Legislative Assembly

Tuesday, the 16th October, 1979

The SPEAKER (Mr Thompson) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

BILLS (3): ASSENT

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

1. Salaries and Allowances Tribunal Act Amendment Bill.
2. Censorship of Films Act Amendment Bill.
3. Judges' Salaries and Pensions Act Amendment Bill.

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [4.58 p.m.]: I move—

That the Bill be now read a second time.

It appears that the Clerks have distributed the wrong Bill, Sir. I suggest the correct Bill be handed to members so that it correlates with the speech I am about to make.

The SPEAKER: I ask the Clerks to distribute to members the Unauthorised Documents Act Amendment Bill.

Sir CHARLES COURT: History has been made. I have been in this Chamber a long time and I have heard Ministers read the wrong speech when speaking to a particular Bill, but I have never yet seen a case where the wrong Bill has been distributed so that it does not relate to the speech. I do not believe the member for Welshpool would be able to recall another case where this has occurred, although we can remember a Minister who was a little careless, to say the least, when picking up his notes.

The purpose of the Bill is to remove from the Unauthorised Documents Act all references to Royal or other arms, and to provide a more up-to-date penalty for convictions under the remaining Act.

The Unauthorised Documents Act will henceforth be solely the legislation to provide a means of redress against persons who issue material of a documentary nature without the proper authorisation.

Separate legislation follows to provide the necessary protection against unauthorised use of the Royal, State, or other arms.

It is necessary for me to introduce the Bills in proper order to make them move in sequence. I will give an explanation of the provisions about Royal, State, or other arms when I introduce the second Bill.

I commend the Bill to the House.

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

ARMORIAL BEARINGS PROTECTION BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [5.01 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill now before the House is to enact legislation to protect the Royal, State, or other arms from unauthorised reproduction, in any form.

Protection previously existed in the Unauthorised Documents Act, 1961. However, this related only to matters of a documentary nature.

A penalty of $500, the same as that proposed for the Unauthorised Documents Act, has been provided for offences against the Act. It is sensible that the penalties in the two like Acts should be the same and of reasonable magnitude sufficient to deter a person from wantonly ignoring the law.

Approval for reproduction of the Western Australian State coat of arms is controlled by the Premier's Department which normally grants authorisation under the following guidelines—

(a) Permission is not granted to reproduce the arms on any article for commercial sale.

(b) Use of the arms is not permitted on any article in such a manner which may imply it is produced by Government authority or patronage.

(c) Should an unusual request, to which favourable consideration may be given, be received, consultation with other States would take place to ensure, as far as is practicable, that anomalous situations do not occur.

There has recently been an example of a very unsatisfactory reproduction, in woven fabric, of the State coat of arms—without the proper authorisation having been given.

An examination of what action might be taken to prevent production and sale of this item revealed that existing legislation—that is, the Unauthorised Documents Act, 1961—did not provide protection in these circumstances.

This, of course, is a very unsatisfactory state of affairs and hence appropriate authority to take action has been embodied in this Bill.

Members will note that in any proceeding in respect of an offence the onus of proving that the appropriate authority had been given lies with the person charged with the offence.

In common with the provisions of the Unauthorised Documents Act, the Bill provides that the consent in writing of the Attorney General is required for any proceedings to be taken for an offence. This is a protection against any frivolous proceedings being instituted.

It is quite possible that one action by an individual could constitute an offence under both the Unauthorised Documents Act and this legislation. Accordingly the final section—section 6—provides that a person shall not be punished for the same offence under both pieces of legislation.

I commend the Bill to the House.

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

LITTER BILL

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [5.04 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to make better provision for the abatement of litter in Western Australia.

The Bill is the result of a detailed investigation into litter control methods both in Australia and overseas. It establishes the Keep Australia Beautiful Council (WA) Incorporated as a statutory body with certain powers which will enable it to provide a greater emphasis on the problem of controlling litter.

It is not the intention of the Bill to restrict the use of products or packaging but to change by education, and to some degree enforcement, the attitude of people in discarding litter wherever they happen to be.

The Bill provides a uniform basis for the enforcement of controls complementary to existing laws relating to litter offences.

Members will be well aware of the increasing mobility of people today. More vehicles are using the roads, more people are using public recreation areas, larger shopping centres have been developed, and the popularity of fast foods is evident.

One of the consequences of all this is an increased litter problem in the community and additional measures are now proposed to control the situation.

The litter problem is basically a social problem. It is a problem of public attitudes. It can be overcome by education, the provision of more litter receptacles, the deterrent effect of penalties for litter offences, and the support of community-minded citizens.

Industry, which is often blamed for the litter problem, has supported anti-litter campaigns for many years. In 1975, an *ad hoc* committee examined a proposal that a tax be imposed on the manufactured cost of packaging material and products and that the money be used to combat the litter problem. That proposal was later dropped when industry agreed to the adoption of a voluntary levy with the money to be used to finance anti-litter programmes.

The Bill seeks to maintain the voluntary help that is evident in the community and to stimulate and assist voluntary groups in their efforts to achieve a litter-free environment. It acknowledges the work done by the present Keep Australia Beautiful Council, and its supporting organisations, by adopting its aims and general structure.

The measure provides for the proposed new statutory body to consist of 12 members; six to be appointed to represent various industries and six to be appointed to represent various Government authorities.

Provision is made for the establishment of a special fund to consist of moneys appropriated by Parliament, from voluntary contributions from manufacturers and distributors, and from other sources.

The term "litter", which is not defined in Western Australian legislation, is clearly defined in the Bill. The legislation prohibits litter being deposited on land or into water except in certain circumstances.

Although the Bill proposes the establishment of a statutory Keep Australia Beautiful Council (WA), it is not intended that the council should assume full responsibility for litter control. This will still be a task for municipal councils and public authorities.

However, the Bill proposes that the Keep Australia Beautiful Council (WA) will have the power to act on behalf of municipal councils and

public authorities in respect of litter control enforcement or provision of litter receptacles, but only on written request from such bodies.

The Bill provides for various *ex officio* and appointed authorised officers to police the provisions of the Bill. Authorised officers are given the power to order an offending person to remove a litter object or place it in a receptacle.

Courts may also require offenders to remove litter which is the subject of an offence.

Provision also is made for the use of modified penalties by way of infringement notices to be issued by authorised officers.

The Bill provides for the making of regulations dealing with matters such as penalties for offences, specifications for litter receptacles, the distribution of handbills, leaflets, posters, and the like, and the covering and securing of loads on vehicles.

The provisions of the Bill will enable the Keep Australia Beautiful Council (WA) to provide more effective education campaigns, more teaching aids for schools, more litterbags and receptacles, and more rewards for community involvement in litter control.

At present, the Keep Australia Beautiful Council (WA) has approximately 1 100 financial members comprising individuals, business houses, organisations, and municipal councils. The Bill seeks to retain their interest by creating a supporting membership category with opportunity to participate in the work of the council.

The proposed objects and functions of the Keep Australia Beautiful Council (WA) are contained in the second schedule to the Bill. These will provide the machinery for Western Australia to become a cleaner and more litter-free State. One of these functions is—

> to study available research, and development in the field, regarding litter control, removal, disposal and recycling and to study methods for the implementation of such research and development.

This Bill is concerned with litter as it is generally understood by the public, but it allows the council to take an active role in developments in the field of rubbish disposal which is generally accepted as a separate issue and is, therefore, not covered in this legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Skidmore.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

INDUSTRIAL ARBITRATION BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [5.10 p.m.]: I move—

That the Bill be now read a second time.

Since the beginning of the century, Australian industrial relations have been regulated by the system of conciliation and arbitration which evolved out of the disastrous economic and social situation of the 1890s.

The failure of the extensive strikes of that period precipitated the demand from the community for the establishment of an orderly industrial system.

New Zealand, at that time, had experienced a long period free from industrial disruption because of its system of industrial conciliation and arbitration, and this system was adopted within Australia. The system relied on the formal process of referring disputes to an impartial third party for resolution by conciliation or, as necessary, by arbitration.

This system was devised to protect the community from disruption and to provide for equality of power between unions and employers. To achieve this, the parties involved were subject to various obligations in order to receive the benefits provided by the system.

Over recent years increasing concern has been expressed by all sections of the community that the current industrial legislation has become incapable of dealing effectively with the major industrial issues of our time and, unfortunately today, the decisions of the industrial courts are all too frequently rejected.

Nowhere has this been more obvious than in the devastatingly high levels of industrial disputation and in the consequential disruption which this has had on the lives of the citizens in our community.

It is becoming increasingly obvious that the arbitration system provided by the present Act is unable to cope with and, indeed, in some respects is adding to the difficulties being experienced.

Some militant union leaders—those who endeavour to dominate their members—will not be happy to see any of their powers reduced. But, industrial disputation is having disastrous effects on our State and on the community. It is causing hardship, unemployment, and a loss of credibility in the State's industrial capacity both in Australia and overseas.

The present Industrial Arbitration Act came into force in 1912, and since then has been amended on numerous occasions. Some of those amendments have been substantial, while others have been pedestrian and largely mechanical.

The Act now is such, however, that both the Government—in its election policy statement prior to the 1977 election—and the Chief Industrial Commissioner himself—in his annual report of 1977—have pointed up the need for a complete reappraisal of its contents and a reassessment of its objectives to make these consistent with community attitudes of the 1980s.

The fact is that the existing legislation has become less and less effective over recent years. Simply put, it has been unable to cope and, sadly, the attitude today is embodied in the notion that one should strike now and think, or negotiate, later.

These factors therefore have led the Government to its action today in introducing into Parliament a new Bill to correct the deficiencies of the old Act and, hopefully, to set a new industrial relations climate where fair play, justice and equity protect the community, trade unions, trade unionists, and the individual Western Australian's interests.

The community called for positive action to protect the well-being of the general public and the State's economy. This call has been heeded by the Government.

Prior to the 1977 election the Government gave notice of its intentions. In outlining its policies for arbitration reform it undertook, among other things, to re-examine fully the arbitration Act and to update and improve the processes for settling disputes.

It is now history that the Government was supported by the public of Western Australia in being returned to Government in 1977.

This Bill is the culmination of the undertaking made at that time and an acceptance of the Government's responsibility to the public.

In fulfilling its undertaking the Government initiated a number of steps to facilitate the introduction of effective legislation.

The House would be aware that Senior Industrial Commissioner E. R. Kelly was commissioned to conduct a detailed review of the Industrial Arbitration Act in 1978.

It was understood clearly that the review undertaken by Senior Commissioner Kelly would form the basis for new legislation but, of course, the Bill before the House reflects the Government's policy and its final decisions.

In carrying out his review, Senior Commissioner Kelly sought a wide variety of opinions. The public were invited to contribute and Press advertisements called for submissions.

The senior commissioner had extensive discussions with the principal organisations involved in industrial relations in Western Australia. These included the Confederation of Western Australian Industry and the Trades and Labor Council, as well as individual employers and employees, union officials, academics, Government officials, and parliamentarians.

In addition, Senior Commissioner Kelly travelled to the Eastern States and New Zealand to observe and study other systems and to discuss these with the appropriate authorities.

On the 22nd August, 1978, the senior commissioner provided the Government with his final report and recommendations. The recommendations were published to permit further discussion and I publicly invited further comments.

Subsequently, comments and objections were received from the Confederation of Western Australian Industry, the Trades and Labor Council, and from various organisations and individuals. Discussions were held also with the Minister for Labour and Industry Advisory Committee on those provisions to which strong objections had been made.

It should be clear, therefore, to anyone, that the proposals embodied in the Bill have been the subject of the most exhaustive and thoughtful decision-making process.

Many of the procedures contained in the Kelly report have been adopted, but the Government, because of its responsibility to the entire community, has, where considered necessary, made substantial amendments and adjustments.

This has altered the emphasis to place more responsibility on the parties to approach their tasks with maturity and accountability.

The primary purpose of this legislation is to serve the interests of the Western Australian community by providing reasonable and expeditious means of settling in a fair manner the conflicts which arise between persons who are engaged in, or concerned with, employment or industry within the State's jurisdiction.

In accordance with the views of most people who participated in the review, the Bill gives emphasis to the prevention and settlement of industrial conflict by consensual means and it is designed to protect the community from the disruption caused by industrial disputes.

Accordingly, it imposes express obligations on all persons concerned to endeavour to resolve matters by agreement or conciliation; it prohibits the commission from dealing with matters by arbitration unless it is satisfied that further efforts at conciliation would be unavailing; and it facilitates the bringing together in conference of persons involved in actual or potential industrial conflict.

In keeping with this emphasis the penalties are limited to those cases in which duties and obligations are necessary or important for the functioning of the system.

In any discussion on industrial relations nowadays much is heard of the term "responsibility".

It is worth pointing out to members and to the community at large that no-one—I repeat, no-one—is compelled to join the conciliation and arbitration process. By that I mean that registration of a union of employees or a union of employers is entirely voluntary.

There is no law or regulation which forces a union to register. That decision is, and must be, a totally free and conscious decision. But where a union does decide to register, and enter into the mainstream of the system, that union must be required to accept the responsibilities that go with the system.

If unions are not prepared to work within the system, to accept the responsibilities that come with the benefits, they should leave the system altogether. Simply put this means that they must "shape up or ship out".

Hopefully, they will not ship out. Ideally, because they are an important sector of the Western Australian community, they will remain within the system by recognising its value and benefits and by accepting the responsibilities duties, and obligations they have towards it.

To keep matters in their perspective, members should understand that most unions in Western Australia have had a long and honourable history of service to their members, and certainly of responsibility to their community.

This does not imply that they have followed a "tame cat" approach; rather it suggests a large number of unions have bargained and negotiated with vigour on behalf of their members, but accepted the restraints and responsibilities imposed by any civilised community.

Sadly, the activities of these unions have to some extent been discredited by the activities of a small group of unions which have not been prepared to work within the system.

It is relevant to point out that throughout the long period leading up to the completion of the Kelly report, there was never the slightest suggestion that the conciliation and arbitration system, in whatever form it was to be altered, should be abandoned.

This surely is a strong indication that such a system is desired and supported by almost all Western Australians, and the union movement as a whole.

In any industrial relations system, rules are necessary to permit the system to function. Those who agree to operate within the system must, where they are able, adhere to the rules. If they do not, and attempt to gain the benefits of the system without acknowledging the obligations imposed, there are two clear choices. Either they should be removed from being able to obtain the benefit which the system provides, or, if they are to remain in the system, they must face penalties to enforce compliance; that is, unions of employers and unions of employees must be required to abide by the conditions of their registration.

The Bill recognises in principle that unions and employers are expected to refrain from using strikes and lockouts and other industrial "weapons" to resolve disputes.

The procedures will allow parties to bring disputes to the commission which has the jurisdiction to deal with them and whose awards and orders are enforceable.

Equity, good conscience, and substantial merit, remain the principal determinants of matters which will come before the commission.

Many of the changes in the Bill are merely for the purpose of putting existing provisions into a more logical order and to give clearer expression of previously ambiguous provisions.

There are of course changes of considerable significance and these require comment and explanation.

A major thrust of the new legislation is that which can best be described in one word; that is, "democracy".

The Bill sets out to achieve a greater degree of involvement on the part of all who wish to exercise their rights.

It recognises that, up till now, the notion of democracy, so far as industrial relations are concerned, has been given largely only lip service by some people.

Indeed, one of the provisions of the Bill sets out to fully involve the individual in this process at

the most appropriate point of all—the beginning—that is, at the point of registration.

In addition, the Bill makes it clear that changes to the rules of a union cannot occur without the whole of the membership being consulted.

It is believed that only by this total, personal, and democratic involvement of rank-and-file members can the community expect to see rational and just operation of the conciliation and arbitration processes.

The Bill reflects also community feeling towards the desire for more effective conciliation procedures. Indeed, the proposed legislation, as mentioned earlier, will prohibit specifically the Industrial Commission from using its arbitral powers until the processes of conciliation have been totally exhausted.

The Government believes that only by pursuing this course can a greater degree of responsibility be injected into the industrial relations scene; that is, where parties themselves are required to solve their differences, preferably without even resort to arbitration.

It is important to note that the conciliation procedures ought to mean the parties coming to an agreement based on their own judgment and sense of goodwill. It should mean also that decisions and agreements made in this atmosphere will be adhered to by the parties.

At the same time, this emphasis on the conciliation procedures must not be allowed to obscure the fact that the community demands that where conciliation fails the umpire must be allowed to decide—the umpire in this case being the Industrial Commission.

Perhaps one of the most significant features of the Bill and consistent with the emphasis being placed on closer rank-and-file involvement, is that, unlike the present Act, it recognises a limited right to strike.

The present Act, as members will be aware, prohibits strikes. To many people that prohibition is an unreal one by virtue of the fact that strikes are a regular feature of our industrial relations world.

Under the new legislation the facility of a strike will be given a form of protection where the decision to strike has been taken democratically among the members of that union; that is, where members of the union, in a commission-controlled secret ballot, vote to strike, this will not constitute an illegal Act.

It needs still to be remembered however that the strike that is engineered by one or a group of leaders, wherein rank-and-file members are directed virtually to go on strike, or excluded from any part of the strike decision, will have no protection under the law.

Another important element concerns a change in the position unions occupy under the legislation, and the relationship between the respective rights of unions and individual employees.

The current Act recognised, in common with legislation elsewhere in Australia and New Zealand, that the existence and viability of unions of employees was crucial to the operation of the system of conciliation and arbitration. As a result, special privileges were extended to them under the law.

An important difference between this Bill and the existing Act lies in the fact that the Bill regards unions as simply bodies which the community recognises. The Bill accepts and provides a means whereby they will be able to serve the interests of their members with the least detriment to the interests of the total community.

The Bill places importance on recognising the needs and rights of the individual. This is consistent with the Government's commitment to create a framework wherein the individual may go about his work without interference.

One of the special privileges contained in the earlier legislation was to give unions sole right of access to industrial tribunals to the exclusion not only of other unions but also of individual employees. The individual employee was dependent upon the union or, in some cases, the Industrial Registrar or other official, if he or she wished to seek remedy under the Act for any grievance he or she might have had. In 1963 some modification was made but this was extremely limited.

The Bill provides employees with the capacity to move under the industrial law to protect certain basic entitlements. These are limited and therefore do not threaten the existence or viability of unions or provide an incentive for them to leave the system.

The Bill enables an employee, on his own account, to refer to the commission a claim that he has been unfairly dismissed or that he has not been allowed a benefit to which he is entitled under his contract of employment—a right he did not have before.

Similarly, provisions have been incorporated to ensure that the employment of both union members and non-unionists is not prejudiced by the unilateral action of an employer.

The Government considers it is imperative that the Industrial Commission be equipped to deal expeditiously with all matters under its jurisdiction and to ensure that it is not constrained by an inability to act. To facilitate this, the commission will now of its own motion be able to take cognisance of industrial issues and, as necessary, have these matters brought before it for attention.

The commission will no longer be constrained from acting by being forced to await an application of one of the parties concerned, as it is under the present Act.

In further support of these procedures and to enable the Government to accept its responsibilities to the public, special provisions have been incorporated to enable the Attorney General to bring matters before the commission where the public interest is or is likely to be affected or threatened.

The Minister, on behalf of the Crown, will be able to extend the authority of the commission to deal with a matter which is normally outside the definition of "industrial matter" but which may contain elements of an industrial nature which are consistent with the objects of the Act and of such concern as to affect the public interest.

The existing provisions enabling other parties to refer matters to the commission have been retained.

An important further extension of the commission's role is in its capacity to make general orders. Whereas these are presently limited to the extent that they apply only to those who are covered by awards and agreements of the commission, they will now be able to be applied to all employees whether under an award or not.

It is intended that these general orders will create certain minimum standards in respect of wages, sick leave, annual leave and long service leave and ensure they will apply throughout the State to workers who are not otherwise entitled to such benefits.

Such orders will have a function similar to the Long Service Leave Act, some provisions of the Factories and Shops Act in this State, and annual and sick leave legislation in other States.

The Government has been conscious that disparate wage movements can be harmful to the State's economy and are a cause of dissatisfaction to workers who receive differing amounts compared with their colleagues and workmates simply because they are covered by another—State or Federal—jurisdiction.

Therefore, a provision has been included requiring the commission to consider and implement national wage decisions, unless there is good reason for not doing so. This is similar to legislation in other States and will provide desirable levels of consistency. The commission will, however, be able to refrain from adopting a national wage decision if the particular circumstances in Western Australia are such that the commission sees this as being necessary.

Consistent with the increased capacity for the commission to act expeditiously and to reinforce the importance of conciliation, the commission will now be empowered to initiate a compulsory conference and to make orders if necessary from that conference where agreement cannot be reached by the parties—a power it does not have at present. This will encourage the parties to make greater efforts to resolve their disputes by agreement.

However, appeal provisions against such an order will protect the rights of the parties to the conference.

Members will note an important change is proposed by way of the appointment of a person of a like style and title to that of a puisne judge as president of the commission. The president and two commissioners will constitute the full bench of the commission.

The Government believes this decision will greatly enhance the operations and indeed the standing of the commission; and it is consistent with the Government's desire to extend the powers of the commission in a way to cope more adequately with conciliation and arbitration processes.

The full bench will hear appeals from decisions of single commissioners and appeals from industrial magistrates—a function of the present Industrial Appeal Court—and will deal with the registration of unions and related matters.

The president, sitting alone, will deal with proceedings for failure to attend a compulsory conference, proceedings for contempt of the commission and proceedings relating to the observance by unions of their rules.

The president's role in the commission will bring about closer co-ordination between the functions of award-making and award enforcement. It will create a heightened impartiality in these matters and will enable deregistration and penalty provisions to be implemented more expeditiously.

For instance, at present if a strike occurs that affects the health and well-being of the community, it is impossible to have deregistration

proceedings effected quickly. This Bill provides that in the event of the community's welfare being threatened, the commission can, if necessary, have deregistration effected within a matter of hours.

The president will not become involved in the exercise of the commission's primary jurisdiction of settling industrial disputes and issuing awards and orders. He will be the judicial head of the commission, whilst administration will substantially remain the function of the Chief Industrial Commissioner.

The fact that a judge is on the full bench should reduce considerably the number of matters which find their way to the Industrial Appeal Court and thereby reduce delays.

The Industrial Appeal Court will hear appeals from the Commission in Court Session, the president and the full bench on the grounds of error in law or excess of jurisdiction. As with the present Act substantial rights of appeal are provided to protect all parties.

The Bill contains provisions relating to the registration and rules of State branches of organisations registered under the Commonwealth Act. This will overcome some of the troublesome problems of dual registration thrown up by the case of Moore *v.* Doyle.

A provision has been included to enable the Australian commission and the Western Australian Industrial Commission jointly to determine a dispute on matters which fall partly within both jurisdictions.

Members will recollect the recent CBH strike involved the WWF—a Commonwealth registered union—and the State registered AWU. Such matters as this particular dispute are difficult to resolve solely by either State or Federal authorities, but it is expected these should now be more easily managed by a joint sitting.

It is anticipated the Commonwealth will facilitate this by introducing complementary legislation.

The ability of unions to amalgamate has been extended and this will facilitate the democratic involvement of the total membership of the amalgamating unions.

As a further step in encouraging democratic involvement, provisions are made for the registration of industrial associations of unions in an industry.

These provisions will enable unions to form themselves into an industrial association to service their industry with a view to providing a more local and responsible involvement than exists at the present. Such provisions are specifically designed with the iron ore industry in mind but are not, of course, restricted to that industry.

It is the intention of the Government to establish branches of the industrial registry, and the Bill provides for the appointment of assistant registrars as required. It is intended in the first instance to establish a branch in the Pilbara and courts and registry facilities have been obtained at Karratha.

Assistant registrars will act as permanent chairmen of boards of reference under awards that operate in the area and also will fulfil an investigatory and reporting role in relation to disputes. It is intended that in carrying out the latter function, an assistant registrar will exercise a mediation function and may be used to conduct or control the secret ballots, which will be referred to shortly.

Provisions have been made to enable application of the Bill to industries carried out in off-shore waters and other areas to which the laws of the State apply. This will, in part, be necessary because of the anticipated North-West Shelf development project.

In furtherance of the principle of resolving issues by conciliation prior to resorting to industrial action, the Bill, in clause 45, provides that the commission shall have powers, where circumstances warrant, to make orders restraining persons from taking industrial action.

As stated earlier, it is imperative in any industrial relations system for the rules to be recognised and followed. It is entirely inappropriate for rules to apply to one section of the community and not another, or for some people or groups of people to be able to ignore rules which are established for the benefit of everyone.

Therefore, where a breach of an order of the commission takes place, the commission is provided with flexibility as to its action but may require, if considered necessary, the offending party to show cause why it should not incur penalties for the breach.

In all cases, however, prior to the union or employers being required to show cause, the commissioner is to advise the offending employer or union of his intention to direct the issue of a summons to show cause. This will provide the union or employer with an opportunity to avoid the issue of the summons by taking appropriate action before the direction is given.

If the action is not taken and if in a hearing before the full bench cause is not shown, penalties such as suspension or cancellation of benefits, or

suspension or cancellation of registration—or financial penalties—may ultimately be imposed.

Protection of the parties is afforded throughout the processes and the commissioner who orginated the action is not to be a member of the full bench hearing.

The purpose of these provisions is to create a law with which people can comply without exercising more than a reasonable amount of restraint in the interests of the community as a whole. The Bill makes it clear to those who demonstrate by their conduct that they are not prepared to exercise the limited self-discipline which the system requires, that they must expect to be denied the benefits which the system confers.

Consistent with the Government's policies of increasing democratic control within unions, specific provisions have been incorporated in the Bill to enable the Industrial Commission, where it is considered of sufficient importance, to order a secret ballot to establish the views of all union members or those directly concerned on a matter affecting them.

It provides that the ballot may be conducted either over the whole State or in a particular area. This facility may be used by the Industrial Commission to establish the views of workers in the event of possible strike action.

For instance, recently cases have been brought to notice where, although a majority of union members have voted not to strike, the executive has directed otherwise. This is most undesirable, particularly as it is the union members and not necessarily the executive who suffer the loss of pay.

Provisions for the formation of unions also have been extended by requiring that the number of persons who may form a union be 200. However, the commission is also to be given powers to register as a union a lesser number of persons if circumstances warrant.

As with the present Act, provision is made for persons to object to the registration of a society as a union and the Industrial Commission may refuse the registration if it is satisfied that such registration is not necessary or desirable. In addition, if 5 per cent or more of members object in writing, a ballot is to be conducted by the Industrial Registrar and if the majority oppose the application then registration of the union is to be refused.

These registration provisions will not affect unions currently registered.

Special provisions have been incorporated in the Bill preventing the Industrial Commission from prescribing conditions relating to the Workers' Compensation Act. Parliament has the responsibility for this matter and it is not consistent or appropriate for the Industrial Commission to have powers in this regard.

The Industrial Commission is to be prevented from awarding either compulsory unionism or preference to unionists, and such provisions in any existing awards and industrial agreements will be nullified. As a consequence, no provision is necessary for exemption from union membership. This will give persons the freedom of choice to be or not to be a member of a union.

This issue has possibly been the most contentious in the present Act and many members of this House—myself as Minister for Labour and Industry included—have had many requests for freedom of choice to be made a reality.

Lack of such freedom is—

contrary to the United Nations Declaration on Human Rights;

contrary to the ILO conventions;

contrary to this Government's policies; and

contrary in the Government's view to the beliefs of most Western Australians.

The Government supports responsible unionism. However, unions should offer people sufficient to attract them, rather than simply demand that people join an organisation that may be abhorrent to them.

Some may say there is no compulsion, that anyone can opt out by applying for an exemption and by paying the amount of the union fee to a selected charity.

This freedom does not always apply. In fact, at one meeting in my presence one union member stated that irrespective of what exemptions any person had, that person would not be permitted to work on a site without a union ticket. This stance, I might add, showed clearly in the Wanneroo Hospital dispute.

This Bill will not require anyone to be or not to be a member of a union. It will not require exemptions and it requires no payment from those who are not attracted to what the union has to offer them. It will allow them full freedom of choice.

The Government is encouraged in this regard by the statements by at least one member of the Opposition who has said that legislation should not prescribe that a person be forced to join a union.

To ensure that a person has a real choice in regard to union membership, the Bill prohibits an employer from discriminating against a worker, because a person is or is not a member of a union. In addition, any person who induces or attempts to induce an employer to do so, becomes subject to penalties under the Bill.

Having touched on that particular issue—which is a most contentious one—may I remind the House of the last time on which major changes were made to industrial law in Western Australia; namely, in 1963.

Members will recall that those alterations produced the response on the part of some that the Government of the day was bringing about a most serious attack on trade union rights.

At that time the most colourful and extravagant claims were made; and the colour and extravagance of the language used has, with the passage of the years, been shown to have been inaccurate.

Members need only look back to some of the headlines of the day to realise the truth of that statement. Headlines such as "State-wide threat by unions" and "Uproar in the House" and articles such as "Death of arbitration"—which were widely distributed throughout the State—were commonplace at that time.

To those who would continue, despite what I have said, to make extravagant claims, I would point out that the results of various recent opinion polls in fact support what the Government is endeavouring to achieve with this legislation.

As one example, a Morgan Gallup poll in September, 1978, on compulsory union membership found that 73 per cent of the work force polled disagreed that employees should be made to join a union.

As with any legislation—no matter how comprehensively drafted—faults and flaws may show up at a later time. The Government will more than willingly deal with them if this occurs.

In the meantime, however, it is the Government's overriding commitment to establish a rational industrial relations structure in Western Australia.

We do not want to see a repetition of some of the damaging, costly and unnecessary disputes that we have seen in our recent past.

Probably no single industrial dispute of recent times demonstrated more clearly the cost of a protracted stoppage than the strike by Hamersley Iron employees in the Pilbara in mid-1979.

Figures quoted before the Industrial Commission after some eight weeks of the strike are best able to underscore the human and economic consequences, bearing in mind that the strike went for another two weeks after that period.

The company's submission in the Industrial Commission's transcript paints this picture—

> That strike has already caused and cost a loss of more than $85 million in revenue and cash flow to the company; an equal loss of the same magnitude to the State and the nation's balance of trade income revenues; a loss of about $7 million in wages . . . ; a loss to this State's revenues of $4 million in royalty income; a loss to the nation—it is estimated in excess of $2 million—in personal income tax . . . ; a loss to the West Australian community of the magnitude of $34 million for goods and services not now supplied or used or consumed by the company during the duration of this strike to date; a loss of continuing employment for about 100 temporary or casual staff . . . ; and the stand down of about 100 apprentices . . .

In summary, this Bill has been necessitated by the incapacity of legislation created at the beginning of the century to cope with the issues which face a community entering the 1980s. It is in answer to the community's call for positive action and the Government's response in 1977.

The Bill has developed through a number of stages and at each step in consultation with those most involved.

The Government has had the benefit of the most qualified advice and has provided adequate opportunities for people to participate in and contribute to discussion.

It was clear from the review that the community had a preference for a system of conciliation and arbitration. It is also clear that the community strongly holds that the individual employee should be able to exercise his rights and not have these infringed upon by others.

The only means of providing effectively for the settlement of disputes by conciliation is—

> by ensuring as far as is possible that parties deal in good faith with one another;
>
> by encouraging the adoption of a policy of conciliation before taking industrial action;
>
> by ensuring that agreements reached between parties are honoured by them;
>
> by restraining the use of industrial action generally and particularly where it has or is likely to have widespread and indiscriminate effect upon the public at large or on patries not directly concerned in a dispute, or where

it could otherwise detrimentally affect the public interest;

by requiring parties to abide by awards or orders of the commission where they have failed to settle their disputes by conciliation; and

ultimately, to exclude from the benefits of the system those who demonstrate by a consistent course of action that they are not prepared to abide by the rules and constraints of the system.

The Bill provides for—

freedom of choice by the individual, and provides him with direct access to the commission;

the Industrial Commission to have increased flexibility; in keeping with this the commission's status is to be raised by the appointment of a judge as president of the commission;

general orders for minimum conditions to be applied to all employees;

national wage decisions to apply in Western Australia, unless there are good reasons they should not;

the commission to be able to hear issues in dual sittings with the Commonwealth commission;

democracy within the union movement; and

capability for the Attorney General to initiate action in the event of the public's welfare being jeopardised.

The Government believes that the areas of this Bill upon which I have touched, and other provisions contained within the measure, will assist in providing the institutional framework necessary for a more effective and productive industrial relations system for Western Australia.

I commend the Bill to the House.

Debate adjourned for two weeks, on motion by Mr Tonkin.

The SPEAKER: Might I just comment that I hope the same exemplary behaviour displayed by the House during the introduction of this Bill continues during the remaining stages of the Bill.

Mr Davies: That is entirely up to the Government.

Mr B. T. Burke: Fat chance!

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

ACTS AMENDMENT (POST-SECONDARY EDUCATION) BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR P. V. JONES (Narrogin—Minister for Education) [5.56 p.m.]: I move—

That the Bill be now read a third time.

MR PEARCE (Gosnells) [5.57 p.m.]: I wish to intrude briefly on the third reading stage to make a few comments on Press reports which followed the second reading debate in this place and the failure of the Committee to accept my amendments which would have had as one of their effects the result of reconstituting the Western Australian Post-Secondary Education Commission.

During the course of the Minister's reply to the second reading debate, he accused me of unfairly attacking the Chairman of the Post-Secondary Education Commission when that person was not in a position to defend himself. I thought that was a rather remarkable statement because I felt Dr Neal was perfectly capable of defending himself in either the public or private arena. In fact, the chairman himself proved the Minister quite wrong by attacking me in the pages of *The West Australian* on, I think, Monday morning.

Mr P. V. Jones: It was not about himself; he defended his commissioners.

Mr PEARCE: He was quite prepared to launch into a public debate with me on the issue—a challenge which I am perfectly prepared to accept.

Mr P. V. Jones: He defended his commissioners, not himself. He spoke about the time they put in, and so on.

Mr PEARCE: He may well have felt he could defend his commissioners but could not see any way of defending himself; possibly he felt his own position was indefensible. The point is that the Minister implied that because the commissioner was a public servant, he would be unable to enter the debate against a member of Parliament.

Mr B. T. Burke: The Minister was wrong again.

Mr PEARCE: That is right; Dr Neal felt no constraint whatever in attacking me for being—in his own words—"irresponsible" in suggesting the Post-Secondary Education Commission was not operating in the best possible way.

I wish to make it quite clear to the House the basis on which I attacked the commission and the points I made and to specify the areas in which I believe the commission has failed.

I believe Dr Neal himself failed to understand the mess his commission is making of post-secondary and, in particular, tertiary education in this State because of the bitterness and divisiveness the commission itself is causing amongst tertiary institutions—particularly universities—in this State.

If Dr Neal is unaware of the divisiveness being caused by the operation of the commission I think he is failing doubly in his job. Surely, as chairman of the commission, one of his functions is to be aware of what is going on in the post-secondary and tertiary education sphere.

It is not at all irresponsible of the Opposition to be pointing out the ways in which the operations of the commission are bringing about this divisiveness. I refer specifically to the role the members of the commission—the people I called "yes-men" in Parliament last week—are working. Dr Neal is the strong man of that commission. In essence, the commission seems to be working largely in accordance with what Dr Neal wants and in day-to-day co-ordination the individual members have very little to say in the commission's activities.

The chairman, as he must, plays a much greater role. The role Dr Neal is playing at the present time—whether it is a role he is deliberately taking on for himself or whether it is just an unfortunate consequence of the way he is operating—is causing bitterness, competitiveness, and division among tertiary institutions—notably our two universities.

I said during the second reading debate that that is a most unfortunate situation to be occurring in our tertiary education area, where one would be looking for a great deal of tolerance, co-operation, and harmony, because these are the sorts of things which underlie any education system.

How can we have co-operation, tolerance, and harmony being emphasised in these education institutions if the hallmark of the way in which the institutions relate to each other is the reverse of those three ideals? The way in which education is structured necessarily has an effect on the way in which education operates inside the institutions themselves.

It is totally responsible for me, as Opposition spokesman on education in this place, to be pointing out to the Minister and to the public that the commission is not operating in the best way in this important area. I rebut the accusation made by the Chairman of the Post-Secondary Education Commission that I am irresponsible in pointing out these things. I am totally responsible. The Opposition in its whole attitude to this question has been totally responsible. Again I say we will be looking to see some restructuring of the commission in the way I indicated in the course of the Committee debate to make the commission operate effectively and so properly and harmoniously co-ordinate the activity of tertiary institutions in this State and thus have a somewhat better tertiary education system than we have now.

I am not—and I am sure other Opposition members feel the same—going to be put down by assertions that I am being irresponsible whenever I bring to the public notice those unharmonious things which are rumbling under the surface and adversely affecting any part of the bureaucracy, of State Government authorities, or any other authority for which this Parliament has some authority of its own. Opposition members will continue to point out these things and will continue to struggle for a better situation.

We are quite unrepentant in the attitude we adopted during the second reading and Committee stages. The commission is not working effectively at the present time. It is our prediction it will not work in this restructured way, because there is no suggestion that the Minister has faced up to the problems being caused by the operations of the commission and the underlying causes of these problems. I am sorry, too, that the House when in Committee did not take note of the problems I drew to its attention and take up the amendments which I moved—amendments I believe would have alleviated the situation.

Question put and passed.

Bill read a third time and transmitted to the Council.

CREDIT UNIONS BILL

Second Reading

Debate resumed from the 13th September.

MR B. T. BURKE (Balcatta) [6.05 p.m.]: The Minister's second reading speech on this piece of legislation was fairly long on history and fairly

short on the substance of the measure that was before the House. Let me make it clear that the Opposition intends to support this legislation, although it does so with some reservations and it seeks from the Minister assurances on several specific points which are covered by the Bill and about which the Opposition believes there is some cause for concern.

Firstly, however, I make the point that this Bill very clearly displays the fundamental contradiction in the Government's attitude towards legislation of this type containing controls on different parts of the money market operating within Western Australia.

If members reflect upon the time when major changes were made to the Act under which building societies in Western Australia operate, they will recall there were a considerable number of amendments proposed by the Opposition. A substantial number of that considerable number were directed towards the proposition that there should be residing in the hands of the Government some sort of control over the activities of building societies, specifically, but not exclusively, in regard to the interest rates that were charged on loans made to borrowers and the interest rates that were paid in respect of deposits that lenders left with societies.

At the time, the Minister handling that piece of legislation was at great pains to point out to the Opposition and the House generally that it was not possible, nor was it desirable, to impose upon part of the money market controls of the sort suggested by the amendments proposed by the Opposition.

At that time we heard a number of reasons which we, on the Opposition benches, considered to be specious—and which we consider retain their falseness now—in defence of the proposition that interest rates should not be controlled. However, in the piece of legislation which is before the House now the most vivid, precise, and compelling controls are placed on the interest rates that can be adopted by one part of the money market.

It would be interesting to hear the Minister handling the Bill explain just how the Government can justify the controls it now seeks to impose on credit unions when similar controls were considered to be very unwise when proposed in respect of building societies. Why should one part of the money market be treated differently from another? What is the justification for doing so and what need is there to do so?

The House has a right to know from the Minister whether or not this legislation, with the very vivid controls it will repose in the hands of the Government, will pave the way for some sort of Government offensive against the credit union movement. The Opposition hopes, trusts, and believes this is not to be the case and that the Minister sees this legislation as being necessary to control the orderly and proper management of this part of the money market; but this sort of power residing in biased hands could well result in the credit union movement generally being placed at a great disadvantage when it has to compete in the money market with building societies over which similar controls have not been sought by this Government and have not been accepted by it when proposed by the Opposition.

The Opposition wishes to make it perfectly clear that it believes that while there is a necessity for legislation that ensures the orderly operation of the credit union movement, there can be no room for favouritism in so far as the Government's actions impinge on particular sections of the money market which are in competition with each other within the market place.

You, Sir, may be assured that the attitude adopted by the Opposition when the question of similar controls over building societies was discussed previously, is an attitude which will be continued in respect of those societies when the opportunity arises.

At the same time, let me emphasise again that the considerable power this legislation will repose within the hands of the Government cannot be accompanied on a parallel basis by favouritism of any sort towards any particular section of the money market.

When talking specifically about different parts of this legislation, the Opposition draws to the Minister's attention a number of matters and asks that he provide information about each of those whenever he feels it is appropriate. We want to draw to the Minister's attention the definition of the word "member" under the proposed law and to point out to him that some credit unions of considerable size will suffer a great disservice as a result of that interpretation unless they are able to alter their constitutions. I am talking about credit unions which continue to accept deposits from ex-employees of a particular employer or industry which they were able to encompass within their rules previously. Retired employees are included in that category, and, in some cases, the spouses of former employees who were members.

It is hoped in the event that a particular credit union is unable to alter its constitution to include these people as continuing participants in its

operations, the Minister will be able to assure the House that they will not be penalised by the implementation of the new legislation.

Clause 52(8) deals with allowances for contingent liabilities and relates to the fixing of doubtful debt provisions on delinquent debts. It is of interest to the Opposition to point out to the Minister the lack of definition which appears to exist between secured and unsecured debts and the Opposition points out to the Minister that perhaps some sort of definition is needed to distinguish between them and certainly to stress to the House when we talk of "secured" debts that in no sense should a loss be assumed to have been incurred by any society.

Another of the deficiencies which the Opposition sees within the legislation is the apparent absence of any provision for credit unions when they come within the ambit of the Companies Act, to receive the status of trustee organisations. Perhaps by the addition of an extra clause under the miscellaneous section of the Bill, it may be possible to make allowance for credit unions to assume trusteeship status in the future.

Another of the matters on which we would like to hear the Minister is the question of the penalties provided in the Bill. We would like to know from the Minister why those penalties are not stipulated as amounts which may not be exceeded, rather than being referred to as flat amounts which cannot be varied or changed as penalties for certain offences that are provided in the Bill.

The last two points on which he would like the assurance of the Minister when he replies at the end of the debate concern, firstly, the question of liquidity and the provision, when considering liquidity, to include as funds for that purpose those deposits which are residing with credit unions for a period in excess of two years.

The Opposition feels it would be more appropriate to redefine that particular part of the law to include the words "two years or more", because the Opposition believes it is neither wise nor sensible to consider as liquid deposits, those which are tied up for a period of two years. While the Bill refers to those deposits tied up for a period of more than two years, the Opposition suggests to the Minister it would like to hear from him that the provision should be for a period of two years or more, rather than in excess of two years.

Secondly, in addition to the query in general terms about the number of people—that is, 25 people are required prior to the establishment of a new credit union—the Opposition seeks some sort of assurance from the Minister not only in relation to the number, but also in regard to the expertise and professionalism which will be expected of those people, because in some ways the history of the credit union movement is not a very proud one. Although that is not meant to reflect on individual credit unions today or yesterday, it is plain that there is ample room in the history of these unions for some sort of regulation and control and expectation in relation to expertise and professionalism.

Sitting suspended from 6.15 to 7.30 p.m.

MR O'NEIL (East Melville—Chief Secretary) [7.30 p.m.]: I thank the Opposition for its generous support of this Bill. When I introduced the legislation I indicated that it was primary legislation in this State and perhaps—as the member for Balcatta said—my speech was long on history and lacking in detail. It is a general policy that when a Bill is not amending a Statute but standing in its own right, it is assumed that all the detail of that Bill is contained in it. However, I am the first to admit that it is a fairly substantial piece of legislation, in volume anyway, but as I indicated, this Bill has had a rather long gestation period.

I understand that the member for Kalgoorlie, when he was Attorney General many years ago, had something to do with the initial discussions between the State Ministers which produced this Bill. I note also that when the Hon. Norm Baxter was Minister for Health—and for some reason the credit unions will have a Statute which is self-health and friendly societies—he had something to do with the birth of this Bill.

Mr Davies: You can go further back and find that Ron Davies did, too.

Mr O'NEIL: Perhaps so. It has taken a great deal of time.

Everyone who has endeavoured to bring this legislation before the Parliament of Western Australia has been appalled at the size of the document, but it has of course many provisions contained in it. Some of those provisions were previously in the co-operatives Act and also the Companies Act. Many of the provisions are a repetition of the provisions of those Acts so that the credit unions will have a Statute which is self-contained. Perhaps I should mention the magnitude of the operations of the credit unions in this State.

Some time ago, in fact as at the 31st March, 1979, there were something like 37 credit unions operating in Western Australia, about 27 of which were members of the association. Whilst

the figure indicates the operations, there was no requirement for the association or anyone else to be advised as to the financial operations of those societies. The figures that I have available certainly show 24 of the members of the association indicated that there were savings in the societies of something in excess of $122 million and loans in excess of $107 million had been granted to their members. Unfortunately these figures are not up to date. Anyway, there has not been any defalcation or any major problem in respect of these societies but certainly a great bulk of the societies in the State have welcomed the introduction of this Bill.

Most of them were very anxious to have a Statute which protects the interests of their members, similar to the Statute in respect of estate agents, because this legislation will form guidelines for all members of the association as to how they shall operate in what is essentially a very large part of the money market. So whilst the Bill, as we have introduced it, may have defects, let us find out these by way of practical experience.

It is significant to note that since the Bill has been introduced I have had very little, or no query about it. The Police Credit Union sent me a copy of a letter it had addressed to the member for Balcatta expressing its concern regarding trustee status. I have replied to the union as at today's date and indicated that this is not the Statute in which that particular aspect of its situation should be examined and so therefore it is most inappropriate to suggest that an amendment be made to this legislation to cater for the union's wishes. That is the only approach I have had.

The Parliamentary Draftsman and the Registrar of Co-operative Societies have had a further opportunity to examine this legislation as it appears in printed form and there are some cosmetic amendments that are required. I have agreed to these amendments but, as members would be aware, if the amendments are made in this place there is a requirement that the whole of this Bill be reprinted before it is transmitted to another place. I indicate to the Chamber that I am prepared to accept the amendments that have been suggested—they are essentially cosmetic—and it would be my desire to pass the Bill through this House in its current form with the undertaking that these amendments will be made in the Legislative Council.

Mr T. D. Evans: I do not know that these are all cosmetic amendments. The Registrar of Friendly Societies would still be the registrar of that society. I think it would be indeed better for the registrar to be the Commissioner for Corporate Affairs. This is more than cosmetic.

Mr O'NEIL: There is a reason, of course. As the honourable member may be aware, there has been an endeavour over the last couple of years since I have been Chief Secretary to establish the Chief Secretary's Department as the proper authority for registration. The department has been upgraded and it is now separated from the Department of Corrections and is functioning in its own right in many fields of registration including the registration of births, deaths, and marriages, etc. The registration in relation to building society agents and the like, now rests within the Chief Secretary's Department which is becoming a centre for various registration processes. It is entirely separate. The Chief Secretary's Department is a department established to act as a registrar for the various organisations that require registration.

Members of this Chamber should know of the proposals to amend this Bill. The first is simply a correction of the word "office" to the word "officer". Another correction is to clause 54 to ensure that there is uniformity in the requirements for a statement of the interest payable on a loan being granted to a member. This particular part of the Bill indicates that a statement of the interest payable should be given in respect of all loans, but the bulk of the societies feel that it is necessary that it should be supplied only where there are special conditions pertaining to the loan, and so this is proposed.

Another matter is that this Bill indicates that the financial year for credit unions should end at the 30th June, whereas an examination has noted that some of them have financial years ending on different dates. The Bill will be amended to indicate that the dates may be spread between the 31st May and the 31st July. This is simply to cater for the situation that exists.

Another amendment is to the first schedule to the Bill where there are some punctuation mistakes. They are quite simple and are in respect of the A., B., C., credit unions. The lettering should not have full stops. So members can see the amendments in no way affect the Bill. They are purely cosmetic and corrective amendments. I am sure members will agree that rather than have this Bill reprinted before it has been transmitted to another place, the amendments should be made there.

The honourable member raised a question regarding the control of interest rates *vis-à-vis* building societies. There is no real control of interest. Interest rates must be as transacted. I

think it is clear there is an indication that this must be done but there is an advisory committee which is responsible for administering credit unions under this particular Act. I fail to find any reference to the fact that this advisory committee is subject to the Mininster. If this is looked at very carefully it is found that it is essential for regulating but certainly not in accordance with prescribing the interest rates.

I assure members that there is no intention on the part of the Government to constrain and restrict the operations of the credit unions. The very nature of the operation of the credit unions differs from that of the building societies. As far as I am aware, the amounts of money advanced by credit unions do not reach the magnitude of those advanced by building societies.

Mr B. T. Burke: There are many instances where credit unions advance money for blocks of land and for making additions to houses.

Mr O'NEIL: Perhaps that is so, and perhaps that is one reason that the association of credit unions is anxious to have this sort of advisory committee and control. As the honourable member and I agree, credit unions have become a fairly substantial part of our money market; therefore it is in their own interests to see a set of guidelines and a Statute controlling them.

I have already mentioned the fact that there is no desire on the part of the Government to bully the credit unions. In fact, the whole genesis of the Bill came from the credit unions themselves and the Government is merely the vehicle to create a Statute under which they can operate.

With respect to a question raised by the member for Balcatta, to the best of my knowledge there is no restriction on who can be a member of a credit union. I have not had the opportunity to read the 37 or so constitutions of the unions to ascertain whether membership is restricted. This must be left to the internal policy of the particular credit union.

The definition is broad enough—it says a member is a member of a credit union—to allow any credit union to embrace anyone it desires within its constitution.

Subclause (8) of clause 52 relates to the assessment of liquidity. The Statute lays down that the amount of liquid assets the union must have is not less than 7½ per cent but it excludes those deposits which are on terms longer than two years.

Mr B. T. Burke: Two-year terms hardly seems liquid.

Mr O'NEIL: It says deposits on more than two-year terms cannot be assessed as being part of liquid assets.

Mr B. T. Burke: I am saying it should be two years or more. At the moment two years is acceptable as an assessed liquid asset and I do not think that is reasonable.

Mr O'NEIL: It is a technical phrase. However, my understanding is that deposits on loan for a fixed period longer than two years cannot be regarded as being assets within the 7½ per cent liquidity. I do not think it is a matter of major importance but it is a matter I will certainly bring to the attention of the department.

I think it was the Police Credit Union which wrote to me concerning the matter of trustee status and indicated it had sent a copy of the letter to the member for Balcatta. I replied to the letter today following receipt of advice and indicated it is not deemed to be appropriate in this particular legislation to state that credit unions have trustee status. This is a matter which falls within another Statute and certainly within the purview of another Minister. The comments made by the honourable member will be conveyed to my colleague the Attorney General.

The honourable member raised the question of penalties and said we had simply used a flat figure of so much, whereas he felt the legislation should state "not exceeding" that amount. An examination of the Interpretation Act indicates that where a penalty is stipulated it is always regarded as a maximum penalty unless otherwise stated. So where a penalty for an offence is $100 the Interpretation Act says that means not exceeding $100. Therefore the suggestion by the honourable member to include those words is already covered by the Interpretation Act, which contains a general explanation of how Statutes are to be interpreted.

Mr B. T. Burke: Those words are included in some Acts.

Mr O'NEIL: Different draftsmen have different practices but the Interpretation Act clearly says where a penalty is stated it means not greater than or not exceeding that amount.

The final point raised by the honourable member related to the provision that not less than 25 members are required to form a new credit union. I cannot say why that figure has been selected, other than that we already have some 37 or so credit units. However, the Bill has had a long gestation period—much longer than the credit unions would have liked—and I presume the matter was fully discussed.

Again I say that despite the fact that the Bill has been before the House for a considerable time, I have received no strong objections to it and correspondence from the association clearly indicates it is favourable towards it. Also, while it may not be perfect, it has the acceptance of the credit unions. I thank the Opposition for its general support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Neil (Chief Secretary) in charge of the Bill.

Clauses 1 to 51 put and passed.

Clause 52: Distribution of surplus—

Mr B. T. BURKE: Subclauses (7) and (8) touch upon the only point not replied to by the Minister in his second reading speach. The clause concerns the surplus derived through the operations of the society. The proposal in subclause (7) is—

> (7) In this section the term "surplus" means the surplus after making proper allowance for depreciation in the value of the property of the credit union and for contingent liability for loss.

Subclause (8) goes on to say—

> (8) Subject to subsection (9), the proper allowance for contingent liability for loss referred to in subsection (7) in respect of a loan made by a credit union shall be—

Paragraphs (a) to (d) follow, dealing with the contingent liability. The point the Opposition raised in the second reading debate is that there appears to be a lack of definition in subclauses (7) and (8) between secured and unsecured debts. It seems to us that in talking about the surplus after making allowance there should certainly not be any allowance to be taken into account in the case of secured debts. It may well be that in view of the size of the Bill I have missed something in considering these subclauses but it seems to me the calculation of the surplus should be subject to a little more precision than it has at present with the lack of definition of secured and unsecured debts.

Mr O'NEIL: I apologise for missing that point. I had made a note of it but somehow overlooked it. I can only say that notes which have been provided in respect of this specifically mention clause 52 (8) and say that credit unions must give due cognisance to the fact that where payment is overdue in regard to the payment of loans the probability of the member making good gradually diminishes. The provision gives a gradual scale of amounts which are to be considered bad debts. I do not have any information on the precise matter of secured and unsecured loans but I will certainly bring the matter to the attention of my department and endeavour to advise the honourable member.

Mr B. T. Burke: Most of the loans are unsecured so there is no problem, but in cases where they are secured there should be no need to calculate contingent liability.

Mr O'NEIL: I will undertake to have the matter researched and advise the honourable member.

Clause put and passed.

Clauses 53 to 178 put and passed.

First schedule—

Mr O'NEIL: During the second reading debate I indicated there are some punctuation errors in the schedules and I will have them corrected in another place.

Schedule put and passed.

Second schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Chief Secretary), and transmitted to the Council.

CREDIT UNIONS (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Debate resumed from the 13th September.

MR B. T. BURKE (Balcatta) [7.57 p.m.]: The Opposition has no opposition to this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Chief Secretary), and transmitted to the Council.

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

MR H. D. EVANS (Warren) [8.00 p.m.]: This Bill contains five amendments, two of which obviously are concerned with rectifying anomalies which have arisen in the practical day-to-day operations of regional advisory committees and zone control authorities. The members of those bodies must travel great distances in isolated areas, and it is apparent that some problems have arisen in respect of obtaining full attendances at meetings.

The third provision is concerned with placing on a legal basis whether an animal is a feral animal. This matter gives rise to some interest and speculation, and requires a little further clarification.

Similarly, further clarification is required in respect of the fourth amendment which concerns regulations for the transport, storage, and application of certain chemicals in the Geraldton region. The final amendment is to give powers to make regulations to restrict or prevent the entry of persons onto land which has had a restriction placed upon it for a certain reason.

In his second reading speech the Minister for Agriculture described the roles of the regional advisory committees and zone control authorities. Indeed, it is necessary that some change be made in the composition of the bodies. A change of eligibility in respect of membership is proposed. At present members must be members of either a local authority or a producer organisation, and it appears on occasions that eligibility cannot be complied with. The Bill provides that in the event of a member or his deputy being unavailable to attend a meeting, the deputy of another member will be permitted to attend in his stead. Secondly, the eligibility in respect of being a member of a shire or of a producer organisation is changed to a slight degree to meet the contingencies one would expect to find in a pastoral area.

Certainly we have no objection to a measure which facilitates the operation of the regional advisory committees and zone control authorities. No-one would question the need to give them every opportunity to meet, and to give them every possible co-operation and facility.

I turn now to the third amendment in respect of the legal basis for determining whether or not an animal is a feral animal. A feral animal is a domestic animal that has reverted to the wild. The Minister referred to goats. The ultimate criterion in respect of whether or not a goat is feral or non-feral will be the statement of a senior member of the Agriculture Protection Board. How he arrives at such a decision could present difficulties in certain circumstances.

If the animal were a dingo or a kangaroo, no problem would present itself. Perhaps the senior officer could have difficulty in determining whether a dingo is feral or non-feral. However, with regard to goats, he will be faced with a great deal of difficulty unless he knows the background or the genesis of the situation. Suggestions have been made that in some pastoral districts goats have been farmed.

Another instance that comes to mind is in respect of feral pigs. How does one determine whether a pig is feral? Again, as with goats, if the certificate of a senior member of the APB is to be taken as proof at law that an animal is feral or non-feral, he will need to have the wisdom of Solomon on some occasions to determine whether a pig had been kept in somebody's yard for fattening after being caught in the wild. That situation could easily arise. Pigs present an increasing problem in the south-west, and already an investigation is being carried out into this matter by the Agriculture Protection Board.

I have no doubt this matter has been discussed by the APB, and I think in the interests of clarity the Minister should explain how it will be determined whether an animal is a feral creature. After a creature has spent several generations in the wild, it is possible to tell it is feral by physical changes; for example, by the ridge on the back of a pig. However, where an animal has been caught young in the wild and fattened in the yard a great difficulty could be presented. Of course, the need to get rid of pigs from areas which are quarantined as a result of *phytophthora cinnamomi* is apparent. I would respectfully request some clarification of the practical application of the proposed measure. The Bill throws the onus on the APB, but in the eyes of the law the decision could be a matter of opinion. I can see some difficulty arising. I readily appreciate the problem which presents itself in respect of feral animals, but at the same time a legal difficulty is foreshadowed in the Bill which could eventually manifest itself as a serious problem.

I read with some interest the Health Act regulations and the noxious weeds Act regulations which define the areas referred to in this Bill in which is prohibited the transport, storage, and application of certain chemicals which are listed. One such area is in the Geraldton region. The explanation given by the Minister was that it is considered desirable to place beyond doubt the ability of the Agriculture Protection Board to make regulations in respect of the storage, use, and transport of prescribed agricultural chemicals.

The reason that this provision is necessary is not clear. I assumed this matter had been covered by regulations which were gazetted. I can only assume now that the Crown Law Department has raised a query for some reason or other, and perhaps the Minister would like to indicate that reason to the House.

No question can be raised regarding the desirability of a prohibition of this sort. Some unfortunate instances have occurred in vine and tomato growing areas of the State.

I am told that if an open can of 2,4-D ester were taken through the Swan Valley on the back of a vehicle, the entire population of vines literally would be destroyed; such is the effect of this chemical. Whilst the Opposition has no disagreement with the need for the provision, it would be of interest to ascertain the precise reason for the matter being brought back to the Chamber in legislative form. The regulations seem fairly explicit, but there must be a hidden reason for the matter being raised in this manner.

The fifth amendment concerns a regulation-making power in respect of the entry of persons onto restricted land. The example used by the Minister referred to Noogoora burr in the Kimberley region. It is fair and reasonable that persons should not be able to enter onto land and cause the spread of that noxious weed. Therefore it appears no real objection can be raised to the amendment. However, I feel the House would appreciate some further clarification in respect of that amendment also.

On that basis, the Opposition supports the amendment.

MR CARR (Geraldton) [8.12 p.m.]: As the member for Warren said, the Bill deals with five quite separate points. At this stage my attention is directed to only one matter. I refer to the amendment concerning the making of regulations for the protection of certain agricultural plants from sprays. As I understand it, this amendment has arisen out of the problem experienced with 2,4-D ester and the damage caused to tomato plants in Geraldton.

My first query is that raised by the member for Warren. I refer to the surprise he expressed that the regulations should be brought before the Parliament after being in existence for something like six years, and after a second set of regulations was introduced last year. Why has it taken so long to establish the fact that there may be some doubt as to the legality of the regulations?

Be that as it may, I certainly support the fact that the Government should have power to make regulations to prevent tomato and vine crops—and other plants—from spray damage. It would appear also that the amendment before us not only gives the Government power to make regulations, but also gives it the power to make a decision which I believe should be made; namely, that the use of 2,4-D ester should be banned, probably throughout the State, and certainly throughout the large areas which are anywhere near approximate to susceptible plants.

I am most concerned that the regulations already in existence are simply not effective. They are not effective for one or other of two reasons: Firstly, it is possible that 2,4-D ester drifts considerably more than the 50-kilometre radius prescribed in the regulations; and, accordingly, it is drifting from areas where it is permitted to areas in which tomato plants are grown. If that is not the reason for the failure of the regulations, then it is that the regulations have been unenforced or are not enforceable.

Considerable suspicion exists amongst tomato growers in Geraldton that the regulations have not been enforced. That suspicion is aroused when tomato growers see aircraft which are obviously crop spraying aircraft landing at Geraldton Airport. To my knowledge the growers have no proof that these aircraft have been spraying 2,4-D ester, but certainly they are suspicious that the craft could have been spraying that chemical in the reasonably recent past. Given the extremely volatile nature of the spray and the fact that it spreads so quickly, the growers are concerned that possibly these aircraft are spreading the spray within tomato growing areas.

In addition, representations have been made to me—again unconfirmed—that drums of 2,4-D ester have been offloaded at the Geraldton railway station in the reasonably near past.

Whether those two suggestions are factual, there is certainly considerable suspicion among the tomato growers in Geraldton that there are people spraying within the 50-kilometre limit. As I have said, the regulations are clearly not doing

their job, for one reason or another. Either the present regulations are not covering a wide enough area, or they are not being enforced. Much damage has been done this year, in general terms, in the region. It would be comparable to the damage done last year. There are some growers who have suffered more heavy damage, and there are some who have not suffered damage as heavy as that of last year.

The damage is particularly unfortunate because it occurs at a time when an increasing number of people in Geraldton are returning to the growing of tomatoes. One of the related factors in that has been the level of unemployment. Many people who could not obtain a job elsewhere have turned to the growing of tomatoes, either as the main occupation or as a supplementary occupation. They have experienced many problems related to spray damage in the last couple of years.

One of the curious features is the timing of the spray damage in relation to the state of the tomato crops. The tomato growers in Geraldton have found that the best time to sell their produce on the market is in the early stages of summer, after the Carnarvon tomatoes have cut out and before the Perth tomatoes cut in. That occurs in October and November. Crops aimed at this market are at a fairly young and very susceptible stage in August, when most of the spray damage occurs. That is the time when many of the farmers in the areas have been spraying their crops. The tomato growers are suffering the most damage at the worst time for them—the time when they would expect to have tomatoes that would bring in a reasonable income.

While we are discussing the problem of 2,4-D ester in Geraldton, it is interesting to note that the monitoring of air samples in the area has not been successful. It certainly has not been successful in controlling the problem, as far as the growers are concerned. The Minister has given answers in this House which have indicated there have been two samples only which have recorded any evidence of 2,4-D, and they indicated the presence of 2,4-D amine and not 2,4-D ester. That concerned to the period to the 21st August. Clearly those answers cannot be related to the real situation, given the amount of damage that has been caused.

The Minister indicated he has ordered an inquiry into the apparent discrepancy between those air samples and the damage that has been done. He indicated he will give me a copy of the findings. I am pleased that an inquiry is being conducted. However, it is annoying to tomato growers in Geraldton who consider that the whole problem is unnecessary. It is unnecessary because 2,4-D ester is not required in grain growing at this stage.

It is my very strong opinion that 2,4-D ester should be banned, in that area at least. By "area" I am not talking about within the 50-kilometre radius of Geraldton; I am talking about a much larger area than that.

There are many other chemicals available which do the same job. In fact, in many cases they would do the job more cheaply. The advisers from the Department of Agriculture have told wheat farmers to use 2,4-D amine combined with mcpa, and also to use 2,4-D amine with diuron. All these sprays can be applied at an earlier stage of the growing of the crop. Because of their earlier use, they can be considered to be cheaper. I know some wheat farmers argue that the actual amount of 2,4-D ester used is such that it can be considered cheaper; but the stage of the growth of the crop at which the spray is used is very significant.

If other sprays are used in the early stages of the crop, the weeds are cleared out and there is a longer period during which the crop is able to grow free from weed damage. It is unfortunate that many farmers are prepared to allow the weed situation to continue till a later stage, and then they decide that they should use a dangerous spray which would not have been necessary if they had been prepared to spray earlier in the season.

It is a real anomaly that the advisers of the Department of Agriculture have told farmers that the best sprays they can use are sprays other than 2,4-D ester, but at the same time they are allowing 2,4-D ester to be used, causing considerable damage to very important crops.

I might say that this question has a rather unsatisfactory history. It can be traced through something like 20 years. My father was the president of the tomato growers' organisation in Geraldton, and he led a deputation to the then Minister for Agriculture (Mr Nalder). Mr Nalder's answer to the Geraldton tomato growers, in effect, was that the wheat industry is a much more important industry than the tomato-growing industry, so therefore the tomato industry had to "cop" what was going. I do not think that was a defensible attitude at that stage, even given that there were not other sprays available as alternatives.

Today 2,4-D ester is not needed. I do not think any defence can be had for that sort of argument. If it is used, one is simply saying, "We will look after the wheat farmers, and the tomato growers can jump off the end of the jetty."

In conclusion, I want to make the point that while the present regulations are no good, are not doing the job, and are not acceptable, I nevertheless support the right of the Government to make regulations. I hope that in the light of this year's experience, the Government will be prepared to consider much stronger regulations which will go a lot further towards banning 2,4-D ester next season. I hope there will be a total ban.

As I said at the very beginning, it appears that this amendment gives the Government power to ban a spray altogether. That is the type of action I hope the Government would take.

MR LAURANCE (Gascoyne) [8.22 p.m.]: I wish to indicate my support for this Bill.

It makes provision for further flexibility in the regional advisory committees and the zone control authorities that have been established. It gives flexibility to appointing suitable persons to both those bodies, and it allows for the appointment of deputies. As has been pointed out in this debate, that is an important point when one considers that the committees operate in pastoral areas that are very remote and isolated. People have to travel long distances in order to attend meetings. In some areas of the pastoral regions, it is not possible to have representatives from the local authority who have knowledge of the pastoral industry; and in some cases it is not possible to have a member of the appropriate industry organisation available.

The other matter relates to deputies. It is often difficult for a person to be able to travel a long distance, particularly if he happens to be in the middle of shearing, or something like that. This measure authorises the appointment of deputies. That will make it easier, in the remote areas, for people to be represented at the committee meetings.

Since 1976, when the Agriculture and Related Resources Protection Act was first introduced, it has worked extremely well. I supported that measure, and I attempted to explain it fully in the pastoral areas in my electorate. However, there was considerable doubt in the industry that the reorganisation of the Agriculture Protection Board would be effective. The fact that we are now considering minor and technical amendments to the Act indicates the success of the Act and of the organisation set up under it. The industry and the APB are working together well.

The problems which were experienced in 1976 have been overcome. Generally the pastoralists are pleased with their representation on the regional advisory committees and the zone control authorities. They are working in harmony with the APB, whereas previously there was a great deal of antagonism, and they seemed to be working against one another.

There are two ways in which the new arrangements indicate the achievements in this vexed problem of vermin control. The first of these is a recent experiment in two pastoral areas with the use of 1080 fresh meat baits. One of those two experiments was conducted in the upper Gascoyne region. It was most successful in the impact it had on wild dogs in that area. Fresh meat baiting is a fairly difficult operation, and it requires considerable co-operation between the local pastoralists and the APB. The fact that it was achieved successfully indicates the co-operation between the industry and the APB.

The second achievement in recent times is the introduction of cluster dogging schemes. The cluster dogging schemes operate in clusters of five stations or so which appoint their own dogger. The dogger is responsible to one pastoralist who is appointed by the group of five to be the manager. The manager is responsible for the dogger, because the dogger is not responsible to the APB which is administered in the city, or through its regional organisations. In the cluster scheme, the dogger is responsible solely to the locally appointed manager of the four or five pastoral stations in whose area he is operating. The dogger is not subject to the same union conditions or travel conditions laid down under the award. This is a private arrangement between the cluster of pastoralists and the dogger.

We have found that the doggers have operated with more pride in their work because they relate directly to the people who are interested in the results they are achieving. I believe the doggers have been operating more efficiently, and they are more responsible because of the direct contact between them and the people responsible for their activities.

There were some initial problems with the scheme, mainly because of accountability. I am particularly pleased that the Minister and the APB have been able to adopt a flexible approach in handling the cluster dogging schemes. I congratulate the Minister and the board for doing that and for gaining Treasury approval which has allowed the scheme to operate very successfully.

There is one point I would like to raise for the Minister's consideration. It relates to the name "regional advisory committee". One such committee meets in Carnarvon, and it publicises its activities. There is a little confusion about the name. There are a number of regional committees. There are regional advisory

committees, and there is nothing to indicate that their work is different from that of other committees. This applies particularly since the Government has carried out its very successful development policies for regional areas, flowing on from the appointment of regional administrators. We now have a number of regional development committees, regional advisory committees, and so on.

Mr Pearce: All we are short of is regional development.

Mr LAURANCE: The regional advisory committee of the APB uses the term "RAC" or "Regional Advisory Committee" when it advertises the results of its meetings. It is a little confusing. It takes a while to work out exactly what committee has been operating, and which committee is advertising its deliberations. There are a number of other committees operating in regional areas—very successfully, I might add. That is a point of confusion the Minister might like to consider.

I am pleased that the Bill is before the House with only very minor and technical amendments. That indicates that the Act passed by this House in 1976 is working successfully. It indicates the co-operation that exists in relation to the very vexed problem of vermin in pastoral areas. The problem has not gone away, but there has been a lot of co-operation in relation to it. That is important in an industry where drought is having a dramatic and devastating effect.

It is pleasing that there has been a great deal of co-operation between the pastoralists and the Agriculture Protection Board. I support the Bill.

MR COWAN (Merredin) [8.29 p.m.]: The National Party supports this amending Bill.

We do have some objections to clause 8 which we will deal with at the appropriate stage in Committee. In the main, the measures being taken in this legislation, as other members have said, tend to be rather mechanical, and they have the support of our party.

MR OLD (Katanning—Minister for Agriculture) [8.30 p.m.]: I thank members for their support of the Bill in principle. I am grateful for the points they have made.

The member for Warren mentioned a couple of matters in relation to the responsibility placed on an officer when identifying feral animals. I acknowledged this in my introductory speech on the Bill when I made the point that senior officers only of the APB would be delegated that authority. I believe senior officers of the APB are quite capable of identifying a feral animal.

The member mentioned feral pigs. I do not believe this is a matter of any great concern. A feral pig is usually easily identifiable, as the member knows.

I recall one incident which demonstrates to some degree the necessity for this authority being vested in the APB. A certain gentleman in the north-west decided to lasso a few donkeys and domesticate them. They had to be identified as feral animals before any action could be taken.

By placing this provision in the legislation we are putting the power of the APB beyond doubt. Members will agree it is necessary the board should have the power to identify feral animals and this provision puts beyond doubt its capacity to do so. Obviously there could be instances where doubt occurs as to the identity of an animal.

Mr H. D. Evans: Goats coming in from pastoral areas for slaughter.

Mr OLD: These are feral goats and are identified clearly as such. The member is aware they can come down only for slaughter.

I know there is a move afoot to try to persuade us to relax that provision to some degree. The member for Warren may have heard of it. The reason for this is that feral goats are considered to be good stock for cross-breeding with domestic goats.

I do not anticipate there will be any great problems in this regard. The power will be delegated to senior officers only. It will not be given willy nilly to any APB inspector.

As pointed out by the member for Warren, the regulations for the control of chemicals within the Geraldton area are contained in two or three existing Acts. There is some doubt—I must admit it is a very shadowy doubt—that the action taken in relation to the storage of chemicals, etc., may go beyond the regulation-making power within the Act. With this in mind and in an endeavour to put the matter beyond any reasonable doubt, we took the opportunity to incorporate this provision in the Act whilst the matter was being considered by the House. We wanted to ensure that the board's authority to control chemicals within that particular area could not be challenged.

The other point made by the member related to restricted entry into certain areas. He referred to the Noogoora burr. There are problems in the Kimberley with this particular noxious weed. Unfortunately, the weed grows at favourite fishing spots and it is hard to restrict people's use of these areas. However, the honourable member is aware that this burr is spread easily by man, because it sticks firmly to the soles of shoes and the tyres of cars. With this in mind, we have

incorporated this provision in the Bill in an endeavour to control the spread of this noxious weed which is a very serious problem.

The member for Geraldton expressed his concern at the problems being experienced by the tomato growers and I sympathise with the statements he made. It is a very complex matter. I do not believe we should be talking about tomato growers *versus* grain growers. There are certainly alternative chemicals which can be used now and the member referred to diuron MCPA which is an approved chemical under the Act. We are endeavouring to encourage people to use that chemical at the present time.

The member referred to a report and I hope it will be in my hands in the near future. I hope also that, as a result of that report, grain growers in the area will desist voluntarily from utilising volatile chemicals.

This year we have endeavoured to monitor the use of chemicals. I am a little puzzled as to the problems which exist and the results of the monitoring. I do not mind admitting that and it is the reason I asked for a report to be prepared and as soon as it is available we will be in a better position to comment on the matter. However, at this stage we are commenting prior to obtaining the facts. When the report comes to hand the member will be given access to it.

The member for Gascoyne made a couple of points, one of which referred to the appointment of deputies. He explained rather well the necessity for deputies in pastoral areas. The Act provides currently that shires shall appoint a delegate to the regional authority from within the shire council. In the pastoral areas at present, for example in Port Hedland, it is frequently difficult to find a pastoralist within the shire council who may be appointed. Therefore, we are giving authority to the shires who have that problem to go outside the shire to appoint a delegate.

I have taken note of the confusion with regard to the name of the committee. I do not believe it is very serious. If the Regional Advisory Committee of the APB identifies itself as the "Regional Advisory Committee of the APB", instead of as the "Regional Advisory Committee", the problem should be overcome and it should not be necessary for us to take any action. I hope that message will be passed on to those concerned, because I believe it is a small issue and it is a matter of identity from within the authority itself.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Old (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 94A added—

Mr COWAN: This is the only clause to which we take exception. I know similar provisions exist in other legislation. At present the APB must prove a person is keeping an animal which is a feral animal; for example, a feral goat. If this amendment is passed the opinion of an officer of the APB is sufficient to deem that animal to be a feral animal.

I believe the onus should be on the APB to prove a person is keeping feral animals, rather than the owner of the animals having to prove he is not.

Mr OLD: The remarks I made with regard to the points referred to by the member for Warren are relevant in this situation. However, I give the Chamber the assurance—and this matter was covered in my second reading speech—that this authority will not be utilised by any member of the board; it will be utilised by responsible senior members only. If the APB is to operate satisfactorily and efficiently it must have this power.

It is obvious in the case of feral goats that somebody may by utilising them, and I have no doubt that somebody is doing so. The APB would have to be certain of its actions if it intended identifying a goat kept in captivity as being of the feral variety.

Clause put and passed.

Clauses 9 to 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR OLD (Katanning—Minister for Agriculture) [8.40 p.m.]: I move—

That the Bill be now read a third time.

MR H. D. EVANS (Warren) [8.41 p.m.]: I should like to raise a small point in relation to feral animals. I would like the Minister to examine the matter. I am aware he has pointed

out the power will be delegated to senior officers only; but it will be difficult to prove whether an animal is a feral animal if the decision is based on an expression of opinion by an officer of the board which is contradicted by the owner of the animal.

It can be seen that this is a most necessary provision when one recalls the case in which the wild donkeys were rounded up. It is possible someone may be keeping feral pigs and feral goats as a result of which confusion could arise.

Perhaps the Minister could give an undertaking that this matter will be looked at a little further and defined more clearly in the other place. Problems could arise as a result of the present provision.

MR OLD (Katanning—Minister for Agriculture) [8.43 p.m.]: Obviously there could be some problems. However, I do not envisage any will arise. If an inspector was making a welter of identifying animals as feral animals, that would be the time to take action. If senior inspectors do not have this power, it is possible they will be hamstrung in their operations.

The member referred to feral pigs. They are becoming a problem in the south-west. If a mistake is made, it is better to have erred in favour of control; however, I do not believe any mistakes will be made. The situation in relation to feral pigs is that people are not farming them at home; there are allegations that they are farming them in the forest so it is obvious they are feral pigs.

I reiterate the board will act with discretion and I will watch the matter closely.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILLS (3): RETURNED

1. Government Railways Act Amendment Bill.
2. Electoral Act Amendment Bill (No. 2).
3. Pay-roll Tax Assessment Act Amendment Bill.

Bills returned from the Council without amendment.

STAMP ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the Bill as amended by the Assembly.

PRISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

MR B. T. BURKE (Balcatta) [8.46 p.m.]: I have lost count of the number of times on which the Chief Secretary has said, about legislation for which he is responsible, that it simply legitimises a situation that was supposed to exist but was found not to exist through practice. I know the Minister will be able to say the same thing about this amending Bill; that the amendment will simply restore to the Prisons Act the authority under which people governed by the Act had believed they were operating for a considerable period of time.

Without traversing the speech the Minister made when introducing the Bill it is necessary only to say that at the present time fire power can be used against prisoners who are escaping and who are under sentence of death and prisoners who are escaping while serving definite sentences, and that fire power cannot be used in cases where prisoners on remand are escaping or prisoners being detained in strict custody or prisoners being detained at the Governor's pleasure are escaping.

At the present time when a serious attack or assault is taking place within a prison on a custodian or another prisoner, the Act currently provides for the authorities to use fire power. But, when non-custodial staff or visitors are being attacked in a serious way it is not possible for fire power to be used.

I understand the intention of the Minister is that the amending Bill will simply restore the situation which those whose business it is to exercise this sort of power believed existed prior to the discovery of the shortcomings within the legislation.

The Opposition does not deny the need for some changes that will ensure certain prisoners are treated in the same way as other prisoners are treated. We cannot see any reason to believe prisoners being detained in strict custody, or prisoners being detained at the Governor's pleasure, should be treated differently with respect to fire power from prisoners serving a definite sentence. In so far as this amending Bill is to change that situation the Opposition is prepared to accept it.

However, when we consider the question of prisoners on remand, the Opposition takes exception to what the Government proposes to do, and to the fatalistic attitude the Minister seems to adopt when he says that in institutions where these prisoners on remand are treated no

differently or are detained in circumstances similar to those in which other prisoners are treated and detained, it is an impossible situation to expect that warders and other people in authority should be able to differentiate between prisoners before firing upon them.

Before dealing with that point in any detail, let me turn again to the second category of offence that will render prisoners liable to fire power; that is, the question of serious attacks or assualts taking place on certain people within the prison system. At present, a prisoner who is seriously attacking a custodian or another prisoner can be fired upon, and a prisoner who is attacking a non-custodial staff member or a visitor cannot be fired upon.

The Opposition believes that sort of difference should not exist, and that there is some justification for changes to the regulations or to the Act that will permit those four types of people to be treated in the same way.

However, returning to the question of prisoners on remand, I want to give the Government due notice that an amendment will be moved in another place touching upon the question of fire power being used against prisoners on remand.

Before dealing in detail with that question and some of the problems associated with defining or identifying prisoners on remand under certain difficult circumstances, let us consider what sort of indictment that difficulty is on a prison system that was outdated at the turn of the century.

For the Minister to be able to say that in an establishment or an institution remand prisoners are treated no differently from other prisoners is to throw open many serious questions about our prison system. It also brings to the fore questions about the new remand section at Canning Vale, and questions about the Government's attitude towards this Act when that remand centre comes into use—when it will be able to define between remand prisoners and other prisoners who are liable, under the provisions of the Act, to be fired upon.

The Opposition hopes that the Government, through the Minister handling the legislation, will make a very serious and clear statement about the position as it will affect remand prisoners once the nature of their detention is recognisable on some occasions—if not on all occasions—when they escape. For example, if the remand section at the new institution is clearly segregated from other parts of the institution, does the Government intend to issue instructions that will allow people in authority to use fire power against remand prisoners who are escaping, and while escaping are easily recognised or known to be remand prisoners?

The Opposition does not believe this should be the case although it does concede at the present time there are difficulties in recognising a legal custodian, because of darkness or, perhaps, because of distance.

The Opposition wants to draw to the attention of the Minister, and to the attention of the House the need to look at other alternatives with respect to remand prisoners. Perhaps, to a maximum extent, they should be segregated while in detention or, perhaps, it should be ensured that they wear a different type of clothing or other identification to allow them to be recognised as remand prisoners. At the same time as we look at the need to distinguish between remand prisoners and others, we should look at the reason for doing so.

We all know that some remand prisoners are detained because of very minor offences. They are unable to raise bail and we all know the nature of this State's maximum security installation or institution. By its very nature it is an extremely difficult place and some people find a great problem in coping with it. The injustice felt by a person on remand, because he is unable to raise bail on a relatively minor matter, causes him to become temporarily unbalanced by the facilities in the institution in which he is incarcerated. He may attempt to escape and be shot dead; it may be a person facing a drunken driving charge who, perhaps, is unable to raise bail and is detained.

By no stretch of the imagination would any member in this place attempt to justify the use of fire power on a person in that situation if that person could be clearly recognised as a prisoner on remand for that offence, and who was attempting to escape. Certainly, the penalty for drunken driving is not death, and under this legislation that might well be the situation which will confront a person who is authorised to use fire power.

The Opposition also believes the Government should actively be considering and investigating the possibility of using rubber bullets which would disable temporarily rather than using conventional bullets which kill in many instances.

Unless the Government has investigated all those avenues and those options it is doing less than justice to a section of people in this State who are among the more deprived and certainly the most disadvantaged over which this Government has responsibility.

In concluding, let me say again that to much of the change proposed by this Bill the Opposition

takes no exception. However, to that part of the Bill which makes it possible to fire upon a remand prisoner the Opposition urges the Government to think more carefully about the changes that are proposed. The Opposition urges the Government to ensure there is some compulsion upon a person using fire power to attempt to determine in a reasonable manner the identification of the person on whom the fire power is proposed to be used.

At the same time, the Opposition points to the compulsion to investigate all those options and the injustice that could arise from the fatal shooting of a prisoner on remand simply because he was unable to raise bail in the case of a fairly minor offence. Allied to that, the Opposition would like to know whether the Government intends to change the provisions of this Act when it is able to determine who is a remand prisoner and who is not.

The Opposition wants to know whether the other options I have mentioned, such as the use of rubber bullets which temporarily disable, have been investigated with a view to replacing if possible the number of opportunities on which occasions the public and prisoners have reason to believe they run the risk of being injured or, perhaps, fatally shot either deliberately or from straying bullets.

MR O'NEIL (East Melville—Chief Secretary) [8.58 p.m.]: I thank the Opposition for its general support of the principle contained in this measure. Certainly, I appreciate the problem which has been outlined by the honourable member.

I am not sure whether I indicated that it was with some embarrassment I introduced this Bill with its singular provision. On the previous occasion that I moved amendments to the Prisons Act, I indicated the Act was subject to a complete review in order to update it. It was during the review that the committee became aware of this particular deficiency, and apparently the situation which had been accepted for a long time did not really exist. It was essential, at the request of the Prison Officers' Union, that this amendment should be brought before the House. In fact, I think I declined to proceed with the amendment in the first instance because I had given an undertaking to the House that the Prisons Act was subject to a complete review, and that the review would be presented in due course.

However, it was at the insistence of the prison officers that we have proceeded at least with this amendment.

As the honourable member said, some of the difficulties have arisen because of the nature of the institutions and the fact that prisoners of different categories are housed in the one place. It is true, as the honourable member has repeated, that the remand section at Canning Vale is due to be completed early in the New Year—we hope in April. I am absolutely certain that other provisions will then be made in regard to the use of fire power when prisoners are on remand only.

It is probable that this provision does not relate so much to offences which have been committed in the past, but rather to offences that are in the process of being committed when fire power is called upon. These circumstances include assaulting another prisoner, assaulting a custodian, or assaulting any of the many people who operate within our institutions and who currently have no protection, including prison visitors such as justices of the peace, magistrates, and the like.

In this case it is the offence at the time that counts, and it does not matter whether the offence is committed by a person who is already serving a term of imprisonment or one who is remanded in respect of a charge. Certainly I agree that a prisoner on remand is not guilty until he is so proven.

Mr B. T. Burke: We do not oppose the assault situation because obviously the fire power is to prevent something that may happen.

Mr O'NEIL: The significant provision relates to the phrase "attempting to escape". The legal interpretation of the provision is that once a prisoner escapes past the prison wall, the authority to use fire power simply disappears. However, I believe the honourable member accepts that principle.

When I looked at the proposals put to me by the director of the department and the representatives of the Prison Officers' Union, I questioned the meaning of the application of fire power. I have looked at the prison regulations because the general provisions in the Act are explained in much more detail there. Certainly the regulations provide that fire power is to be used only as an absolute last resort; in other words, if there is a "bit of a stoush" going on in the prison yard, fire power is not brought to bear.

The regulations provide also that the appropriate warnings must be given. I believe a prisoner must be called upon to halt or to cease whatever he is doing, whistles must be blown, etc., even before there is a warning shot. The whole warning procedure as laid out in the regulations must be followed before the final resort to fire power is employed.

I am not certain whether the use of rubber bullets has been considered. However, as I have

indicated, the application of other kinds of force may be applied in an endeavour to prevent or abate an assault or to prevent an escape, before fire power is resorted to.

The improvement to the prison facilities will be heralded soon by the opening of the remand centre, and with the knowledge also that the medium-security section of Canning Vale is on the way, and that the Government has approved acceleration of the programme to develop a complex, matters relating to the manner in which remand prisoners are to be treated will be certainly looked at again. I have to admit that Fremantle Prison has been out of date since before 1900 and some of our control measures are a little difficult to implement because of the physical nature of the institution. I thank the Opposition for its general support of the measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Neil (Chief Secretary) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 74 amended—

Mr B. T. BURKE: I rise so that I may mention a class of prisoner I neglected previously, and I do not expect a reply from the Chief Secretary to my comments. I wish to refer to the class of prisoner who is perhaps one of the most unfortunate to come within the ambit of the changes we are making tonight; that is, a person who, by virtue of his insanity, is not guilty of the offence with which he was charged, but who is nevertheless detained at Fremantle Prison.

It appears inherently unfair that such a person should be treated in exactly the same way as those persons who have been found guilty of offences. No doubt the Chief Secretary will recognise this as another disadvantage of the system and of the poor quality of the maximum-security installations in this State. However, the matter is relevant to the debate tonight because not only will a person in this category be subject to the same sort of detention as a guilty person, but also he will now be subject to the same use of fire power as a guilty person because of the changes we are making.

Some people have suggested that Fremantle Prison is a home away from home or a comfortable holiday home. I would be willing to sponsor, along with the Chief Secretary, a programme by which community leaders and others who think in that way, spend a weekend at the prison, treated in the way in which prisoners are normally treated.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Chief Secretary), and transmitted to the Council.

MEDICAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th September.

MR HARMAN (Maylands) [9.09 p.m.]: This Bill seeks parliamentary approval to make certain changes to the criteria for the registration of medical practitioners in Western Australia, and to provide that a medical practitioner will not operate and also administer an anaesthetic, unless in an emergency, while other practitioners are available within a 30-kilometre area. I note from the Minister's second reading speech that this legislation was requested by the Medical Board and it has the support of the Western Australian branch of the Australian Medical Association.

Whether or not these provisions will have the effect of making the registration of medical practitioners more restrictive will not be known until 12 to 18 months have passed; only then will we be able to judge the result of the legislation. However, I believe the Minister for Health has an obligation to inform the Parliament more fully about the body referred to in clause 2 as the "Australian Medical Examining Council". I notice that the Bill does not contain a definition of this term.

The Opposition would like the Minister to tell us the composition of this body and its origins. It is quite apparent that this organisation is important because it will take on the authority of many other bodies including universities in other countries.

Perhaps this body has been given statutory power by way of Commonwealth legislation, although we have not been told this. We do not even know whether there is any provision for an appeal against a decision made by the Australian Medical Examining Council.

The Opposition agrees with the amendment to provide that a medical practitioner will not operate and administer an anaesthetic while another practitioner is available within 30 kilometres. Obviously this will be an additional safety factor. I hope the Minister will respond to my earlier query.

MR YOUNG (Scarborough—Minister for Health) [9.14 p.m.]: I thank the member for Maylands for his support for the Bill. While he was speaking I attempted to do a little quick research in the file I have here. All I can do is to reply to the member's query about the Australian Medical Examining Council on my understanding of the matter. If I do not have quite the correct information, I give the member an undertaking that I will correct my statement within 24 hours.

It is my understanding that the Australian Medical Examining Council is a body acceptable to the Medical Boards of all States for the purpose of examining medical practitioners who have come to this country having graduated from a university or a medical school not automatically accepted under the various Statutes applicable throughout Australia. This body is charged with the responsibility of examining those particular persons who wish to practise medicine in Australia.

I understand that some years ago amendments were made to the medical Acts of most States providing for changes to be made in the registrable qualifications of certain practitioners coming into this country. It was at that time, if my memory serves me correctly, that AMEC was established for the purpose of examining those graduates.

This body would not be set up under any Statute, and it would not be necessary—because the body exists and is accepted by all the Medical Boards of Australia—to define it in Statutes.

If the information I am giving to the member for Maylands differs in any way from the facts, I will undertake to inform him of the actual situation before the Bill is dealt with in another place.

The second part of the Bill to which the member for Maylands referred was in respect of the proposal to increase the distance from another practitioner under which a medical practitioner cannot both operate on and administer anaesthetic to a patient, except in an emergency. I understand the honourable member has no objection to this proposal.

With those undertakings, I thank the member for Maylands for his general support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 11 amended—

Mr HARMAN: I appreciate the undertaking given by the Minister for Health; I can see he has not been able to find the information this Committee needs before agreeing to the amendments sought by the Government. However, I think it is only fair that the Minister report progress until he can return to the Committee and give us a bit more information about the Australian Medical Examining Council. Who are its members? Is there any right of appeal against a decision it might make in respect of people seeking to be registered as practitioners in Western Australia? The Committee needs this information, and I ask the Minister to report progress.

Mr WILSON: I wish to raise a problem which has occurred and which I do not think is an isolated instance in terms of what has happened in the past; nor is it likely to be isolated in the future in the sense that it is likely to occur again. I refer to the situation of a Vietnamese doctor who has been living in Western Australia for some time, unable to obtain the necessary qualifications to enable him to practise as a medical practitioner in this State.

While one can accept we should have certain restrictions and requirements to ensure practitioners coming from overseas comply with the standards applying in Australia and Western Australia, there does seem to be a good case for special consideration to be given to doctors coming from other parts of the world into the Australian situation as members of ethnic communities.

I instance the case of the Vietnamese doctor because I believe it has been possible for Vietnamese doctors in other parts of Australia to qualify to practise medicine, whereas it has not been possible in Western Australia. I understand recommendations have been made at a national level for special consideration to be given to this sort of situation. It stands to reason that a doctor from Vietnam, who has a common language with a large number of people from that part of the world who have now settled in Australia and who has qualified and practised as a doctor in his own country with qualifications which are recognised in Australia should be considered as a special

case. The cultural and language difficulties which pertain to the treatment of people from that part of the world are enormous, and he could be of real help.

Mr Davies: Do you know at which university he qualified?

Mr WILSON: I could not say, offhand; however, the Minister has all the details. I believe the case has been presented to the Minister for Health with some substantiation. As I say, to my knowledge the sort of recognition about which I am talking is available in other States to doctors from that part of the world. It therefore gives me some reason to query why it has not been seen fit to give consideration to this matter in Western Australia.

Mr YOUNG: The case of Dr Bui is well known to me, as it is to the member for Dianella and to several other people interested in the health and welfare of Vietnamese refugees in this country. Whether or not a special case can be made for this doctor can be judged only in the light of the circumstances of the case. I assure the Committee I have considered this request with some sympathy.

However, I understand the particular doctor has been given a position with which he is not satisfied or happy, in working with the Vietnamese people, with whom he wishes to work and assist.

Generally speaking, if Dr Bui or any other graduate of any university or medical school which does not fit within the new schedule to the Act can convince the Medical Board he should be allowed to practise, I am sure authority will be given. It is not for us in this Committee, or for me as a lay Minister for Health to establish whether a person should be allowed to practise medicine in this country, or whether he should be given the opportunity to do so without satisfying examiners.

Dr Bui's situation has been carefully examined. Apparently the Medical Board has not seen fit to allow him to practise medicine under circumstances where, at the end of five years, he would be allowed to sit for the AMEC examination, on the successful conclusion of which he would be entitled to unrestricted practise.

No doubt, there will be continual representations on this matter. I appreciate the point raised by the member for Dianella that Dr Bui probably would have a great affinity with his own people and that they would feel more comfortable in his presence than perhaps with an Australian trained and graduated medical practitioner.

Unfortunately, we must write the laws in respect of the practise of medicine by all practitioners; we cannot legislate for particular cases; they must be considered on their specific merits.

The member for Maylands requested me to report progress. I have given the member an undertaking that if the information I gave him was not correct, I will have the correct information conveyed to him prior to the commencement of debate in another place. I do not think it is sufficient reason to delay this Bill simply because I cannot tell him and the Committee with absolute certainty the precise composition and structure of AMEC. If the member for Maylands were making a valid point, and not simply trying to score a political point—

Mr Harman: Oh, please!

Mr YOUNG: Let me put it this way: If the member for Maylands were serious—

Mr Harman: I asked a simple question.

Mr Skidmore: Of course he is serious!

Mr YOUNG: Let us examine the matter logically. The Bill has been on the notice paper for a couple of weeks. If the member for Maylands were serious that this is such an important point, he would have done his job in the intervening two weeks and established for himself the exact composition of AMEC. Either he does know and—quite fairly; that is part of the game in this place—is trying to embarass me because I do not know, or he genuinely does not know.

Several members interjected.

The CHAIRMAN: Order!

Several members interjected.

Mr Harman: Why don't you get off your high horse?

The CHAIRMAN: Order! When I call for order, I do not expect members to question my call. There were at least four members interjecting at the one time. Members know that is not an acceptable practice in this Chamber. It is quite a different matter for a single member to interject on a person who is speaking.

Mr Davies: No, it is not, is it.

Mr YOUNG: If the member for Maylands does not know the composition of AMEC, he cannot be sufficiently interested in the matter, otherwise he would have taken steps during the two weeks this Bill has been on the notice paper to establish this information. If he does know the answer to the question he asked—and I have told him my view—perhaps he should satisfy himself by revealing his knowledge to the Committee. If

he does not know, it proves it has not been of sufficient interest to him to find out the answer. I am not prepared to report progress on that basis.

I told him that AMEC was set up at the time the various Medical Boards throughout Australia requested amendments to their medical Acts under which graduates from universities other than those automatically registered for practice would be entitled to practise for a certain period of time and then be examined, or alternatively, sit for an examination under AMEC, being a recognised body by all Medical Boards, for acceptance of qualifications throughout Australia. AMEC is accepted by all Medical Boards throughout Australia as an examining body which is sufficiently competent to examine medical practitioners. As such I believe it is a reasonable proposition that we, as has been the case with every other State, should accept its status.

The member for Maylands wants to know more about this matter and I have given him an undertaking that I will give him the information. If I am wrong I will advise him.

Mr DAVIES: I can take the blame if there is any argument about this, because I asked the member for Maylands what the Australian Medical Examining Council was. He said he would ask the Minister. If a Minister is in charge of a Bill and asks us to accept a qualification set by a committee of some kind, surely the Minister should know what that body represents.

I am mindful of the trouble we had—as the member for Dianella pointed out—where people came to this State to practise medicine but were unable to do so because they were not qualified by study at a university acceptable to the Medical Board of this State.

I recall that if we could declare a deficiency in some area we could obtain the services of that doctor, if he would agree to practise in that region for five years, at the end of which time he would be entitled to automatic registration in Western Australia. This was quite unsatisfactory. I can recall creating a region at the Fremantle Hospital because there was a deficiency in some expertise there and we had a man who would fit the bill. But the only way we could do this was to say there was a deficiency and then create a region. A region did not need to be an outback area as many people thought where no-one would go because it was a desolate place.

I believe we created regions at such hospitals as Sir Charles Gairdner and Fremantle to make a position for someone whose services we wanted because we were short of some expertise. As I said, this was not a satisfactory method of letting doctors practise, so we had to seek through Federal action—I do not know that it might not have been the NHMRC—a body that would set a standard which, if a person could meet it, would be accepted for registration anywhere in Australia.

It seems that over the four or five years since I was Minister for Health some progress has been made; it seems there could be an Australian Medical Examining Council accepted as the authority to say whether a person is fit and proper to practise in Australia, irrespective of from where he comes.

This Bill appears only to set down that a doctor—unless he comes from one of the "acceptable" universities—has to serve for five years and then pass his AMEC examination.

We are asking just what the AMEC is. The Minister has indicated it might be a body which sets an examination to set standards. We want to know just what it is and who are its members. I do not think it is fair that the Minister should ask this Committee to agree to a standard of which we know nothing. The Minister said he believes medical Acts in other States have been amended. We are apparently going about this the wrong way. We should amend our Act to make some provision for—as the Minister calls it—AMEC. We have not done that.

The question asked by the member for Maylands was a reasonable one, as we are being asked to accept a standard of which we know nothing. It is not unreasonable we should ask the Minister to report progress until we get an explanation of what AMEC is. We are not trying to score political points. These doctors could be the very ones who will be looking after us, and I am very proud of the high standard that has been kept in Western Australia in the past. I am also sad I have not been able to let some doctors practise. I think there are only half a dozen universities outside the British Isles whose graduates we accept for automatic registration. It is necessary for us to overcome this situation.

From memory there was an examining council in America which had both a written examination in the applicant's country of origin and a filmed interview which was then assessed by medical experts in America. In that way they could save having a graduate come to America only to be told he could not practise there.

Does AMEC follow that sort of policy? It is important in the context of this Bill that we be given this information, because we are setting a standard of which we know nothing. If it were a standard to be set by the Medical School of the

University of WA or some other university of Australia, or if it were a fellowship it might be acceptable. In the past, some doctors trained in India, went to London to get their fellowship, and were so able to come here and practise medicine.

Just what does this council represent? The Minister should realise he will not win or lose points on this type of Bill. The training of medical students did feature during a past election when the previous Government said it had to provide more places for doctors and it had to train more doctors. It said it was a scandal that more doctors were not going into their second year of study. That Government said it would overcome this problem despite the fact there had been a report on medical manpower which showed quite clearly that Western Australia was "spot on" with its projected training of doctors. By its interference, the Government of the day—and it is not the fault of the present Minister but the fault of the present Premier—tried to score political points.

We now have more doctors than we need and this has been exacerbated by the arrival of doctors considered to be acceptable graduates who have come in from certain countries. This caused the Government to bring in a Bill which stated that if a doctor sought registration he had to come to live in Western Australia for six months, otherwise his registration would lapse.

Mr Young: He had to commence practice in six months, otherwise he could not apply for another four or five years.

Mr DAVIES: We agreed to that practice; but the fact remains that it did not overcome the situation. The amendments tonight are desirable in every way; they are eminently fair. We are saying that a doctor can come to a region and work for five years and then pass an examination. But we do not know what the examination means.

I do not know whether the Australian Medical Examining Council is connected with any university or the NHMRC. I do not know whether it is a body set up by an Act of Parliament, whether it needs similar legislation to be enacted in each of the States, whether that legislation will be introduced in this State, whether we are putting the cart before the horse, or whatever.

Out of respect for orderly parliamentary debate, and because the Minister cannot answer a legitimate and pertinent question, and because he would enjoy the approbation of Opposition members if he did so, I ask that he report progress and, as soon as possible, give us the information required. If this does not happen there will be no use the Minister seeking to have the third reading of the Bill passed tonight. There is a common courtesy to be followed when dealing with non-controversial matters of this nature. I believe the Minister should report progress until such time as he can give us the information we require.

Mr HARMAN: I support the remarks of the Leader of the Opposition. The Minister should explain just what this body is. The Minister attempted to make an explanation and admitted he did not know the answer. This Committee should not be placed in a position where it legislates in the dark. I cannot see any reason for the Government not delaying this matter for a short while and out of courtesy to the Committee supplying the information requested. There is no political point scoring involved; it is merely a question of common decency and of the Committee being fully informed when it makes an amendment to an Act of Parliament. We will be making a substantial amendment here because this Bill removes section 11(b) (ii) of the Act.

The amendment changes the whole status of that particular subsection by saying "that he has passed the examination of the body known as the Australian Medical Examining Council". I do not think it is good enough for this Chamber to be treated in this manner by the Minister in respect of a very simple but very fundamental question. This Committee should be fully informed about the legislation it passes. We have made a very simple request of the Minister.

On previous occasions I have chastised the Minister for coming into this Parliament and asking us to pass legislation for which he has not given any reason. One would have thought the Minister would learn something from that, but the attitude he has adopted tonight is, "Bad luck for the Committee. I will not tell you anything about it tonight. Pass it through the Committee stage and I will tell you something when the Bill is in the other Chamber." That is a slur on the Committee of this Chamber. If we are to work as a Committee we should be fully informed.

The Minister should reconsider his approach and agree to have progress reported so that he can come back and give us answers to our questions. The first question is whether it is necessary for the definition of this body to be incorporated in the Bill. After all; a body is mentioned in the Bill but no definition of that body is contained in the measure.

The second question is: What is this body, the Australian Medical Examination Council? What is the structure of it? Is it appointed by Statute? Who are the members of it? Is there a right of appeal? If it is incorporated under a

Commonwealth Statute, is there a right of appeal against any decision made by that body under the legislation which sets it up?

It is a perfectly legitimate request to make of the Minister. It is not made with any idea of scoring political points but to ensure we have all the information before us and do not legislate in the dark. It is not my duty to advise the Committee what this organisation is. That is the Minister's responsibility, because he is asking the Parliament to accept a new organisation which will take the place of those listed in the schedule to the existing Medical Act. It is the responsibility of the Minister to tell Parliament exactly what is going on and what is meant by the amendments contained in his Bill.

Mr YOUNG: The final point made by the member for Maylands is a valid one but it must be borne in mind that I was not telling the member for Maylands it was his job to inform the Committee what was in the Bill. I simply suggested that if he seriously wanted to prove a point to the Committee he would have found out instead of holding up the legislation on the point he raised.

In that context, I think what I said to him when I was on my feet previously was reasonable. I do not deny it is my job to tell the Committee what is in the Bill. I think the member for Maylands would agree I told him I had reservations but, generally speaking, I believed I knew what AMEC was, and if I happened to be wrong I would correct the information in another place.

The Leader of the Opposition said the Opposition was not agreeable to proceeding with the third reading of this Bill tonight. It is to enable the Opposition to object that I must seek leave to proceed with the third reading. When the third reading comes up tomorrow I will have the information for the member for Maylands and I will explain to the House exactly what AMEC is. I think what I have told him is accurate.

We know what the National Health and Medical Research Council is. We accept that it is an august body. But does the honourable member know the full membership of it? I do not.

The honourable member asked whether it was necessary to have a definition of the Australian Medical Examining Council. I am telling him there is no necessity to have that definition in the Bill.

Mr Harman: Why not?

Mr YOUNG: I have said there is no necessity to define AMEC in the Bill. If the honourable member asked me who was the chairman of AMEC and I could not give the answer, he would suggest I should ask that progress be reported. He is fiddling around with the Bill.

The honourable member has asked me who the members of AMEC are. I cannot tell him that any more than he or I could say who all the members of the National Health and Medical Research Council are. The fact of the matter is this body is accepted by all Medical Boards throughout Australia as a responsible examining council. The honourable member is entitled to have his doubts, but I repeat that if the information I gave him is wrong, I will correct it.

In respect of the right of appeal, if an examining council such as this is the final arbiter on whether a person has registrable qualifications, I would say there would be no right of appeal. I would think that was logical.

The Leader of the Opposition said the Opposition does not intend to allow the Bill to proceed to the third reading. That is the right of an Opposition. That is why leave has to be sought.

Mr Harman: You have no choice, but you have a choice whether or not to report progress.

Mr YOUNG: Third readings are intended to enable matters to be clarified, and I do not believe there is any reason for the Committee to hold up the Bill. I would be the first to apologise to him and the Committee if in any way I have misled it. If anything I have said is inaccurate it will be corrected tomorrow at the third reading stage.

Mr DAVIES: I think the Minister misses the whole point of the debate. We are not about to argue whether or not the Bill is acceptable. We know what the Government will do with it; it has the numbers. We just want some information. He has said, "I have told you what I think the situation is and I will correct it tomorrow if I am wrong." But tomorrow is too late. If AMEC is unacceptable to us, it is at this stage of the Bill that we must object to it. We are not objecting to it; we are asking for explanations. If the Minister can give us the explanations tomorrow, we can conclude the Committee stage and proceed with the third reading straightaway. The delay will be no longer than it will be in the present situation.

I think our reasons for not agreeing to the third reading tonight are legitimate. The Minister says, "If I am wrong I will apologise", but the Bill will then to all intents and purposes have gone through this Chamber. If the Minister is wrong and we find AMEC is not acceptable, will he recommit the Bill?

Mr Young: You have just said you know what we will do because we have the numbers. On that logic one would assume we will bulldoze it through.

Mr DAVIES: The Minister is bulldozing it through. He says, "It does not matter how reasonable your argument is; it does not matter how much information I cannot give you; we will not report progress, we will go through the Bill; and the only reason it is not going through the third reading tonight is that the Leader of the Opposition or the member for Maylands will stop it." That is his logic. He is a great one for putting things into neat parcels, but I am saying tomorrow will be too late if we find his explanation is unacceptable. Will he give us an undertaking to recommit the Bill if tomorrow he says he is wrong and if we do not like AMEC?

Mr Young: You are fiddling around and wasting time. My original undertaking to the member for Maylands was that the matter would be examined in another place.

Mr DAVIES: I am not concerned about another place. Too often members of the Ministry have said, "That looks like a good amendment but I will have it put in in another place." That is a convenient course because the Bill does not have to be reprinted before it goes there, and it can come back here by way of a message. But it is an abrogation of our rights and responsibilities. If we believe the Bill needs amending in this place, we should do exactly that. This situation is becoming curiouser and curiouser by the minute.

Mr Young: You are saying you have never agreed to an amendment being made in the other place, either as a Minister handling a Bill yourself or as a member of the Opposition.

Mr DAVIES: We did not have any alternative but to agree because we did not have the numbers in another place. Do not give me that kind of nonsense.

Mr Young: You are saying it is absurd to have a matter dealt with in another place.

Mr DAVIES: Let the Minister go back to the record and he will find our Government accepted more amendments in this Chamber in three years than the present Government has accepted in six years.

Mr Young: You are saying it is an abrogation of this Chamber's rights.

Mr DAVIES: Of course it is an abrogation of our rights. This Chamber is saying, "We believe this should happen, but we will not do it. We will let somebody else do it." The Minister is cornered; he does not know his own Bill. He cannot explain what AMEC means. We have been gentle with him and given him every opportunity to tell us what the measure is all about; but he has failed miserably. He has said the Bill will go through and he will tell us tomorrow whether he is right or wrong. He has said if he is wrong he will apologise, but the Bill will still go through.

We may want to argue whether AMEC is a good organisation. The Minister said it is recognised by all the Medical Boards in Australia. I have never heard of it before. The Minister said he understands other States have changed their medical Acts. He might be quite right, because I fancy I heard something on the news yesterday morning about a change in registration for doctors in Queensland which was causing some concern. For the life of me I cannot recall the facts. Therefore, possibly what the Minister said is true, and other States are changing or have changed their legislation. However, Western Australia has not yet amended its Act to recognise AMEC.

Mr Young: That is not what I was saying.

Mr DAVIES: Well, that is the way it came out.

Mr Young: No, it did not. I said that sometimes—

Mr DAVIES: Fair go! I may speak on only two occasions.

The CHAIRMAN: Order! I advise the Minister for Health that it is one thing for him to interject when the Leader of the Opposition allows him to do so as part of a dialogue; but it is another thing for him to interject and to persist with his interjection when the Leader of the Opposition wishes to continue speaking. I ask him not to continue to do that.

Mr DAVIES: The other States must have changed their policies because I have pointed out already that New South Wales accepted doctors with almost any degree. Therefore, the situation must have changed dramatically—I hope for the good. However, a great deal of controversy has occurred over the registration of foreign graduates, and I was pleased to obtain a hint that something had been done. All we are asking is: What has been done?

It is true I cannot recite the membership of the NHMRC, but I know what it is, what are its functions, and what we can expect of it. On the other hand, I had never heard of the Australian Medical Examining Council until it was mentioned when the Minister introduced this Bill on the 20th September. Therefore, there is no analogy between the NHMRC and AMEC. If AMEC has been in existence for as long as the NHMRC, I would be expected to know something about it; but I know nothing about it. I am not concerned about the names of its members; I am more concerned about whether it is composed of one member from each of the

medical schools in Australia, or whether it is composed only of persons from the Australian National University, the Flinders University, or some other organisation.

It is not unreasonable to ask for that information. In addition I do not think it is a responsibility of the Opposition to search out that information when it would be readily available to the Minister. The Minister has indicated he does not know it, and that he will ascertain it. In the meantime, he asks us to agree to something of which we know nothing.

The Opposition will divide on this clause because we do not believe that is the way to run a Parliament. Of course, amendments may be included in the upper House; but in the meantime this Committee is saying it does not care what happens. The Minister said that had we listened to him we could have been home 20 minutes ago. We say had he listened to us we could all have been out of this building long ago. However, the Opposition will not accept the blame for his incompetence. It is apparent the Minister does not know his own Bill. Despite the fact that we gave him every opportunity and asked him as kindly as we could to explain AMEC, he has not done so.

Mr PEARCE: Is the Minister indulging in some sort of "macho exercise"? As the Leader of the Opposition has indicated, the Minister has no chance of getting his Bill through this Chamber before tomorrow. It would be no skin off his nose to report progress, seek the information we want, and then take up the offer of the Leader of the Opposition that the third reading will be allowed to go straight through tomorrow.

However, unfortunately the Minister—and it is particularly unfortunate for the Minister involved because I think all members of the Chamber have some regard for him—is determined to hard nose the whole issue and to make sure the Committee stage is completed on schedule. The Opposition has expressed no inherent disagreement with the clause; it simply wants to obtain a few answers before its members cast a vote. Surely the Minister understands that is a totally responsible attitude for any member to adopt; that is, to be satisfied on all matters before casting a vote.

The Minister is attempting to force us into voting in the dark as it were, and he has said he will provide explanations tomorrow. Suppose you, Mr Chairman, were in the Chair tomorrow as Deputy Speaker when the third reading stage of the Bill was called on. If the Opposition suddenly wished to debate this clause after the Minister made information available to us I imagine—as you have a fairly firm hand—you would sit us down and say, "Those points should have been made in the Committee stage." If I interpret your possible ruling accurately, you would be perfectly right to say it is a matter to be discussed in Committee.

The Minister knows it is a matter for the Committee to deal with, and if I were the Minister perhaps I would be slightly embarrassed about not knowing much about AMEC. It is the Minister's job to know that, and he has said he should know it. He has also said he does not know the answers to some of the points raised by the member for Maylands.

He took a few guesses. He said his guess was there would be no right of appeal, but he did not know whether or not it was so. It would not take him more than 20 minutes to find out all the answers in the morning.

The Opposition did not try to force the Minister into reporting progress; nor did it even hold it against the Minister that he did not know the answers, because we understand Ministers have a wide area of responsibility. The most decent thing the Minister could have done was to agree to the Opposition's request to report progress, and give the required information to the Committee tomorrow; and then the Bill could have passed through the Chamber in exactly the same time, and the Minister would have been held in some regard by the Committee. However, unfortunately the newest Minister is following the other nine Ministers in this Chamber and is becoming a bulldozer merchant.

Mr Tonkin: He is following in his master's footsteps.

Mr Carr: He is competing with the Minister for Labour and Industry for the leadership.

Mr PEARCE: Let me give the Minister some advice, because I think he has more chance of being more reasonable and responsible than other Ministers who simply push the Chamber into all sorts of situations simply to get a Bill through. One does not have to be a political calculator to work out that the Minister will gain nothing from this exercise apart from the contempt of the Opposition. If I may give the Minister a little further advice—if you do not mind my doing so, Mr Chairman—let me point out that if the Minister wants to hard nose this Bill through the Chamber, he should not admit he is ignorant of what is contained in it; he should do as the Minister for Labour and Industry does and simply bluff instead of admitting he is ignorant.

Other Ministers do not admit to ignorance, but simply ignore or do not participate in the debate, like the Minister for Local Government. If the

Minister for Health is going to be half reasonable, then I admire him for admitting he has not all the information. However, he should then report progress and say he will obtain the information tomorrow. He should not be half hearted. If he is going to push things through he should not give any explanation; but if he is going to be at all reasonable he should accept the request of the Opposition in this case.

Clause put and a division taken with the following result—

Ayes 26

Mr Blaikie	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr McPharlin	Mr Young
Mr Mensaros	Mr Shalders *(Teller)*

Noes 17

Mr Barnett	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr Carr	Mr Pearce
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr Tonkin
Mr T. D. Evans	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Pairs

Ayes	Noes
Mr MacKinnon	Mr T. J. Burke
Mr Spriggs	Mr Taylor
Mr Rushton	Mr Grill
Dr Dadour	Mr B. T. Burke
Sir Charles Court	Dr Troy

Clause thus passed.

Clauses 3 to 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (4): RETURNED

1. Pensioners (Rates Rebates and Deferments) Act Amendment Bill.
2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill. (No. 3)
3. Country Areas Water Supply Act Amendment Bill. (No. 2)
4. Water Boards Act Amendment Bill.

Bills returned from the Council without amendment.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

In Committee

Resumed from the 11th October. The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Progress was reported after clause 2 had been agreed to.

Clause 3: Section 5 amended—

Mr TONKIN: I ask the Minister what he has been able to find out for me on the demonstration vehicle question.

Mr Davies: He was hoping you would forget.

Mr TONKIN: I raised it at the second reading stage because I could not see why a demonstration vehicle should be treated in this way. I pointed out the consumer was being given an inferior warranty by being thrown back onto the manufacturer's warranty. It is excluded by this Bill, and it is excluded in the Act. I would like to know why.

Mr O'CONNOR: This is a new interpretation to give those people who purchase a demonstration vehicle a better run than they have had for some time. At present, the warranty conditions do not prevail on a demonstration vehicle. Under the Bill, if a person purchases a vehicle of this nature, he has better warranty conditions than previously. I thought this is what the member would have wanted in this Bill.

Mr Tonkin: You are not actually explaining why, when a person buys a demonstration vehicle, he gets only the manufacturer's warranty instead of the dealer's warranty. The manufacturer's warranty is definitely inferior to the dealer's warranty. Why can you not treat it like a normal used vehicle, in other words?

Mr O'CONNOR: It may not necessarily apply. If a problem does exist, the department has the authority to go in and ascertain what the position should be. This clause gives a definition that was not there before. In other words, the definition of a demonstration vehicle was not involved previously. This has been inserted to give better protection to the purchaser than he previously had. As I said, I thought this would have been acceptable to members opposite.

Mr TONKIN: I am not satisfied. I accepted the reason for this definition. That is not the point I am raising.

Why should a person who buys a used vehicle, which happens to have been a demonstration vehicle, have a worse deal than if he had bought a secondhand vehicle which was not a demonstration vehicle?

Mr O'Connor: He is not paying the full price.

Mr TONKIN: Full price for what?

Mr Sibson: To all intents and purposes he is buying a new vehicle. That is the question you want to ask yourself. A demonstration vehicle is always sold as a new vehicle. The person can still assume he is buying a new vehicle. He appreciates it is a demonstrator, but he would not want it to be described as a secondhand vehicle.

Mr TONKIN: If the purchaser accepts it as a new vehicle, he is under a misapprehension.

Mr Sibson: No, he is not. You just do not understand.

Mr TONKIN: This is a vehicle that has been driven thousands of kilometres and the member for Bunbury is telling me it is not used.

Mr Sibson: Most demonstrators are sold within the first few days of licensing.

Mr TONKIN: If there was an interpretation which read "vehicle sold within seven days of licensing", that would be all right. However, some vehicles could be sold with many thousands of kilometres on the clock.

Mr Sibson: No.

Mr Davies: Do not argue with the member for Bunbury. He is on his own ground at last.

Mr TONKIN: There is no definition in the Bill to say that they cannot be sold.

Mr Sibson: Once they have done 20 000 kilometres, they are out of warranty.

Mr TONKIN: So any distance up to 20 000, it is a demonstration vehicle. I would like to know why demonstration vehicles cannot be regarded as used vehicles, because they are used vehicles in fact. I would expect a new vehicle to be one that stands in the showroom and is not driven. In fact, these vehicles have been driven many thousands of kilometres. They could be really hammered, because a person wants to demonstrate the takeoff, how quickly he can go through the gears, how quickly he can reach 50 or 60 kilometres an hour, and how good the brakes are. He is really hammering the parts.

Mr Sibson: Demonstrators are always the best units to buy from the purchaser's point of view because they are looked after so well. They are treated well, and they are kept in top condition. It is really in the interests of the public to buy them.

Mr TONKIN: If they are better than the new vehicles, why can one not have a full warranty for them? Why do the wearing parts have to be excluded? They are not included in the manufacturer's warranty. I expect a better explanation.

Mr O'Connor: The price is different. It is not the same price for a demonstration vehicle.

Mr Jamieson: It practically is. They use the standard price.

Mr O'Connor: It is up to the purchaser what price he wants to pay for it.

Mr Jamieson: I have never known that.

Mr TONKIN: The demonstration vehicles have been used for some time, and they should be treated as such. They are used vehicles. I cannot see what the price has to do with it. Even if one buys a vehicle that has been used a great deal for a much lower price, one still receives a warranty. I want to know why these cannot be used. I ask the Minister to discuss the matter fully with his advisers so that he can give to the Committee a better explanation than we have had so far.

Clause put and passed.

Clauses 4 to 7 put and passed.

Clause 8: Section 20 amended—

Mr H. D. EVANS: I have been in consultation with several country dealers, and they have some areas of concern. The first area is clause 8. It deals with the disqualification of a person from holding a licence. As the member for Bunbury would know, this is fairly serious to a dealer. The proposed new paragraph (g) refers to the position where a vehicle is traded in which is subject to a hire-purchase agreement or some other form of security. The dealer is required to obtain the consent of the hire-purchase company, the owner, before offering the vehicle for sale. If he does not do that, he is in breach of the Act.

The dealer inquires from his customer whether the vehicle is under a hire-purchase agreement. If it is, the dealer pays out the hire-purchase company as soon as practicable. This amendment means that a dealer should wait for written consent from the hire-purchase company before he advertises the car for sale. If he does not wait for written consent, he is in breach of the Act and stands to lose his licence.

Although the provision does not require written consent, there would be no other way of the dealer's proving that he had complied with the provision. Practically, this is unacceptable to the car dealers. They would have to ensure that in each case they obtained written consent from the

hire-purchase company. That would involve a considerable waste of time; and delay is costly.

In addition, there is the question of the dealer being deceived by the customer who says that no hire-purchase company is involved. In that case, he would still be in breach of the Act and stand to lose both his licence and the money owing to the hire-purchase company.

There are several points to be considered. Apart from the additional work created for car dealers, there is little likelihood of the dealer trying to deceive the owners in the way that might have been suggested. For that reason, there would need to be written consent from the hire-purchase company before the dealer could act. If the hire-purchase company was tardy, the dealer could be in the position of having to wait some time before he could resell the vehicle. That would be inconvenient and costly to the dealer. The documentation that would be produced would be the licence. Normally that would be sufficient. Of course, that need not necessarily show the involvement of a hire-purchase company. The provision certainly is not assisting the dealer, and it certainly is not going very far towards helping the person selling to the dealer.

Is there any explanation for that? Could it be deleted in the interests of making the whole Act more practicable? In the final analysis the test is how the legislation operates in the field. The country dealers, who are at a considerable distance from the city where the hire-purchase companies are located, think this is a very real problem. It is desirable the Minister have second thoughts about this aspect.

Mr O'CONNOR: I see no need to have second thoughts about this matter. If the member has a good look at the clause he will see initially the reason for the alteration is to prevent dealers selling cars which do not belong to them. During the second reading debate I explained that some people have left their cars in dealers' yards and when they come back they find the cars have been sold. I do not see any reason that suggests in the circumstances the dealer should not be deregistered if he behaves in that manner.

I have dealt with hire-purchase companies to a considerable extent. The TPA keeps records of all licensed vehicles. As soon as anyone drives into a dealer's yard the dealer may check quickly and easily as to whether a hire-purchase commitment is involved.

There is very little problem about obtaining an undertaking from the hire-purchase company. The companies always abide by any decision given by telephone. If a company was tardy, the individual could refrain from making his payment until such time as a letter was received from the company; but these problems would seldom arise.

The legislation as it stands is satisfactory.

Mr H. D. EVANS: The situation in which a car is left in a dealer's yard by a customer who returns later to find it has been sold happens infrequently; but a vehicle is received from a client a number of times during the course of a day.

Mr O'Connor: Do you know of one example of a hire-purchase company creating a problem in this way?

Mr H. D. EVANS: The only way a dealer can prove he has the consent of the hire-purchase company is by producing documentation. How else can the dealer establish he has the consent of the hire-purchase company?

Mr O'Connor: It is not a problem.

Mr H. D. EVANS: In the case I referred to previously, there was a difficulty of conveyance. It could well be the dealer is technically in jeopardy of losing his licence, because he cannot establish he has the permission of the hire-purchase company.

Clause put and passed.

Clauses 9 to 13 put and passed.

Clause 14: Section 33 amended—

Mr H. D. EVANS: This clause deals with a change to the period for which a dealer must keep certain records. The period is extended from six months to 12 months. One wonders why this is necessary, because under the Act the maximum warranty period is three months and, with the six months contained in the present Act, there is a further three months for any disputation to be settled or for any defect to be corrected. If the matter is not resolved three months after the warranty period expires, I would say there is little chance of a case existing.

It does not seem reasonable to legislate for a person who takes 11 months to complain when, at the present time, he has six months in which to do so. I should like an explanation as to the rationale behind the drafting of this clause.

Mr O'CONNOR: It is not a matter of any great consequence. Deficiencies have been found in the system and, because of this, the board suggested that the period should be 12 months. I see nothing wrong with that.

Clause put and passed.

Clauses 15 to 23 put and passed.

Clause 24: Section 45 amended—

Mr H. D. EVANS: This amendment seeks to delete the words "wilfully and with intent to deceive another person". At the same time the penalty for a breach is increased from $400 to $2 000.

The deletion of these words means the dealer will be liable for a fine of $2 000. He could have committed an innocent breach of the provision. We cannot expect a dealer to have a personal knowledge of every transaction that goes through his yard. Innocent infringements can occur. The dealer may not be in a position to ascertain readily the year of first registration of the vehicle. This is not shown on the licence plates. The dealer may not be able to ascertain the year of manufacture of the vehicle if the compliance plates have been removed.

In my opinion it is sufficient to require that the year of manufacture be provided. The words which are proposed to be deleted should not be deleted. If this occurs, the provision will be extremely harsh, because there is no defence for an innocent breach.

The new fine of $2 000 will ensure that dishonest dealers will avoid deceitful practices.

Mr O'Connor: Dishonest dealers will avoid them?

Mr H. D. EVANS: By increasing the penalty, a considerable deterrent is provided. The point I am making is, if a dealer commits an infringement, he will have no defence because of the deletion of these words.

I am speaking on behalf of experienced dealers whose good reputation has been established over a number of years. The good name of the dealer is of paramount importance to him. A different situation may apply if a dealer is selling a vehicle to somebody who resides outside his area. This amendment will place dealers in an invidious position and they will have no real defence if they infringe innocently. Will the Minister have another look at the matter?

Mr O'CONNOR: I am rather astounded at the comments made by the honourable member, because I thought the Opposition would support an individual who has purchased a vehicle from a dealer who has misled him.

Mr H. D. Evans: We also have a degree of fairness which seems to be lacking over there.

Mr O'CONNOR: One should be fair to the purchaser of the vehicle, too.

Mr H. D. Evans: You looked at the Bill only when it came to the House.

Mr O'CONNOR: Of course, that is incorrect. If the honourable member is more interested in someone involved in car yards I cannot be blamed, but quite frankly—

Mr H. D. Evans: The car dealers are all on your side of the House.

Mr O'CONNOR: I am beginning to wonder. This clause guards clients against misrepresentation by dealers. It is fair and reasonable. The penalty of $2 000 is a maximum penalty and it is ridiculous to say everyone will be fined this amount. If only a minor breach is involved, obviously the department would take no action, or a minor penalty would be involved. For a major breach I believe a fine of $2 000 would be little enough. It is the maximum penalty for an individual who consistently misrepresents vehicles in an effort to take down a client. As members of Parliament surely it is our duty to protect such clients.

Mr H. D. Evans: There is a distinction which the Minister conveniently overlooks between wilful infringement and one caused by human transgression.

Clause put and passed.

Clause 25 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Connor (Minister for Labour and Industry), and transmitted to the Council.

House adjourned at 10.43 p.m.

QUESTIONS ON NOTICE

HEALTH: ALCOHOL AND DRUG DEPENDENCY

Voluntary Agencies

1733. Mr HARMAN, to the Minister for Health:

(1) Is it fact that the voluntary agencies treating alcohol and drug dependent persons are suffering severe financial constraints?

(2) What amounts of finance will be made available from the Government to each agency this financial year?

(3) What were the amounts made available by the Government to each such agency in the 1977-78 financial year?

Mr YOUNG replied:

(1) This year's Budget provides for a substantial increase in overall allocation to voluntary agencies but some agencies have indicated financial difficulties.

(2) This has not yet been determined. Total sum available through the WA Alcohol and Drug Authority is $150 000.

(3) Grants made through the WA Alcohol and Drug Authority to assist voluntary agencies in 1977-78 were as follows—

	$
Eastern Goldfields Half Way House Committee	4 245
Wesley Central Missions	11 773
Holyoake City Centre Inc.	8 633
Jesus People Inc.	16 160
Christian Welfare	2 900
Serenity Lodge Inc.	5 044
Daughters of Charity	11 047
Lutheran Church	5 250
	$65 052

The Lotteries Commission also made grants totalling $19 578.

TRAFFIC: PEDESTRIAN CROSSINGS

Crosswalks: Criteria

1781. Mr BLAIKIE, to the Minister for Transport:

(1) What is the criterion adopted by his department when giving approval for pedestrian crosswalks in—

(a) metropolitan;

(b) country areas?

(2) What is the accident rate of—

(a) approved;

(b) not approved,

crosswalks in country areas?

(3) Can he indicate whether there are any country local authorities that do not have an approved crosswalk?

Mr RUSHTON replied:

(1) (a) Guidelines recommended in the Australian Standard Manual of Uniform Traffic Control Devices requiring, amongst other things, that for each two hours on an average week day—

the number of pedestrians crossing in close proximity to the site (generally within 30 m) exceeds 60 per hour; and

The number of vehicles which pedestrians have to cross in each manoeuvre exceeds 600 per hour and that the product of these two (pedestrians x vehicles) exceeds 90 000.

(b) The above guidelines are relaxed in that the vehicle volume needs to exceed no more than 500 per hour and the product of pedestrians and vehicles needs to exceed no more than 60 000.

(2) and (3) This information is not available in the Main Roads Department and considerable research, including contact with each country local authority, would be required to answer the questions.

DAIRYING: CREAM

Ultra Heat Treated

1782. Mr BLAIKIE, to the Minister for Agriculture:

(1) As there are increasing quantities of cream in ultra heat treatment packs available for sale in Western Australia without a manufacturer's identification, can he indicate—

(a) the State of origin of the supply; and

(b) the quantity involved?

(2) If not, why not?

Mr OLD replied:

(1) and (2) I am informed that the only ultra heat treated cream available for supply in Western Australia has the name of the manufacturer on the pack. This cream is produced in Victoria. The quantity involved is not known as statistics relating to the importation of these products do not differentiate between UHT cream and other forms of cream.

JETTY

Busselton: Works Programme

1783. Mr BLAIKIE, to the Minister representing the Minister for Works:

Would the Minister give details of the works programme, and cost, carried out on the Busselton jetty since April 1978?

Mr O'CONNOR replied:

Work carried out on the Busselton Jetty since April, 1978, involved the cleaning up of the areas after cyclone "Alby" and the demolition of the remaining section of the promenade jetty, together with repairs to the viaduct to make it safe for pedestrian access.

Repairs to the viaduct included the driving of 46 timber piles, the replacing of a number of timber beams, the erection of a handrail along one side of the viaduct and the provision of lighting.

The total cost of the work carried out since April, 1978, has been $161 000.

BOATS

Harbour: Geographe Bay

1784. Mr BLAIKIE, to the Minister representing the Minister for Works:

(1) What sites are under investigation for boat harbour facilities in Geographe Bay?

(2) Will the Minister indicate the approximate cost of construction in each locality?

(3) When does the Minister expect surveys will be completed?

Mr O'CONNOR replied:

(1) Site investigations for fishing boat harbour facilities are under active consideration at Rocky Point, Eagle Bay, Pt. Picquet and Curtis Bay.

(2) One of the purposes of the investigation is to identify approximate costs.

(3) Survey field is expected to be completed in the present financial year.

PRISONS: INMATES

Number

1785. Mr DAVIES, to the Chief Secretary:

(1) What has been the average number of inmates over the past 12 months at the following detention centres—

(a) Bandyup;
(b) Albany;
(c) Barton's Mill;
(d) Broome;
(e) Brunswick;
(f) Bunbury;
(g) Fremantle;
(h) Geraldton;
(i) Kalgoorlie;
(j) Karnet;
(k) Pardelup;
(l) West Perth;
(m) Wooroloo;
(n) Wyndham;
(o) Highgate?

(2) What has been the average staff numbers in all categories at each of the above institutions?

Mr O'NEIL replied:

(1) Daily average number of inmates in detention centres for year ended the 30th June, 1979—

(a)	Bandyup Training Centre	48.87
(b)	Albany Regional Prison	64.00
(c)	Barton's Mill Prison	55.29
(d)	Broome Regional Prison	33.86
(e)	Brunswick Junction Prison	24.92
(f)	Bunbury Rehabilitation Centre	67.39
(g)	Fremantle Prison	541.94
(h)	Geraldton Regional Prison	91.18
(i)	Kalgoorlie Regional Prison	40.26
(j)	Karnet Rehabilitation Centre	78.44
(k)	Pardelup Prison Farm	48.56
(l)	West Perth Work Release Hostel	34.70
(m)	Wooroloo Training Centre	108.04
(n)	Wyndham Regional Prison	27.88
(o)	Highgate Annexe	5.49

(2) Average numbers of prisons officers are not kept, but the position as at the 30th June, 1979, was as follows—

	Principal Officer	Senior Officer	Industrial Officer	Shift Officer	Total
(a) Bandyup—Male		1		5	
Female	1	4	5	26	42
(b) Albany	1	4	10	27	42
(c) Barton's Mill	1	4	6	17	28

	Principal Officer	Senior Officer	Industrial Officer	Shift Officer	Total
(d) Broome	—	1	3	8	12
(e) Brunswick Junction	—	1	2	9	12
(f) Bunbury	1	5	13	31	50
(g) Fremantle	9	23	61	140	233
(h) Geraldton	1	4	8	19	32
(i) Kalgoorlie	—	1	3	11	15
(j) Karnet	1	4	15	17	37
(k) Pardelup	1	4	9	10	24
(l) West Perth	—	1	4	8	13
(m) Wooroloo	1	4	21	23	
Training School Officers	1	1			51
(n) Wyndham	—	1	2	7	10

(o) Highgate—Administratively under Bandyup which provides one officer 24 hours a day.

It should also be noted that each of the prisons indicated had a superintendent with the exception of Highgate. In addition to the superintendent, Fremantle Prison also had two deputy superintendents and two chief officers.

ROAD: BEECHBORO-GOSNELLS FREEWAY

Commencement, Route, and Resumptions

1786. Mr BATEMAN, to the Minister for Transport:

(1) What planning progress has been made regarding the development of the Gosnells-Beechboro Freeway in Gosnells and Maddington?
(2) Has a definite route been decided upon?
(3) If "Yes", will he table the map showing the route?
(4) If not, why not?
(5) Has the public had a period of time for objections to the proposed route?
(6) If not, why not?
(7) If "Yes", where and when was it advertised?
(8) Have any of the people whose homes and property have to be resumed been advised of the proposed resumptions?
(9) If not, why not?
(10) When is it proposed that work will begin on this project and from where will it commence?

Mr RUSHTON replied:

(1) The basic route for the Gosnells-Beechboro Freeway is defined in the metropolitan region scheme. Small changes to the reserve boundary have been proposed in recent metropolitan region scheme amendments.
(2) Yes.
(3) and (4) It is shown in the current metropolitan region scheme, copies of which are publicly available.
(5) and (6) Yes.
(7) The original metropolitan region scheme was extensively advertised in all major local newspapers in 1963 as were current boundary changes which formed part of the south-east corridor amendment.
(8) and (9) Yes.
(10) Work has already commenced on the section between Forrestfield and Gosnells starting at Forrestfield. the majority of this work is contained within land already owned by the Main Roads Department.

RAILWAYS: MIDLAND-PERTH

Passenger Services: Reduction

1787. Mr DAVIES, to the Minister for Transport:

Further to question 1615 of 1979 concerning reductions in passenger train services on the Perth-Midland line—

(a) is it not fact that on Mondays to Fridays there is one less train travelling both ways since the closure of the Perth-Fremantle line leading to an overall reduction of ten train services, i.e., five services each way, and this reduction has been only partially offset by the introduction of one extra train on Sundays; that is, two extra services;
(b) does he now contend that there has been no withdrawals of train services on the Perth-Midland line since the closure of the Perth-Fremantle line?

Mr RUSHTON replied:

(a) and (b) In answer to the member's question 1615 of 1979, Westrail informed me that there had been no reduction in the passenger service on the Midland line since closure of the Perth-Fremantle passenger train service.

Westrail now inform me that previously planned changes to the timetable for the Midland line were brought into effect to coincide with the issue of the new public timetable to operate from the 2nd September.

The effect of these alterations, apart from a number of departure time changes, is a reduction of one return service late on week nights and an addition of one return service on Sunday.
Although there have not been any reductions in services on the Perth-Midland line since the issue of the new timetable, it appears the information previously provided by Westrail has confused the situation.

ENERGY: GAS

Kleenheat

1788. Mr CRANE, to the Minister for Fuel and Energy:

Why has the price of a 45 kg cylinder of Kleenheat gas risen from $15.90c on the 7th June, 1978 to $17.10c on the 2nd February, 1979, then to $18 on the 3rd May, 1979 and then up to $21.15c on the 10th September, 1979?

Mr MENSAROS replied:

The member is seeking commercial information which I am afraid he must obtain from the company in question. However, I believe the principal cause lies in the Commonwealth Government's policy of charging world oil parity for Australian crude oil into local refineries. Consequently the cost of LPG from the Kwinana Refinery has moved up in step with the various OPEC price increases.

1789. *This question was postponed.*

CONSERVATION AND THE ENVIRONMENT

Ludlow-Wonnerup Area

1790. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Ludlow-Wonnerup area, what action has so far been taken by the Government involving landowners in the area to preserve—

(a) existing scenic, recreation, and tourism values;

(b) improvement of wetland habitats;

(c) conservation of tuart?

(2) What action has so far been taken by the Department of Fisheries and Wildlife concerning the management of the Vasse and Wonnerup estuaries and the Broadwater?

Mr O'CONNOR replied:

(1) This question relates to recommendation 1.1.1. of the Environmental Protection Authority's second Red Book on conservation reserves for Western Australia.

(a) and (c) I am advised that the Forests Department, in implementing the recommendation, canvassed local opinion in the development of the working plan for multiple-use of the tuart forest, which includes the conservation of native trees for scenic purposes along the Bussell Highway.

(b) The Department of Fisheries and Wildlife has held a seminar at Busselton on the subject of wetlands, to which members of the public were invited, especially those resident in areas adjoining wetlands. The department has also produced a special publication for general information titled, "Wetlands of the South-West of Western Australia—with Special Reference to Busselton Area", which sets out the value of wetlands for wildlife conservation. In addition, the Department of Conservation and Environment has published a booklet, "Guidelines to the Conservation of Wetlands in Western Australia", which has been distributed widely.

(2) Contour mapping of the Vasse and Wonnerup Estuaries, and the Broadwater has been completed. With respect to Broadwater, artificial swan nests have been constructed. The Public Works Department is co-operating in controlling water levels.

CONSERVATION AND THE ENVIRONMENT

Ludlow-Wonnerup Area

1791. Mr SKIDMORE, to the Minister for Conservation and the Environment:

Would he advise if any landowner has entered into any legally binding agreement concerning the management of wetland in the Ludlow-Wonnerup area and the Broadwater?

Mr O'CONNOR replied:

No landholders have entered into any legally binding agreement concerning the management of wetland in the Ludlow-Wonnerup area and the Broadwater.

LAND: RESERVES

Nos. 385, 5217, 22952, and 31188

1792. Mr SKIDMORE, to the Minister representing the Minister for Lands:

Would he advise what is the present purpose, classification, size, and vesting of the following reserves—

(a) 385;
(b) 5217;
(c) 22952;
(d) 31188?

Mrs CRAIG replied:

(a) Camping and recreation, class "A", 11.7359 hectares, control of the Shire of Busselton.
(b) Camping and recreation, class "A", 11.2680 hectares control of the Shire of Busselton.
(c) Camping and recreation, class "C", 3.7408 hectares, control of the Shire of Busselton.
(d) Refer to question 2442 of the 16th November, 1978.

STATE FORESTS

Ludlow

1793. Mr SKIDMORE, to the Minister representing the Minister for Forests:

(1) Further to Cabinet's endorsement on the 20th October, 1976 of recommendations by the Environmental Protection Authority concerning the Ludlow tuart forest, has a detailed working plan for the management of this forest yet been formulated?
(2) If "Yes", on what date was it approved by the Governor?

Mrs CRAIG replied:

(1) and (2) The recommendation by the Environmental Protection Authority concerning the Ludlow tuart forest that—

> the State forest be managed under a new working plan for multiple use, priority being given to recreation and conservation of the Tuart forest;

has been implemented.

This recommendation was given effect in the Forests Department general working plan 86 of 1977—see part 1 section 5.5, which detailed management objectives, policies and strategies as required under the Forests Act to regulate the management of State forests and timber reserves. General working plan 86 of 1977 was approved by the Governor on the 27th January, 1977.

LAND

Agricultural

1794. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) Can the Minister tabulate the amount of agricultural land that has been released each year since 1954?
(2) Is the Government planning any new release of land over the next year?
(3) If "Yes", to (2)—
  (a) what is the area of the land planned for release;
  (b) what shires is the land included in?

Mrs CRAIG replied:

(1) The information sought is published in the department's annual reports.
(2) and (3) Yes. It is proposed to release 10 economic units at Mt. Ridley and four on Rollands Road, in the Shire of Esperance. Eight locations are to be released in the Shire of Kent.

1795. *This question was postponed.*

WATER SUPPLIES

Farms: Concessional Loans

1796. Mr H. D. EVANS, to the Minister for Agriculture:

(1) Is it intended to extend the area of eligibility for concessional loans for farm water supply?

(2) If "Yes", to what further areas will the concession apply?

Mr OLD replied:

(1) and (2) As previously stated, the extension of the area of eligibility for the farm water supply loan scheme is under review. I will advise the House when the issue has been resolved.

RURAL ADJUSTMENT SCHEME

Loans

1797. Mr H. D. EVANS, to the Minister for Agriculture:

(1) In how many instances have the terms and conditions of rural adjustment loans been revised in each of the past two years by the Rural Adjustment Authority?

(2) How many farmers have been notified in 1979 that there will be a review of their loan commitment with a possible reorganisation of repayment?

Mr OLD replied:

(1) The terms and conditions of loans to farmers have been unchanged since 1977 when the new Commonwealth-State agreement came into effect. Under this agreement "the Authority shall have the right to review the terms of repayment, including interest rates, of individual accounts at any time and shall exercise this right at regular intervals with the objective of the borrower being encouraged to transfer to commercial credit as soon as circumstances permit".

(2) All farmers with current loans have terms and conditions reviewed annually in conformity with their agreement with the Rural Adjustment Authority. Interest rates have been raised during this year on the accounts of 39 farmers.

LAND

Agricultural

1798. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

(1) What area of land has been released for agricultural purposes so far in 1979, and in what area(s)?

(2) Are there any further areas of land being considered for release and, if so, will he give details?

(3) What has been the total of drought relief aid granted since the Drought Relief Committee was established in 1969?

Mrs CRAIG replied:

(1) As detailed in the schedule which is submitted for tabling. Further particulars are available in the relevant *Government Gazettes.*

The paper was tabled (see paper No. 402).

(2) See answer to question 1794.

(3) The question should be directed to the Minister for Agriculture.

DROUGHT

Aid: 1978-79 and 1979-80

1799. Mr H. D. EVANS, to the Minister for Agriculture:

(1) What has been the total cost to the Government of aid to drought areas in the 1978-79 financial year, and on what forms of aid was this amount disbursed?

(2) (a) How much has been expended on drought relief measures in the current financial year; and

(b) in what ways was this amount disbursed?

Mr OLD replied:

(1) $1 753 188 disbursed as—

loans to primary producers;

freight subsidies on feed, stock under agistment and stock purchased for restocking purposes;

provision of water.

(2) (a) and (b) $577 453 disbursed as—

loans to primary producers;

freight subsidies on feed, stock under agistment and stock purchased for restocking purposes.

TRANSPORT: AIR

Perth Airport

1800. Mr HASSELL, to the Minister for Transport:

(1) Are there any—

(a) proposals; or

(b) specific plans; or

(c) funding arrangements,

to upgrade Perth Airport to meet current and projected demand?

(2) What representations have been made to the Commonwealth in this respect?

(3) What response has been received from the Commonwealth?

(4) Is the State Government satisfied with that response?

(5) (a) Are the Federal members who represent Western Australia in Canberra assisting the State in its representations on this matter; and

(b) if so, which of them?

Mr RUSHTON replied:

(1) (a) to (c) There is a series of measures planned, some of which are about to take place, aimed at upgrading Perth Airport to meet current and projected demand. The nature of these measures will be announced by the Government as they come on-stream. Funding arrangements are the responsibility of the Commonwealth Government.

(2) The State Government has continued to make strong representations to the Commonwealth at all levels concerning Perth Airport. Frequent correspondence and discussion has taken place between Ministers on the subject and there is ongoing interaction between the State and Federal departments involved.

(3) The Commonwealth response has frequently been one tempered by budgetary constraint and by the lack of a total development philosophy for the airport.

(4) The State Government is clearly not satisfied with the Commonwealth response to date. As a result, it will continue to press for the easing of budgetary constraints on immediate improvements to the airport and for the early finalisation of the master plan laying down the longer term requirements. The Premier intends to have further discussions with the Prime Minister on the matter within a few days.

(5) (a) and (b) I have regular reviews of this and other transport issues with various Federal members representing the State.

FITZROY CROSSING

Community Welfare Officer: Proposed Transfer

1801. Mr BERTRAM, to the Minister for Police and Traffic:

(1) Will he supply the names and offices held by those persons who called or arranged to have called the public meeting at Fitzroy Crossing to which reference was repeatedly made in the recent debate in this place touching on the transfer of Mr Stan Davey?

(2) Was the Commissioner of Police present at that meeting?

(3) (a) Were any other policemen present at that meeting; and

(b) if so, how many?

Mr O'NEIL replied:

(1) and (2) A meeting arranged by local townspeople was held at Fitzroy Crossing on the 7th August, 1979, and was attended by the Commissioner of Police. The subject matter was the transfer of Sergeant Cole, not the transfer of Mr Stan Davey.

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

WATER SUPPLIES

Mt. Hawthorn

1802. Mr BERTRAM, to the Minister representing the Minister for Water Supplies:

(1) Is it not a fact that between about 4.00 p.m. and 10.00 p.m. on Tuesday, the 9th October, 1979 the water supply in and

about Mt. Hawthorn became badly discoloured and unfit for human consumption?

(2) (a) If "Yes", why was this the case; and

(b) what notice was given to consumers of the intention to cause this situation?

(3) What amends will be made to those people who have been disadvantaged or have become ill in consequence of having consumed or used polluted or substandard water?

(4) What action has been taken to ensure that there shall not be a recurrence of these circumstances?

Mr O'CONNOR replied:

(1) While a major reorganisation of mains in Green Street extending over some days was proceeding, the water supply was caused to be discoloured in the south-east section of Mt. Hawthorn at the nominated time. It was some hours later before it was returned to a satisfactory aesthetic condition.

(2) (a) In the course of these repairs, it was necessary to open a little used connecting link main in response to an unexpected and suddenly imposed high consumer demand. Deposits in this main were disturbed and were removed from the system by scouring from hydrants after receiving complaints.

(b) None, since the events were unexpected.

(3) and (4) The Metropolitan Water Board is completely unaware of any case of illness or any cause for such. In maintaining a reticulation of some 7 000 kilometres total length, departures from a high standard of service are rare. The case was exceptional. Any inconvenience caused is regretted.

LAND: NATIONAL PARKS

Public Transport

1803. Mr BERTRAM, to the Minister for Transport:

(1) Is it a fact that many national parks are not served by public transport?

(2) If "Yes", will he list those unserviced national parks which are within 100 kilometres of Perth?

Mr RUSHTON replied:

(1) The locations of national parks in Western Australia range throughout the State from Drysdale River in the extreme north to Cape Arid east of Esperance. Many of them are beyond the range of the public transport system.

(2) Walyunga National Park and Serpentine National Park.

W. W. MITCHELL

Letters to Press

1804. Mr BERTRAM, to the Premier:

(1) Is the W. W. Mitchell whose letter to the effect that "work is the only source of wealth" and which appeared in the *The West Australian* of the 2nd October, 1979, known to him?

(2) If "Yes", does W. W. Mitchell prepare and issue material on behalf of him or his Government?

(3) If "Yes", who decides which of the letters written to the Press by W. W. Mitchell are signed by him and which are signed by the Premier?

(4) What are the criteria used to determine this decision as to who will be the signatory?

Sir CHARLES COURT replied:

(1) Yes—or at least I assume it is the W. W. Mitchell known to me.

Mr Jamieson: He didn't do too badly with the demonstration today.

Sir CHARLES COURT: To continue—

(2) Mr W. W. Mitchell is, from time to time, assigned work by the Government in his capacity as a public relations consultant; but at no time does he issue such material on behalf of the Government or myself.

(3) and (4) The question, to say the least, is ill-considered and, in fact, could be regarded as impertinent.

It really does not deserve an answer.

Surely, as a free citizen of Western Australia, Mr Mitchell can write to the Press if he so wishes, should he disagree with an issue, as would appear to be the case in question.

Mr Bryce: Was he working for you when he bucketed the bishops?

The SPEAKER: Order!

Sir CHARLES COURT: To continue—

Letters which are submitted by me to the Press are prepared, signed, and issued by me in my name.

MR C. T. MOLL

Case: Police Action

1805. Mr BERTRAM, to the Minister for Police and Traffic:

(1) (a) Are the Western Australian police still keeping a close watch in the Moll-doctors—and others—case;

(b) if "No", why?

(2) If "Yes", how much longer is it expected that the close watch will continue?

Mr O'NEIL replied:

(1) (a) and (b) Yes.

(2) Unknown.

WORKERS' COMPENSATION

Pneumoconiosis: Pension Payments

1806. Mr BERTRAM, to the Minister for Labour and Industry:

(1) Are pneumoconiosis pension payments made by the State Government Insurance Office?

(2) Is it a fact that these payments are not received on regular dates by those who are entitled to them?

(3) If "Yes", for how much longer are recipients of this pension to be possibly inconvenienced by irregular payments which are often received three days late?

Mr O'CONNOR replied:

(1) The SGIO mails workers' compensation payments regularly to approved claimants suffering from pneumoconiosis.

(2) We are informed that this happens from time to time—usually due to factors affecting clearance of mail from the central mail exchange. All SGIO mail is bulk posted for reasons of economy.

(3) If compensation payments are frequently delayed, action will be taken to avoid this happening if SGIO is advised of specific cases.

QUESTIONS WITHOUT NOTICE

STATE FINANCE: SHORT-TERM INTEREST TRANSACTIONS

Institutions Involved, and Unauthorised Dealers

1. Mr DAVIES, to the Treasurer:

(1) In view of the offer made by the Treasurer in answer to question 1767 of Thursday, the 11th October, 1979, will he agree to a meeting between senior Treasury officers and myself at which I would be presented with, as public information—

(a) the names of the corporations, companies, and financial and other institutions to which the Government had made cash advances totalling $38 million at the 30th June, 1979, in return for negotiable certificates of deposit;

(b) the names of the dealers other than authorised dealers through which the Government had invested $75.9 million of taxpayers money at the 30th June, 1979;

(c) an examination of records for 1978-79 showing cash advances made to dealers other than authorised dealers in the short-term money market in return for "prescribed" securities and negotiable certificates of deposit and subsequent transactions by the Government involving those "prescribed" securities and negotiable certificates of deposit; and

(d) answers to all previous questions which he has not been prepared to answer?

(2) If not, why not?

Sir CHARLES COURT replied:

(1) and (2) I have only just received a copy of the question asked by the Leader of the Opposition. After reading it quickly and listening to his presentation of it, I am surprised he has asked it in this form.

In good faith, I made the offer that the Leader of the Opposition should confer with me and with officers of the Treasury so that the ramifications and the workings of the short-term money market could be explained to him. This offer was made, because it was evident from the questions the Leader of the Opposition had been asking that he was either casting aspersions on the Treasury or he did not understand the workings of the short-term money market. In fairness to the officers concerned, who I might add are becoming rather disturbed at the way the Leader of the Opposition is continuing to press these questions in spite of the very lucid answers which have been given and which would be understood easily by anybody who had a knowledge of the operations of the short-term money market, the Leader of the Opposition should take up that offer.

The Leader of the Opposition owes it to himself, the Parliament, his party, and the Treasury officers at least to accept the offer so that we can explain to him with complete frankness the way in which the system works.

I should like to point out that no matter who was the Treasurer at the time, no-one holding that position would allow this requested information to be treated as public information. Practically all the information sought is of the type which is confidential between banker and client and the borrower and lender as the case may be.

I suggest that, instead of pursuing what appears to be some sort of private witch hunt, the Leader of the Opposition take advantage of the offer made. If, after the explanations have been given to him by me and the Treasury officers, the Leader of the Opposition feels he has not been given the proper information or there are wrong practices, he may then lay specific claims. However, it is not fair to the Treasury officers to cast aspersions in this way. Under successive Governments these officers have handled this money with great competence and they have accumulated profits to the advantage of taxpayers, without losing a single cent of the huge amounts of money they have had the responsibility to administer.

ABORIGINES

Fitzroy Crossing: Police Investigation

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

(1) Has the Minister received a report that the police at Fitzroy Crossing visited an Aboriginal community last Saturday night to investigate the possible killing of crocodiles?

(2) If the Minister has not received any such report, would he endeavour to make some inquiries tomorrow so that he can inform the House of the situation that occurred during the course of that visit on Saturday evening?

Mr YOUNG replied:

(1) and (2) No, I have not had a report on the matter to which the member referred. I will make inquiries as to whether anyone knows anything about it. Obviously it would be helpful if the member explained to me at a later stage what took place, so that I at least know where to look.

EDUCATION: ROCKINGHAM

School Holiday

3. Mr PEARCE, to the Minister for Education:

(1) Is it a fact, as reported in *The West Australian* this morning, that the Minister gave local school-children in Rockingham a day's holiday to commemorate the opening of Anniversary Park?

(2) If so, does that have the same detrimental effects on the education of the children of Rockingham as the Royal Show day holiday apparently had on the education of metropolitan children?

(3) Will the Minister institute an inquiry into the educational effects of a day's holiday on the school children of Rockingham to see whether it is possible to return to the school children of the metropolitan area the Royal Show day holiday which they have lost?

Mr P. V. JONES replied:

(1) to (3) No.

HEALTH

Oxygen: Provision

4. Mr TONKIN, to the Minister for Health:

Some time ago I raised with the Minister a case which concerned Mr Ross, a patient at Rehoboth Lodge, who was unable to obtain oxygen cylinders. The Minister asked me to give details of the matter and I did so. Has the matter been resolved satisfactorily so that Mr Ross is now able to obtain oxygen cylinders?

Mr YOUNG replied:

That question has come out of the blue. It is a matter which I believe the member for Morley could have followed up through my office or privately.

As I recall the case, the matter was resolved satisfactorily. I understand the cylinders to which the member referred have been made available to Mr Ross. However, I will check on the matter and inform the member accordingly.