council, except that provision is made specifically for the council to advise the Minister directly as well as to advise the commission in respect of the administration of this Act.

Appointments to the council will be for a period of three years, but may be terminated sooner by the Governor, or in the case of permanent members, by withdrawal of their nomination by the body which they represent.

The Minister may seek nominations and recommend appointments of representative members representing interests which the Minister considers should be heard on the council.

There is also provision for the Minister to appoint a person whom he considers appropriate to represent the employees in any industry or commercial activity that should be represented on the council. It is by means of this provision that the Minister will recommend the appointment of a representative of the new commission's employees.

The Minister may, for the purposes of any meeting, co-opt any person possessing special experience or qualifications, or having a particular interest, relevant to the matters under consideration.

The Government's objective is to establish the new commission in a way that will enable it to discharge most effectively its duties as a utility and the formulation of policies relating to our future developments and use of energy.

I have previously referred to the fact that the new organisation will be established with six divisions. Those relating to marketing and distribution, finance and administration, and personnel will be responsible to the assistant commissioner (finance). The remaining three divisions —generation, transmission and resources, and research and development—will be responsible to the assistant commissioner (engineering).

I would like to direct the attention of members to the importance which the Government places on effective strategic planning of both the engineering and financial activities of the new commission. Considerable attention has been devoted to this aspect and it has been decided that there will be a joint planning committee composed of officers in both the engineering and financial sides of the new organisation.

In this way it will involve both assistant commissioners and the appropriate divisional heads in this major area which shapes the State's future energy development.

I have already indicated that the Government regards this present Bill in the nature of holding legislation and that a major revision of the existing Act will be undertaken in the light of experience with the new management structure. However, I have taken the opportunity to introduce some amendments which could be implemented at this time to reflect the Government's wishes in certain areas and to improve efficiency.

I refer particularly to those sections dealing with contracts. The existing State Electricity Commission Act provides that if a contract is more than $10 000 it must be ratified by the Minister, and if a contract is more than $30 000 it must be ratified by the Governor. This has been modified in the new legislation. Contracts in excess of $50 000 will now require ratification by the Minister and in excess of $200 000 will need ratification by the Governor. It is considered that these delegations of authority are more appropriate to today's costs and levels of business activity.

As Minister responsible for this large trading instrumentality, I am concerned that there should be no attempt to avoid the spirit of this Act by the splitting of contracts. The increases of authority previously referred to should remove any tendency for this to occur.

As Minister responsible for the new organisation I will instruct the commissioner and the commission to ensure that there is to be no splitting of contracts, to avoid the limits on delegation of authority which are established in this new Bill.

Members will also note that the Bill provides for preference to be given in the inviting of tenders and the awarding of contracts for services, materials and equipment which are produced in this State.

Referring now to the rights of employees, it will be realised that terms of employment for all employees of the State Electricity Commission, which continues as a body corporate under the new legislation, will be unaffected.

In the case of persons employed under the provisions of the Public Service Act, 1904, within the Fuel and Power Commission the new State energy commission shall offer to each person a position within the commission at a salary not less than that which he or she received immediately prior to the commission coming into existence.

Persons to whom an offer is made may within one month of receiving the offer elect in writing to accept an appointment

in the terms specified and the commission shall give effect to any election so made. Any person appointed to the commission in this way shall retain any rights that may have accrued to him immediately prior to the appointment. This includes the right to continue to be a contributor under the Superannuation and Family Benefits Act, 1938.

Where a person declines to accept an appointment to the commission, he shall be entitled to continue to be employed in an office at a salary not less than that which he was receiving immediately prior to the establishment of the commission.

The Government has been concerned to ensure that in the formation of the new commission, with its broader responsibilities, there will be no reduction in the efforts now being directed to the study and formulation of policy relating to the broad aspects of energy affairs which are being tackled by the Fuel and Power Commission.

There will, of course, be changes in the responsibility of officers but our objective is to achieve a greater efficiency and streamlining and I would like to assure members that the important work being done by the Fuel and Power Commission will continue.

The larger State energy commission organisation will permit a much more flexible and vigorous pursuit of the new energy technologies needed in this State and will be a stronger and more effective organisation than the present two commissions working separately.

In respect of any advice given to the Minister and to the Government by the commission and council concerning energy developments in this State, it is the Government's view that it would be proper that the associated expenses be met by the taxpayer rather than by the consumers of the utility services.

The State Treasury might supply to the new body funds equivalent or near to the present funding of the Fuel and Power Commission. This I believe will be done at least for the first few years. Provision for this exists in the Act as it is proposed to be amended.

At this point I would like to pay tribute to the work which has been done by the State Electricity Commission. It has served the State well over a difficult period since the war by bringing together a fragmented inefficient, and widely scattered number of power plants. But the time has now come for this major reorganisation.

The Government's objective is to establish the new organisation on a strong footing so that it is well able to carry out advanced strategic planning, and to ensure the best development of our resources. I must stress that the amalgamation will not mean any decrease in the amount of co-operation, assistance or advice which has flowed from the Fuel and Power Commission.

Ministers, members of both Houses, Government departments, and the public can be assured that this assistance will remain, and will expand under the new structure. Skilled staff from both organisations will be utilised to better effect within the new energy commission.

The commission will make it possible for the valuable experience and expertise within the present two organisations to be given an opportunity to be part of a restructured entity designed to move quickly and effectively into a new era of fuel and power in this State. It will give all employees a greater scope to exercise their talents to the full.

The Government believes that the public generally will be in support of a merger and the rationalisation of Government affairs in the energy area.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Moiler.

SMALL CLAIMS TRIBUNALS ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Consumer Affairs) [3.38 p.m.]: I move—

> That the Bill now be read a second time.

In introducing this Bill to amend the Small Claims Tribunals Act, it is with pleasure that I am able to report that the tribunal conducted its first hearing on the 2nd April, 1975, being the first day on which it had jurisdiction under the Act to determine a small claim.

The Act soon after its passing received the Governor's assent on the 9th December, 1974. Following that, Mr A. G. Smith, formerly Chief Stipendiary Magistrate at Perth, was appointed as referee of the tribunal and had the opportunity to visit the Eastern States to discuss with his counterparts the operations of the tribunals in Queensland, New South Wales, and Victoria.

The subsequent actions to draw up and promulgate regulations, accommodate and staff the tribunal office, produce educative material for public information and distribution had been achieved in a short time so that the facilities of the tribunal for resolving consumer-trader disputes and tenant-landlord bond repayment disputes would be quickly available. Although a small claim has to be initiated by a consumer or tenant, this does not make it

solely their tribunal and we can depend on equal justice being dispensed to the consumer, trader, tenant, and landlord.

A few anomalies in the present Act require amendment. The Law Reform Commission of W.A. in its *Report on Tenancy Bonds* drew attention to the fact that an aggrieved tenant, who wished to take action under the Act for recovery of bond moneys, was technically not eligible to refer his claim to the tribunal. In addition, the Crown Solicitor after consultation with the referee of the tribunal commented upon some confusion as it concerned claims for recovery of bond moneys and suggested that the Act be remedied in that respect.

The Queensland Act had been used as a basis by Western Australia—as well as Victoria and New South Wales—for formulating its own legislation. Originally, the Queensland Act did not provide for a claim concerning the recovery of moneys lodged as a bond or security for tenancy. It added these at a later date and the anomalies which seemed to occur in the process are now reflected in the Western Australian Act. Accordingly it is appropriate at this early stage to seek the amendments for more effective implementation of the Act.

I shall now give a brief explanation of the amending clauses.

Clause 2: The definitions of "consumer", "small claim", and "trader" are being amended so that where moneys have been paid as a bond or security for tenancy, the tenant is to be regarded as a consumer with the right to lodge a small claim against the landlord who is placed in the same category as a trader for the purpose. Secondly it is a requirement for the dispute to be eligible for hearing that the premises concerned are let only for the purpose of a dwelling and otherwise than for the purpose of assigning or subletting or for the purpose of a trade or business. The legislation is designed to cover disputes which may arise in respect of private dwellings and not business premises.

Clause 3: Section 20 of the Act, as it stands, envisages only the case where there are two parties, the claimant and respondent. It ignores the case where there may be other parties who, in certain circumstances, have equal rights to join the settlement.

The amendment will remedy this and as well will permit the tribunal, in cases where relief from payment of money is claimed, to make an order not only in favour of a claimant but should the terms of settlement favour the trader, to make it in favour of the trader.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Skidmore.

Sitting suspended from 3.43 to 4.04 p.m.

PUBLIC TRUSTEE ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [4.04 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to relieve the Public Trustee of the obligation to retain certain records that serve no useful purpose. Section 47 (1) of the Public Trustee Act requires the Public Trustee to make an inventory of all estates in course of administration by him, retain the same in his office, and keep an account of all his receipts, payments, and dealings in every such estate; and furthermore to retain all letters received and copies of all letters written by him, and all deeds, papers, and writings of and relating to every such estate. Such material is required to be retained in perpetuity.

It is conceded that retention of records for a reasonable period is desirable from the point of view of the Public Trustee and persons dealing with his office. However, permanent retention of all records is considered to be unnecessarily cumbersome and costly, and furthermore it clutters up the office.

Section 46 of the Public Trustee Act provides for inspection and audit by the Auditor-General, and this has relevance in consideration of the proposed amendment to section 47.

The proposed substitution of a new subsection (1) in section 47 is to require the Public Trustee only to keep an index listing all estates in course of administration by him, and to keep an account of all his receipts, payments, and dealings in every such estate. Superfluous material may then be disposed of after an estate is finalised and cleared by the Auditor-General. In practice, important documents may well be kept for a maximum period of 20 years and the bulk of files may be destroyed after a period of not more than six years. Ledger cards or microfilms relating to estates would, of course, be retained permanently.

With the Act now open before members, it is proposed to delete references to the Administration Act in section 19. These became obsolete with the repeal of certain sections of that Act by the Death Duty Assessment Act of 1973, which now applies in lieu. During the intervening period the change has been covered by section 14 of the Interpretation Act but it was intended to regularise the principal Act at the appropriate time, as is now proposed.

I commend the Bill to members.

MR T. D. EVANS (Kalgoorlie) [4.07 p.m.]: This Bill seeks to amend two sections of the parent legislation. As the Minister has explained, the amendments to section 19 take cognisance of the fact that in 1973 provisions relating to the assessment of death duties were taken out of the Administration Act and incorporated in a new Act; namely, the Death Duties Assessment Act of 1973.

The other amendment relates to section 47 of the Act, and in respect of this amendment the contents of the Bill are not unfamiliar to me or to members of the Opposition because I remember explaining to members of the Opposition our intention, when in Government, to introduce a Bill to do what the Minister has outlined in relation to this section.

Consequently, we support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and passed.

HEALTH ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [4.10 p.m.]: I move—

> That the Bill be now read a second time.

The Bill before the House to amend the Health Act is quite a short one and I will give details of the reasons for the proposed amendments and trust that members will see fit to support the proposals put forward.

Since the Health Act was first passed in 1911, local authorities have had the power to construct sewerage schemes. Ordinarily this power is not now exercised in areas where the Metropolitan Water Board or the Minister for Works has special jurisdiction under separate legislation. However, there is much of the State which is not so covered.

Even within those areas stipulated, it is desirable occasionally to invoke the authority in the Health Act under arrangements mutually agreed upon between the local authority and one of the bodies which I have named. The reason for this procedure is that local authorities at times have access to loan funds which may be employed in the construction of sewers. These funds, when added to the financial resources of the Metropolitan Water Board and those provided under the Country Towns Sewerage Act, permit the expansion of the deep sewerage network at a faster rate than would otherwise be possible.

The maintenance of a scheme is financed by levying a rate on the properties served. In 1911 the maximum rate permitted was sixpence in the pound on annual values or three farthings in the pound on unimproved values. In 1950 these limits were raised to their present level of 3½c in the dollar on annual values and ⅜c in the dollar on unimproved values.

The wave of inflation which has descended upon has produced a situation where these limits do not produce sufficient funds to meet inescapable maintenance costs. This means that not only is the position of existing schemes operated by local authorities in jeopardy, but also that no further schemes can be contemplated.

It is inescapable therefore that the limits be raised sufficiently to meet the present position and to provide for several years ahead, by which time, hopefully, economic conditions will have become stable. The new upper limits provided in the Bill are 12c in the dollar on annual values, and 3c in the dollar on unimproved values. These limits are regarded as necessary and reasonable, having regard to the circumstances which I have explained.

Another proposal in the Bill relates to the supervision of the standards of accommodation and hygiene of lodging houses, which is one of the duties of local authorities. These establishments operate under a licensing system. Inspections are carried out regularly, and not infrequently some establishments are the source of complaints which must be investigated and acted upon.

The maximum license fee permitted by section 158 of the Health Act is $2. This was fixed in 1911. However, it is doubtful that this pays for the administrative work involved in issuing a license. The amendment sought is to permit a fee of up to $20 to be charged. This would allow a scale related to the size of the establishment to be introduced.

Further clauses in the Bill deal with the ventilation of car parks. Observation and the results of tests made in some car parks which are provided within buildings reveal that the build-up of carbon monoxide in the air space can reach danger levels. This can be overcome by the provision of effective ventilation.

Once a maximum prescribed level is exceeded a statutory nuisance would exist and a local authority would then be empowered to require improvement to the ventilation of the car park so as to reduce the concentration of carbon monoxide to a level below the prescribed limit. It is not proposed that this amendment should apply to private homes or to situations where not more than three motor vehicles are parked.

Another proposal in the Bill refers to offensive trades operated under the supervision of medical officers and health surveyors employed by local authorities. A registration fee is charged for premises on which an offensive trade operates. This was limited to a maxium of $10 per annum in 1911 and has remained unaltered since.

Quite apart from the great change in money values since that date, there has been a marked change in the industrial scene. In 1911 the majority of offensive trades comprised piggeries, slaughterhouses, and fish shops. The tremendous advances in industrial development which have taken place in recent years have seen the setting up of very large establishments, such as chemical works, which present involved problems in the discharge of effluents and the disposal of wastes. These matters require frequent and close attention by highly-trained staff.

Local authorities have, not unreasonably, pointed out that the annual registration fee for these major works falls far short of the expenditure incurred in providing supervision and advice to the industries concerned.

The Bill seeks to raise the maximum permitted fee from $10 to $100.

Fees will be fixed according to a graduated scale so that small works or those which call for little service would be charged a low fee but major establishments could be called upon to pay up to the new proposed maximum of $100.

MR DAVIES (Victoria Park) [4.16 p.m.]: As this Bill was introduced in another place the Opposition has had an opportunity to study it. Basically we have no objection to it, although we would like answers to one or two questions. I am sure the Minister will be able to provide those answers.

We note the increase being made in regard to the rate for sewerage services in local authority areas. These increases are fairly steep, although not terribly steep when compared with the changes in values over the years; that is, since the last adjustment was made in 1950. In that year the rates were adjusted, but only a slight increase was made. However, whilst the rate has remained static quite obviously land values have increased, and this must mean a considerable amount of additional revenue has been gained by local authorities.

I wonder whether the Government has given any attention to this matter and whether it is able to provide us with information as to the instances in which the revenue from rating has fallen short. The Government has put up a fairly loose argument. It has said it thinks this is an equitable figure which will be adequate for some years to come and it hopes by that time inflation will have eased and the position regarding money will be much more stable. It seems to me the Government might be having a shot in the dark, because it has not put up any real argument to justify the new rate.

Although, as I said earlier, on the face of it the Government has some reason to increase the rate, it seems to have overlooked the fact that the value of land has increased and the total revenue accruing to local authorities which have sewerage schemes must have increased quite considerably. The only aspect we query on the matter of the increase in the rate is whether or not the Government has taken out any figures in support of striking the new rate. We also want to know what kind of case was presented by the local authorities.

I asked a question relative to this matter some days ago, and from memory I think only about eight local authorities at present take advantage of this scheme. The proposal in the Bill may mean that additional local authorities will take advantage of the scheme under the increased rate. This is a matter the Minister may care to explain.

I am sure we will be quite happy to agree to the proposal if we are given a reasonable explanation. The explanation we have been given so far falls short of what is required to be convincing enough for the Opposition to agree wholeheartedly to it.

The Bill also increases the license fee for lodging houses from $2 to $20 per annum which will be on a sliding scale, and the license fee for offensive trades is being increased from $10 to $100, and will also be on a sliding scale. I do not think the increase is unreasonable in either case because the original fees were set in 1911 and any fair-minded person will agree that a considerable change in monetary values has occurred between 1911 and 1975.

I am pleased indeed that the matter of lodging houses has been given further consideration. I recall that the previous member for Narrogin (Mr W. A. Manning) raised the matter of totally unsuitable accommodation available at seaside resorts, and he pointed out that he considered local authorities should have been able to police the position better than they were doing. I hope now that a sliding scale is to be introduced for the licensing of lodging houses local authorities will be able to keep a much closer watch on the situation.

In addition to that I have expressed concern from time to time regarding the lodging houses or rest homes to which people who are discharged from the Graylands and Swanbourne Hospitals are sent. These establishments in many instances have fallen far short of what could be termed reasonable accommodation. They are registered as lodging houses with the local authorities, but apparently as the result of a lack of funds or staff the

authorities have not been able to police them closely. I was quite shocked when I visited a particular lodging house of this nature.

When I was the Minister for Health a rearrangement of staff was effected to enable Dr Ellison, the Medical Superintendent of Heathcote Hospital, to be given the responsibility to supervise these rest homes continually. They are in effect lodging houses because only basic medication is given to the occupants; the medication given is no more than a son or daughter might give to a parent in his or her charge.

I believe since then these establishments have been under continual scrutiny by the Mental Health Services. I am aware that Dr Ellison was critical of them in an earlier report which was tabled in this House at my request. I will seek to have further reports tabled in due course, and I am confident that the work Dr Ellison has done in this regard has effected an improvement in these lodging houses.

Apart from the aspects I have mentioned, I have not had much to do with lodging houses. However, obviously the local authority has a duty to perform and it must carry out inspections from time to time. Certainly, as the Minister said, a fee of $2 would hardly cover the work involved in writing out the license.

Similarly, there is to be a tenfold increase in the fee charged for registering offensive trades. The Minister said such trades are mostly piggeries, slaughterhouses, and fish shops. The registration fee is to be on a sliding scale with a maximum of $100. I would hope that fish shops will not be included in the $100 class because I am certain any increase in their registration fee will be passed straight onto the public. When we were in Government we were told by members opposite, time and time again, that it is all very well to say an increase was only a small increase and of little consequence, but they all add to the cost of living; and it is very true that they do.

For that reason I would hope the single fish shop establishment will be charged the minimum fee under the new scale. On the other hand, I suppose there is reason to charge a greater fee for factories which create a persistent nuisance. I hope the Midland Junction abattoir will come into this higher licensing category—that is if it is required to be licensed; I am not sure whether or not it is. I hope the industries which create continual and most annoying nuisances and give rise to the most complaints will be the ones which not only have to pay the higher fee but will be regularly inspected. I hope the local authorities and the Government where necessary will come down heavily on them and ensure any nuisance they cause is eliminated.

All too often people are told a position has been put right, but a few months later it is as bad as ever. I have mentioned before in this House that when I was the Minister a fellow phoned me at 3.00 a.m. to tell me that the stench from the Midland Junction abattoir was so bad it had awakened both his wife and himself. I arranged to have the matter attended to. I have kept his name and address for a long time, intending to phone him at 3.00 a.m. to tell him that it had been attended to. However, since that time there has been further cause for complaint, and I am afraid I might find he is phoning me again. If so, I will hand him over to the new Minister.

I hope a realistic scale will be set in respect of these new fees and that the establishments which can most easily pass on the increase to the public will not suffer the greatest increase.

The other proposal in the Bill relates to the build-up of carbon monoxide in car parks. The local authority is being given power to require improved ventilation when the build-up reaches a level which is to be prescribed. Apparently in more modern car parks this is becoming something of a problem and at the moment nothing can be done about the matter because the car parks have been constructed in accordance with existing design standards. Obviously the existing design standards also need to be looked at.

The proposal in the Bill is not the only way to attack the problem; we should attack it also from the point of view of building regulations. Now that the problem has become apparent we must ensure that it will not arise in any future car parks. We should ensure that improved ventilation is included right from the start, rather than causing it to be installed later. Of course this is basic reasoning. I imagine the Public Health Department has already considered this aspect.

I am happy to say that if a person wishes to gas himself at home, even using three cars, no-one may interfere with him, because power is being given to local authorities to take action only in the case of garages which hold more than three cars.

Of course, the matter of the motorcar has been considered not only in this context but also in the context of the whole of the environment. Gordon Stephenson in his recent report on the design for the Perth central area highlighted this aspect. I think other people have also highlighted it from time to time. Dr Letham, a previous employee of the Public Health Department, recently wrote an excellent letter to *The West Australian* on this matter.

In Perth, of course, we have days when weather alerts are issued as a result of temperature inversion which prevents gases from dissipating. The problem arises more

particularly at this time of the year. I noticed last weekend or the weekend before Melbourne suffered a similar situation.

With those few remarks, I point out that we do not lovingly embrace this legislation. However, we recognise the need for it and hope it will not be another means of increasing inflation and, particularly, of increasing the cost of living for ordinary John Citizen.

MR RIDGE (Kimberley—Minister for Lands) [4.28 p.m.]: I thank the member for Victoria Park for his remarks in connection with the Bill. Although he said the Opposition does not embrace the legislation, he pointed out it does see the necessity for its introduction. I am sure he would acknowledge that throughout Western Australia we have a continuing problem in that something in the vicinity of 10 000 septic tanks are being installed each year. Obviously it is necessary for us to encourage local authorities to join in any scheme whereby they can sewer their districts.

As was pointed out in my second reading speech, one of the difficulties at the moment—and this Bill applies particularly to the maintenance of sewerage schemes in local authority areas—is that unless we increase the rates which have not been altered since 1950, none of the local authorities will be able to continue to take advantage of the scheme under which they are operating at present. I give the member an assurance that the increase is not introduced with the intention of creating further inflation; it is introduced to try to combat the situation which has been caused by inflation over years gone by, and particularly over the last couple of years.

The member for Victoria Park also referred to lodging houses. If I have missed his point perhaps he will interject and tell me so. At the time I was trying to read my notes in connection with the first matter he raised. He made a point about the lodging house registration fee being increased from $2 to $20 per annum.

As I understand it, this is sufficient, at the moment, to keep most local authorities involved in the inspection of these premises. However, it was pointed out that it is not as though the inspection of other premises will bring about a fee of $20, because the scale will vary according to the size of the premises.

The honourable member also referred to the license fee for obnoxious trades being increased on a sliding scale to between $10 and $100. He said this was a tenfold increase. In connection with this proposed increase I for one would be most surprised if fish shops were charged a fee the same as that charged for, say, an abattoir or a large-sized industrial plant.

Mr Davies: Unless, of course, they had mercury in their fish.

Mr RIDGE: Yes. I will certainly give the honourable member the assurance that I shall advise the Minister for Health of what I have done. The second reading speech clearly indicates, I think, that that is not the intention. In other words, the fee would vary according to the size of the establishment.

Dealing now with the proposal relating to the build-up of carbon monoxide in car parks, as I understand the situation the provision in the Bill is to give local authorities power to enter buildings where large numbers of vehicles are assembled and to be in the position of being able to make the proprietors of these premises provide adequate ventilation. I appreciate the point the honourable member made in regard to building regulations, but I feel certain that the various local authorities would have power under their building by-laws to ensure that a situation would not develop whereby the air space in a building would become noxious. However, I will make sure that the points raised by the member for Victoria Park are passed on to the appropriate Minister. Once again I thank him for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and passed.

WESPLY (DARDANUP) AGREEMENT AUTHORIZATION BILL

Second Reading

Debate resumed from the 20th March.

MR MOILER (Mundaring) [4.34 p.m.]: In speaking to the debate on this Bill, I point out that we on this side of the House are anxious to see the early development of the Wesply factory at Dardanup. I do not think it will come as any surprise to those people who have been associated with the development of this industry to date that the Opposition members support an early establishment of this factory, because it would not be unreasonable to assume that those people would realise that a great deal of the early development and ground work that was done to bring this agreement to fruition took place between the previous Government and the company concerned.

The agreement that has been presented to this House by the Minister was, to a great extent, already prepared by the previous Government and, as I have said,

a good deal of the ground work had already been performed. The attitude adopted by the previous Labor Government headed by the present Leader of the Opposition, and the initial planning that was conducted at that time between the Government and the company representatives, clearly indicated the concern that that Government held for orderly and increased industrial development in the south-west region.

In the policy speech made at that time, prior to the last election, the then Premier (the Hon. J. T. Tonkin) indicated his Government's concern and desire to project industrial development in the south-west area of the State still further by stating that if his Government were returned to office he would appoint a Minister for the south-west. I am positive that had the previous Government been returned to office the Minister for the south-west would have been greatly involved in the final negotiations with the Wesply company to bring this project to fruition.

However, I do not know whether the Minister, when introducing the Bill this session, being aware of the great amount of work that had already been done by the previous Government in conjunction with representatives of the company, believed that the members of this House were fully cognisant of the conditions set out in the agreement, because the information he gave to this Chamber in regard to a number of matters was quite brief. I am sure that many members on this side of the House who were not members of the Cabinet of the previous Government, together with many members of the present Government parties, are not fully acquainted with these matters. Therefore the Minister would have served this Chamber better had he provided more information as to the reasons for some of the remarks he made during his second reading speech, and in regard to some of the conditions that are laid down in the agreement.

I have emphasised the fact that we on this side of the House are anxious to co-operate with the Government to bring about greater industrial development in the south-west of this State. Therefore we propose to support the Bill subject to the Government accepting my amendments, copies of which I have distributed among members. If the Government will not agree to these at least it should give further reasons for including in the Bill the clauses which I seek to amend.

In the Minister's second reading speech, which gave rise for some concern among members of the Opposition, he stated that the Premier would be executing the agreement on behalf of the State and that this was the first occasion on which a Liberal-Country Party Government had introduced an agreement into the House for authorization by the Parliament.

Previously when Bills containing agreements were introduced into Parliament the purpose was for the ratification of those agreements. In those cases the agreements had been signed, and the agreements came before Parliament for ratification. In that event there was little Parliament could do about the agreements.

However, in the present case the Government is seeking the authority of Parliament to enable the Premier to sign the agreement. I believe this is a practice which should be adopted more often; agreements should be brought to Parliament, and authority sought from it to enable the Premier to sign them.

The Minister has explained the reason for adopting the different course of action on this occasion. He said it was to avoid a challenge being made against the Bill or the agreement for contravening the trade practices legislation. That was the only reason for the Government taking this course of action; it was not for the purpose of giving members of the Parliament an opportunity to discuss the agreement. It was merely a method to get around the trade practices legislation. In this House the Government has the numbers to ensure that the measure is passed.

Mr A. R. Tonkin: They are supposed to believe in law and order!

Mr MOILER: It is this aspect with which the Opposition is concerned. The Minister has suggested that on this occasion Parliament is being used to authorise what could be construed as an illegal act. Clause 4 (5) of the Bill contains a provision with which the Opposition is most concerned, and I shall explain it in greater detail when the clause is dealt with in Committee.

I now propose to run through the second reading speech of the Minister in the order in which he put forth his comments. We are being asked to agree to a monopoly control of the raw materials for the production of particle board being granted to a particular company in Western Australia. When the Minister referred to free trade in his second reading speech—he said this Bill was an excellent example of Government and private enterprise working in close co-operation to achieve a mutual end—it was noticeable that he did not use the term "free enterprise". We have often been told by the Government that there should be free enterprise, and it has often said that it is a supporter of free enterprise. However, in respect of the Bill before us the Minister was careful to avoid the use of the term "free enterprise"; instead he used the term "private enterprise". This is a worth-while point to be taken into consideration.

In his second reading speech the Minister said—

> On the company's side, in addition to receiving the Government's guarantee of certain borrowings,—

The State Government has given a guarantee to the extent of $7 million of the $11.5 million required. To continue with the Minister's comments—

> —it has gained the advantages of having assured rights to chiplogs and sawmill residues and of having certain transport rights not normally available to industry.

As I have already stated, the assured rights granted to this company include the absolute right to the raw materials for the production of particle board.

There might be good reasons for the granting of this right, but I think the Minister was negligent in not telling us. If it is in the best interests of the State for the company in question to be given a monopoly of the raw materials, then I contend before Parliament is asked to authorize the signing of the agreement, members should be made fully aware of the reasons. Parliament should not be asked to sign a blank cheque in this regard.

The Minister went on to say—

> The recitals to the agreement summarise the State's and the company's consolidated precepts under which the terms of the agreement have been negotiated.

The explanation of the Minister as to why Parliament should agree to these special considerations being included in the agreement was very meagre, indeed. He did not give us any explanation as to why we should concede these very special rights to the company.

Of course, the Minister explained the manner in which the company would develop a factory, with a far greater capacity than it would use initially. He said this would work towards the economical development of the factory in later years; and furthermore it would be to the benefit of the company to carry out the contruction in one stage, rather than to build adequate accommodation for the present and then add on in future years.

The Minister said the company was committing itself to building a factory with a design capacity considerably in excess of the present market for particle board. I would point out it is doing that not for the benefit of the State; it is doing that for its own benefit.

The Minister went on to say—

> In fact, some work has already commenced at the plant site and the company anticipates commencing installation of plant by the 30th September, this year, with the plant coming into operation during the third quarter of 1976.

In view of the fact that the company has started development, I believe it has been assured of the passage of this Bill through Parliament. I will digress, and ask the Minister whether the company has been assured of the passage of the Bill through the House of Review.

Mr Mensaros: Who told you this? What sort of proof have you for this allegation?

Mr MOILER: Only the comments in the Minister's second reading speech. Would the company proceed with development without some sort of assurance from the Government?

Mr Mensaros: That is purely speculative. The honourable member should not put his comment in an affirmative form. Is this your opinion?

Mr MOILER: Would the Minister name the shade of odds he will give that this Bill will not pass through the Legislative Council?

Mr Mensaros: So will other Bills pass through that House.

Mr MOILER: Almost every measure introduced by the Government goes through that House when there is a Liberal-Country Party Government in office.

Mr Mensaros: That is the purpose of government.

Mr MOILER: The point I make is that with a Liberal-Country Party Government in office, a Bill which requires the authorization of Parliament can be assured of a passage through the House of Review.

Mr Harman: They tell them to pass it.

Mr MOILER: The Minister asked me how I could be sure the Bill would be passed in another place. In his second reading speech he said—

> Were it not for the Trade Practices Act aspect, we would have executed the agreement long before this date.

Mr Mensaros: That has nothing to do with your allegation.

Mr MOILER: Obviously the Government was certain that the agreement would be ratified in another place. Backbench members opposite can be assured that the only reason they are being given an opportunity to participate in discussion as to whether or not the agreement will be signed is that it contravenes a Federal Act; that is, the Trade Practices Act.

The portion of the agreement which the Opposition finds the most distasteful is clause 4 (5) in regard to which the Minister said—

> . . . under subclause (5) the State is not permitted to sell to another particle board manufacturer any quantity of chiplogs or sawmill residues which might be in excess of such agreed annual quantity, but less than the

> maximum quantity to which the company is entitled; namely, 330 000 cubic metres.

The figure of 330 000 cubic metres was arrived at after the Conservator of Forests had considered the matter. It is reasonable to assume that when the company has taken the full amount to which it is entitled—that is, 330 000 cubic metres—it is unlikely there will be much residue or many chiplogs left. The company is being given the sole right to 330 000 cubic metres.

The worst feature of this part of the agreement is that if the company uses only 100 000 cubic metres, the remaining 200 000 cubic metres cannot be sold to any other particle board manufacturer. I would like the Minister to explain why it has been found necessary to include this provision in the agreement.

If it has been included in order to protect this Western Australian company from bigger companies of which there are a few apparently throughout this country and the rest of the world, very well; but I believe that if this is the reason, there is no need for the inclusion of the provision because the company is already protected by clause 4 (3) of the agreement which, among other things, states—

> . . . the State shall not sell or dispose of or cause to be sold or disposed of chiplogs or sawmill residues or enter into contracts or cause any contracts to be entered into for such sale or disposal which would prevent—

The next part is the portion I wish to emphasise. It reads—

> —or be likely to prevent the Company being supplied with its requirements therefor in full. . . .

If the provision has been included to protect the company against an outside bigger company, I consider that enough protection is already provided. If a bigger company came in and undercut the retail price of the Western Australian company, Wesply would not require so much raw material and there would be a surplus. If Wesply were not protected, the bigger company could then purchase the surplus and this would mean that although the following year Wesply would want to retaliate against the bigger company, it would not be able to do so because it would not have sufficient raw material as the surplus would have been sold already to the bigger company.

I would like the Minister to clarify this point. This seems to be the only reason for providing protection to the company. But again I emphasise that the protection is already there because in the agreement it is stated that the conservator shall not sell or dispose of any of the material which would prevent or would be likely to prevent the company being supplied with its requirements at any stage.

It appears to me that there is no need for the inclusion of clause 4 (5) (b) of the agreement. That paragraph would prevent any future development of another particle board company in this State. It could well be that in 10 to 15 years' time—and we must keep in mind that the contract is for a 25-year period with the option of renewal for another 25 years, which makes it a 50-year contract—another company could wish to establish itself in Western Australia. Such a company could, for its own benefit and purposes, establish private pine plantations and thus obtain the bulk of its raw material necessary for the production of particle board.

If another company could possibly obtain a small percentage of its requirements through the Conservator of Forests it would be a viable proposition. However, the agreement which has been submitted to Parliament will prevent, completely, another particle board manufacturing industry from developing in this State. I do not believe the provision in the clause is necessary and accordingly I indicate that we intend to move an amendment.

If the provision has been included to protect the company from some other larger company coming to the State of Western Australia, that protection already exists in another part of the agreement. If that is not the position, the provision must be included to protect the company from another Western Australian company developing a similar industry. As I have said, there is no reason for the provision to be included in the agreement. I hope the Minister will clarify that point, and I hope he will agree to its removal from the agreement.

Clause 8 of the agreement states—

> 8. (1) Subject to the provisions of clause 24 hereof the Company shall be bound in each year to take delivery of the quantity of chiplogs agreed or determined pursuant to clause 4 hereof . . .

In the month of June in each year the company will consult the Conservator of Forests and establish the amount of raw material which it will require during the following calendar year. Six months' notice will be given of requirements for the following year.

If, for some reason or other, the company cannot take delivery of 90 per cent of that amount it is required to pay the stumpage rate on the percentage it does not accept. However, the company has an opportunity, during the following two years, to correct the situation, and take delivery of the amount of material for which it would have paid in advance. Besides that privilege, the company will be subject to clause 24 of the agreement which gives it a let out completely.

Clause 24 of the agreement refers to delays, and a terrific number of conditions are listed which are considered not to be the fault of the company. There is reference to lockouts, which could possibly be the cause of the company. A number of reasons are listed for waiving the requirements of the company. One of the conditions under which the responsibility of the company can be waived is the inability to sell, or otherwise dispose of, particle board profitably or if prices for the products of the company fall below a profitable level.

I asked a question as to what was considered to be a profitable level but I received a most unsatisfactory reply. I appreciate that under the provisions of clause 26 of the agreement such matters can go to arbitration. But the fact is that with such a simple procedure of having to order only six months in advance—with a three-year period during which to use up that order—there should be no requirement for the company to have this additional privilege whereby the terms of the agreement can be waived. I suggest that clause 8 of the agreement should be amended to remove that provision.

The operations of a company which has to order only six months in advance, with a three-year period during which to correct any overordering, should be efficient enough not to require the inclusion of the provisions of clause 8.

Mr Mensaros: I suggest that the honourable member read the agreement again before the Committee stage because his argument is not logical.

Mr MOILER: I have read the agreement thoroughly, and I make the same suggestion to the Minister. We will await eagerly the reply from the Minister, and his reason for the inclusion of the particular provision.

Clause 10 of the agreement refers to the stumpage payable, which will be determined by weight. The provisions set out in subclause (3) (a) state that the company shall provide a weighbridge which shall meet the normal requirements of the Weights and Measures Act, and that while the agreement remains in force it shall have the weighbridge maintained and periodically verified and stamped in accordance with the provisions of the Act. I would like the Minister to clarify this provision because if a weighbridge is established in accordance with the requirements of the Weights and Measures Act surely it is not necessary to spell out that it should be maintained and periodically verified.

The Minister also stated that the company will receive special considerations, particularly with regard to the transport provisions. He said the Government wanted to make it quite clear that the special provisions with regard to transport did not constitute a change in the transport policy of the Government. I suggest the privileges granted to this company, to enable it to use road transport, certainly do not constitute a change in Government policy. I believe the special provisions could lead to damage of the railway services. It seems to be Government policy not to encourage the development of rail services in this State so I certainly would not suggest that what the Government is doing on this occasion is a change from its normal policy with regard to transport. I think it is quite in keeping with the Government's normal policy, which does nothing to assist railway services in this State.

The Minister touched on a number of clauses. I do not recall that he mentioned the life of the agreement was 25 years, although he may have done so. However, there is also a provision that the agreement may be renewed for a further 25 years.

The Minister omitted to mention clause 24, the clause I have already referred to, which seems to contain a number of conditions whereby the company's responsibilities under the agreement may be waived. I believe there should also be some clarification of what is a reasonable profit level on the money invested, and other provisions in this clause.

Under the agreement as it now stands, the company will acquire special transport rights, both when its factory is being developed and when it is in production. When the industry is being established, I imagine the building work would be contracted out and that there would probably be subcontractors. Anyone wishing to transport materials by road to that site will require to be authorised by the company concerned—not by the builder who has the contract.

The SPEAKER: The honourable member has five minutes more.

Mr MOILER: I wonder whether the Minister will have a further look at that provision. I see no reason why the company itself should authorise the transport of materials during the construction period.

The SPEAKER: Order! I am sorry that in telling the honourable member he had five minutes more I was allowing him only 45 minutes. I had not appreciated that he is the first speaker for the Opposition. The honourable member has unlimited time.

Mr MOILER: Thank you, Mr Speaker. I see no good reason—perhaps the Minister can give me one—why the company should be responsible for authorising or nominating the people who may transport materials for the construction of the factory.

The Conservator of Forests cannot enter into contracts which would prevent the company being supplied with its requirements. That is reasonable enough. We are anxious to see a Western Australian company being further developed so that it

can compete on other markets outside Western Australia and I think it is reasonable that it should be given first call. There is no argument about that. I wonder, however, if the company is given the first opportunity to utilise the raw materials and does not utilise them, whether they can be denied to any other company which wishes to produce particle board.

I do not wish to go back to a subject I mentioned earlier, but there are two matters which I think the Minister should look at. Under clause 4 (3), not only is the Conservator of Forests unable to enter into an agreement to sell any of the raw material which would prevent the company being supplied with its requirements at a later stage, but he may not enter into contracts for the sale or disposal of raw material which would be likely to prevent the company being supplied with its requirements. Surely it is sufficient that the Conservator of Forests be instructed not to enter into such contracts. If we write it into the agreement that he cannot enter into contracts which would be likely to prevent the company being supplied with its requirements, who will decide whether that is likely? Will it be the company?

If the Conservator of Forests is unable to enter into contracts which are likely to prevent the company being supplied with its requirements at a later stage, there is absolutely no reason for the inclusion of paragraph (b) of clause 4 (5), whereby the Conservator of Forests cannot sell the raw material to any other particle board manufacturer. I suggest the Minister cannot have it both ways, and he must delete one or other of those provisions.

If the Bill is left in its present form, after indicating to the Conservator of Forests that it requires so much material in the following months, the company not only has two years in which to correct any overordering but it can also have the provisions waived by virtue of clause 24.

I have already mentioned transport. I can imagine the Government would have reasons for being prepared to give some consideration to the company in relation to road transport, but I doubt that there is any reason to make the company responsible for nominating the people who will use road transport during the time the factory is under construction. I see no reason why the normal situation in regard to road cartage cannot apply.

I would like to conclude by referring to subclauses (2), (3), and (4) of clause 20, which relate to resumptions, the rating of the area where the factory is proposed to be established at Dardanup, and nondiscriminatory rates. With these provisions the Government is denying the local authority any say or influence whatsoever at any future stage of the development.

The local authority will be prevented from establishing a discriminatory rate if, for some reason or another, in 15 or 20 years' time it considers that a different rate should be struck for a particular area. The local authority may establish a certain facility in an area, and for this reason it may wish to increase the rate. Subclause (3) of clause 20 of the schedule refers to rating generally, and subclause (4) refers to resumptions.

When one reads the clauses of this Bill, it makes the Premier's policy speech ring hollow. He spoke of strengthening local government, and I will read his remarks—

> We want Local Government to play a bigger role.
>
> The Liberal Party is strongly opposed to the Federal plan to tie local government to the central power of Canberra.

However, the Premier is quite happy to tie local government to the State with an agreement such as this. The Premier also said—

> The Liberal plan for local authorities is based on true delegation of power and money.
>
> We will trust the good sense of local people, recognising that they are normally wiser in respect of their own affairs than remote administrators.

Although he had stated in his policy speech that he believed the local people were better equipped to know what would be the best for them, in this agreement he has spelt out very clearly that they will in no way have any influence or any say in some of the issues that may arise in the future in regard to the development of this industry.

So I would like to emphasise once more that we, on this side of the House—and this was indicated very clearly when we were in government—wish to see development in the south-west of the State. We will do everything possible to that end. Other members on this side of the House may wish to raise additional matters.

The Minister has indicated that certain things will be done as agreed to under the Bill but he has not clarified why the Government believes they are necessary.

In closing, I wish to refer members to paragraph E. on page 4 which states—

> The State—recognising that the Company's undertaking will promote and assist the State's policy of decentralization of industry, that the expansion of particle board manufacture will promote the efficient development of the pine plantations, and that there are transport and other factors peculiar to the nature of the Company's undertaking which require special rights—has agreed to give effect to the premises by entering into this Agreement.

I wish to emphasise that we believe the Minister has not clarified the special circumstances that gave rise to the granting of certain privileges to this company. For that reason I have distributed copies of amendments which I propose to move during the Committee stage of the debate. I hope the Minister will be able to satisfy our queries in regard to this matter.

MRS CRAIG (Wellington) [5.25 p.m.]: I rise to comment briefly on the legislation before the House which is to establish a particle board factory near Dardanup.

Firstly, I welcome the proposal to establish this factory because I believe, without exception, the people in the Bunbury region and the south-west generally are very happy about it. Secondly, I welcome it because it is a very clear indication that this Government does not pay lip service to the principle of decentralisation; it is willing to act positively towards it. Thirdly, I welcome it because it puts Dardanup on the map.

Mr May: You put it on the map.

Mrs CRAIG: I doubt that there has been legislation concerning Dardanup before, and I wonder whether there will be any more concerning Dardanup while I am in this House.

Mr Skidmore: We would like to think there could be.

Mrs CRAIG: Industry of this size, established in the south-west, must not be related just to economic benefits. I believe it will have a strong effect on the stability and security of family life. It will supply better and more diverse job opportunities for men; it will offer employment for women; and it will give school-leavers in the region an opportunity. Previously school children have left the country areas in droves because there have been very few employment opportunities. This industry will at least grant them a chance to find stable employment in the country.

The comment was made by the member for Mundaring that work has already begun on the site. Indeed it has, and it is a magnificent sight. It is a wonderful thing for the area that work has begun already, because earthmoving equipment which was previously lying idle is now being used. Truck drivers who could not find work are now in employment. It may seem that work was begun simply because it has been taken for granted that the development will go ahead, but I do not concede that. The company could always sell the site, and it will be a far better site than it was before the work was begun.

It is difficult to make a complete assessment of the economic and employment benefits that will accrue to the area. However, they will go much further than just the employment opportunities in the factory and the employment that will be available in the forests. The supplying of chip logs and thinnings will fully utilise the efficient development of our forests. Most members are conscious of the fact that this has not been the case previously.

I do not know whether it is by September this year, but if not September, then fairly early in the period of development if this factory does go ahead, employment opportunities will be provided for 100 people. When the factory is fully developed, it will provide employment for 300 people. If we consider the effect of this fact on the area, we will see it is a great one. It would be foolish to say it would mean 300 new families coming into the district, but it will indeed mean more people. It will serve to stabilise the building industry, it will be a shot in the arm for commerce, and it will do a great deal for all local concerns.

It is the first time, to my knowledge anyway, that there has been a relocation of an industry from the metropolitan area to a country area, and at the same time an expansion of the industry. I applaud that.

What is this Government giving? We have been told it is granting a substantial loan. It is indeed, but the guarantee is fully secured. Yes, it is giving the right to 300 000 cubic metres of timber annually, but if we want to attract industry to decentralised areas, we must be willing to make sensible concessions because history has proven that if we do not offer incentives, industry will not establish in country areas. Yes, the Government has also offered a preference to purchase the particle board, but at a competitive price and only so long as the company remains the sole manufacturer.

The Government has offered the normal rights of access to water, gas, and electricity; but these things are common to most major development agreements. Transport concessions, as the member for Mundaring mentioned, have been offered, too; but these are necessary because of the nature of the project. It is necessary to have flexibility of loading to enable the project to meet varying delivery requirements.

Mr May: That would apply to dozens of industries.

Mrs CRAIG: I believe the Bunbury region will benefit because the agreement requires the company to use local services, local labour, local contractors, and local materials. Clause 19 (2) of the agreement gives added strength in the provision which allows the Minister to call on the company from time to time to report on the use made of local goods and services.

If we look at this proposed development in regard to the State we will see that it will generate new employment both directly and indirectly. It will do much to correct the imbalance of trade between Western Australia and the Eastern States,

because a great quantity of this particle board will be exported to the Eastern States.

The project will provide us with a cash return for forestry thinnings. Hitherto most of these were worthless because no industry was capable of making economical use of them. As an added bonus we will have good forestry management. Where the ultimate aim is to produce sawn timber thinning must be carried out at regular intervals.

The prospect of the company extending its operations into the production of a number of other materials associated with the manufacture of chip board is exciting.

I hope it is apparent in the remarks I have made that Dardanup and the south-west, generally, will gain much from the establishment of this industry. Therefore I fully support this authorization agreement.

MR A. R. TONKIN (Morley) [5.32 p.m.]: We have before us a Bill brought down by what is alleged to be a private enterprise Government—a Government that believes in private enterprise. What a joke!

We have waited many years for a decent law to ensure that genuine competition exists in Australia. We have seen an Australian Government of the McMahon variety deliberately legislate so as to be unconstitutional, as was stated by a Chief Justice who was a former Attorney-General of the Menzies Government. Then, in 1974, after waiting for many, many years for the introduction of genuine free enterprise in which people are free to enter into competitive opposition, the Trade Practices Act was passed by the Australian Parliament in 1974.

Now we have a Minister in this House having the effrontery to come to this place and say, "We are introducing this Bill in an unusual way in order to circumvent the Trade Practices Act and in order not to break the law." This comes from that famous law and order party—the Liberal Party which attacked young Australian men who refused to take part in a genocidal war in Vietnam and who were prepared to break the law and go to gaol for doing so.

Mr Nanovich: What has that to do with the Bill?

Mr A. R. TONKIN: Here we have a Government which says, "We do not like this law, so we will introduce the Bill in this fashion."

Point of Order

Mr NANOVICH: I raise a point of order, Mr Speaker. I think the member for Morley is drifting away from the Bill before the House.

The SPEAKER: The member for Morley was making a comparison. However distasteful it might seem to the Government side, a member may do that. But he must not dwell on such matters and I would urge the member for Morley to confine himself to the Bill.

Debate Resumed

Mr A. R. TONKIN: Thank you, Mr Speaker, for upholding my stand. It is important that laws should be obeyed. It is true that in certain circumstances one might say that a law is so bad that one cannot possibly obey it. However, when the Australian Government introduces a law, and a Minister in this House states that he is introducing a Bill to bring an unsigned agreement to this place in a certain way because otherwise it might contravene the law, I believe that is a cynical statement to make. It will lead people to say, "Why should we obey the law when the people in power who are supposed to be setting us an example are prepared to contravene the law in this way?"

Mr Clarko: It is being frank, not cynical.

Mr A. R. TONKIN: I am not denying that it is also frank.

Mr Clarko: It cannot be cynical if it is frank.

Mr A. R. TONKIN: I believe it is cynical to say that a Bill is being introduced in a certain manner because the Government does not agree with the Trade Practices Act, which happens to be a law of the land. This gives the lie to the suggestion that the Liberal Party believes in law and order. It believes in law and order only when the law is on its side, but when it is not on its side the Government will resort to intimidation.

Mr Grayden: You know that is completely wrong. Get down into the gutter again as quickly as you can in this House, with the protection of the Speaker.

Withdrawal of Remark

Mr J. T. TONKIN: Mr Speaker—

The SPEAKER: Order!

Mr Bryce: It is a most astounding thing that—

The SPEAKER: Order! Order! If the member for Ascot speaks in such a manner again when I call for order, and his leader is on his feet and I am trying to give him the call, I will have to take strong action against him. The Leader of the Opposition.

Mr J. T. TONKIN: I have noted of late that the Minister for Labour and Industry is continuing to use the phrase, "in the gutter". It is objectionable to me, it is unwarranted, and I ask that it be withdrawn.

The SPEAKER: I believe this is a phrase that must be regarded as unparliamentary. I just want to say, as I have said

once previously, that members should endeavour to use sensible, moderate language wherever possible and should try to restrain their tempers. They should try to avoid provoking others into making unparliamentary utterances. This is a matter of good taste and gentlemanly conduct in the House.

After that little homily, I ask the Minister to withdraw the remark.

Mr GRAYDEN: Mr Speaker, may I say this—

The SPEAKER: Order! The Minister must withdraw the remark.

Mr GRAYDEN: I will happily withdraw it, but I would say this: If members opposite—

The SPEAKER: Order! The Minister cannot speak in such a manner. I urge the Minister merely to withdraw the remark.

Mr GRAYDEN: Mr Speaker, I think it is contrary to a ruling you gave the other day, but I withdraw the remark with regret.

Mr J. T. Tonkin: You should withdraw that, too.

The SPEAKER: Order! I must ask the Minister to withdraw the remark that it is contrary to a ruling I gave on a previous occasion.

Mr GRAYDEN: I will happily withdraw that remark.

Debate Resumed

Mr A. R. TONKIN: I believe many laws are passed from time to time which I, as a citizen, must obey even though they are personally distasteful to me. I do not believe it is in the interests of society for a Minister of the Crown to come to this place and to say—

> . . . it might be argued that certain provisions in the agreement are in conflict with the Commonwealth Trade Practices Act, 1974, being in restraint of trade.

What in particular in this Bill might be so construed? In fact, the member for Clontarf asked the Minister that very question, and the Minister replied, "I refer you to my second reading notes." That indicates the contempt the Minister has for Parliament.

Withdrawal of Remark

Mr MENSAROS: Mr Speaker, I definitely take exception to the allegation that I have contempt for the Parliament, and I ask the honourable member to withdraw.

The SPEAKER: The Minister takes exception to the statement of the member for Morley claiming that the Minister has contempt of Parliament, and I ask the honourable member to withdraw.

Mr A. R. TONKIN: Mr Speaker, I withdraw.

Debate Resumed

Mr A. R. TONKIN: I find it remarkable that the Minister should come to this place and say in reply to a question directed at him by the member for Clontarf, "Look at my second reading speech", when in actual fact he knows that his second reading speech was not particular or specific and did not indicate how a contravention of the Commonwealth Trade Practices Act might occur. I believe we in this place should expect more courtesy from Government Ministers, who should assist us when dealing with a Bill—

Mr Clarko: You would be the last one to give it.

Mr A. R. TONKIN: —so that we are more properly able to debate the Bill.

Mr Clarko: You are a fine one to talk!

Mr Jamieson: You go out to Stirling; you would get a hiding every time.

Mr Clarko: Oh, drop off!

Mr A. R. TONKIN: I believe the Minister may have been referring to clause 4 (5) (b) of the schedule which, in part, states—

> As regards any difference in any year between that maximum aggregate quantity and the aggregate quantity so agreed or determined pursuant to that subclause the State undertakes not to sell or dispose of that difference for the manufacture of particle board.

This means that if Westralian Plywoods Pty. Ltd. cannot take all the raw material to which it is entitled under the Bill, the State may not dispose of that raw material to some other manufacturer of particle board. I might add that even when the material is sold, the people are not going to make a great profit out of it, although we in this place are supposed to be representing the interests of the people. So, this material grown by the State at the State's expense cannot be disposed of to some other body which might want to enter the industry. For example, if a second producer of particle board—

Mr Mensaros: Not, "for example", but, "only". You said, "For example, if a second producer of particle board"; it relates only to a second particle board manufacturer.

Mr A. R. TONKIN: I thank the Minister for the correction; he is quite right. The point is that even though the company mentioned in this agreement cannot use all the material, no other manufacturer of particle board is permitted to take it.

I believe it could be in the interests of the State to have two producers of particle board. Does not the Government believe in private enterprise or in genuine competition any longer?

Mr Clarko: Do you believe in it?

Mr A. R. TONKIN: I do.

Mr Clarko: But you are a socialist.

Mr A. R. TONKIN: I believe in private enterprise.

Mr Clarko: You are a socialist; you believe in nationalism.

Mr A. R. TONKIN: The Labor Party believes in private enterprise; that is why the Australian Government introduced into the Australian Parliament legislation which is now on the Statute books called the Commonwealth Trade Practices Act, which eliminated restrictive trade practices which were more rife in this country than in any other mixed economy country in the world.

We have seen in operation unbridled restrictive trade practices; but in order to circumvent the law, which operates against its wishes, the Liberal Party is prepared to write this agreement and to make this Parliament an accomplice by directing it to authorise the Premier, on behalf of the State, to sign an agreement which will allow for only one company to operate.

As far as I am concerned, I will not be an accomplice to evading the law of the land or to creating a monopoly which will prevent some other company from coming in and buying raw materials to make particle board. I cannot see why we should not have genuine competition in this State.

Sir Charles Court: Do you want the industry to start?

Mr A. R. TONKIN: Yes, we do; we are very much in favour of it starting.

Sir Charles Court: You are distorting the whole situation. Either you do not understand the Bill, or you are deliberately distorting it.

Mr A. R. TONKIN: I have been quoting the Minister's second reading speech.

Sir Charles Court: You make up your own mind what you are doing.

Mr A. R. TONKIN: That is what the Premier says; however, I am quoting the Bill and the speech of the Minister who introduced it.

Mr Grayden: You have done nothing but distort the situation.

Sir Charles Court: The Minister was trying to be quite frank with you and explain the position to Parliament.

Mr A. R. TONKIN: The Minister has admitted that this has been put in the legislation so that there will be no contravention of the Commonwealth Trade Practices Act.

Sir Charles Court: That is right—no contravention. That is what the Minister is aiming at.

Mr A. R. TONKIN: That is right.

Sir Charles Court: Do you not want that?

Mr A. R. TONKIN: I have read to Parliament the clause which will prevent a second competitor from entering the industry. The Premier asked whether I wanted the industry to start; most certainly I do; my party is in favour of this industry and believes it needs assistance. An industry of this nature will not be easily established in that area because of the very strong economic factors against it.

We believe the Liberal Party pays only lip service to its article of faith; namely, free enterprise. Enterprise and competition is the whole theory of the capitalist system; people should be able to choose; this is an essential part of the prices mechanism.

Mr Clarko: Your action is the opposite —to kill it.

Mr A. R. TONKIN: I believe the Liberal Party has shown by this Bill, by the Minister's speech, and by its refusal to agree to establish a proper trade practices Act that it does not believe in free, private enterprise but rather, believes in monopoly capitalism.

Mr Grayden: Absolute rubbish!

Mr Bertram: That is what you say; but have a look at your performance.

Mr Skidmore: You have stifled opposition. You give a contract to one party, excluding others. Is that not a monopoly?

Mr Clarko: You believe in nationalism, which is precisely that.

Mr Bertram: That is nonsense.

Mr A. R. TONKIN: The clause to which I have referred represents a dog in the manger attitude on the part of the Government and the company involved in the agreement. As I said, if the company does not want to take up its full entitlement of raw material, or even if it cannot possibly use it, no other company is allowed to have it.

It can be argued that for an industry to be viable, given the exigencies of international trade, it would need to be of a certain size. I would agree that size does produce certain economies of scale which are not only desirable but also essential. However, if the industry itself says, "We cannot take up that 330 000 cubic feet of timber, and do not need it" how is it inimical to the society as a whole for a second industry to come in and take it?

I believe this Bill finally dispels once and for all the suggestion that the Government believes in free enterprise and genuine competition.

I should like to refer briefly to the environmental section of the Bill. No mention was made of the word "environment" in the Minister's second reading speech. Apparently it was not considered important, in spite of the ramifications

for the environment as a result of the establishment of this timber industry. Softwoods will have to be grown at a great rate to supply this industry. Of course, there is a question mark over softwood growing with respect to salinity. We have also seen the very serious salinity problems associated with the Wellington Dam. We have seen serious salinity problems associated with the Mundaring Weir. We know that increasing salinity is causing grave concern to the Department of Agriculture, just to name one body.

I would have thought that the Environmental Protection Authority would have shown its interest and would have been asked to comment on firstly, the cutting of timber; secondly, the use of certain materials in the production of particle board, and thirdly, and in particular, the disposal of the waste. Quite clearly the Environmental Protection Authority has been bypassed once again.

Mr Mensaros: What waste?

Mr A. R. TONKIN: I will read the answer given by the Minister to my question which was—

> Has the Environmental Protection Authority made a statement that it is satisfied with the Wesply (Dardanup) Agreement on environmental grounds?

The Minister's reply was—

> As far as the final draft of the agreement is concerned the Environmental Protection Authority has not commented.

In fact, we do not know whether the EPA has even seen the agreement.

Mr Mensaros: You have not answered my question. What waste are you anxious about? You have no idea of what you are talking about.

Mr A. R. TONKIN: I am saying that the EPA has been bypassed and has not commented on the final agreement. So it is seen quite clearly that a matter that could be of considerable importance to the environment of the State, firstly from the point of view of timber production, and secondly from the point of view of the disposal of waste, has not been referred to the EPA for comment. Therefore, quite clearly, the EPA, in regard to this matter, is being bypassed.

We have seen once again that this Government will downgrade environmental protection and will ensure that this authority is bypassed. Following the first question I put to the Minister, I then asked him if he would table any statement that had been made by the Environmental Protection Authority, but of course there was no statement. So what does the EPA think of the Bill? We do not know what the EPA thinks of this Bill. That authority has probably not even sighted this agreement. When one studies the Environmental Protection Act and realises the importance of its provisions, I think this is a most serious omission.

I then asked the Minister the following questions—

> Is the EPA satisfied that clause 20 (1) of the Wesply (Dardanup) Agreement of 1975 will not nullify or otherwise affect the operation of clause 21 of the agreement?
>
> Has the EPA sought legal advice on the matter, and if so, what was the tenor of that advice?

In reply to the first question the Minister said—

> The Environmental Protection Authority has not expressed an opinion as to the relationship between clause 20 (1) and clause 21.

His reply to the second question was, "No".

So whilst we are in favour of the establishment of this industry we are concerned that a monopoly is being created. I have no quarrel with the Wesply company whatsoever, but we are concerned that even if it cannot use all the timber that is available to it for particle board, no other company will be permitted to operate. This is the decision made by a Government that says it believes in free or private enterprise.

Secondly, the Environmental Protection Authority has been bypassed and ignored and I believe this is only one further chapter in the whole sorry tale of this Government downgrading and ignoring the Environmental Protection Authority and also ignoring the very Statutes that are fundamental to our society. The Minister has said the agreement has been introduced in this way in order to avoid contravention of the Commonwealth Trade Practices Act which was passed by the Parliament of Australia, and here I might say that Act was passed through the Senate in which the Australian Labor Party does not have a majority.

So that is not just a piece of legislation pushed through two Houses of Parliament because the Government has a majority in both Houses; that is a Bill that was introduced and eventually approved by the Liberal-Country Parties in the Senate. Here we have a Government prepared to ignore the law of the land when it had no grounds for doing so—and here I mention the Vietnam war as one example—

Mr Grayden: Have you that pink shirt on for any purpose?

Mr A. R. TONKIN: The Minister is now engaging in personal abuse; he has just referred to my shirt.

Mr Grayden: I was merely asking whether you had it on for any purpose in view of the fact that you are referring to the Vietnam war.

Mr A. R. TONKIN: I ask you, Mr Speaker: Who indulges in personal abuse in this House? My clothing has been brought into a debate in which I have been talking about environmental protection, monopolies, and about law and order—

Mr Grayden: I want to know whether your shirt has anything to do with the views you have expressed so often in this House.

Mr A. R. TONKIN: I will not draw an inference from that interjection, Mr Speaker. I will leave it to you, with your good sense of fair play, to judge what kind of comment that is.

We applaud the development of a particle board industry in Dardanup. We believe it should go ahead, but we do not believe this Bill and this agreement are the only vehicles suitable for such a project.

MR BERTRAM (Mt. Hawthorn) [5.57 p.m.]: As the speaker who has just resumed his seat has so clearly pointed out, and has so aptly said, we on this side of the House are very enthusiastic about this agreement and will give all the support we possibly can to the establishment of any worth-while industry in this State. We believe, of course, this is a worthwhile industry. Indeed the Government expressed that view. However, as the Labor Party in Opposition we support it more so, because the fact of the matter is that the initial negotiations entered into and the bullocking work that was performed for the establishment of this industry was carried out by the Tonkin Government.

Mr Mensaros: That is a mistake; it was done by the Brand Government.

Mr BERTRAM: The Minister may correct me, but that is the position as I understand it, and other speakers can no doubt produce the facts. As I have pointed out on many occasions previously, and no doubt I will point out again on many occasions in the future, we should be heard in order that we may be able to ascertain the facts relating to various matters. We should not be blocked, barred, or obstructed in trying to obtain those facts. I will go into that aspect of the question in greater detail in a moment.

The statement I have made is borne out by what happened prior to 1971 when we went through the process of appearing to be a Parliament; when it was just a routine exercise. It was a sham and not a reality, because instead of the Parliament functioning as it should have been it was not so functioning, because the Opposition was denied access to information that it needed to have in its possession. I want to have it clearly placed on record where we on this side of the House stand.

We believe there should be a strong Parliament, and we believe in a two-party system. However, for the two-party system to operate successfully the Opposition must be strong, and it should be given every opportunity to present to the Parliament a proper and well prepared case. To enable it to do this the Opposition should, therefore, have access to all the facts that are available.

I share the same view as appears to be clearly supported by the Premier. For example, he believes that the Liberal Opposition in Canberra is below par, because often he takes issues out of the hands of the Federal Opposition and ventilates them here. In Western Australia the Opposition is not given the opportunity to deal with this matter and other matters.

Mr Sodeman: When will it demonstrate its ability to do so?

Mr BERTRAM: The honourable member will see that demonstrated. I suggest to members opposite that they should change the Minister rather than obstruct the Opposition. We cannot have a satisfactory parliamentary situation no matter how good or proficient is the Opposition, if the Opposition is denied access to fundamental information. So in that regard the Government must co-operate.

I shall show where on this occasion reasonable co-operation has not been forthcoming. In this Parliament the aim should be for the Government to put forward its contract in this case, to argue the merits of the contract, and to allow the Opposition to argue the merits or demerits of it.

The SPEAKER: Will the two members standing near the speaker who is on his feet either move out of the Chamber or sit down?

Mr BERTRAM: The Opposition should be allowed to argue the imperfections of the contract, so that Parliament may get the best results. It should not be a matter of the Government taking the same stand on this contract as a plaintiff takes in a court of law, and by every device known in law to block the Opposition. That is not the way Parliament should operate; and that is why we on this side of the House are strenuously objecting. If we did not do that we would not be a bootlace of an Opposition.

There is a move afoot for the establishment of an enterprise in the south-west by a company. We on this side probably have a keener interest than the Government to decentralise industry. The Minister has pointed out that this particle board industry will be established at a capital cost of $11.5 million, and that it will be the largest of its kind in Australia, and in fact, he said it would be one of the larger industries of this nature in the world. We should be glad about that.

The contract has now been brought before Parliament to enable members, on behalf of the people, to decide what should be done about it—whether it should be

authorized in its present form, whether it should be authorized as amended, or whether it should be rejected. Before I deal with that, might I say that it causes me great concern to find the Minister saying something in his second reading speech, which is puzzling in the extreme. The Minister stated—

> The achievement of these agreed conditions under which the industry may establish and become a viable operation is an excellent example of Government and private enterprise working in close co-operation to achieve mutual ends.

That is precisely not the way in which agreements should be hammered out in private enterprise. As our opponents remind us from time to time, private enterprise operates on competition. This statement by the Minister causes members on this side of the House much concern, because it contains the inescapable implication that the Government was approaching the negotiations through co-operation, and encouraging us to believe that the company was doing the same. In fact, the company had no obligation at law, it had no obligation morally, and it had no obligation consistent with normal business practice, to approach this with co-operation at all. I suggest it did not do this; and why should it? The company is there to make a profit at acceptable profitable levels, and it fought for the terms of the agreement on that basis

So we had one party to the contract turning on the pressure, and the other party to it co-operating. In that type of contest, I imagine everyone would agree that the one who is fighting according to the rules of competition—as the company will fight in a project costing $11.5 million —would win the race by 100 miles.

Sir Charles Court: Would you not want the company to have an agreement that was profitable and viable?

Mr BERTRAM: The Premier asks whether I want the company to have a contract that is profitable.

Sir Charles Court: And viable.

Mr BERTRAM: How could the company operate without a reasonable profit? It cannot succeed if it operates without a reasonable profit, and we cannot possibly have such a situation. Here we have a contract for the establishment of a big industry in this State, and the Premier has the temerity or gall, or a mixture of both, to ask me whether we on this side of the House believe it should make a profit. What sort of nonsensical question is that? We would have to wait a long time to hear another one as absurd.

We most certainly expect it to make a profit. People are putting capital into the company. Are they not entitled to a dividend or are they expected to make a gift to the State—a form of tax? Is that what the Premier suggests? What an absurdity.

Of course everyone in this Chamber, bar apparently the Premier, is aware of the fact that shareholders contribute money to companies in order that they might get a fair return, and as far as I am aware no-one has ever suggested that that should not be the case. What has been suggested here is complete news to me. It is a complete novelty and an absurdity. It is the sort of outburst we get when we try to debate a subject objectively.

Members of the Opposition are handicapped—we are a mile behind—because we are denied fundamental information and that means the public are denied it. Let us have a look at some of this fundamental information we have been denied without any good reason because there is a precedent for the tabling of the type of information we request and you, Mr Speaker, will remember at least one instance when this was done.

The SPEAKER: I take the opportunity to remind the honourable member that it is only five minutes to 6.15 p.m.

Mr BERTRAM: In a moment or two I will seek leave to continue my remarks at the next sitting of the House.

On the 23rd April the member for Mundaring asked the Minister for Industrial Development a question, part of which is as follows—

> (3) Will he table for 48 hours the Registrar of Companies office file, relevant to Westralian Plywoods Pty. Ltd.?

Mr Mensaros: What is denied to you? That is a public document. You might as well ask me to pay your taxi fare to go to the Companies Office.

Mr BERTRAM: For the record and for the readers of *Hansard* I indicate that the answer was—

> No. It is a document available to all members of the public.

Of course it is not a document. It is a file which, in normal circumstances, would contain many documents. What we are being told here is that the file is established in order that, amongst others, members of Parliament may see it. The Minister is saying that the 51 members in this place and the 30 members in another place —a total of 81 members—must go down to the Companies Office, wherever it is now situated somewhere in the heart of the city, to search this file. Just mark the sense of that; as if we had not enough to do already but must go down to the Companies Office to see the file there!

The file is put there for public information. We in this House are speaking for the public. Other files from the Companies Office have been tabled and that file should have been tabled. The need to see the file is absolutely fundamental and I propose in due course to point out why to members who do not know, and I imagine there are very few in that category.

However, as it is almost time the House should adjourn, I seek leave to continue my remarks at the next sitting of the House.

The SPEAKER: The member for Mt. Hawthorn seeks leave of the House to continue his speech at the next sitting. Is leave granted? As there is no dissentient voice, leave is granted.

Debate thus adjourned.

ADJOURNMENT OF THE HOUSE

SIR CHARLES COURT (Nedlands—Premier) [6.12 p.m.]: I should advise the House that I will consult the Leader of the Opposition to see whether it will be necessary and desirable to commence sitting on Thursday evenings as from next week, but I will make an announcement in that regard next Tuesday. We are not making the progress we anticipated. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 6.13 p.m.

Legislative Council

Tuesday, the 29th April, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (4): WITHOUT NOTICE

1. TRONADO MACHINE

Decision on Use: Statements by Leader of the Opposition

The Hon. H. W. GAYFER, to the Minister for Health:

(1) Did the Minister see the article in *The Sunday Times* of the 27th April, 1975, which was headlined "Urgency Move—Get Tronado Working"?

(2) Has there been a cessation of use of the machine as the article indicated?

(3) Does the Minister believe that the statements attributed to the State Opposition Leader (Mr Tonkin) were misleading as they indicated that the operation of the Tronado machine has already been discontinued?

The Hon. N. E. BAXTER replied:

(1) Yes.

(2) No. The radiotherapists operating the machine have continued using it.

(3) Yes. I believe they were misleading and if the Leader of the Opposition conveyed this impression to the Press then he was doing this to prey on people's emotions.

2. TRONADO MACHINE

Decision on Use: Statements by Leader of the Opposition

The Hon. R. F. CLAUGHTON, to the Minister for Health:

(1) Is it a fact that the Tronado machine can no longer be used for new patients?

(2) Is this the information which was conveyed by Mr Tonkin in the article to which the previous question referred?

The Hon. N. E. BAXTER replied:

In reply to the honourable member—who gave me no notice of this question—the Tronado machine in the Institute of Radiotherapy at the Sir Charles Gairdner Hospital is under the control of the Sir Charles Gairdner Hospital Board, which has made its decision on the use of the machine. Another machine is leased by private radiotherapists and, to my knowledge, this machine can be used for new patients at the will of those radiotherapists at the present time.

3. TRONADO MACHINE

Discontinuance of Treatment: Sir Charles Gairdner Hospital

The Hon. R. F. CLAUGHTON, to the Minister for Health:

Would the Minister confirm that the machine located at the Sir Charles Gairdner Hospital cannot be used for new patients, even though patients already undergoing treatment on the machine have been allowed to continue the treatment?

The Hon. N. E. BAXTER replied:

I understand the machine at the Sir Charles Gairdner Hospital is being used at present only for patients undergoing the particular course, and no new patients are being treated on the machine.