Legislative Council

Tuesday, 17 November 1981

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

QUESTIONS

Questions were taken at this stage.

LIQUOR: LICENSING COURT

Evidence of Affected Residents: Urgency Motion

THE PRESIDENT (the Hon. Clive Griffiths): Honourable members, I received earlier today a letter from the Hon. P. G. Pendal, in the following terms—

> Dear Mr President,
>
> Standing Order Number 63 provides for the moving of an adjournment motion for the purpose of debating some matter of urgency.
>
> In accordance with the provisions of Standing Order Number 63, I wish to advise you of my desire to move for the adjournment of the House for the purpose of discussing an occurrence in the State Licensing Court on Thursday, November 12th, wherein people invited by the Court to appear before it were ultimately prevented from addressing the Court.
>
> The Licensing Court, acting in good faith, issued the invitation, only to find that it had no power to do so.
>
> The invitation extended is a strong indication that as a matter of good sense residents who believe they are aggrieved ought to be heard.
>
> I propose therefore to call on the Government to introduce an amendment to the Liquor Act to permit the Court to issue the invitations referred to above so that residents may express their views on noise levels and any anti-social behaviour of which they believe themselves to be victim.
>
> Yours sincerely,
>
> PHILIP PENDAL, M.L.C.
> Member for South-East
> Metropolitan Province

THE HON. P. G. PENDAL (South-East Metropolitan) [4.58 p.m.]: I move—

> That the House at its rising adjourn until 10.00 a.m., Wednesday, 18 November.

The PRESIDENT: Standing Order No. 63 requires that four members must rise in their places to support the proposition. Are those members available?

Four members have risen in their places,

The Hon. P. G. PENDAL: I thank the House for its indulgence and I give my assurance that I do not intend to hold up proceedings for very long on this matter. However, I make no apology for raising it in the House, and more particularly for using Standing Order No. 63 to do so, because it is the first opportunity I have had to raise it while the House has been sitting. It is a result of an event that took place at the State Licensing Court on Thursday of last week.

Briefly, the background to this situation is that a number of my constituents were due to appear in the State Licensing Court last Thursday to give the court certain information in relation to an application before it on behalf of the Windsor Hotel in South Perth. Some time ago those constituents were invited by the Licensing Court to appear on the day in question, virtually as friends of the court. They were invited to give information which they felt was relevant to the application that would be heard on that day. Therefore, to that extent, any of the criticisms I make in the course of the next few minutes are not directed at the State Licensing Court.

When these people in good faith took up an invitation from the State Licensing Court to appear before it last Thursday, their presence was challenged by the solicitor acting on behalf of the Windsor Hotel. The challenge was based on the solicitor's belief—a correct belief, as it turned out—that the court had no right in the first place to invite those people to appear before it. In a nutshell, that was the end of the matter because the court then did what it really had no option other than to do; namely, to make a decision based on the merits or otherwise of the case put forward by the Windsor Hotel, in the absence of information put forward by those four or five people.

The reason I believe it is a matter of urgency is that an important question of natural justice is at stake. I said earlier that I have no criticism of the Licensing Court, and I repeat that now; the court acted in good faith in issuing an invitation to these people. Now that we have discovered the court does not have the right to issue such invitations, we should amend the legislation in order to provide such a right in the future for every citizen of this State.

The very fact that the Licensing Court itself decided some months ago to invite these people to appear before it indicates that the court itself believed such a facility should exist. The fact that

the court exercised what it believed to be an option, only to find it was not an option at all, in my view indicates that such an option should be written into the law. The opportunity is lost to the four or five people concerned because the outcome of the case was that the permit sought by the hotel in fact was granted. Therefore, any amendment the Government ultimately makes will not help these people.

I ask whether perhaps some alteration can be made, not to the Act but by way of regulation; the Licensing Court may care to examine this matter.

As late as this morning, in company with the Hon. Graham MacKinnon, I had a fairly long and amicable discussion with the licensee of the Windsor Hotel, who contacted me after I made some public comment on the issue. The licensee showed every willingness to try to come to grips with the problem which allegedly is faced by nearby residents. He was so concerned he even offered to meet the cost of providing additional police patrols in the area at certain times of the night. I do not want to imply that the licensee was suggesting offering cash payments to the Police Force; he simply offered, through the Government, to finance police patrols in the area to try to alleviate some of the difficulties these people face. At that point, I told him that I found totally unacceptable the suggestion that a private citizen, having already paid his taxes, should be required to pay additional moneys to maintain law and order outside his premises. I make those comments merely to emphasise the point that the licensee showed every indication of wanting to find a solution to a problem which has been going on for many years.

The second point I make—it does not concern me whether it is replied to today—relates to a question I placed on notice a few minutes ago. I ask the Government to have a serious look at the idea of making it mandatory for hotels and cabarets to instal noise interceptors; I understand that the use of such equipment would mean that once music reached a certain noise level, it would automatically cut out. I cannot see any argument against the use of such equipment, provided it was applied uniformly across the State and not to the detriment of only a few hotels, and to the advantage of other hotels which did not need to conform in such a manner.

I make the third suggestion that perhaps the time has come when we should examine the composition of the State Licensing Court. I believe there is room on the Licensing Court for an additional member, who would represent community needs and attitudes. More frequently than ever before, the Licensing Court is dealing with problems of noise and anti-social behaviour, and there are people who believe—whether rightly or wrongly—those matters are not taken into consideration nearly as much as they should be.

A loophole has been discovered in the law. It was uncovered only last Thursday, to the embarrassment of the four or five people involved and, indeed, of the Licensing Court itself, which found itself unable to honour an invitation it had issued earlier.

The problem of noise and anti-social behaviour at hotels is not one which can be treated in isolation. I put it to members that it is one of the most evil and growing forms of social ill in our community today. It affects many thousands of people, who must put up with it at all hours of the day and night, particularly at night and at weekends. It is a problem which impinges on people's personal privacy. While I blame no-one for the extent of the problem, I ask that the Government give serious consideration to the points I have raised.

THE HON. G. C. MacKINNON (South-West) [5.07 p.m.]: I support some of the comments of the Hon. Phillip Pendal; I do so on a slightly different basis in that I happen to live in one of the apartment blocks adjacent to the Windsor Hotel. I appreciate that personal cases make bad arguments; nevertheless, I will endeavour to put forward the arguments of my neighbours, which is fair enough, because I live in the apartment block only intermittently while I am in Perth for Parliament; the rest of the time I live in Bunbury.

As recently as 14 October, I spoke to the Liquor Bill. The theme of my address was the consequences of making decisions and giving permits; I pointed to all the things which could flow from those decisions. This, of course, is the classic case.

Mr Pendal has outlined what happened at the hearing when these people, at the invitation of the Licensing Court, went along in good faith to give evidence before the court. It is quite obvious from the transcript that Mr Dunstan, who was in charge of the court on that day, was quite sure under several sections of the legislation that he had the necessary authority to issue such an invitation. Mr Clarke, the solicitor representing the Windsor Hotel, knowing the court had invited these people to appear before it, had done his homework very carefully and was ready with his objection. It is evident from the transcript of evidence that he knew precisely what he was doing in objecting to the presence of these people.

The upholding of the objection was the culmination of a long series of total frustrations suffered by these people. I know that people are inclined to say, "The people live together in the apartment blocks, and have nothing better to do than to go around making complaints". However, that simply is not true.

Let me tell members of some of the frustrations suffered by these people in their endeavours to relieve the problems of noise and—I stress—anti-social behaviour. Letters have been written to the local authority, the Police Force, the Parliamentary Commissioner for Administrative Investigations, the Chief Secretary, the Chief Secretary's Department, the Premier, the Legislative Assembly member for the district (Mr Grayden), and the Licensing Court itself. I have read all the letters; better than that, I have read the answers they received. In not a single case have those people been given an answer anyone would consider to be in any way satisfactory. The local authority had a perfectly valid reason that the matter should rest with the Licensing Court; the Licensing Court had a valid reason that it should rest with someone else; the Parliamentary Commissioner for Administrative Investigations had a valid reason that he was not permitted to inquire into the matter; and so it goes on and on.

As Mr Pendal so lucidly pointed out, the matter comes back here, to us. Indeed, it comes back to the Attorney General's Department, which has a responsibility to ensure this sort of thing does not happen, and that people are provided with a proper avenue of appeal in which they are seen to have an input.

It is interesting to read the transcript of proceedings. Mr Dunstan said that he wanted these people—who, after all, were the ones affected—to inform the court as to how they were affected; however, they were not permitted to do so. Indeed, apparently there was no way they could have informed the court of their problems. After doing things in the right way, these people were left feeling very frustrated.

One of the gentlemen involved runs an interstate business; he took the morning off to attend the Licensing Court. He happens to be a personal friend of mine, and members can imagine the sort of telephone call I received from him. I used the time-honoured method of overcoming that sort of situation which one learns with age: I put him on to Mr Pendal, as the prime mover in this issue. I thought Mr Pendal should hear that person's point of view, in order to reinforce his case.

There is a basic problem to which we should address ourselves: I understand the courts have given judgment to the effect that a hotel licensee is not responsible for his clients' behaviour after they leave his hotel. When clients leave the bars—or, the barns as they are called, where the bands play—and go outside, they are no longer the licensee's responsibility. This does not make things better for the licensee; on the contrary, in my opinion, it makes it worse.

Who is responsible for these people? The only authority responsible is the Government. In such cases, the Government must ensure that sufficient police are in the area to keep the peace. It is no good our saying individuals, not the police, are responsible. Members all saw an article in the newspaper the other day in which a representative of the Police Force was reported as saying the force did not have enough numbers to go around and inspect these establishments.

The anti-social behaviour to which Mr Pendal has referred is really quite disgusting. As recently as last weekend, I understand no parking spaces were available within the precincts of the hotel, not even the private parking spaces owned by people living in the apartments. They were all full of vehicles owned by hotel customers.

If the Licensing Court is not responsible the Government must assume its proper responsibility. It seems there are not enough police to do the job. The licensee offered to pay for the policing, and I agree with the Hon. Phil Pendal that this just would not do. Every time these people have written they have been given the run around, from one person to another. They were told at one time the court had no-one qualified to read the different meters. It seems everyone shelves his responsibility and no-one is prepared to make a decision. The court felt it should inform itself of the situation which was pertaining, only to find it did not have the authority under the Act to do so. This is something that ought to be fixed very quickly.

I believe there is a way around the problem. I believe an amendment was made to a Bill we had before us recently which gave the court the right to rescind a permit. However, the court would have to wait for action to be taken if the noisy behaviour continued.

The Hon. D. J. Wordsworth: Don't you think it rather strange that this is the first time the court has realised this?

The Hon. G. C. MacKINNON: I have not been following the court's activities. I shall quote part of the court proceedings as follows—

Mr Dunstan (court): We will object under Section 56 and we will call these people as witnesses.

Mr Clarke: There is perhaps power under Section 56 but I am not all that convinced of the fact that there is that power.

Mr Dunstan (court): It has been used before in this jurisdiction.

Mr Clarke: I take it that you wish to hear formal evidence from my client to support his application.

Mr Dunstan: Yes.

Mr Clarke: In that case in the normal run of events whether it is valid in this court or not, nevertheless I am going to make application that there be an Order for the witnesses to go out of court.

That order was upheld. Mr Dunstan apologised for the inconvenience involved in calling the people to the court. He pointed out that they were there as members of the public. Mr Clarke had said, "It is only the police and the supervisor who can object under section 58". So there appears to be some confusion about whether the court can call witnesses in respect of granting a permit or a renewing of a licence.

The concern I feel is for this establishment. There seems to be a growing feeling that, because of the greater sophistication of Government and because there are so many organisations that have something to do with so many matters, people can write an interminable number of letters and not receive satisfactory answers. We are faced with problems of economy where some people put up the argument or excuse that they do not have sufficient money to pay qualified people to read meters—what qualification is necessary to read a decibel meter, I do not know.

For these reasons I join with Mr Pendal in bringing forward this matter most forcibly to the attention of the Government with the hope that it does something quickly.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.20 p.m.]: As the Hon. Graham MacKinnon has pointed out, these matters were raised in the recent debate on amendments to the Liquor Act and I think he referred then to the hotel which was mentioned today. He most forcibly indicated the thoughts he held.

The Liquor Act comes under the jurisdiction of the Chief Secretary and he will certainly be given a full transcript of today's debate. I think it is unfair that one hotel has been mentioned all the time. To my knowledge there are a number of hotels creating a similar problem for people in their areas. It seems a little unfair that only this hotel should be mentioned, almost as though we have here a lobby group for one particular purpose.

I know there is a problem and I sympathise with those people who are inconvenienced by it, including the Hon. Graham MacKinnon. I have no doubt that if I were in a similar position I would do exactly the same, as would the Hon. Joe Berinson and others.

The Hon. J. M. Berinson: What have I done to deserve a mention?

The Hon. G. E. MASTERS: The member was smiling so benignly I thought I would give him a mention.

The amending Bill that recently went through both Houses of Parliament endeavoured to strengthen the Liquor Act. The Hon. Graham MacKinnon was quite right in saying that a provision was passed—clause 6 of the amending Bill—which gave the Licensing Court the power to suspend permits in certain circumstances. This was an innovation. Clause 48 of the Bill inserted a section 83A, part of which reads—

> 83A. (1) Where the Court, on the complaint of a member of the Police Force or a supervisor, is satisfied that the holder of a permit of a continuing nature has not complied with any term or condition thereof or has committed an offence against this Act, it may order that the operation of the permit be suspended for the period specified in the order.

I agree that members of the public do seem to be excluded. Indeed, it is only on the complaint of the police or supervisor employed by the court that action may be taken.

It is fair to point out that the police obviously would act on a complaint received from people living near a hotel from which a great deal of noise was emanating. I have no doubt that people do lodge complaints with the police in these circumstances and that the police take the complaints to the court. I believe that if the police were to take a complaint to the court they could bring witnesses—members of the public—who had lodged the complaints to back up their case. I may be wrong, but that is how I interpret the situation. The Chief Secretary will have a close look at this problem and has the matter under review. It seems this would be the normal procedure. The police would need witnesses to back up a complaint and my understanding is that that process would be followed. From the vigorous shaking of your head, Mr President, it would

seem you do not agree with what I am saying, but that is my understanding of the situation.

Obviously people are upset because of the noise they have to suffer from not just one hotel but from a number of hotels causing a similar problem. The Chief Secretary is definitely looking at this matter and no doubt a report will be available to the members who have expressed a concern and to the general public.

THE HON. H. W. GAYFER (Central) [5.24 p.m.]: For obvious reasons I am reluctant to join this debate. It would seem that most members live within the precincts of the area involved in this complaint. I owe thanks to you, Mr President, for my having an apartment in the block in question because you recommended it to me some years ago.

I agree wholeheartedly with the Minister for Fisheries and Wildlife when he said that if a complaint were lodged on a Sunday by someone from the apartment it should be heeded by the police. Mr President, if you were to allow me to take this debate into other areas I would have a lot to add, but I know I must confine myself to debating the document in front of you.

I do not want the Minister to be under the misapprehension that when, on a Sunday evening, there is a great deal of noise from bands and motorcars—in many cases motorcars which are parked in such a way that no-one can find access down a street even though there are no-parking signs, and the noise, which can go on after midnight, rebounds off the foreshore as noise does off water—and complaints are made to the police, they come running. If the Minister thinks they do come running he is suffering a big misapprehension.

I could bring in plenty of signed documents to show that action has not been taken. If action were taken something might happen. As I live in the area I could add a lot more to what has been said already, but I will not do so.

THE HON. P. H. WELLS (North Metropolitan) [5.26 p.m.]: I do not live in the area in question but I would like to comment on the motion put forward by the Hon. Phil Pendal, particularly about community representation and the Licensing Court. It is my contention that the views of the public are important.

I strongly agree with Mr Pendal's comment that we are getting more and more complaints from people affected by noise emanating from entertainment areas. He has highlighted a growing problem, especially now that modern equipment allows music to be played louder and louder.

I do not agree with his comment that the people who are responsible for the noise should not make a contribution towards policing the problem. I say this because in many other areas people contribute towards the cost of certain work in which they are involved. I am reminded that the Chamber of Mines—certainly in the past—paid for the detective staff who worked in the goldmining regions. I know this happened in the past because I lived alongside a detective who was so employed. The Chamber of Mines picked up the tab for these detectives.

Churches wanting to build halls are required by local governments to contribute towards the costs of providing parking areas. As people who provide entertainment centres require parking for a large number of people—people who would not have been in the area in earlier days—there may be a need for local government to review parking needs of these operations based on present-day use of the facilities.

The Liquor Act provides that some money from the liquor industry should go to the Minister for Education and the Minister for Health.

It is reasonable that we should ensure there is community representation if someone wants a licence and there is a chance that too much noise will be made. The people have a right to have their views heard. This is an area where people's rights are being infringed. It is a growing problem. The noise being created was not there when the people first went to these areas. We should consider strongly the possibility of requiring the entertainment industry to make a contribution towards the policing of this growing noise problem.

THE HON. P. G. PENDAL (South-East Metropolitan) [5.29 p.m.]: To reply briefly, I accept the Minister's point, which he made several times, that it is not merely a problem confined to a certain hotel in South Perth. I thought I had acknowledged the problem as being Statewide rather than confined to a particular area. In some respects I suppose it is unjust that one hotel be singled out.

The PRESIDENT: Order! One hour having elapsed from the time fixed for the meeting of the House, leave of the House will be necessary to enable the present debate to continue.

Leave granted.

The Hon. P. G. PENDAL: I in no way intend to crucify the hotel or its licensee. The question has been raised here and elsewhere, "Well, who was there first, the apartment dwellers or the hotel?" Indeed, the hotel has been there since before the 1920s, but I do add that it has not been

there in its present form. Its use as an entertainment barn of the type popular today is a relatively recent phenomenon—perhaps in the last decade or so. There are people who now live in the area who did live in the area when the establishment was a sleepy hollow for people to visit on a Saturday afternoon, as people did in those days.

I take the point of the Minister that people have an opportunity to put their views to a court if they are called as police witnesses. However, plenty of occasions occur when people do not want to have to go through that process. All I am asking for is a simple amendment to the Act which would give the Licensing Court the sorts of powers it believed for many years it already had.

I thank the House for debating the matter, because it certainly is of great concern to the people of my electorate and certainly of great concern to other members of Parliament. I would be greatly surprised if the Chief Secretary, in his capacity as an elected member of Parliament, does not have the same problem in his electorate.

Motion, by leave, withdrawn.

WORKERS' COMPENSATION AND ASSISTANCE BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

MRPA: WUNGONG GORGE AND ENVIRONS

Disallowance of Amendment: Motion

Order of the day read for the resumption of the debate from 27 October.

Debate adjourned, on motion by the Hon. P. H. Lockyer.

JUSTICES AMENDMENT BILL

Second Reading

Debate resumed from 10 November.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.35 p.m.]: The Opposition supports this measure, although it will seek a small technical amendment in the course of the Committee stage. As things now stand a defendant charged with a simple offence is required to appear at the Court of Petty Sessions in order to enter a plea of not guilty.

The Attorney General has indicated that the subsequent procedure has not been one without the consequences of people disagreeing with it and being confused by it. When the plea of not guilty is entered, all that normally happens is that the substantive trial is set to some future date. At the moment no provision exists for a plea of not guilty to be entered by mail. The Bill will overcome that deficiency in current procedures so that defendants will be entitled to forward a plea of not guilty by mail. They will not have to appear on the first return date—nor will the complainant. All that will follow is that the date will be set by the court officials.

Obviously the Bill has a great deal to commend it. It will avoid duplication and the waste of time and money on the part of complainants and defendants. Not least of all it offers the advantage of saving the court time. Considering the pressure under which courts operate, that advantage certainly is not the least.

We understand from the Attorney General that the provisions in this Bill very likely will be taken further on some future occasion with respect to indictable offences triable summarily, but that is not within the ambit of the Bill before us; we will have to wait for some future development in that regard. As for this Bill, it is sensible, and as I have indicated it is helpful to all parties. In principle the Opposition welcomes it.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.37 p.m.]: I thank the Hon. J. M. Berinson for indicating the Opposition's support for this Bill. I am sure the measure will be very beneficial for all concerned such as complainants, defendants, counsel, witnesses, and the public generally. It is one of the measures the Government wishes to take in order to facilitate the work of the Court of Petty Sessions. As the Hon. J. M. Berinson said, at a later date we hope to take further the question of indictable offences triable summarily, because that matter cannot be dealt with at this stage. At a later stage also, as the Government has announced, it is proposed to incorporate standard provisions in regard to infringement notices so that those notices can be made use of by any complainant—that is to say, any department or body which authorises a complaint—in a more simple manner. The decision in regard to that matter of course will have to be made by the particular body which authorises the complaint, and no doubt the process will be regulated in the legislation or rules of particular bodies. However, we have to provide a standard and simple way of having infringement notices issued and dealt with as expeditiously as possible, for the reason once again to reduce costs in the court.

The Law Reform Commission has as one of its projects the study of the Justices Act generally,

which is a very large project on which the commission has been working for some time. The commission has produced one interim report in relation to appeals and it is still working on the balance of the Act. It is hoped the commission will be able to tidy up a number of matters that require attention and which in practice have been overcome by various practical devices for which there seems to be some rather doubtful legal authority. In this connection we will rely on the work to be carried out by the commission. Most of these practices have applied since time immemorial; therefore, it has not been necessary to worry anybody with them.

The object of the Government in these matters is to have a greatly simplified system in the Court of Petty Sessions so it will be easier for people to issue complaints, for defendants and the public to react to complaints, and for the court to deal with the complaints. The formalities, which one might call the bureaucratic formalities, will be straightened out as much as they can be, bearing in mind the need to be just to persons accused of offences, and defendants who appear or may not appear in proceedings.

I have given notice of an amendment which will be dealt with in the Committee stage. I am indebted to the Hon. Howard Olney for drawing my attention to the matter. Members would have a copy of the amendment.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 134 amended—

The Hon. I. G. MEDCALF: As I mentioned, the Hon. Howard Olney drew my attention to an item in this clause requiring clarification. Section 134 of the Act refers to the dismissal of a complaint upon the non-appearance of a complainant. This section leaves some discretion in the court as to whether or not the proceedings shall be adjourned. Indeed, it leaves the matter as permissive rather than mandatory. In view of the proposed new section 136 which provides that the parties need not appear, it is quite apparent that section 134 should be made subject to proposed new section 136.

I move an amendment—

Page 3—Delete the clause and substitute the following—

Section 134 amended. 5. Section 134 of the principal Act is amended by deleting "If, upon the day" and substituting the following—

"Subject to section 136 of this Act, if, upon the day".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Section 135 amended—

The Hon. J. M. BERINSON: I have a burning ambition to move an amendment which has some prospect of adoption, especially since it is one of a truly radical nature! Therefore, I move an amendment—

Page 3, line 33—Add after the passage "summons," the word "and".

I confess this matter is not of very great moment, but I think the amendment will result in having the clause read better. I point out to the Attorney General that I would have suggested this amendment earlier had it not just occurred to me. The problem with the clause as drafted is that it follows the pattern of existing section 135 without taking note of the provisions which have been added. At the moment the omission of the word "and" makes sense because section 135 as it appears in the Act, and leaving out irrelevant words, reads, "where, at the time and place appointed by the summons . . . the defendant does not appear when called", and so on. Certain matters flow from that. Adopting that same pattern in the current legislation, again leaving out irrelevant words, the provision would read, "If at the time and place appointed by a summons . . . the clerk of petty sessions . . . has not received . . . notification . . . the defendant does not appear when called", which does not make sense.

The point I am putting is that what we propose in the Bill is a suggestion as to what should follow when two things occur, not one; that is, if at the time and place appointed, the clerk has not received a certain notification and if the defendant does not then appear, the consequences, as originally provided, will follow.

It is a small matter and I invite the Attorney General's suggestion to it. I do suggest to him that the inclusion of the word "and" would bring better sense to the section than its unamended form.

The Hon. I. G. MEDCALF: A further amendment follows and I am not sure about this amendment because I will need further time to look at it.

The Hon. J. M. Berinson: I have just noticed this.

The Hon. I. G. MEDCALF: I do not feel I should agree with this without looking at it carefully and ascertaining how it fits in with the words. I suggest to the honourable member that if we proceed, and if it is found that this amendment is terminologically desirable, I will undertake to request the Minister in another place to make the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 7: Section 136 inserted—

The Hon. I. G. MEDCALF: My attention has been drawn, by Mr Olney, to the suggestion that the notice of the amended day for the hearing should be served by registered post. This appears in proposed section 136(4)(a) and the question really is whether a notice should be served by registered post.

I prefer not to use registered post but I can appreciate that it is an extra way of proving service and perhaps an extra measure to make sure that the defendant did in fact receive notice of the further hearing. This is for a case where a person decides to plead not guilty by endorsing the summons accordingly.

I have an open mind on the matter. When the Bill was originally drafted the word "registered" was included, and the word was taken out at my instigation because I was thinking of bureaucratic costs, etc.

There should be an easy method. If the defendant did not receive the notice, he could have the proceedings upset and have a further hearing. On further inquiry, I have discovered that the method is not easy at all. If a defendant is convicted in his absence he can move that the decision be set aside and a date for a further hearing is fixed. In the circumstances, as there is no simpler method, it is simpler at this stage to insert the word "registered". It will be fair to the odd case where a notice has not been received; it is more likely to be received if the notice is registered.

One day we will be able to dispense with the need for registered post if we can provide a simpler way of fixing a rehearing if a person is convicted in his absence. That is one of the matters the Law Reform Commission might look at. I move an amendment—

Page 6, line 25—Insert after the word "prepaid" the word "registered".

The Hon. P. H. Wells: I thought the term was "certified".

The Hon. I. G. MEDCALF: "Registered" includes "certified".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

RESERVES BILL (No. 2)

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.52 p.m.]: I move—

That the Bill be now read a second time.

As is apparent, this is the second Bill of this nature to come before Parliament during the current session, the first having been introduced and passed during the autumn sitting.

This Bill comprises seven separate actions affecting Class "A" reserves and, in accordance with the practice for many years, has been brought before the house as late as possible in this sitting so that as many amendments as possible to Class "A" reserves can be included prior to Parliament's going into recess until the following year. I will deal with each separate action in the order of the Bill.

Agreement has been reached between the Public Works Department, the Public Service Board (accommodation committee) and the Town of Narrogin to the exchange of portion of Class "A" "civic centre site" Reserve No. 10523 for unvested "public building" Reserve No. 5630 at Narrogin. The purpose of Reserve No. 5630 is to be amended to "municipal purposes" and vested in the Town of Narrogin, and the portion of Class "A" Reserve No. 10523 now surveyed as Narrogin lot 1617 and containing an area of 2 991 square metres is to be set apart for the purpose of "public buildings". A right of way adjoining lot 1617 also has been surveyed and authority is now sought to excise a total area of 3 639 square metres from Class "A" Reserve No. 10523, which currently comprises 1.7965 hectares of land.

Class "A" unvested "park and recreation" Reserve No. 17957 at Mandogalup contains an area of 2.0234 hectares. The Class "A" classification and reservation was granted in 1960 to preserve an attractive array of peppermint and wattle trees which are still present. A road has been surveyed and constructed through this

reserve, and as the road's area of 1 415 square metres exceeds one-twentieth of the reserve area, Parliament's authorisation is required to excise the road from this Class "A" reserve, for subsequent dedication as a public road.

Class "A" unvested "parklands" Reserve No. 14063 comprises about 95 hectares and is situated approximately 12 kilometres south of Manjimup. The land was originally reserved in 1912 to protect a picturesque spot and preserve a typical representation of karri forest in this area. The Royal Australasian Ornithologists Union has advised that a great deal of research has been carried out on this reserve and these studies are forming a major contribution to the understanding of the biology, behaviour, and population dynamics of karri forest birds. An examination of this reserve by the Department of Fisheries and Wildlife has confirmed the reserve to be of outstanding value to conservation and it is highly desirable that its purpose be changed to "conservation of flora and fauna". Vesting in the WA Wildlife Authority will be arranged also.

Unvested Class "A" Reserve No. 28220, is set apart for the purpose of "conservation of flora" and comprises an area of 523.3749 hectares, on the northern bank of the Gascoyne River, adjacent to the Carnarvon townsite. The shire of Carnarvon has sought the excision from Reserve No. 28220 of an area of 39.9012 hectares as calculated from survey information, for inclusion with other areas of Government reserves and closed roads, for subsequent separate reservation for "horse agistment". The Department of Fisheries and Wildlife also has requested that the purpose of Class "A" Reserve No. 28220 be amended to include "fauna" and for this reserve to be vested in the Western Australian Wildlife Authority, which would recognise the existing classification as a nature reserve. The sanction of Parliament is therefore sought to this excision from this Class "A" reserve, and to the amendment of purpose and vesting.

The Metropolitan Water Supply, Sewerage, and Drainage Board has requested that a site be provided at Swan View to facilitate the construction of a water tank. The site covers portions of Class "A" John Forrest National Park Reserve No. 7537, unmade public road, and parklands Reserve No. 32485. Both the National Parks Authority and the Mundaring Shire Council have no objections to the excision from these areas for subsequent separate reservation for water supply purposes. Parliamentary approval is consequently requested to the excision of 2 892 square metres from Class "A" Reserve No. 7537 which currently comprises some 1 573.7862 hectares.

Class "A" water Reserve No. 1916, comprising an area of 255.4 hectares, is situated on the banks of the Frankland River some 9.6 kilometres west of the Rocky Gully townsite along the Muir Highway. The reserve is vested in the Minister for Water Supply, Sewerage, and Drainage and control was granted also to the Shire of Plantagenet, both of whom have agreed to a Main Roads Department proposal to establish a rest area alongside the newly deviated Muir Highway within Reserve No. 1916. Authority is sought to excise the site surveyed as Nelson location 13199 and containing an area of 9 035 square metres, from Class "A" Reserve No. 1916.

Under the terms of an agreement between the owner of freehold Victoria location 4598 and the WA Wildlife Authority, it was agreed that an area of nearly 51 hectares be transferred to the authority free of charge on the condition that it be set apart as a Class "A" reserve for conservation purposes. Reservation was finalised several years ago but through a misunderstanding it now seems that the agreement did not properly define the land; and following representations by the Department of Fisheries and Wildlife, survey has been carried out to determine the extent of an area to be granted back to the owner. As the reserve has been classified Class "A" in accordance with the donor's request, it is necessary to obtain the sanction of Parliament to excise the land from reserve No. 32907.

I table copies of the maps relating to this Bill, and I commend the Bill to the House.

The maps were tabled (see paper No. 525).

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

Sitting suspended from 6.01 to 7.30 p.m.

MOTOR VEHICLE DEALERS AMENDMENT BILL

Second Reading

Debate resumed from 10 November.

THE HON. I. G. PRATT (Lower West) [7.31 p.m.]: I shall start by making my position well and truly clear: There is no way in the world I will support this Bill, because there is no necessity for it.

I have a reason to thank and agree with the Hon. Peter Dowding, because he rose to speak on this matter the other night and the adjournment of the debate gave me the opportunity to investigate it further. I was out of the Chamber earlier and I returned in time to hear the end of

the Hon. Robert Hetherington's speech to the effect that the Opposition agreed with the Bill and hoped it would be passed very quickly. The fact that the Hon. Peter Dowding expressed his doubts about the matter gave me the time I needed to investigate it further.

Many of the remarks made by the Hon. Peter Dowding in his speech which is recorded in *Hansard* were very close to my own feelings in this regard. The Hon. Robert Hetherington referred to the fact that he had received representations from used motor vehicle dealers. In his speech the other night he said representations had been made to him in this regard and I do not have any quarrel with that. However, it appears to me that we should be calling this Bill the "motor vehicle dealers protection Bill", because in his second reading speech the Minister talks about protecting the public, but when we look at his speech and the Bill in detail, we find it does nothing at all to protect the public. The only people who will really gain any protection from the Bill are secondhand motor vehicle dealers.

In his speech which appears at page 5407 of *Hansard* of Tuesday, 10 November, the Hon. Robert Hetherington referred to the fact that this Bill would protect motor vehicle dealers from the kind of competition which seemed to them to be very unfair.

If members have been reading the Press in recent months, they will have seen that motor vehicle dealers in the secondhand trade have been inserting advertisements imploring people not to buy secondhand vehicles on the private market, on the basis that they would be taking great risks if they did so. The advertisements imply that anyone who bought a used vehicle would be well advised to buy it through a licensed dealer.

If one looks at the protection provided by a licensed dealer to a person purchasing a used motor vehicle, one finds that the dealer gives a warranty. However, does that mean the purchaser gets a warranty on the value of the vehicle? No, it does not. It means the price of the vehicle is inflated to cover the cost of the warranty and if it is not fully called on during the warranty period, it provides extra profit to the dealer.

I do not criticise dealers for this, because they are acting within legislation which we, as a Parliament, have passed and we cannot blame them for taking the utmost advantage of it.

However, I do not agree that we should pass this piece of proposed legislation which will provide added protection for used car dealers. I have a sheaf of Press cuttings which relate to this matter when it was aired before it came to Parliament. In these Press cuttings, and in the Minister's second reading speech, we find vague references to suitable or unsuitable people. It appears the Bill is designed to protect the public from unsuitable people running secondhand car marts.

In the case of the particular mart which brought this matter to a head, it was alleged the person who intended to operate it may have been unsavoury. Lists of the offences of this person were reeled off, firstly in answers to questions in another place, and secondly in the Press. Perhaps that particular person was an unsavoury type, but we get unsavoury types in all walks of life, whether it be politics, the legal profession, or the teaching profession.

However, no argument can be sustained against car marts merely because someone who happened to get involved in one was an unsavoury person. The gentleman who was speaking on behalf of the organisation which tried to run the fair (Mr Ron Norton), according to the *Daily News* of 21 October 1981, was the Director of the Multiple Sclerosis Society of WA and he said that Mr Harry Wilkins, the person about whom complaints were made by the Minister and others, was employed by the society's car fair business, Neutron Promotions. Whether or not it was intentional, the impression was created by the Minister responsible for this matter that Mr Wilkins was in fact the person running the fair and he had responsibility for it. However, if we are to believe Mr Norton, it appears Mr Wilkins was employed by the society to do a particular job. Therefore, the integrity of the running of the fair was not criticised, although perhaps a person employed by the society may have been.

The Multiple Sclerosis Society of WA took the opportunity to run the fair, because it was seen as a legal way in which to raise money for the organisation. There was a great deal of publicity prior to the fair in which warnings were issued by the department and the Minister to the effect that it could be illegal. The obvious intention of the publicity was to persuade people not to be involved in it.

In his second reading speech on the Bill, the Minister referred to the fact that further investigation established no offence had been committed. If that has been discovered now, surely it could have been discovered at the time the publicity was made with the obvious intention of wrecking the mart which was to be held on that particular day.

The proposed legislation will require that the person who provides the facility for private dealers to sell their cars shall obtain a licence equivalent to that of a motor vehicle dealer.

The Hon. Peter Dowding: It is only dealers and people in that situation who will get the licence. No-one else will comply with the legislation.

The Hon. I. G. PRATT: These people will have to have the equivalent of a motor vehicle dealer's licence, although they do not wish to trade-in cars or buy and sell them. They simply want to provide a yard where people can put their cars in order that other people may look at them and negotiate a purchase.

Why should one need to be registered to provide a facility where private buyers and sellers can do business? There is no need for the Government to be involved or for a Government department to interfere in this sort of activity.

Every time we look at the Minister's remarks in relation to the Bill we see references to protecting the public from themselves and that is a philosophy to which I do not subscribe. In his second reading speech the Minister said—

> To place responsibility on operators, they will be held liable for any loss incurred where the vendor sells a vehicle subject to an encumbrance.

A fair operator could place an advertisement in the paper inviting people to display their cars for private sale. These people would come along and pay a fee of $5, $10, or whatever the person running the fair may charge. He will ask to see the driver's licence the vehicle licence, and some proof of identity and place of residence of the person who wishes to sell the car. The vehicle may then be displayed.

It is possible such people will be required to sign a form indicating whether there are encumbrances on the vehicle. However, what happens if these people are dishonest and the car has just been bought on hire-purchase? According to this legislation, unless the person in charge of the fair places a notice on the vehicle saying he does not guarantee it, he is responsible for repaying the money expended. How ridiculous can one get! This would be a private sale between two individuals and the person owning the facility has no part in the negotiations whatsoever. However, if the person who sells the car does not own it, the person who runs the fair is liable unless he puts a sign in the window of the car saying that he will not take responsibility for it. What are we doing making laws like that?

The Press releases to which I have referred present a rather sorry story of an organisation trying to raise money by a method which is completely legal and which we are now trying to make illegal. As a result, such organisations will not be able to raise money in this way. Let us not delude ourselves as to the purpose of this legislation, because that is exactly the effect it will have. If we pass this law, bodies such as Apex and Lions, which may want to conduct a car fair to raise money for a particular charity or for some sort of worthy cause, will not be able to do so, because the only people who will be authorised to conduct such fairs will be businessmen.

The Hon. Peter Dowding: And they will not risk it, will they?

The Hon. I. G. PRATT: Businessmen probably will not risk it under this legislation. That is why I said earlier that we should probably be calling this Bill the "motor vehicles dealers protection Bill".

The only people who would be able to run these fairs are those who have businesses. There is no way the Armadale branch of Apex would register as a car fair operator. Therefore, we are effectively closing the door to a system which would provide an excellent opportunity for buyers and sellers of used vehicles to negotiate freely and organise a sale between themselves.

This system would provide an avenue whereby a considerable amount of money raised at a fairly low effort level could be channeled into charities when money is getting harder and harder to raise. That is exactly what we will be doing if we pass this Bill: closing the door to charitable institutions using this method of raising money. The speech in fact says this is an activity which could get out of hand. We have got to do this to protect the public. I have not had one member of the public approach me and say he is concerned. I understand no such approaches have been made by people who are concerned for their welfare as a result of the possiblity of used car fairs being held, and who see this as a threat to their economic future. Of course they have not made approaches, because as far as the general public are concerned used car fairs are a non-event. A person wanting to buy or sell a car is probably better off going to a car fair than advertising in *The Sunday Times* or *The West Australian*.

That brings me to another point: If we are so concerned that having these facilities where people can take their cars and buyers can come and look at them would be such a threat to the welfare of our people, why are we not legislating to stop private sales, because the principle is exactly the same?

The Hon. Peter Dowding: Why are we not legislating to ban car marts?

The Hon. I. G. PRATT: A good question! Any argument one can use to support this Bill to regulate car marts can be applied equally to any private deal of a secondhand car, any advertisement in *The Sunday Times* or *The West Australian*, or a deal with the person next door. I most certainly have purchased used cars and have not gone to the seller's bank to see how much money he has in case something has gone wrong, nor have I required him to tell me how many years he has been living at that address, or whether he has criminal convictions; but I have asked him if the car was his, and if he said it was, I have taken his word for it.

That is probably how 99 per cent of used car deals are entered into, because there are no titles to cars. Until we have a title for a car on which one can register a mortgage as with a title to a house, there is no way one can be absolutely sure there is no encumbrance on a vehicle. This applies not just to private sales, but also to sales through used car yards; we frequently find people have sold cars which have been on hire-purchase and there is a court case following their being found out, as there should be.

When I sit down I want the Minister to describe to me in reasonable detail just where we draw the line between a private deal conducted through somebody advertising in *The Sunday Times* and somebody ringing up and looking at a vehicle in a private deal bought through a trading organisation or something of that nature, bearing in mind that nobody else interferes in the sale. A seller is standing there and a buyer comes along and says, "How much do you want for it?" and they haggle about the price. If they come to a conclusion and the buyer is happy, they sign the transfer notes and the deal is complete. Perhaps I am lacking in perception to some degree, but I cannot see the difference. Perhaps the Minister can. I would like to hear it, if that is the case.

Before closing, I will read one small quote from a newspaper and do so without a great degree of enthusiasm because it does in fact make something of a personal attack on Mr O'Connor which I do not intend to make, but I believe the feelings expressed in it hit the nail pretty squarely on the head. I apologise to Mr O'Connor for quoting it, but the reasons are pretty direct. It is from the *Sunday Independent* of 18 October 1981, and says—

HOBSON'S CHOICE

STOP treating us like dills.

That's the message for a State Government which practises socialism under the guise of protecting its people.

When he intervened to warn prospective patrons against the Multiple Sclerosis Society's Charity Car Fair, Labour and Industry Minister O'Connor was protecting licensed car dealers, not the "unsuspecting public".

It is spurious of Mr O'Connor to argue that the Government's priority is concern for the public.

Any prospective buyer at the car fair at Richmond Raceway last Sunday had the right to have his purchase mechanically checked before completing the deal.

But that decision was his or hers alone, and while buyers were entitled to redress for any hidden defects, they also had an obligation to clearly understand what they were buying.

Fundamental to the argument against Mr O'Connor's actions is that he removed the freedom of choice . . . the freedom to decide whether one wanted to purchase a defective vehicle (for which repairs were required) and the freedom to benefit from a purchase which was not subject to a large selling commission.

He stamped out an initiative which would have benefited those less fortunate than most of us—for that he offered no alternative.

Most signficantly he reinforced our view that Western Australia is not a free country.

Obviously I do not agree with parts of that article as I believe Western Australia is a free country, but I do believe Bills like this significantly reduce that freedom and that we as a House of Review have a very clear responsibility to look very carefully at legislation like this and to ask ourselves: Is there a need to present it? Is there a necessity to pass it? What effect will it have when it is passed? In this case it will achieve nothing and will detract from the basis of charity organisations' fund raising activities. It puts a yoke on the freedom of the individual to trade freely in his property.

There is mention in this article of socialism, which subject I do not wish to make part of my speech because I do not believe this is a party type of Bill. It is a Bill about people, and their rights

and feelings. I hope, perhaps not with great anticipation, that some other members also will question this Bill.

THE HON. G. C. MacKINNON (South-West) [7.55 p.m.]: I join with Mr Pratt and rise to do so because last week I was talking to a group of people who were discussing the way in which so many things are agreed to almost routinely in this place. I mentioned that many things were opposed in other meetings associated with Parliament and they pointed out, not for the first time, that it is a pity such views were not made public. As I have every intention of supporting Mr Pratt—and, indeed, on every occasion when this Bill has come forward at a party meeting, I have opposed it—I thought I ought to stand up and say why.

From a philosophical point of view, I see absolutely no difference between selling cars at a fair, through *The Western Mail* or *The Sunday Times* or *The West Australian*, at an agricultural show, or at a field day. All of these functions are run by somebody. If there are infringements of the law, they ought to be brought to our notice and something ought to be done about them.

I want to mention another aspect of it: More and more regularly we are becoming a Parliament of "ad hockery" if such a word could be introduced—

The Hon. Peter Dowding: Hear, hear!

The Hon. G. C. MacKINNON: —whereby all of a sudden somebody runs a car fair and sells some cars and the following week we make a law about it.

The Hon. Peter Dowding: Hear, hear!

The Hon. G. C. MacKINNON: When a person finds a group of lawyers who have not done their homework properly and have made a mess of a particular piece of legislation—what about some hear, hears for them?

The Hon. I. G. Pratt: I will "hear, hear" for that.

The Hon. Peter Dowding: We entirely agree.

The Hon. G. C. MacKINNON: So we have another piece of legislation to patch that up. In contradistinction with that, might I mention that recently there was a great case which was contested for 32 years—after I raised the issue, I might add, with some conceit—in which the Federal Government had to prove that a possibility in its Repatriation Act was not caused in order to avoid a liability. The Government did not rush in with a law to correct that, but lived with that law. It has not rushed in yet.

The Hon. P. H. Wells: It is still studying it, isn't it?

The Hon. G. C. MacKINNON: Okay, it is still studying it. We would have had a law introduced and everybody would have voted for it just like that, because it was brought in by the Government. The argument would have been that it was what we believed was the situation so, therefore, we ought to vote *ad hoc*.

The Hon. Peter Dowding: Some of us may not have voted for it.

The Hon. G. C. MacKINNON: Mr Dowding had his piece to do last week, he had to do what he was told to do.

The Hon. Lyla Elliott: Now, now, remember the Liquor Bill!

The Hon. G. C. MacKINNON: I have seen some disgraceful performances, but Mr Dowding's performance last week really took the cake when he left fellows like my good friends Jim Brown and Colin Jamieson in such a terrible situation.

The PRESIDENT: Order!

The Hon. Peter Dowding: Come on! If you had been a bit more frank with people, it would not have occurred.

The Hon. R. Hetherington: You got away with it last week, but don't keep on about it. It is a lot of nonsense.

The PRESIDENT: Order! I suggest to the honourable member that he confine his remarks to the Bill we are now discussing.

The Hon. G. C. MacKINNON: I am sorry. I was sidetracked, Mr President. There was an indication by members opposite that they were trying to stand on my opposition to an action of the Government and make some capital out of it. Those members do not deserve to make capital out of anything and I got a bit upset about that and allowed myself to be sidetracked. My apologies, Sir.

I return to what Mr Pratt was talking about. There is no doubt that every Liberal who has accepted the philosophy of Liberal beliefs will of course support Mr Pratt. I have no doubt whatsoever that the ALP will vote for the Bill and the Minister, with luck, will find himself in the situation where he will have the Australian Labor Party voting with him and, of course, his two colleagues and the officers of Parliament and all the rest of us voting against him. I hope that is what will happen because this is absolutely no different in principle to an agricultural show.

The Hon. I. G. Medcalf: You are reflecting there. Officers of the Parliament have not got a vote and I am sure they would not be biased.

The Hon. G. C. MacKINNON: I am sorry, I meant the officers of the House, the Whips, the

Deputy Chairmen, and people like that. The Minister knows jolly well what I meant.

The Hon. R. J. L. Williams interjected.

The Hon. G. C. MacKINNON: Mr Williams should speak loudly enough at least for *Hansard* to hear.

The Hon. R. J. L. Williams: I said they sell new vehicles at agricultural shows.

The Hon. G. C. MacKINNON: New vehicles or secondhand vehicles—it does not matter. I am grateful for the interjection, but what is the difference? It is a fair organised by a group of people in order that a trade meeting may take place. A trade fair, agricultural show, or a secondhand car fair—what is the difference? I can understand people who want things run by the State objecting to that sort of principle. I cannot understand the Liberal Party objecting to it and furthermore I cannot understand Liberal members agreeing to it—particularly those Liberal members who talk about free enterprise.

I faced criticism from many of these people when I was running socialist enterprises like the education system, the health services, and the like, which are without doubt socialistic enterprises. However, the selling of motor vehicles is the epitome of private enterprise—nothing epitomises private enterprise quite as much as the motor industry. It is like horse trading in the early days.

The Hon. Peter Dowding: You are talking about a good argument; that is hyperbole.

The Hon. G. C. MacKINNON: I cannot even spell that word!

The Hon. Peter Dowding: Mr Pratt has some good points.

The Hon. G. C. MacKINNON: I try to speak simply in terms of Liberal philosophy and in fact it is my intention to support Mr Pratt in his proposition that there should be no way in which the secondhand motorcar fair should be prohibited from operating. There is no distinction whatsoever between a car fair and the selling of motor vehicles through advertisements in newspapers and trade fairs which are such a feature of country life in Western Australia. It is my intention to oppose this legislation.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [8.02 p.m.]: I would like to make reference to Mr MacKinnon's comments before I make reference to the main speaker's comments.

The Hon. G. C. MacKinnon: Mr Pratt is the main speaker.

The Hon. G. E. MASTERS: Mr MacKinnon would know as well as I do that this is not an *ad hoc* situation or an *ad hoc* Government and that Bills come before this Parliament regardless of which Government is in power. The Government changes Acts only if there are good reasons to do so. Challenges are made at all times concerning interpretation of legislation and in the member's time—and during his time as Leader of this House—Bills and Acts of Parliament have been changed. I do not blame him for that.

The Hon. Peter Dowding: It is the same old speech to defend a piece of legislation—the same old speech.

The Hon. G. E. MASTERS: Mr MacKinnon knows very well that Acts of Parliament need to come back to this House to be altered as time goes on because of the challenges made on legal interpretations. I know very well how he operates. I was not Government Whip under him for three years not to know every blink of his eye and not to know how he operates, and the House on this occasion could be misled by some of the comments he has made.

Mr Pratt said it was necessary for this Bill to come before the House in order to protect the car dealers. I do not accept for one moment that point. This Bill is specifically to protect the public. I am sure you, Sir, would agree the intention in this Bill is not to prevent those people who wish to become car market operators from doing so. Anyone in this Chamber could certainly become a car market operator. All he has to do is apply and fulfil certain requirements. He must be of good character, and that is only reasonable when dealing with car market arrangements. It is not a matter of whether a person has had previous experience or whether he is conducting a business. What we are doing is offering protection to the public from those people who are entrepreneurs in this field and may not be of good character. When a car fair is conducted large numbers of people congregate together, and they need protection from unfair practices.

A car fair is totally different from the sale of cars by backyard car owners and it is also different from my putting a car in my front yard with a "For Sale" sign on it. If anyone in this House were to purchase a car in that manner he could check on the owner and do some background research on him and the vehicle.

The Hon. I. G. Pratt: How would a person do that?

The Hon. G. E. MASTERS: If I were to buy a car in that manner I would make sure that the owner was a responsible person and I could do this in various ways, including questioning the next-door neighbour to establish the bona fides of the owner. When buying a car in this manner a

person does have avenues of checking. In the instance of a car fair a whole racecourse could be full of motor vehicles and a purchaser could not check on the ownership of a vehicle in which he may be interested. However this aspect will be covered under this proposed legislation. We are not saying there needs to be a certificate but we are saying that the person selling the vehicle should have some responsibility, otherwise the public could be misled, and any Tom, Dick, or Harry would be within his right to sell total wrecks. Under this legislation the person organising and setting up the venue will be responsible for the sellers. The organiser must fulfil certain requirements and one of them is that he must be over the age of 18 years—

The Hon. G. C. MacKinnon: The first international traders were pirates. That did not mean international trading was in the hands of Billy the Kid.

The Hon. G. E. MASTERS: I do not follow Mr MacKinnon. We are simply asking that the person who wishes to conduct a car market should be a car market operator in terms of this proposed Act. This means that he must be of a certain standard within the community. We do not want crooks operating these fairs in order that they may make a quick dollar, and this certainly may happen in the future if this legislation is not passed.

I mentioned that the organiser of a car fair must fulfil certain requirements and these include: He must be over the age of 18 years, of good character—and this can be checked—and he must have reasonable material assets. He cannot whizz in and make a quick dollar and then leave. He must be able to fill the commitments and obligations under this Bill when applying for a license to operate a car fair. Mr MacKinnon could register and so could Mr Pratt.

The Hon. G. C. MacKinnon: You are talking the greatest load of nonsense that I have ever heard you talk.

The Hon. G. E. MASTERS: Do not get upset.

The Hon. G. C. MacKinnon: You will be ashamed of what you have said when you wake up tomorrow.

The Hon. G. E. MASTERS: I am not like Mr MacKinnon who waffled on, accusing the Opposition, etc., and totally disregarding the Bill. I am trying to keep to the Bill.

The Hon. G. C. MacKinnon: They sidetracked me.

The Hon. I. G. Pratt: Can you tell us how people buying cars at car fairs will be able to check up on the background of the seller by approaching next-door neighbours?

The Hon. G. E. MASTERS: Where a person sells a car privately in his back yard one can easily check up on him but where a person is interested in buying a car that is displayed on a large arena there is no way of checking on the person selling the car.

The Hon. I. G. Pratt: So, why do you register the owner of the yard?

The Hon. G. E. MASTERS: It is not registering the owner of the yard it is registering the organiser of the fair. He must establish ownership of the vehicles and if he is not prepared to guarantee ownership, he must signify such is the case.

The Hon. G. C. MacKinnon: Compare this with a person selling a car through the "Readers Mart".

The Hon. G. E. MASTERS: There is a big difference which I have already explained. In the case of an individual sale there are ways and means of checking on the seller's background—one could ascertain the name of a business associate—and people should do this. They should not answer an advertisement and purchase a vehicle without checking up on the seller. In the case of car fairs there would, under this legislation, be ways and means of checking up.

The Hon. G. C. MacKinnon: That is right. Friends of mine have bought a car just like that.

The Hon. G. E. MASTERS: If I may, I would like to return to the Bill. It is a serious Bill even though the honourable member is treating it in a frivolous way.

The Hon. G. C. MacKinnon: You are an absolute disgrace to the Liberal Party.

The Hon. G. E. MASTERS: Let me get back to it! This is a Bill which will protect the public. It does not prevent the genuine person from operating a car fair. He simply has to fulfil certain requirements in order to operate a car fair. Those people who may be undesirable and work a rort to make a quick dollar are the people who will be affected by this legislation, and they are the reason for it. Markets of this nature could operate and be of danger to the public.

The purchasing of a vehicle is of great importance to people—it is an important issue to invest in a vehicle—and purchasers need some sort of protection. The Bill before us will give purchasers of vehicles the necessary protection.

In the Committee stages of this Bill we may debate certain clauses. I would like to assure

members, that the Bill has been put forward with goodwill and good spirit. People purchasing vehicles can be under a great deal of apprehension unless they have the protection which is inbuilt in this Bill. I ask members to support it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. I. G. PRATT: The title, as I stated in my second reading speech, is not appropriate for this Bill. I make the point that the Minister is doing his job and I do not make any personal criticism with regard to what he has done. I just happen to disagree with what he is doing and with the words he has used.

I do not believe that the Minister, in his reply, answered the questions I have asked—but that is up to him. He has the responsibility of handling this Bill. I am concerned about the free trading aspect in relation to car fairs. If a car fair has to be registered I ask if legislation will be introduced to register swap-meet promoters together with things of this kind—

The Hon. G. C. MacKinnon: Opportunity shops.

The Hon. I. G. PRATT: Yes, opportunity shops could be next in line. These swap-meets are operated on exactly the same principles as car fairs—people get together and sell all sorts of things.

People probably sell things at swap-meets that they have on hire-purchase. I do not condone it, but it happens because we have all sorts of people in our society. Quite probably people take stolen objects to swap-meets to sell them. Again I do not condone that, but I believe there is much less chance of stolen cars being offered for sale at car marts, than there is of stolen goods being offered for sale at swap-meets. If we really are concerned about the protection of the public, we will introduce legislation in the near future to register and license people promoting swap-meets.

Again I protest that this Bill should be titled the "motor vehicle dealers protection bill" rather than the "Motor Vehicle Dealers Amendment Bill". I hope the Minister will agree with me.

The Hon. G. E. MASTERS: I cannot agree with the suggestion of the Hon. Ian Pratt. I dispute his suggestion that the Bill should be titled in the way he has suggested. In all sincerity I believe this is a Bill—and it will eventually become an Act—that will protect the public.

The purchase of a vehicle is a major investment for many people, and it is not necessary to place people in such situations of risk when purchasing vehicles. We are in no way protecting the regular dealers; we are in no way preventing people from selling their own cars from their own back yards. That is not the intention at all. I am not treating this matter at all frivolously. I hoped that my reply would have satisfied the honourable member, but obviously it did not. I respect his view but I also believe it is essential to protect the public. I urge members to support the clause.

The Hon. I. G. PRATT: I do not intend to delay the Chamber further, but I would like to ask the Minister whether he is able to tell us when he will introduce legislation to control swap-meets. Perhaps the articles sold at swap-meets are not as expensive as motor vehicles, but in the case of, say, a youngster who is buying a secondhand stereogram for a few hundred dollars, I submit he has just as much right to be protected as does the person buying a car. I admit there is a possibility that a car may have been stolen, but so to may the stereogram. I will not be too disappointed if the Minister is not able to answer my question, but I hope he may be able to give me some indication that legislation will be introduced in the future to control swap-meets.

The Hon. R. Hetherington: No doubt he will look into it!

The Hon. G. E. MASTERS: I have no knowledge of any such legislation being under consideration at this time.

Clause put and passed.

Clauses 2 to 16 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

GRAIN MARKETING AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 10 November.

THE HON. J. M. BROWN (South-East) [8.21 p.m.]: In his second reading speech the

Minister said that the purpose of this Bill is to ensure—

> that the Grain Pool of Western Australia has the power to trade, on a private basis, oats and other grains that are not compulsorily acquired or being received into a voluntary pool; and
>
> that the Grain Pool's transactions in relation to oats since 31 October 1980, are legally valid.

The necessity for this Bill arose as a result of inquiries from the Crown Law Department about the validity of the Grain Pool's trading in grain on a warehousing basis with other competitors.

It should be noted that until the present time two types of grain have been specified under the Act; they are, prescribed grain and approved grain. Prescribed grain is barley, linseed, rapeseed, lupins, and any other grain which is listed in subsection (2) of section 20. Approved grain is grain which is subject to current approval by the Minister under section 26 of the Grain Marketing Act. Under the Bill now before the House we will have a further classification of authorised grain; that is, authorised grain by virtue of a current declaration by the Minister under section 34A.

So when this measure is passed, we will have three types of grain; that is, prescribed, approved, and authorised grain. No doubt the Minister will enlighten us in due course, but I assume that the authorised grain will be oats and that is the reason for the introduction of the Bill.

The Opposition agrees in general principle with this measure, but we have several questions about it. I would like to commend the Grain Pool of Western Australia for the part it has played in handling grain over many years, and in particular for the return to the growers for which it has been responsible. I believe that, because the Grain Pool moved into the warehousing of oats during the delivery season of 1980, quite a satisfactory return was paid to the growers. Members will well recall the deliberations that took place with Co-operative Bulk Handling Ltd. in relation to charges. Eventually agreement was reached between representatives of the Grain Pool and CBH, and of course, we support anything that will benefit the growers and the State.

I hope that eventually the matter will be resolved for the benefit of the growers and the people of the State. For this reason I wanted to acknowledge, right from the outset, the important part played by the Grain Pool of Western Australia in regard to its handling of grains. The Grain Pool has a good international reputation, and through the expertise of its officers, we have been able to capitalise on the grain markets and utilise the best facilities available to us; I am referring, of course, to the facilities at the CBH terminal.

Recognising that warehousing is now occuring, I would like to ask the Minister a question. If this amending legislation had not been introduced, and if the Grain Pool were still acting under the existing Act, there would be Government guarantees from the Treasury for the purchase of oats. So why is it necessary to drop that traditional, businesslike, common sense approach? As oat pools are no longer in existence and warehousing is in operation, and recognising the philosophy of the Government, we should seriously consider withdrawing this Bill which will take away the right of the Treasury to support the Grain Pool of Western Australia. I will be very interested in the Minister's reply to this question, and I trust he will give us the information before we reach the Committee stage.

I would like to refer to the comments of the Attorney General in a recent Press article. He was referring to the amount of retrospective legislation that has been passed in recent weeks, and the retrospective legislation that has still to be dealt with. The article to which I am referring appeared in *The West Australian* under the heading "Backdated Laws the Order of the Day", by Mark Skulley and Carl Kitchen. The article reads—

> The Attorney-General, Mr Medcalf, said that laws under which statutory corporations such as the Grain Pool and MWB operated were often changed.
>
> He said that both these bodies were in effect companies in the business of marketing a commodity under normal commercial conditions.
>
> But the powers of statutory authorities were strictly curtailed compared with private companies, firms or individuals operating in business.
>
> Such a government authority could possible stray from the strict rules in the normal operation of its business in keeping up with changing business conditions.
>
> Mr Medcalf said that retrospective legislation was sometimes needed in the public interest and certainly to protect the revenue.

I agree with all the reported comments of the Attorney General. There is a special case to ensure that statutory authorities can function

within the rules and regulations as prescribed by Parliament. So there is no quarrel whatsoever with the comments of the Attorney General—in fact, that is what we are talking about today. However, that brings me to clause 7, which proposes an amendment to section 36 of the principal Act.

Section 36 (1) of the principal Act states—

> The Treasurer of the State is authorized to guarantee on behalf of the State, on such terms and conditions as he thinks fit, repayment of any money borrowed by the Grain Pool under this Act and the payment of interest thereon.

Subsection (2) indicates how the Treasury shall fulfil the obligations applying. Clause 7 of the Bill seeks to delete the words "the Treasurer" and substitute the passage "subject to subsection (3), the Treasurer". The Bill provides also for the following amendment—

> (b) by inserting after subsection (2) the following subsection—
>
> " (3) This section does not apply in respect of money borrowed by the Grain Pool for the purposes of trading under Division 2 of Part III of this Act. "

I am concerned because of the confidence held by the growers, the producers, the handlers, and the consumers in the operations of the marketing of grain. With all this expertise, the marketing authorities deserve all the support they can get from their legislators in order to help with the promotion of their task.

The move by the Grain Pool into warehousing last year was of great benefit to the growers and to the State as a whole. The withdrawal of this provision as it relates to authorised grain disturbs me. I cannot understand why we should now take away this provision, and I ask the House to consider this point. It is a principle we have always supported, particularly those members involved with the agricultural industries. Those members certainly have recognised the great benefit and rub-off from orderly marketing.

It goes right through the system, from the time the producers take delivery of machines, superphosphate, and grain, sow their crops, and carry out harvesting, to the time the grain is taken to the Grain Pool. I am not pleased that we should be taking this away. I do not see why we should finish something we have pioneered.

I think the time will come again when we will have an oat pool. This will come about because of prevailing circumstances. We have no greater industry than this, with the exception of the mining industry. No industry has more highs and lows than the agricultural industry.

We support the contents of the Bill. We recognise it has been brought forward to change the designation of authorised grain. We recognise the power of the Minister, and we acknowledge that the growers have the right to stand as members of the Grain Pool. Apparently growers were disfranchised under the warehousing system, and they want to make sure they have the right to become members. The Bill tidies up certain matters and is supported by the Opposition.

We appreciate that there will be surplus funds which can be utilised by the Grain Pool, acting on the advice of the Minister, for the benefit of the growers, to market grain or even to return surplus funds to the growers as a result of trading by the Grain Pool.

We recognise the great job which has been done by members of the Grain Pool. We hope they will continue in the way they have worked in the past. We certainly could not afford to lose their expertise in world markets. Once we lose our world markets they are very hard to recapture.

I do not want to comment on freights or other costs because that is not covered by the import of the Bill, which is to regularise a certain matter.

I acknowledge what the Attorney General has said about the responsibility of statutory authorities. I do not see why we would want to take away an advantage which has been given to this statutory authority. I do not think we gave it an unfair advantage over private competitors. The Grain Pool having a Treasury guarantee would in no way inhibit the activities of any competitor. Farmers know the bona fides of the people who work in stock firms and various organisations that purchase oats. I cannot see any way in which a Government guarantee would inhibit private organisations, but it would certainly restore to the Grain Pool an operation it has enjoyed throughout the years.

THE HON. H. W. GAYFER (Central) [8.37 p.m.]: This Bill seeks to validate the marketing practices of the Grain Pool and to place the practices, particularly those of last year, beyond any legal doubt. The Bill authorises the Minister to prescribe grain by proclamation, and this procedure will enable the marketing practices of the Grain Pool to be placed beyond any doubt.

The Grain Pool is recognised throughout the world for its marketing prowess, for the competence of its operations, and for the trust placed in it by countries which deal with it.

The Grain Pool is certainly competing in this field with other business houses and I have no fears about its ability to hold up its head and do for the growers in the future what it has done for growers in the past; that is, to get the best possible price for any of the products which it is entrusted to sell. The reputation the Grain Pool has gained in Japan and other countries cannot be bought cheaply or freely; it is a reputation that has to be earned over many years of trading and building trust.

All through the Far East in particular, the Grain Pool, because of its unblemished record and the trust it has built up as a co-operative, has been able to gain the recognition of Governments and purchasers. This is something no other company or organisation can readily obtain in any one year. It is something that takes a lot of building up.

The Minister would know what I am driving at when I say that this trust is necessary, otherwise there can be no dealings at all.

There are some doubts as to the ability of the Grain Pool to operate in opposition to a private trading house. This Bill will clear up this area once and for all. Mr Brown raised other aspects of this matter and most of these were mentioned in another place and answers were given in that place.

The Bill has been introduced at the request of the Grain Pool. We support it. We support anything that will put beyond doubt the legality of this great Western Australian institution trading in overseas markets in opposition to other traders that would seem to have an advantage.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.42 p.m.]: I thank the Opposition and the Hon. Mick Gayfer for their support of the Bill. I am sure the members and the directors of the Grain Pool will be very heartened to read their complimentary remarks about the work of the Grain Pool in marketing grain for Western Australian farmers.

The only query raised involved the Government guarantee. Mr Brown explained that there were two forms of grain previously; approved grain and prescribed grain. Basically, approved grain involved a grain where a voluntary pool was formed by those producers who wished to market their grain through CBH and the Grain Pool system. With prescribed grain it was compulsory for farmers to do this. This applied mainly to wheat, but also to other grains.

Recently when private companies were purchasing oats and were perhaps endangering the good name of Western Australia by not being able to handle the grain as efficiently as CBH—particularly in regard to the control of vermin such as weevils—it was found that the Grain Pool was not able to compete with private companies, which were not obliged to handle all grain delivered to them. Warehousing was introduced so that CBH could handle oats on behalf of producers.

Those who had grain stored at CBH were able to sell it by a warrant or they could take it back at a later stage. So we really had a third type of grain at this stage. Indeed, the Grain Pool was handling some of these warrants.

The legislation is to ensure that the actions were legal. This Bill, like many others, is to ratify something that everybody considered to be all right, but about which some legal doubt has been raised. It is better to ensure that something is correct rather than allow any doubt to exist. As Mr Gayfer said, the reputation of the Grain Pool is without doubt very high throughout the world. There is no way we want the Grain Pool to be seen to be doing something illegal.

As these warrants are for grain already delivered, there is not the same need for the Government to guarantee loans on the handling of the grain. For this reason the Grain Pool has not requested the guarantees. It has been recognised that the guarantees have been of great benefit when a pool has been conducted and the handling of certain grain has been compulsory. The Grain Pool prefers not to utilise the facility for such grains being adequately dealt with after they have been delivered, which are in a warehousing situation.

One of the difficulties in regard to oats is that they are not as easily handled as barley and wheat. Mostly the poorer grades of oats are used for stock feed, and the people who live way out in the country must pay high freight rates to transport oats for sale. After costly transportation charges there is often little profit left, particularly if the oats have a low feed value. It is much harder to establish protein values with oats than it is for barley and wheat. The number of varieties has made the situation very difficult indeed.

CBH is not required to handle all oats, and certainly it does not have to handle poorer types of oats. CBH can specify, as can the Grain Pool, which type of oats it wishes to handle. I hope I have answered satisfactorily the question in regard to the guarantee of loans by the Government, and I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 5 amended—

The Hon. J. M. BROWN: I am sure we all agree on the definitions of "authorised grain", "improved grain", and "prescribed grain". I take this opportunity to point out that the power to sell off-grade oats that may be delivered will be lost. The Grain Pool used to receive those types of oats—such as stained oats. I have known of occasions when those types of grains have fetched a higher price than good quality grains, of course depending on sales activities. No longer will the pool handle off-grade oats, a situation which rather disturbs me. I will follow up the matter at a later stage.

I meant to mention this matter during my second reading speech and refer to what is happening in regard to the marketing of oats. I will take up the matter of the Treasury guarantee when the appropriate clause comes up for discussion, but I point out at this stage that the change of format is to my mind not satisfactory. A case in point relates to a friend of mine who lost 300 acres of grain because his property was hit by hail. Seasonal conditions have an effect, and I am sure all members know the matter about which I am talking. No ready market exists for the pool to sell this grain, and that is disadvantageous to producers.

In addition, I refer to the lack of orderly marketing that takes place, which naturally is disadvantageous to consumers. If it does not take place a handler does not have a chance to be involved. Probably there is no question to answer in regard to my remarks relating to authorised grain; however, we should be aware that no longer will there be marketing facilities of the type we have had.

As I have said, no reason has been given for the curtailment of Treasury guarantees. The Minister has not given an explanation to me. Surely it is wrong that no provision is made for off-grade oats. It is something we have lost with new marketing. I wonder where the situation will end in regard to our now not having something available which in the past was available.

I acknowledge that the Grain Pool does a perfect job—it is 100 per cent—and has world experience. I acknowledged that during my second reading speech, but I do believe every producer should have an opportunity to have a slice of the cake. With this provision we will lose a benefit by not having a thorough marketing of grain process.

The Hon. D. J. WORDSWORTH: Unfortunately at times producers are their own worst enemies. The marketing of oats has illustrated that many producers wish to sell privately the best grain they produce but want a pool or some other organisation to handle their off-types of grain and stained grain, as Mr Brown mentioned. This situation makes the operations of CBH very difficult when it attempts to keep different grades apart, and it makes the Grain Pool marketing procedures—

The Hon. J. M. Brown: They don't do it for nothing when they keep them apart.

The Hon. D. J. WORDSWORTH: That is so, and the process is very expensive. A definite market exists around the world for top-grade oats. The market particularly relates to baby-food producers and producers of similar products if the oats are very well prepared. However, it is very hard to market the poorer types of oats. The cost of freight starts to catch up with the value of the produce, so it must be marketed fairly close to where it is produced. That is why producers who feed oats to their animals, or supply oats to the manufacturers of animal feedstuffs, come into the market.

Clause put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Division 2 inserted—

The Hon. N. E. BAXTER: This clause deals with authorised grain. Mr Brown referred to stained grains or others not of a first-grade quality, and particularly related his remarks to oats. He said the prices obtained for stained grain can be higher than those obtained for quality grains. That situation can occur only in years of light production. In any year that production is near the average, that stained grain could not fetch a price the same as or higher than top quality grain. A high price cannot be obtained for stained grain whether it is pooled or otherwise. If a producer stores his inferior grain he must bear the high cost of that storage, which is more than the cost of disposing of it by any method. The grain cannot be sold until late in the season when oats of a good quality are scarce. People then buy that poorer quality grain for feed.

The Hon. J. M. Brown: In Italy they paid the premium price for that poorer grain.

The Hon. N. E. BAXTER: The premium price is not normally obtained for that grain. The situation arises only in light seasons.

Clause put and passed.

Clause 7: Section 36 amended—

The Hon. J. M. BROWN: If I heard the Minister correctly, he said that the Grain Pool did not need a Government guarantee on the handling or warehousing of oats because of the warrants. This matter as far as I am aware was not canvassed during the Minister's second reading speech or in his reply. I will reiterate my point in regard to the requirement for a guarantee. The Grain Pool has been operating in a certain way throughout the period of its existence—not just since 1975. I wonder why this provision is necessary. The Minister just said that the Grain Pool does not need the guarantee, but that answer to my mind is not complete. It is not sufficient to say just that the Grain Pool does not require the guarantee, so perhaps the Minister will find out exactly why the Grain Pool does not require the guarantee, because the answer is important to producers generally. In fact, it is very important not only to producers, but also to other people involved in the industry.

Even though the Minister said there is no need for the guarantee, the occasion may arise of there being a need. It would not be good enough for the Minister to say that if there is a future need appropriate legislation will be brought in. I do not understand why the guarantee is not needed for one type of grain when it is needed for other types. I would like a satisfactory answer to the questions I raised during my second reading speech, and which I again raise at this stage. Why was the guaranteee not needed, and why will it be withdrawn? Why did the Grain Pool say it does not need the guarantee? We must have the answers, so that the provision can be endorsed unanimously. It is proper that we get the right answers.

The Hon. D. J. WORDSWORTH: In my second reading speech I described the actions which took place during the last year in respect of the Grain Pool. The Grain Pool decided to buy oat warrants issued by Co-operative Bulk Handling Ltd. for cash in direct competition with other private traders, believing it had the power to do so under the Grain Marketing Act. I then continued to say that the Crown Law Department had some doubts about the Grain Pool's power under the Act. All it is doing is buying warrants in competition with other private traders. It has been decided that the Grain Pool will act in the same manner as other traders. There has been no specific request to my knowledge, either publicly or otherwise, for a Government guarantee, and that is the reason that has been excluded from this legislation.

The Hon. J. M. BROWN: The answer is not satisfactory. I related what occurred with statutory authorities and why they need special efforts and legislation to assist them. That is what the Attorney General indicated in a Press release; that Grain Pools, in fairness of competition, act as traders. I have canvassed this and I do not think for one moment that having a Government guarantee would inhibit any private operators in the field of purchasing oats or grain.

I indicated that quite clearly; in no way would any private operator who has existing contracts with a farmer, through stock firms, etc., believe it would be any special advantage to the Grain Pool. Perhaps there may well be no disadvantage, and that is what I wish to make sure of; that there is no disadvantage to the Grain Pool.

The Government introduced this legislation and I think we are entitled to know the reason that there is not to be a continuation of the guarantee from the Treasury to the Grain Pool of Western Australia. The answer that the reason is in the second reading speech is not satisfactory. I believe special circumstances apply in this case, and I do not believe we ought to change a provision unless there is sound reason for doing so. There are many members of the Grain Pool throughout the State and I do not know whether they would understand that the guarantee has been withdrawn. I wish to know the reason for such action. We are entitled to an answer. It may be a simple answer but we are entitled to it.

I do not think there would be any disadvantage to the public if the Government guarantees were continued.

The Hon. D. J. Wordsworth: In the second reading debate I endeavoured to indicate that the Bill deals with warrants and it does not affect the grain pool. It is dealing with an oat warrant.

The Hon. J. M. BROWN: I know it is dealing with warrants, but where do the funds come from? Will the pool always be dealing in warrants? Will the board always be involved in any future activities? I envisage we will be reverting to a voluntary oat pool.

The Hon. D. J. Wordsworth: They can. If it needs a Government guarantee, it is a pool.

The Hon. J. M. BROWN: Where does it get the funds to buy a warrant? Why is it not necessary to have a Treasury guarantee? Is there a disadvantage to the competitors? I pointed out that the Attorney General acknowledged that

autonomous authorities do need special consideration.

The Minister has not cleared up the matter for me and I think it should be resolved satisfactorily. We do not wish to have retrospective legislation again. Will the banks guarantee their funds? We are entitled to an answer.

The Hon. D. J. WORDSWORTH: I do not know if I can go on describing this differently. The reference made to the Attorney General about retrospective legislation really has nothing to do with this matter.

The Hon. J. M. Brown: He was talking about the Grain Marketing Act.

The Hon. D. J. WORDSWORTH: The pool dealt with grain satisfactorily last year, and there is no argument over that, anyway. I am afraid I fail to see the point the member is making. I say once again that warrants and pools are different matters.

The Hon. J. M. BROWN: We are well aware that in 1980 the board operated under the Grain Marketing Act—the parent Act. It had a Government guarantee last year.

The Hon. D. J. Wordsworth: There might not have been.

The Hon. J. M. BROWN: If it were operating under the Act, there would have been a guarantee, but we are dealing with authorised grain at the moment.

The Hon. D. J. Wordsworth: Do you know if they utilised the Government guarantee?

The Hon. J. M. BROWN: I do not know. I would be certain there are backers for purchasing warrants, but there is nothing in the Bill to support them with a Government guarantee. That is what the board had last year, and now we have amending legislation in respect of the actions which took place last year. In addition, we are deleting from the parent Act the guarantee given by Treasury. There may be a simple answer for this, the board may have enough reserve funds or bank guarantees.

I am prepared to support the Bill if I receive an answer during the third reading. The farmers who are members of the Grain Pool have been acting in good faith—under the legislation of last year—and we are bringing in a provision to regularise what has been done. In addition, we are withdrawing the Treasury guarantees.

The Hon. D. J. WORDSWORTH: I thank the member for his suggestion that we proceed to the third reading and if we can find any reason to do so, we will continue the debate at that stage, or recommit the Bill if need be.

The Hon. J. M. BROWN: That is more than satisfactory, because we can recommit the Bill if need be. I would like the Minister to supply the answer to the question I have raised about guarantees.

Clause put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WORKERS' COMPENSATION AND ASSISTANCE (CONSEQUENTIAL AMENDMENTS) BILL

Second Reading

Debate resumed from 10 November.

THE HON. H. W. OLNEY (South Metropolitan) [9.15 p.m.]: The Opposition supports this measure. It has become necessary to amend the Workers' Compensation Supplementation Fund Act in order to replace in the Act reference to the Workers' Compensation Bill introduced in the lower House in the autumn sitting and not proceeded with. The Bill recently passed by both Houses—the Workers' Compensation and Assistance Bill—had a different clause numbering sequence which made this Bill necessary in order to make sense in the Workers' Compensation Supplementation Fund Act.

Unfortunately, the original Workers' Compensation and Assistance Bill upon which the amending legislation presently before this House was based was amended in this House, and some section numbers have again been changed. I understand that matter will be brought into line by way of some administrative action during the Committee stage so that in the long run we will finish up with the correct provisions in the Workers' Compensation Supplementation Fund Act.

With those comments, the Opposition supports the Bill.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [9.17 p.m.]: I thank the Opposition for its support of the Bill. As the Hon. Howard Olney stated, the changes to the section numbers will be carried out by the Chairman during the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

The CHAIRMAN: Due to the amendments agreed to in the Workers' Compensation and Assistance Bill and the necessary consequential renumbering of the clauses in that Bill, it will be necessary for the section references to that Act in this Bill to be corrected, and I have authorised the Clerk, pursuant to Standing Order No. 279, to make the following corrections—

Clause 2, page 2, line 5—"95" to read "94".

Clause 3, page 2, line 15—"95" to read "94".

Page 2, line 23—"158" to read "160".

Page 2, line 28—"159" to read "161".

Page 3, line 5—"162" to read "164".

Page 3, line 11—"149" to read "151".

Clause 4, Page 3, line 23—"149" to read "151".

Clauses 1 to 5 put and passed.

Title put and passed.

Report

Bill reported with authorised corrections, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 11 November.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [9.20 p.m.]: It is about time the Government was exposed for the confidence trick it has been playing on the people of this State and for the lie that it has managed the affairs of the State well since it came to office in 1974. The Treasurer, and his expensive propaganda machine, have been hoodwinking the people of Western Australia for too long. They have been very successful in creating two illusions: The first is that the Liberal-Country Party Government has been a good economic manager; and, the second is that the State has been very badly treated by the Federal Government and has not had enough money from the Federal Government to do all the things a civilised community deems essential to the quality of life, be it in the area of housing, education, health, social welfare, or employment.

We now have a situation in this State where there is a crisis in education.

The PRESIDENT: Order! I cannot hear the honourable member.

The Hon. LYLA ELLIOTT: Thank you, Mr President. People on low incomes are being affected because the Government is building less houses. The unemployment rate is as high as last year, and higher than the national average. Children's education was disrupted earlier this year because cuts in funding were implemented, added to which further cuts have been threatened. The quality of health care has been threatened; the Deputy Premier reported in January that a reduction of 294 jobs had been achieved in public hospitals in the metropolitan area. Western Australia has the highest rates in Australia for some Government services, such as electricity and gas, yet we have a household income which is below the national average. Finally, the Government's contribution to social welfare is about the meanest in Australia.

Western Australians are much worse off today than when the Tonkin Government ran the affairs of this State and they are worse off than most Australians at the moment.

The Hon. N. F. Moore: What rubbish!

The Hon. LYLA ELLIOTT: Let us look at some of the figures, to back up the statements I have made.

The Hon. N. F. Moore: They are simply unsubstantiated comments.

The Hon. LYLA ELLIOTT: I am about to substantiate them quite substantially.

The Hon. N. F. Moore: I did not think you were going to let a few facts spoil a good story.

The Hon. LYLA ELLIOTT: On the claim that the problems of this State are entirely attributable to the Federal Government, I point out that in actual fact this State Government now receives a vastly increased proportion of its income from Commonwealth sources than did the Tonkin Government. The total proportion of Commonwealth Funds in the last Tonkin Government Budget, for the year 1973-74, was 41 per cent of the Consolidated Revenue Fund. Last year, the total Commonwealth contribution to the State's revenue amounted to 51 per cent of the Consolidated Revenue Fund, 10 per cent more than the Tonkin Government had to play with. I

admit that this year, it is a little lower in that 49 per cent of our Consolidated Revenue Fund is made up of Commonwealth funds; however, it is still a great deal more than was received by the Tonkin Government.

In other words, the last Tonkin Government Budget had to raise 59 per cent of the Consolidated Revenue Fund through State sources, whereas this year, the Court Government must raise only 51 per cent.

How has the Court Government used the increased Commonwealth funds it has received? Has it been to the benefit of Western Australia? I suggest the facts reveal the contrary is the case. Let us consider some problem areas. Firstly, there is the question of unemployment. Sir Charles Court was the man who, when Leader of the Opposition, said he would solve unemployment within six months of gaining office. I once again remind members of the statement the then Leader of the Opposition made on 16 August 1972. The now Premier is recorded in *Hansard* as making the following statement—

> In my opinion, it is a responsibility of a Government to provide opportunities for the work force. It is drafted to do that job when it is elected. It is a State responsibility. If given the opportunity to perform, we will solve the problem.

When asked how long it would take, the now Premier replied, "Within six months of getting back into office".

When the Tonkin Government went out of office in February 1974, the unemployment rate was 2.8 per cent. In August this year, unemployment in Western Australia was running at 6.2 per cent of the work force, which was above the national average of 5.6 per cent, and was at the same level as last year.

The Hon. G. E. Masters: How did the total employment compare?

The Hon. LYLA ELLIOTT: I will come to that.

The Hon. N. F. Moore: Who was in office in the Federal Parliament in 1974? Could they have had anything to do with unemployment? I am referring to the Whitlam Government.

The Hon. LYLA ELLIOTT: I am glad the Hon. Norman Moore raised that matter because the point I am making is that unemployment was very low in 1974.

The Hon. N. F. Moore: It took off after that, as you well know.

The Hon. LYLA ELLIOTT: I suggest that it took off after the Federal election in 1975. The Hon. Norman Moore's own leader was the man who said that it was not a Federal matter but a State matter. He said, "Give me the reins of office and I will solve unemployment within six months". He is changing his tune how because the unemployment rate is now more than double the level when he took office in February 1974.

In the blue book, *The Western Australian Economy 1980-81*, the Government proudly claims there has been a drop in unemployment of 15 to 19-year-olds from 18.8 per cent in August last year to 14.8 per cent in August this year. Firstly, I would like to know how much the reduction is attributable to teenagers simply giving up, because the situation is hopeless, and staying at school.

Secondly, we should compare the situation in this State with that applying in a State run by a Labor Government which now has the lowest unemployment levels in Australia. Of course, I refer to New South Wales.

The Hon. P. H. Wells: They have all migrated here.

The Hon. LYLA ELLIOTT: I will come to that, too. In August this year, New South Wales had an overall unemployment rate of 4.8 per cent, compared to Western Australia's rate of 6.2 per cent. During the last year, due to the policy of the Wran Government, particularly with regard to providing more job opportunities, especially apprenticeships, unemployment of 15 to 19-year-olds dropped by 33 per cent, compared to the drop in this State of only 12 per cent.

I repeat that I am comparing this State with a State run by a Labor Government, which started in office with the highest unemployment level in Australia and has now the lowest. All this has been achieved by a positive policy of providing employment opportunities, particularly for young people in areas such as apprenticeship training.

Lest anyone tries to blame our higher teenage unemployment rate on interstate migration—as the Hon. Peter Wells suggested a moment ago—let me refer members to the Government's own figures. They show that net interstate migration last year amounted to less than 500. Members should bear in mind that the interstate migrants would be not only workers, but also some of them would be dependent wives or children. These are the Government's own figures.

The Hon. N. F. Moore: From what?

The Hon. LYLA ELLIOTT: These are the figures quoted on page 4 of *The Western Australian Economy*, which was prepared by the Government. I expected the excuse for the Government's poor record on unemployment

would be that it was due to people flocking here from the Eastern States. Members opposite can no longer put that argument, because their own figures show that the net migration for the last 12 months was very low.

The Hon. N. F. Moore: What were the figures prior to that?

The Hon. LYLA ELLIOTT: As I said, the performance was low in the employment area.

Let us consider what the Government is costing the taxpayers of this State. On page 61 of the *Financial Statement*—again the Government's own document—

Government members interjected.

The Hon. LYLA ELLIOTT: They do not like it because they know they cannot dispute the facts. These figures are taken from their own documents.

Government members interjected.

The PRESIDENT: Order!

The Hon. LYLA ELLIOTT: The Court Government is costing the people of this State—

The Hon. N. F. Moore: I hope you will be a little less secretive about the figures you use.

The Hon. LYLA ELLIOTT: According to one of the Government's own documents, taxation per head of population for the financial year 1980-81 was $360. In the last year of the Tonkin Government, in the 1973-74 Budget, taxation per head of population was $117.13. That shows that the increase in taxation per head of population was 207 per cent from the last Tonkin Government Budget to the Court Government Budget of 1980-81.

The Hon. N. F. Moore: This is State taxation?

The Hon. LYLA ELLIOTT: State taxation imposed by this Government since it has been in office has increased by 207 per cent. The inflation rate in that period was only 129 per cent; so the taxation rate increased far beyond the inflation rate.

The Hon. F. E. McKenzie: What a dreadful record!

The Hon. N. F. Moore: How do you account for the Grants Commission saying we do not charge enough?

The Hon. LYLA ELLIOTT: The increase in average weekly earnings in that time was 134 per cent. I tried to obtain a minimum wage figure for that period; but unfortunately in 1974 the basic wage was in operation, and it cannot be compared because it was a different concept and a different formula. However, the Australian Bureau of Statistics gave me a figure to which I could relate. It is a bit of a mouthful, but it is the weighted average minimum weekly rate payable for a week's work, excluding overtime, as prescribed in awards, determinations, and collective agreements. This is a figure used by the Bureau of Statistics, and it is about the nearest figure I could obtain to show the movements in some of the lower wage rates. Although we often quote average weekly earnings, these include some very high income earners. I was trying to have an indication of a person on a fairly low wage, and the sort of movement he would experience in his wage.

The increase in that wage since 1974 was only 117 per cent. Although State taxation rose by 207 per cent, and the inflation rate was 129 per cent, the wage rose by only 117 per cent.

The Hon. Tom Knight: How do you get 270 per cent? You said it rose by $270. That is not 270 per cent.

The Hon. LYLA ELLIOTT: I will quote the figures again. Obviously, the Hon. Mr Knight has not been listening.

The Hon. Tom Knight: I was listening very closely.

The Hon. LYLA ELLIOTT: I said—

The Hon. Tom Knight: I do not care what you think you said. That is what you did say.

The Hon. LYLA ELLIOTT: I wish Mr Knight would clean out his ears, because he did not hear what he thought I said. Members opposite do not like these figures, because they cannot dispute them.

Taxation this year was $360 per head. In the last Budget of the Tonkin Government, it was $117.13. Therefore, the increase in that period was 207 per cent. That outpaced some of the other increases in wages, inflation, and so forth.

As I said, this Government has been a very expensive one for the taxpayers of this State.

The Hon. N. F. Moore: Have you done a similar exercise for the other States?

The Hon. LYLA ELLIOTT: It took me long enough to work it out for this State.

The Hon. R. Hetherington: Sir Charles Court is not in these other States.

The Hon. F. E. McKenzie: It is the worst State. You only need to do it for the one—the worst.

The Hon. N. F. Moore: The others could be a whole lot worse. In fact, the Grants Commission would suggest that.

The PRESIDENT: Order! I am trying to listen to this speech myself.

The Hon. LYLA ELLIOTT: I am glad somebody is listening intently. We often hear why we are not receiving more benefits from our great mining boom and our resources that should belong to the people of this State, and therefore we should be receiving the benefits from them. If we look at the increase in mining royalties from 1973-74 we find that it is 136 per cent. The increase in departmental fees in that time, again taking it from the Government's own document, the *Financial Statement*, was 194 per cent. Taxation has increased by 207 per cent, and departmental fees have increased substantially—by almost 200 per cent. In that time, we have seen a drop in the percentage contributed by mining to the Consolidated Revenue Fund. The percentage in 1973-74 was 6.6 per cent. In 1980-81 it was only 4.7 per cent. What has happened to the mining boom and all the jobs that would create prosperity for Western Australian citizens?

I move now to household income. That is an indicator of prosperity and living standards. Under the Court Government we have dropped from the position when we were above the Australian average under the Tonkin Government, to below the Australian average on the last figures available. Of course, New South Wales has the highest household income—way above the Australian average. Once again, we are comparing a Labor State with Western Australia.

In wages, the Government's own statement in *The Western Australian Economy* admits that wage increases in this State have not kept pace with those in the rest of Australia.

The Hon. N. F. Moore: Is that a bad thing?

The Hon. LYLA ELLIOTT: Wages paid to Western Australian workers in June this year, according to the Assistant Secretary of the Trades and Labor Council (Mr Ron Reid) in a Press statement, were $17 a week lower than the national average for building workers, and $22 a week below New South Wales and Victoria. The wages for mining and quarry workers were $33 below the national average; transport workers, $25.30 below New South Wales; and the all industries average for Australia was $193.63, compared with $189.02 for Western Australia.

No wonder we have industrial unrest in this State.

On top of the extra taxes and charges imposed by the State, and the fact that wages are lower than in the other States, Sir Charles Court's Liberal colleagues in Canberra are also squeezing the little person with increased income taxes, increased sales taxes, petrol tax, health insurance, and interest rates. Every time home interest rates rise by one-half of one per cent, it is estimated by the Housing Industry Association that a further 4 000 Australians are excluded from the housing market.

The pay-as-you-earn type of tax has been growing rapidly, while other direct taxes have been dropping. Between the last Budget of the Whitlam Government in 1975-76 and 1980-81, although wages and salaries have increased by 71 per cent, the taxes paid by wage and salary earners have increased by 101 per cent. During the same period, the non-pay-as-you-earn sector—that is, the people who obtain their income from rent, dividends, and interest—has had an income increase of over 80 per cent, but the tax paid has increased by only 55 per cent. In this year alone personal tax as a percentage of total revenue will rise by a massive 22 per cent, but company taxes will rise only 10 per cent.

Because of the policies of the Court and Fraser Governments, not only are wages and salaries being eroded by taxes, both direct and indirect, but also the social wage is dropping. In addition to the money wage, the people obtain an additional benefit in the form of education, health, social security, housing, recreation, transport, and communications. The cumulative cuts of those in the six last major Federal Budgets amounted to $26 billion. On top of that, the Government has increased the taxes from wage and salary earners by a figure of $21 billion; so the Federal Budgets have taken $47 billion from the living standards of the Australian people.

In the last Federal Budget, after allowing for inflation, and once again compared with the last Labor Budget in 1975-76, we find that parliamentary expenditure has increased by 65 per cent; assistance to industries by 56 per cent; police, security, detention, etc. by 52 per cent; and law and order and public safety by 34 per cent. If we look at spending on programmes to assist the people, this gives an idea of the philosophy of the sort of Government we have in power in Canberra. Spending in real terms on programmes to assist people in the period between the last Budget of the Whitlam Government in 1975-76 and the Budget for 1980-81, was as follows: education was down by 2 per cent; health down by 22 per cent; transport and communications down by 53 per cent; housing down by 59 per cent; urban and regional development down by 89 per cent; Aboriginal welfare programmes down 35 per cent; Aboriginal housing programmes down by 43 per cent; Aboriginal education programmes down by 30 per cent; and Aboriginal health programmes down by 22 per cent.

Lest someone pulls the hoary old chestnut out of the fire and refers to the high inflation rate caused by the Whitlam Government spending money on these sorts of programmes, let me assure members the estimated inflation rate next year will be exactly the same as the inflation rate during the last six months of the Whitlam Government; that is, 11 per cent. Indeed, it is estimated the inflation rate could go even higher next year; therefore, I ask what we have achieved in that time.

All these worth-while programmes have been cut, living standards are dropping, unemployment has more than doubled, and inflation will be the same next year as it was in the last six months of the Whitlam Government. Therefore, what have we achieved by having a Federal Liberal Government in Canberra?

The Hon. Neil McNeill: Can't you see the difference between going up to 11 per cent and coming down to 11 per cent?

The Hon. LYLA ELLIOTT: The Australian Council of Social Services estimates approximately two million people are now living on or below the poverty level.

The Hon. P. H. Wells: What is the poverty level?

The Hon. LYLA ELLIOTT: If Mr Wells has never heard about the formula of the Institute of Applied Economic and Social Research, I shall explain it to him later.

Several members interjected.

The Hon. LYLA ELLIOTT: The Government is trying to denigrate the formula established by the institute, because it cannot explain why we have two million people living in poverty. I will not accept the attitude of the Government, because time and time again we have seen it changing formulas for the establishment of unemployment figures. As a result, we do not know now where we stand. The Government decided it would change the figures so that it could present the best picture.

The Hon. P. H. Wells: What is the current figure?

The Hon. LYLA ELLIOTT: There are many different figures. That interjection indicates the lack of understanding of members opposite and the little appreciation they have of poverty. If the member really knew what the poverty level was, he would know there are different levels for different family sizes and the figures relate to whether there is a single person in the work force, whether someone is unemployed—

The Hon. P. H. Wells: Just give me the figure for an average family.

The Hon. LYLA ELLIOTT: Would the member like me to quote all the figures I have here? If he wants them now I shall give them to him.

The Hon. F. E. McKenzie: He does not think you have them.

The Hon. LYLA ELLIOTT: I do not intend to quote all the figures, but the paper I have in my hand is an example of a statement which is issued regularly by the Institute of Applied Economic and Social Research at the University of Melbourne. I have not seen the figures for the September quarter, but for the June quarter it is estimated a single person in the work force would be on the poverty line with an income of $85.80 a week; the figure for a married couple is $114.80; the figure for a couple with one child is $138; and the figure for a couple with two children is $161.10. There are different figures if the person is not in the work force. If Mr Wells would like a copy of the full list of figures, I should be very happy to give him one.

Prior to the interjections I was referring to how badly off we are as a result of six years of Fraser Liberal Government and I listed some of the reasons for that. In addition, last year the Fraser Government allowed $6.5 billion of private capital to flow into this country to buy up rural and urban real estate and existing industries. Previously the annual amount was approximately $2 billion. I ask members: Do we know where all this money is going?

One would think if the Government allowed such an enormous amount of foreign speculative capital into this country it would want to know what was happening to it, but it does not know, because Mr Fraser closed down the two key sections of the Australian Bureau of Statistics which covered foreign investment and capital inflow. The staff of those sections was reduced from 60 under a Labor Government to one person at the present time. When it comes to employing staff to chase people on unemployment benefits to ensure they are not cheating, we have a different picture.

The Hon. G. E. Masters: To make sure they are getting a proper deal.

The Hon. LYLA ELLIOTT: The Minister knows very well why the staff are employed. In 1974-75 the total number of field officers employed to apprehend persons suspected of dole fraud was 188 and by 1977-78 the number had increased to 320.

The Hon. G. E. Masters: Do you have the number they caught cheating?

The Hon. LYLA ELLIOTT: Yes, I do. It is very small.

The Hon. G. E. Masters: Would it be hundreds or thousands?

The Hon. LYLA ELLIOTT: I shall give the Minister the figures if he wants them. The number of people on the dole at the end of 1977-78 was 286 091. The number of convictions for dole abuse was 600. The convictions expressed as a percentage of the number on the dole was 0.2.

The Hon. G. E. Masters: Was that for a month?

The Hon. LYLA ELLIOTT: That was for the year. To catch those 600 people, 320 field officers were employed; therefore, that represents an average proportion of two to one.

The Liberal Government also established benefit control units in all States and, as at June 1979, the total staff employed amounted to 106.

The Hon. G. C. MacKinnon interjected.

The Hon. G. E. Masters: They would have frightened a lot of people.

The Hon. LYLA ELLIOTT: I do not think members opposite understand the implications of what I am saying. I am referring to the philosophy of the Fraser Government which allowed $6.5 billion of private overseas capital into this country last year. Members can imagine the effect that must have on our resources, real estate, industry, and the economy generally. It appears we do not have adequate resources to monitor what is happening to this private capital, because the Government sacked 59 of the 60 people in the Bureau of Statistics who were working in this very important area. However, to persecute people on unemployment benefits the Fraser Government has employed 300 persons. They chase unemployed people to make sure they do not receive a few lousy dollars more than they are entitled to.

The Hon. G. E. Masters: Are you suggesting they should have it whether or not they are entitled to it?

The Hon. LYLA ELLIOTT: No; but foreign speculators are not entitled to buy up our land without any controls whatsoever either.

The Hon. G. E. Masters: I am sure there are controls.

The Hon. P. H. Wells: Didn't you say there was an increase in unemployment between 1975-76?

The Hon. LYLA ELLIOTT: The Fraser Government's policy towards the unemployed is one of persecution.

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

The Hon. LYLA ELLIOTT: That policy adds significantly to the misery and feelings of worthlessness of the unemployed. That misery and demoralisation is pushing young people into hideous acts of desperation and the most disastrous of these is suicide.

This State has the shameful distinction of being described as having the fastest growing young suicide rate in Australia. According to a study performed by Bob Gilliver, the National Secretary of Apex—

Several members interjected.

The Hon. G. E. Masters: It is a difficult thing to research.

The Hon. G. C. MacKinnon: What are his qualifications?

The Hon. LYLA ELLIOTT: This man spent two years compiling the statistics and I should like to point out Apex is a reputable, responsible, national organisation. I feel quite sure it would not employ an incompetent person to undertake such an important study.

The Hon. G. E. Masters: The question was: What are his qualifications?

The Hon. LYLA ELLIOTT: The National Secretary of Apex spent two years compiling statistics on suicide and deliberate self-damage by young people. He found it had become a major medical and social problem. Between 1967 and 1979 suicides among young people under the age of 24 in Western Australia trebled and attempted suicides increased by 50 per cent.

The statistics indicated that the youth suicide rate was higher in Western Australia than in any part of Australia with the exception of Kings Cross and the Gold Coast, which have special problems in this area. Unemployment was named as a major cause.

The Hon. I. G. Pratt interjected.

The Hon. LYLA ELLIOTT: The interjections are so pitiful that I cannot be bothered answering them. Unemployment was considered to be a major cause of the terribly desperate situation which leads young people to commit suicide or inflict injuries on themselves.

Mr Gilliver found unemployment was a major cause for this, as did the Brotherhood of St. Laurence in Melbourne. I suppose someone will ask me what that organisation is. Last year the brotherhood completed a nine-month study.

Several members interjected.

The Hon. LYLA ELLIOTT: Members opposite are not really very interested in this matter. Last year the brotherhood completed a nine-month study and reported the dramatic effect on 20 people of the inability to get a job for nine months. The study included people of different ages, sex, and occupational backgrounds. It was found that some of these people were emotionally and financially broken by the time of the last interview.

According to an article by Peter Stirling in the 22 July to 2 August 1980 edition of *The National Times* which reported the research by the brotherhood—

> The picture that emerged from the study was one "of battered egos, shame, demoralisation, anxiety and depression associated with deterioration of emotional control. The findings have highlighted the point that losing your job means more than losing your income. Work is also the foundation of emotional and social identity for many."

I am aware also of other research in Australia, the United States, and the United Kingdom, which showed that both physical and mental illness is related to stress resulting from unemployment.

Social workers tell me that people in this State are not getting the medicines they require because they cannot afford to go to the local pharmacy and cannot afford transport to the public hospital, and often they just tear up the prescription. I wish members opposite would listen to this because it is a very serious matter.

The Hon. P. H. Wells: We are listening.

The Hon. LYLA ELLIOTT: I am glad to hear it.

The Hon. P. H. Wells: At least we are here.

The Hon. LYLA ELLIOTT: Unemployed people are not eligible for the pharmaceutical benefits that other pensioners receive. We can imagine the situation of a young person who goes to the doctor and gets a prescription for tranquilisers or some other medicine because he is depressed, and cannot afford to buy it, so he just tears up the prescription. He cannot afford to go to the hospital to get it. This could lead to serious consequences.

The Hon. P. H. Wells: He has been to a public hospital, hasn't he?

The Hon. LYLA ELLIOTT: The State should press the Federal Government to allow the unemployed access to free pharmaceutical benefits such as those received by other pensioners. Poverty exacerbates the terrible personal problems of the unemployed. I have already referred to the Fraser Government's attitude of persecution particularly towards single unemployed people. The treatment of these people is nothing short of criminal. Other benefits and pensions have been indexed for inflation, but single people's unemployment benefits have not. They have been cut in real terms. With the recent increases, the single pension is now $69.70, but the single unemployed person over 18 now gets only $58.10. The Government has not been increasing the single unemployed person's benefit in the same way that other pensioners have been receiving increases to cope with inflation.

I do not have the latest poverty level figures from the Melbourne University, but those for June referring to a person in the work force were quoted earlier. The poverty level for a single person not in the work force in June was $69.60. A single person today receives $58.10 with the recent increases. Even if we use the June figure of $69.60, it is $11.50 below the poverty level, and it would be even more now because the poverty level would have changed since June. Under-18-year-olds still get only $36 and, if we use the $69.60 June figure for a single unemployed person, it is $33.60 below the poverty level. Unemployed people, both single and with families, are facing great hardship and their situation is becoming increasingly difficult because of the high cost of essential services such as water, power, transport, and rent.

I asked some questions last week about the number of people who had their water and electricity cut off in the last three financial years. In reply, the Minister gave some rather startling figures for the number of customers who had their electricity and/or gas supply disconnected for non-payment of accounts. It jumped from 6 300 for the year 1978-79 to 10 250 for the last financial year. Of course, the figures for water disconnection were also pretty high. Every time there is an increase in an essential service, it makes it that bit more difficult—in fact, almost impossible—for people on low incomes.

Since the last election the average family's annual bill for water has increased by over 60 per cent, for electricity by nearly 37 per cent, and for gas by over 44 per cent; transport and motoring charges have increased by over 65 per cent, and welfare organisations and charitable trusts are feeling the burden as a result of being increasingly called upon to help people with power bills, food parcels, and other assistance.

I do not know how many members received the newsletter of the Western Australian Council of Social Services, *COSS News*. It says—

> Agencies are stretched to their limits and most are unable to meet all the demands placed upon them. These pressures are further aggravated by increased State Government charges for essential services.

It is not just me saying that, it is the view of 100 people from 62 agencies who attended the emergency relief seminar held in August. They are pretty united in their attitude in the statement I have quoted.

Last year 17 welfare organisations and 15 social work academics supported a submission which was made to the State Government by the SEC action group which called for a reasonable rebate system on electricity and gas for low income earners. The group gave details of the tremendous problems being caused because of high SEC charges which are, in fact, the highest in Australia. They proposed, amongst other things, that all low income earners—those below the poverty level—should be eligible for a 20 per cent rebate for electricity and a 25 per cent rebate for gas.

The Hon. N. F. Moore: Did they suggest where the money might come from?

The Hon. LYLA ELLIOTT: That is always an argument.

The Hon. I. G. Medcalf: Not a bad one.

The Hon. LYLA ELLIOTT: They made a very good point in the WACOSS newsletter and I referred earlier to the fact that the Minister had rejected the SEC action group submission on the ground of increased cost to the consumers. They say—

> The increased cost to consumers is the main reason Mr Jones rejects the rebate scheme. However, he appears to find no difficulty with the fact that metropolitan consumers subsidise country consumers by some $40 million per year. This country subsidy represents 16 per cent of the average metropolitan customer's account.

The Hon. N. F. Moore: Do you think we should abandon that?

The Hon. LYLA ELLIOTT: No, I do not.

The Hon. N. F. Moore: An excellent scheme.

The Hon. LYLA ELLIOTT: Here we see a discriminatory attitude.

The Hon. N. F. Moore: It is not discriminatory. It means everybody in the State pays the same price.

The Hon. LYLA ELLIOTT: According to Mr Moore, it is alright to subsidise people for remoteness and distance, but we cannot subsidise people because of poverty. That is a terribly discriminatory attitude. We are not opposed to country people—

The Hon. N. F. Moore: It sounds very much like it.

The Hon. LYLA ELLIOTT: —receiving concessions because of remoteness and distance.

The Hon. N. F. Moore: They pay the same price as everybody else. That is about as fair as we can get.

The Hon. LYLA ELLIOTT: All we are saying is that there are other people who are disadvantaged in our State who may live in the country. Many of them do.

The Hon. N. F. Moore: All I am asking is: where is the money going to come from?

The Hon. LYLA ELLIOTT: Many of them live in the metropolitan area and these are the people whom the SEC action group believe should be given some consideration by the Government and there should be a rebate to enable them to cope with the very high charges, the highest in Australia.

The Hon. N. F. Moore: Do you think everybody else should pay more to give them rebates?

The Hon. LYLA ELLIOTT: Everyone else is paying more to subsidise the country—

The Hon. N. F. Moore: Not everybody else. There are people in the country—

The Hon. LYLA ELLIOTT: Perhaps the Government would consider dropping the 3 per cent tax it levied on consumers of the SEC?

The Hon. N. F. Moore: It is used for the benefit of the State. It is no different.

The Hon. LYLA ELLIOTT: The Government has not agreed to this point and I appeal to it to review its attitude on the following grounds: Firstly, the cost of energy to WA consumers is the highest in Australia and energy is an essential service, the withholding of which can have dire consequences on the health and welfare of people, particularly the elderly and young families. The reply to a question I asked last week on the number of disconnections indicated that nearly 200 households a week are having their power cut off because they cannot afford to pay the high costs. Nobody is going to go without power if they can afford it because power is absolutely essential. People know the present Government has hard policies and the power will be cut off if they do

not pay their bills, so obviously it is just a question that they cannot afford to pay.

There may be a few who perhaps do not pull their weight who can afford to pay, but the majority of disconnections, I submit, would be because people are living below the poverty level, and it is a question of whether they buy food, pay rent, or pay for electricity. Something has to go. Perhaps they can do without the light, but they cannot do without food. They should not have to do without light, gas, or heating in winter. It is a damned disgrace to this Government of a State which is supposed to be so prosperous with all our natural resources, that 200 households a week are having their power cut off. The Government recognises the need for concessions for people on low incomes in the fields of health, education, and housing. Power is just as vital.

Transport is another area which needs urgent attention by this Government; that is, the question of access to public transport by unemployed people. It is quite cruel and unrealistic to deny travel concessions on public transport for people living below the poverty level when their only method of seeking work is to travel by bus or train. The under 18-year-olds have not had an increase in their unemployment benefits since 1975 and the amount is now more than $33 below the poverty level.

Of course, the over-18 pension is not keeping pace with other social security recipients, either. In addition to the needs of the unemployed to travel to potential employers, social workers I have spoken to can provide evidence of cases which demonstrate a need for travel concessions for families with children requiring regular visits to hospitals and other medical centres.

Western Australia and Queensland have the distinction of being the only two States that do not provide travel concessions to the unemployed. Once again, NSW provides the best scheme. A submission was made recently to the Minister for Transport by an organisation calling itself the Unemployed Citizens' Service. It presented a well documented submission to the Minister listing the concessions that are available in every State. Some States provide half-fare concessions, some provide free transport, and it varies; but every State except Western Australia and Queensland, has some sort of concession for unemployed people, including the Northern Territory.

I appeal to the Government to examine sympathetically the proposal submitted by the Unemployed Citizens' Service and introduce travel concessions for unemployed people and thereby lift just one of the burdens which make life miserable for them.

Finally, I refer to the matter of housing. I intended to list a number of cases I have in my files, but time is getting on. I simply say that if anything reveals the attitude of a Government towards improving the quality of life of its citizens, it is its policy and performance in respect of housing. The cases in my files are an indictment of the Court Government's performance in this vital area.

All in all, the Government has no reason to be proud of its performance. I believe the next election will show that the people are fed up with the present Administration and will feel it is not in the best interests of the little person in this State to continue that Administration in office and, accordingly we will see the election of a Labor Government.

THE HON. W. R. WITHERS (North) [10.16 p.m.]: The alert attention given to the debate tonight by members prompts me to offer a contribution which requires some deep understanding by members of this House and of another place, and also by the people of Western Australia.

The Estimates debate in any Parliament is the time for the Opposition to criticise the Government because of its economic policies, while Government members consolidate their lines of defence. Any praise from the Opposition or any criticism from Government members of their Government is heard with displeasure by members of the respective parties. Of course, this scenario usually is followed by Parliaments throughout the world, even though it is irrational.

However, the Estimates debate does allow us a time to put forward a story on behalf of our constituents, and to press for some expenditure which may have been overlooked in the Budget.

Tonight, my contribution will depart from the traditional roles I have mentioned, because my debate will be based on observations which indicate that the State of Western Australia just cannot afford to continue to offer services and to expend moneys in the north of the State—the area I represent—so as to match the level of services found in the south of the State. I think members would agree it is a rather unusual ploy for me to talk along such lines in an Estimates debate.

It will become far too costly and unwieldy to govern and administer remote but dynamic growth areas such as the Kimberley from the City of Perth. The State centre of decision-makers will

be thousands of kilometres away from the dynamics of the growth area.

Government administration of the services in the north of the State are so costly to the Western Australian people as a whole that continued spending under existing systems could cripple the Western Australian Treasury when the dynamic growth occurs in the far north. Our existing administration and legislation have not been designed to cope with such growth so far from the seat of government.

Members must have observed that some of my questions on Government expenditure have gone unanswered in this House recently, despite my supplementary correspondence to the Treasurer seeking that information. If members were able to obtain that information they would immediately see that the Government—or, for that matter, any Government—cannot afford to have a system which, with only just over one million people in the State, shuttles public servants around a State the size of Western Australia, while providing them with high cost accommodation, furnishings, subsidies, and annual return air fares for them and their families to the remote City of Perth.

Members heard the Hon. Lyla Elliott complaining about expenditure in some country areas.

The Hon. Lyla Elliott: I was not complaining about expenditure in country areas.

The Hon. W. R. WITHERS: I gathered the honourable member was, and her remarks certainly drew some interjections from members who were of the same understanding as me.

The Hon. Lyla Elliott: I was just pointing out that you do not mind subsidising country people—which we support—but you will not subsidise people in the city.

The Hon. W. R. WITHERS: I do not think country people are being subsidised; this is one of the problems. People running Budgets, particularly State Budgets, tend to put things in little pockets. They do not look at the overall source of income. The Hon. Lyla Elliott will find that what appear to be subsidies to country areas actually is money derived from income earned in the country areas; this is something of which we should not lose sight.

The Hon. Lyla Elliott: That is not so with the SEC.

The Hon. W. R. WITHERS: We will see about that.

The Hon. N. F. Moore: What about the MTT?

The Hon. W. R. WITHERS: The SEC is one of the little pockets to which I refer. Of course, if we split up the whole of our Treasury into little pockets and give a statutory authority to a commission and say, "You will provide a service and provide that service within your budget, and keep it running from the loans and the money you can generate" and that service is provided in a high cost area which appears to need a subsidy, it will be seen as receiving a subsidy. However, when we look at the overall money box we find it is not a subsidy at all.

Let us examine the horrific costs to which I refer, which apply in country areas, particularly in the field of the transport of public servants. A return air fare for a family with three children from my home town to Perth for their annual holidays, paid for by the taxpayer, is $2 050. The annual air fares for me to attend this Parliament and to speak in the House—with what result, I do not really know; all my representations have not benefited my constituents—is about $20 000. Is it worth spending that amount of money to get me down here to speak on behalf of my constituents?

If members consider the multiplication factor which will apply if the Government endeavours to supply the same level of services when dynamic growth occurs they will see our system of administration will need to be radically changed if all Western Australians are to continue receiving the same level of services. I ask members to consider the rationale of our existing system of loans, administration, and funding. I intend to mention two of the sacred cows in politics; namely, health and education.

Is it sensible and reasonable to have a health administration which administers an area in the tropics 2 500 kilometres from the centre of administration, which is situated in the temperate zone? Is it reasonable to have that administration administering the staff in a distant tropical region? Is it reasonable to transport patients 2 500 kilometres to hospitals in the centre of that administration when there is another Government administration with specialised tropical hospitals only 600 kilometres away? Of course it is not sensible. It is not even rational in any shape or form other than within a bureaucratic system of government—and we all know that is not rational.

Regardless of one's loyalty to the State, one must see it is just not reasonable to carry on with these sorts of expenditures and to have a system which will permit such as I have described, with the transporting of patients within one State bureaucratic system.

Members have read in the newspapers that the State even cancelled the scheme which paid the cost of patients' air fares from remote areas to

Perth. The Government has said that these people may take advantage of the Commonwealth scheme. However, the Commonwealth scheme requires the patients, or the parents or relatives of the patients firstly to pay the air fares and ancillary expenses and then submit a claim for a refund from the Commonwealth Government.

The Hon. Lyla Elliott mentioned poverty. Heavens above, there are not too many people in my home town of Kununurra who could outlay an air fare for a child and its mother to Perth and return, with all the associated costs of accommodation and the like and then be able to wait until the Federal Government refunded their expenditure. Not many people could afford such an outlay. I understand the State is endeavouring to establish a system which will allow for rapid repayment. I hope it will go further, and establish a system which will actually pay the fares and allow the State to reclaim the amount from the Federal Government on behalf of the patient.

The other sacred cow is education. Again, I ask members to query the ability of any Government or administration to prepare a curriculum which will satisfactorily educate children into an employment situation in a State so diverse as ours. I say that, under the existing system, this is just not happening; in fact, no funding is available for the special needs of some of the schools in remote areas which require special forms of education to obtain gainful employment for the children at those schools.

As an example, a courageous group of teachers in Halls Creek recognised this bureaucratic failing and decided to do something about it. They realised they were training children in primary school and some to junior high school level by correspondence, but they were training them in a way which would not allow them to take up local employment; and, they certainly were not suitable for employment outside the locality. So, the children were leaving school to become permanent mendicants.

This is a horrific situation. These school teachers, having recognised the problem, decided to do something about it. They knew the local industry—the cattle industry—needed cattlemen; it needed people to ride horses and muster cattle. So, the teachers banded together and went to the stations and said, "We need horses, saddles, and bridles so that we can train some of our children in how to ride horses so that you may employ them". The station people came to the party and provided the horses and equipment. The teachers taught themselves to ride. I called them courageous, and that is what they were.

They taught themselves to ride. They really did some in-service training so that they could educate their pupils to fill job opportunities when they left school. Having scrounged some horses they set about teaching the children to ride. Those children are now being employed on local stations. They have pride in their jobs, and that is what education is all about.

But the Education Department does not recognise this. It is far too bureaucratic because it is based in the city. When we mention horse riding to a city bureaucrat he immediately thinks of gymkhanas.

The Hon. G. C. MacKinnon: The section of the department to which you refer is the vocational service section.

The Hon. W. R. WITHERS: It might have a name but it serves no good purpose in fact. It does not have the funds to train these school children. This is the trouble with bureaucracies centred in a city: there are an enormous number of systems and no results; all we have are people on the pay-roll in the city.

The Hon. G. C. MacKinnon: You said it was marvellous.

The Hon. W. R. WITHERS: Why is it that it does not recognise what is necessary for Halls Creek? How come the teachers there are not getting the horses or the money? Nevertheless, they are still training the children. I have just pointed out that the education system does not recognise officially or fund the education of future stockmen in Halls Creek.

Having mentioned Halls Creek, I think it is fair I point out that this town established the forerunner of the police aide scheme. Once again a person who had belief and pride in what he was doing saw, in his diligence, a bureaucratic shortfall and realised he needed the assistance of an Aboriginal aide in a town like Halls Creek. He used his own money and initiative to train an unofficial police aide. The result was so successful that the Minister for Police at the time (Mr Ray O'Connor) heeded the representations made by Alan Ridge and me, and from that the existing Aboriginal police aide scheme was established.

The Hon. P. H. Wells: That was one good reason to come down here.

The Hon. W. R. WITHERS: It is a small thing in a very long time.

The whole-hearted support for the scheme was given also by Commissioner Porter, who was unfairly criticised the other day by certain members of this House. Although I said I did not agree with what he had said, I pointed out it was

the fault of legislation and the Parliament that led him to make the remarks he made.

I will offer a few of my reasons for saying that the State cannot afford to continue spending in parts of the north under the existing system of administration. I add that the north cannot afford the decisions that are made in the south, but I will expand on the budgetary implications of this a little later.

Members are aware that departmental subsidies for water and power charges, which are nominated as country area subsidies—and the Hon. Lyla Elliott mentioned this earlier—contain enormous costs in maintaining long lines of administration into and out from the remote areas and back into the centre of administration in the City of Perth. This system not only generates high administration costs but also costly mistakes.

Local autonomy, training local staff, and regional funding could reduce these costs to our existing system. But drastic restructuring is needed to allow this to happen.

Standing Orders prevent my expounding on a private member's Bill I presented recently dealing with electoral boundaries, but it is those sorts of decisions made by parties or Governments which cause so much confusion among the people in the north. They cannot understand how a Parliament or a democracy can make the decisions which have been made. They feel as if they have been led out on a limb and the limb has been chopped off. However, such post-mortems can only reflect my own inability to represent my electors.

I will explain to the House how the budgetary decisions of a Government instrumentality, without applying special rules to the north, can retard or even stop certain developments. These rules can be bad enough on their own, but some of the direct or indirect impositions on northern industry through legislation can be really horrific. I have recently addressed some of the examples of these impositions which are encompassed in our Consolidated Revenue Estimates. I will now read a letter pertaining to the imposition of Government policies which I wrote to the Northern Australia Development Council. The letter reads—

> Dear Ted,
>
> During the seminar at Katherine, you requested evidence to be forwarded to you if it could be shown that government policies were working against Northern development.
>
> I have enclosed two briefs which offer such evidence, namely;
>
> Brief 1—Government policies which increase the cost of production in the North at a rate higher than Southern metropolitan costs.
>
> Brief 2—Government policies which increase capital costs in the North over and above Southern metropolitan costs.
>
> My resolution, which is also attached, will if agreed to by the Federal Government, correct most of the impositions found within Northern production costs. At the seminar I gave you the Zone Tax rebate submission in support of the resolution.
>
> I will look forward to receiving your advice on the outcome of the resolution and the result of your council's representations in respect of the enclosed briefs.
>
> With kind regards—

I will now read the briefs—

BRIEF 1

Government policies which increase the cost of production in the North at a rate higher than Southern metropolitan costs.

Example: If an industry employs 100 personnel in a Northern town such as in Kununurra, W.A., the impositions placed upon it directly or indirectly by the legislative process will be in excess of $220 000 per annum. This excess is not a charge on Southern industries.

Those impositions are:

(a) District allowance	$40 per week
$40 x 52 x 100	$208 000 p.a.
(b) Payroll tax on District Allowance	5%
$208 000 x 5%	$10 400 p.a.
(c) Sales tax on freight—say	$2 000 p.a.
Annual imposition on Northern Industry	$220 400

Note: If a non-paid district allowance was permitted by the Federal Government, then that allowance could be used as a tax rebate. This would lower the cost of production in the sample by $218 400. It is the writer's opinion that the Australian Constitution never intended to allow an imposition on the cost of production based on geographic location.

The following is brief No. 2—

BRIEF 2

Government policies which increase capital costs in the North over and above Southern metropolitan costs.

There was a State policy in the previous brief, which was the imposition of the pay-roll tax. I believe the imposition of pay-roll tax on the

district allowance is contrary to the Australian Constitution. I shall continue quoting brief No. 2—

> Example: The West Australian government through an instrumentality (State Electricity Commission) has applied a headworks charge to commercial, industrial and Local Government electricity connections. This charge is only applied above the 26th parallel of latitude.
>
> This policy has resulted in the following charges quoted for connecting electricity by the SEC in the North of the State:
>
> (a) A motel (in town)—in excess of $100 000.
> (b) A group scheme (57 settlers plus Public Works department pumps) $397 000.
> (c) Shire water pump (5 H.P.—300 metres from power station) $16 000.

I understand that recent representations have reduced this figure, but I have not had this confirmed.

The Hon. N. F. Moore: Are you sure this applies only above the 26th parallel?

The Hon. W. R. WITHERS: Yes.

The Hon. N. F. Moore: I think it might apply everywhere.

The Hon. W. R. WITHERS: My information is that headworks charges apply only above the 26th parallel. I shall continue quoting—

> (d) Company housing in existing town site $4 000 per house.

The Hon. N. F. Moore: I could give examples of places below the 26th parallel where this obtains. I know of a caravan park.

The Hon. W. R. WITHERS: Does the member mean line works or headworks?

The Hon. N. F. Moore: I think it was headworks.

The Hon. W. R. WITHERS: I understand that headworks apply above the 26th parallel and line works apply throughout the State. I might point out here that the $4 000 per house would not help to promote much development. An SEC officer was queried at the regional development committee meeting and he said the commission only charges companies, because they have the money. He said the commission did not have the money. I continue quoting as follows—

> Note: Headworks for the SEC in high cost areas where the power generation is heavily subsidised, is a vexing problem for the Commission but the area to which the headworks charges apply in W.A. only has a small population (approximately 75 000). That small number of people generates approximately 12% of the nation's export earnings. In money terms this is a massive $2 000 million. One must ask who, in real terms, is being subsidised?

That is why I made the comment to the Hon. Lyla Elliott earlier in the debate. Who is being subsidised? At the Northern Australia Development Council seminar which I mentioned, I moved the following resolution—

> That the Northern Australia Development Council requests the Federal Government to adopt a system of non-paid district allowances which will become taxation zone rebates for income earners in high cost areas and to seek legal advice to challenge governments if the existing impositions are contrary to the intent of the Australian constitution.

That resolution was passed by 300 delegates from three States without a dissenting voice. If the Federal Government heeded that resolution—and it would be wise if it did so to avoid legal action by three States—our State Estimates also would be altered because, in my opinion, our State is collecting revenue which is contrary to the Federal Constitution.

The impositions placed on northern industry are worse than those taxes the British placed on tea in its American colonies, which led to the Boston Tea Party. I hope we do not see a repetition of the Boston Tea Party in the north of our State, but we must recognise that a change is needed, and a drastic change at that.

Our State and Federal Governments' economic policies are anachronisms which need immediate changes. I have offered these comments not as criticisms of our Government but as a thought starter in policy and budgetary matters. It is only now that the dynamics in the far north are really starting.

I am quite sincere in saying that my remarks are not criticism, as yet, of our existing Government.

In fact, the existing system works reasonably well for the majority of Western Australians, but generally it does not work for the north in the way it should. In fact, I have had members say to me that too much money is spent on the north. Sir Charles Court was criticised by a gentleman from *The Australian Financial Review*, who said that Sir Charles had spent too much money on the north, a statement which indicates the degree of

interest shown by our Premier in the welfare of the north; in particular, its industries and its growth. However, the publicity given to that northern expenditure seems to indicate that it has taken from the people in the south of the State what they deserve, but very rarely do we see in this big bundle called the Consolidated Revenue Fund how much the north gives to the rest of the State. When we consider what is going into the north, we must consider also what is coming out of the north. If members make such considerations they will accept that really the south is not subsidising the north as they think it is.

We must face up to the growth of the north and we must realise that we cannot continue to give services to the north during a dynamic growth period at the same level as people in the south receive them. That would be physically and financially impossible. So, we must face up to the growth of the north in a way in which I would liken the north to an adolescent of a family, complete with pimples, growing pains, fears, complexes and ambitions—the whole lot. The growing adolescent of a family not only has complexes and ambitions, but also causes increasing costs to the family or to himself or herself. Like the member of any family, the adolescent north will endeavour to impose its views and needs on the parent State until by mutual agreement—and some mutual relief—it will move to seek its own living and make its own decisions.

I consider the time is fast approaching that our State family, like any other family, must consider its Budget in terms of the adolescent's costs and guide the adolescent member to self-sufficiency. When that happens I hope the nature and independent Kimberley retains the affection found in any balanced family.

The existing Budget system is a dichotomy which is unacceptable, a system polarising the north and the south. I appeal to the present Government and future Governments to prepare their estimates with policies which are equitable for all Western Australians. I support the motion with a plea for future equity.

Debate adjourned, on motion by the Hon. W. M. Piesse.

House adjourned at 10.49 p.m.

QUESTIONS ON NOTICE

EDUCATION: TEACHERS

Arbitration: Access

724. The Hon. D. K. DANS, to the Minister representing the Minister for Education:

I refer the Minister to *Hansard* p.1991, para. 1, of 21 August 1979, and in particular to the comments expressed by his predecessor, the Hon. P. V. Jones. In effect these indicate a desire to provide wider and more direct access for teachers to arbitration over matters relating to their conditions of employment. I ask—

Does the Minister endorse these comments by his colleague?

The Hon. D. J. WORDSWORTH replied:

The Minister is in agreement with much of the statement made by his predecessor and points out that wider access to the tribunal by the Teachers' Union on salary matters was achieved by the action undertaken by him on that occasion. However, the greatly increased militancy and industrial activity of the Teachers' Union since 1979 has changed the circumstances which applied at the time of the speech and there are a number of matters which the Minister believes the Government would wish to reconsider in the light of those changed circumstances.

CONSUMER AFFAIRS

"The Sunday Times"

725. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Consumer Affairs:

(1) Is the Minister aware that the proprietors of *The Sunday Times* newspaper supply *The Sunday Times* to some delicatessens for sale on Saturday evening, but refuse to supply others until Sunday morning?

(2) Is there any legislation preventing this unfair practice?

(3) If there is not, is the Government prepared to take any action to ensure it ceases?

(4) If not, why not?

The Hon. G. E. MASTERS replied:

(1) to (4) I am advised that production and distribution of *The Sunday Times* is, by nature of the product, directed towards achieving maximum coverage for all Western Australians. While it is obviously in the newspaper's interest to distribute as many copies as possible on Saturday evening to satisfy those who wish to receive an earlier copy of the newspaper, there are limits to the extent of the Saturday evening distribution. These are the market size and the physical constraints of production and distribution of the publication for the primary Sunday market.

If more early copies were allocated to Saturday evening distribution in the metropolitan area, the further-flung country readers who receive *The Sunday Times* by air and road would be severely disadvantaged.

QUESTIONS WITHOUT NOTICE

INTERNATIONAL YEAR OF THE CHILD

Funds

205. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Community Welfare:

(1) What was the total amount of International Year of the Child funds made available to the State by the Commonwealth Government for each of the years 1979-80, 1980-81, and 1981-82?

(2) (a) Which organisations or projects received these funds; and

(b) how much did each receive for each of the three financial years?

The Hon. G. E. MASTERS replied:

(1) 1979-80—$50 000
1980-81—$50 000
1981-82—No final decision yet made.

(2) (a) 1979-80

	$
Catholic Education Commission	10 500
Parents Anonymous, Perth	1 232
Noah's Ark Toy Library	25 000
Library Board of WA	10 000

	$
Committee for the Establishment of the WA Resource Centre for Equal Opportunity	3 268
1980-81	
Catholic Education Commission	6 000
Noah's Ark Toy Library for Handicapped Children	25 000
Library Board of WA	19 000
1981-82	
No final decisions yet made	—

(b) Answered by (a).

PARLIAMENTARY COMMISSIONER ACT

Amendment: Recommendations

206. The Hon. J. M. BERINSON, to the Attorney General:

In the course of a question last week on the Ombudsman's jurisdiction I asked whether the Attorney General would release the Ombudsman's recommendations on that subject. The Attorney General's reply did not meet that part of the question and I again put it to him, taking the opportunity to emphasise the special relationship of the Ombudsman to the Parliament and his obligation pursuant to the Parliamentary Commissioner Act to report to Parliament direct.

The Hon. I. G. MEDCALF replied:

The member was good enough to give me a copy of the question shortly before I entered the House, which enabled me to look up the reply I gave last week. In fact, the Premier has responsibility for the carriage of the Parliamentary Commissioner Act and I answered the question last week on behalf of the Premier. The answer I gave was to the effect that the matter was still under consideration by the Government and was receiving attention. I can only add that I do know, from my knowledge of the matter, that it is receiving consideration, and I understand that discussions are proceeding with the Parliamentary Commissioner. While he is a servant of this Parliament and he has to report to the President and the Speaker, I believe when such a matter is receiving consideration it should not be made public if the Parliamentary Commissioner wishes to report to Parliament in relation to it. He should be at liberty to do that. The Premier has indicated that legislation is in the course of being prepared.