1971

(2) (a)

| | |
|---|---|
| May | 3 |
| June | 12 |
| July | 16 |
| August | 65 |
| September | 55 |
| October | 45 |
| November | 53 |
| December | 31 |

1972

| | |
|---|---|
| January | 12 |
| February | 28 |
| March | 23 |
| April (to date) | 12 |
| Total | 355 |

(b) 103 have been paid.

No records monthly split-up.

(3) No. It is largely due to 200 applications being approved before proclamation of the Act enabled a start to be made upon documentation.

Staff numbers have been added to as circumstances dictated, but the Member evidently does not appreciate the difficulties involved in the type of security required for majority of loans under the Reconstruction Scheme, and the scarcity of specialist Securities Staff.

2. TOTALISATOR AGENCY BOARD

*Leonora Agency*

The Hon. S. J. DELLAR, to the Minister for Police:

(1) Has land been allocated in Leonora for the construction of a Totalisator Agency Board agency?

(2) If so, when is it expected that—

(a) tenders will be called; and

(b) construction will commence?

The Hon. J. DOLAN replied:

(1) The Board has been advised by the Shire Clerk that Lot 836 can now be made available for use by the Totalisator Agency Board.

(2) As soon as the transfer of land has been finalised, tenders will be called for the erection of an agency.

It is expected that tenders will be called within one month and construction commenced shortly afterwards.

3. EXMOUTH HOSPITAL

*Parking*

The Hon. S. J. DELLAR, to the Leader of the House:

(1) As parking facilities provided for patients and visitors attending the Exmouth Hospital are very limited, will the Government increase the size of the parking area?

(2) If not, why not?

The Hon. W. F. WILLESEE replied:

(1) and (2) No previous request has been received for increased parking at Exmouth Hospital. This matter will be investigated. Any decision would be subject to availability of funds.

*House adjourned at 4.21 p.m.*

# Legislative Assembly

Thursday, the 13th April, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

## CONSTITUTION ACTS AMENDMENT BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr. J. T. Tonkin (Premier), and read a first time.

## HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

*Second Reading*

**MR. BICKERTON** (Pilbara—Minister for Housing) [11.04 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to bring the Act up to date to enable funds guaranteed under the Act to continue to assist borrowers in the low and moderate income group who are marginally ineligible for State Housing Commission and State Builders' Fund assistance, yet are unable to service a loan provided through other sources of finance.

The amendments contained in the Bill affect section 7B only, which prescribes the maximum advance that can be made with funds guaranteed under the Act.

The last amendment to the Act was in 1968 when maximum advances and house values—excluding land—were prescribed for certain areas. The maximum advance for the metropolitan area and country areas south of the 26th parallel, is set at $10,000 with the value of the house not to exceed $10,000 and $11,000 respectively.

North of the 26th parallel, the maximum advance is $13,000 with the value of the house not to exceed $17,500.

The amendments contained in this Bill are a departure from previous provisions as there is no maximum house value. The maximum advance prescribed for the metropolitan area and country areas south of the 26th parallel will be $12,000 and $13,000 respectively.

The maximum advance in the north-west division will be $17,500, whilst the maximum advance for the Kimberley division

will be $20,000. In all regions, the advance is not to exceed 95 per cent. of the value of the house and land.

Since the last amendments were promulgated in 1968, building costs have risen in the order of 6 per cent. in 1969 and 3 per cent. in 1970. Land costs have risen sharply. As a consequence, the average second mortgage which borrowers have required in the metropolitan area during 1969-70 and 1970-71 has been approximately $2,000. This has been in addition to the $10,000 maximum advance, which applies at present.

The proposed maximum advance of $12,000 in the metropolitan area will assist borrowers considerably as it will eliminate the need for second mortgage finance carrying interest rates up to 12 per cent. and 13 per cent.

When considering the amendments contained in this Bill, regard has been given to the range and volume of finance offered by other institutions and, in particular, the permanent building societies.

The average advance through permanent building societies on first mortgage is at present $12,500. The borrower of guaranteed funds will, therefore, have access to almost the same volume of funds, but at a lower interest rate.

Although the maximum house value has been removed, it is not envisaged that there will be any problems in directing these funds to the low and moderate income groups. The deposit gap problem and maximum advance will be self-limiting factors to borrowers aspiring to finance high cost homes.

Every advance made with guaranteed funds must have the approval of the Registrar of Building Societies who will ensure that funds are directed to the low and moderate income borrower. I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Neil.

*Message: Appropriations*

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

## WESTERN AUSTRALIAN PRODUCTS SYMBOL BILL

*In Committee*

Resumed from the 30th March. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Graham (Minister for Development and Decentralisation) in charge of the Bill.

Clause 5: Authority to use prescribed symbol—

Progress was reported after the clause had been partly considered.

Mr. COURT: When we considered this Bill in Committee on a previous occasion I gave notice of my opposition to clause 5, that being the only procedure I could adopt in order to insert, at a later stage, a new clause 5.

I briefly gave my reasons and the Minister, in reply, indicated his opposition to my proposal. For the sake of reminding members of the Committee of the discussion which took place I want to say I still adhere to my opinion; that if we are to have legislation at all for this symbol we should make sure that the legislation is of such a nature that it can be enforced with reasonable certainty.

Every person I have spoken to, who knows of the symbol and its role, and its potential to all Western Australian products, is of the opinion that now the symbol has proved itself legislation is necessary and desirable to protect it. However, if we are to have legislation at all it should be of a nature which is clear-cut, and can be interpreted with reasonable certainty.

If somebody goes to the department and receives the type of approval suggested in my proposed amendment, he will know he can affix the symbol with certainty and not be involved in an infernal argument—which is meat and drink to lawyers—to interpret the words, "which is substantially carried out."

I want to make it clear that the proposal from this side of the Chamber does not suggest there should be a cumbersome procedure. Perhaps the Minister could have suggested some other words but I am not suggesting he should have to study each case personally. Many Acts refer to "the Minister", but the Minister concerned usually sets up machinery to ensure that the minimum delay occurs, and in most cases he knows his officers well enough to be able to approve of most recommendations made.

I think that in practice a firm which manufactures goods in Western Australia would go to the department and obtain a general approval. In fact, the amendments I have placed on the notice paper indicate that there could be a general approval for a whole industry or a whole company with a range of products with, perhaps, certain definitions within that approval which would enable the company itself to determine within reasonable limits just how far it can go.

Quite apart from anything else, I believe that if the Minister insists on the retention of clause 5—and I hope he will not—he should do something to clarify the question of, "substantially carried out in the State." I understand, from advice I have received from legal people, that this condition is very difficult of interpretation. I did instance some cases when I spoke previously and pointed out that a certain product, because of its nature, could be

regarded as a local product but contain only 30 per cent. of local components. It could be known that with the passage of time that 30 per cent. would become 70 per cent., and eventually 100 per cent. However, we would be very glad to get that product manufactured in Western Australia with only a 30 per cent. component in the initial stages.

Many matters have to be taken into account. In fact, a layman might say that over 50 per cent. of the components would have to be manufactured in Western Australia for it to be "substantially carried out" in Western Australia. But I repeat: There would be cases where the Government of the day—and industry generally —would be happy to accept a 30 per cent. component for the present.

For that reason some clarification has to be given to what is, "substantially carried out in the State." In the proposed new clause 5 this problem will not arise because a company could go to the department and state what products it made and the circumstances relating to the products which do not have a 100 per cent. Western Australian component. The Minister, or the department, could give approval to apply the symbol to the product until circumstances changed.

I sincerely hope the Committee will accept this proposal. We would have to defeat clause 5 at this stage, and then at the appropriate time replace it with a new clause.

Mr. W. A. MANNING: I was hoping the Minister would have changed his mind since we last discussed this clause. In fact, I would be prepared to sit down if the Minister would indicate that clause 5 will be deleted. However, I do not see any such indication. I definitely believe that clause 5 should be deleted so that the alternative clause, as proposed by the Deputy Leader of the Opposition, can be inserted in the Bill.

I know the Minister has said he does not want any cumbersome procedure, and he does not want to labour the situation so that there is any delay in a decision to apply the symbol to a product. That is commendable, but I would point out that the Minister is only postponing the proposed procedure.

Clause 6 of the Bill states that a person who affixes this symbol to a product, knowing that such product is not substantially produced in this State, commits an offence. The penalty for a first offence is $50, and the penalty increases to $400. I ask: How is the person to know that the product is not a product to which the symbol can be affixed? No standard is set down.

Clause 8 of the Bill states that it is the duty of an inspector to see that the provisions of the Act relating to prescribed symbols are being observed. How does the inspector know what rules apply? Some rules have to be laid down for the inspector. Surely it would be better to have the process dealt with before the symbol was attached, rather than after it had been attached. I cannot see any reason whatever for postponing the process, because somebody has to decide on the standard which is to be set.

No doubt, an offence would be brought to the notice of the Minister. Surely it would be better to receive approval before the symbol is attached, rather than to force it to be removed afterwards. I do not know why the Minister will not agree to the proposed amendment. I think it is an essential part of the Bill. I will be opposed to the Bill, in total, if clause 5 is allowed to stand. For that reason I hope the Minister will examine the matter further.

Mr. GRAHAM: The two members who have spoken are making heavy weather theorising because the facts, and past experience, are in the opposite direction to the views which have been expressed.

In 1957 the Western Australia (Sales-Promotion Labels) Bill was passed by this Parliament. Shortly afterwards the Government, which this one displaced recently, came into office. That was in 1959, and for the next 12 years there was a Minister for Industrial Development under whose purview that Statute would have come. However, it was never availed of and I suggest it was not invoked because of the heavy red-tape machinery involved in it, which the Bill now before us seeks to avoid.

During the past several years, under the previous Government and under this Government, we have had this free-and-easy process which, by and large, has been honoured in the spirit and to the letter. On the odd occasion when a product has not had a sufficient Western Australian content the situation has been righted by friendly consultation. There are many hundreds of types of products which have carried the Western Australian symbol under a free and voluntary system.

There has been no need to make application and no occasion for officers to carry out investigations. This has been the procedure up to date in respect of which there has been virtually no trouble at all. The Bill seeks to continue this process which has won favour both with the manufacturer and with the public. There is a minimum of red tape and inconvenience to firms, because they do not have to provide additional staff to do the recording, tabulating, and all the rest that would be involved.

In view of the happy and satisfactory experience which both Governments have enjoyed it is now sought to place a piece of legislation on the Statute book to rationalise what we have been doing and to provide some penalty, which does not

exist at present, in the event of there being a firm which is not prepared to play the game.

The last thing desired is to make it cumbersome and to surround it with formal procedure which would tend to discourage local manufacturers from availing themselves of the symbol which we believe is good for the State and will be good for them.

I close on the note on which I opened: The very fact that legislation to provide for this system of application, registration, and the rest of it has been on the Statute book for 15 years and has never been used is surely sufficient condemnation of it. The fact that we have been able to proceed so satisfactorily without involved and time-consuming processes surely is sufficient evidence that the Bill should be couched to enable the highly satisfactory procedure which has been followed over a number of years to continue.

I hope and trust the Committee will agree with me and retain clause 5 in the Bill.

Mr. COURT: The Deputy Premier has made out a first-class argument in support of what I propose.

Mr. O'Neil: That was very helpful of him.

Mr. COURT: It is no good digging up the old Act which was passed in 1957 by the Hawke Government, because the circumstances surrounding the situation are entirely different. It is true that we have the Western Australia (Sales-Promotion Labels) Act on the Statute book and, to the best of my knowledge, it was never invoked either by the Hawke Government during its remaining two years in office or by the Brand Government. There was good reason for this.

In the meantime, as a result of studies undertaken, a symbol, which was quite a good one, was devised. This was related to a campaign to make the public aware of the availability and quality of local goods, and to encourage them to accept local goods. Personally I was satisfied with the result and with the work done.

As I explained previously, when the Brand Government engaged the firm to do the professional studies we saw that the firm's approach was far superior to the unprofessional studies that had been done before. This is only natural, I suppose, because these men are the experts in the field and become even more expert with the passage of time.

It is also true that since the adoption of this contemporary type of symbol there has been very little trouble. I instanced the one case that I could recall where we had to take some action, but the people concerned quickly retreated from an unsatisfactory situation.

As a result of this, personally I would prefer to see no Bill. I go along with the member for Narrogin in that, if this type of provision is not to be included, it would be better to retain the present situation of goodwill and deal with the matter on the basis of a special case if somebody does decide to get rough and take on the Government of the day in connection with this symbol.

The point I make is that once we legislate in any form at all we have to ensure the legislation itself is capable of interpretation on a day-to-day basis. At present there is goodwill, common sense, and flexibility. If an officer sees somebody using the symbol and he feels the product does not qualify he can do something about it either by personal contact with the firm concerned or by asking the Minister to make that contact. I would much prefer to see that situation retained than to pass a measure which will start a rash of litigation.

There is another point, too. Once we legislate and make it statutory the whole matter assumes a different significance altogether. There would be a tendency, because of its statutory backing, for some people to take advantage of the law more than they would at the present time. I suggest this type of person will take advantage of the words, "is substantially carried out in the State." The legal wrangles will then start. The Government will be back with further amendments within a session or so in order to stiffen it up. If we are to have legislation, why not lay it down now? We are not suggesting a great deal of red tape, or that a person should be hog-tied and go through all sorts of cumbersome procedures to obtain approval; in fact, the position will be almost the same as it is now.

In my experience as Minister handling this symbol dozens of people merely rang the department or saw one of the officers, as the case may be, to ask whether their goods qualified for the use of the symbol. Much good sense was shown and, indeed, this was the practical way to approach the matter.

If this added provision is not incorporated, personally I would prefer to see the Bill defeated.

Mr. W. A. MANNING: The Minister, in his reply, gave no explanation as to how he intends to decide whether a person who is using the symbol is trespassing. The clause merely reads—

> A person who sells any product the production and preparation of which is substantially carried out in the State is authorised to affix to the product or to its container a prescribed symbol.

If we do not know it beforehand, how will we know it afterwards? If there is no definition how can an inspector know what the situation is in relation to prescribed symbols?

I would like the Minister to tell the Committee how the penalties are to be imposed if there is no definition of the circumstances under which a symbol can be attached.

Mr. GRAHAM: In one short sentence I say that it will be in exactly the same way as it has been determined during the period of office of this Government, as it was with the previous Government.

Mr. COURT: The Minister's short sentence did not impress me at all. It still comes back to the point I made; namely, whilst there is no Statute, that method of handling the situation is excellent and is the one I would prefer. I think we can go a long way further with goodwill rather than with a Statute. Once it is a Statute the arguments come about. As the member for Narrogin said, an inspector has to interpret the law. It is true he must go back to the Minister before he can launch a prosecution. However, does he say that a person who is making only 30 per cent. of the product in Western Australia and using the symbol is producing a product which is not substantially made in Western Australia?

Then it starts a legal argument. I submit a person in that situation would normally lose a court case; but, as a matter of good sense, if it is left to the department and there is a day-to-day understanding of these things, it would be accepted.

The Minister has not referred to the alternative that was suggested as a new clause 7 if he does not want to go along with clause 5. I took the rather unusual procedure of placing an alternative on the notice paper but the Minister has not commented on that. I was wondering whether at this stage he would care to say whether he opposes both concepts or whether he has a more kindly interest in the new clause 7 in lieu of clause 5 which I now propose.

Mr. GRAHAM: It is apparently useless debating this subject because the point of view I am endeavouring to submit seems to be completely unacceptable. I prefer the Bill in its present form.

Clause put and a division taken with the following result:—

Ayes—23

| | |
|---|---|
| Mr. Bertram | Mr. Jamieson |
| Mr. Bickerton | Mr. Jones |
| Mr. Brady | Mr. Lapham |
| Mr. Brown | Mr. May |
| Mr. Bryce | Mr. Moiler |
| Mr. Burke | Mr. Norton |
| Mr. Cook | Mr. Sewell |
| Mr. H. D. Evans | Mr. Taylor |
| Mr. T. D. Evans | Mr. A. R. Tonkin |
| Mr. Fletcher | Mr. J. T. Tonkin |
| Mr. Graham | Mr. Harman |
| Mr. Hartrey | *(Teller)* |

Noes—23

| | |
|---|---|
| Mr. Blaikie | Mr. Nalder |
| Sir David Brand | Mr. O'Neil |
| Mr. Court | Mr. Reid |
| Mr. Coyne | Mr. Ridge |
| Dr. Dadour | Mr. Runciman |
| Mr. Gayfer | Mr. Stephens |
| Mr. Grayden | Mr. Thompson |
| Mr. Hutchinson | Mr. Williams |
| Mr. Lewis | Mr. R. L. Young |
| Mr. W. A. Manning | Mr. W. G. Young |
| Mr. McPharlin | Mr. I. W. Manning |
| Mr. Mensaros | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr. Davies | Mr. O'Connor |
| Mr. McIver | Mr. Rushton |

The CHAIRMAN: The voting being equal I give my vote to the Ayes.

Clause thus passed.

Clause 6: Offences—

Mr. COURT: It is pointless my moving the alternative clause or giving notice of my desire to defeat clause 6 with a view to moving a new clause at the appropriate time, because the amendment I had on the notice paper referred to the penalties that would result where a permit was issued. Obviously, no permit will be issued under the system proposed by the Minister, and it is pointless for me to move the amendment or attempt to defeat clause 6. However, I want to give notice that we have not changed our view on the matter at all.

Mr. W. A. MANNING: I think the continuance of this clause is not warranted in the circumstances because there is no definition of "substantially carried out in this State." The Minister does not seem to mind whether there is an element of doubt covering everything that is done. Why should a person be considered to have committed an offence when he does not know at what point he is committing an offence? I think it is a very serious matter to have a clause containing these words concerning the committing of offences and the penalties for doing so when there is no way for a manufacturer to find out at what point he is producing an article that is not a product of Western Australia. The Minister is not prepared to tell him. We asked the Minister to do so and he refused. If the Minister will not do so here, when will he do so? I oppose the clause.

Mr. GRAHAM: When introducing the legislation I indicated that the whole spirit and intention of this measure was goodwill and co-operation. It has existed on that basis without legislation. If a person commits a breach because he does not know what content there should be or because he seeks deliberately to mislead the public for some trading advantage, he will not necessarily be fined or incur any of these penalties. First of all, it is necessary for him to be charged before a court and for the case to be proven, before the court imposes the penalty at its discretion.

The procedure will be as it is now. If it is thought a producer or trader is offending against the spirit and intention of the legislation, officers of the Department of Development and Decentralisation will consult with him and point out the deficiency. If there is a continuation of the spirit of goodwill, that trader will cease to misrepresent the goods he desires to sell, but if he insists, in an extreme case he can expect the law to be invoked against him.

I wonder what the member for Narrogin has in mind in the matter of defining what shall be the Western Australian content of a particular article. It could happen that all the materials are imported but the entire work of manufacturing, sculpturing, or whatever it might be, is performed in Western Australia. A simple manufacturing process or a process, without manufacturing, of merely chopping lengths of material into smaller pieces, would hardly produce a Western Australian product because of that activity.

It will therefore be seen that it is a matter of the application of common sense, and the same department and officers will have regard for this situation and apply this common-sense approach in the future as they have done in the past. If the person representing a firm is in any doubt or feels he has been offended, no doubt he will continue to apply the Western Australian symbol for the purpose of having his case established in court. This is so much theorising. These difficulties have not existed previously. Why should we needlessly anticipate they will occur in the future?

I say finally that experience has shown that the fears expressed by the member for Narrogin are ill-founded. I assure him that appropriate steps will be taken to modify the legislation to meet any new situation.

Mr. COURT: Every time the Deputy Premier speaks he highlights the significance of the message the member for Narrogin and I have been attempting to convey to him and to the Committee. Under the present scheme the problem does not arise because of the existing goodwill. People cannot be prosecuted at present. However, when there is doubt about the Western Australian content of a particular product, the officers of the department discuss the problem with the manufacturer.

For my part I cannot see any reason to change the system. I refused to sponsor the legislation when I was the Minister for this reason. Once the symbol is the subject of legislation, an entirely different atmosphere will be created.

The Minister must be aware that it will probably be a competitor who will challenge a manufacture, rather than his department. He has rejected our proposed amendment which would have given the Minister complete authority to issue a permit. A manufacturer would operate under a permit and he could not be challenged. Our amendment would have given the Minister the right to withdraw or modify the permit.

The manufacturer of product A, which has a 60 per cent. Western Australian content, may wish to challenge the manufacturer of product B, which has only a 30 per cent. content. Manufacturer A may approach the Minister or the department and say, "Manufacturer B should not be using the label," and attention could be drawn to the difference in the proportions of Western Australian content.

I believe the manufacturer of product A has a good case, and if there is a Statute, naturally the manufacturer will want the Statute invoked by the Minister. The Minister is in a predicament as he has not indicated to the Parliament, and the legislation certainly does not indicate, precisely what the Western Australian component must be.

I wish to re-emphasise the significance of the amendment we seek. We do not desire to create a lot of red tape. Our amendment would not involve a complicated formula. It would need simple departmental procedure and it would be good sense to indicate to manufacturers precisely whether they can use the label or not.

Mr. W. A. MANNING: My concern is not for the person who wants to defy the legislation but for the person who genuinely does not understand it. The Minister said in his reply, "If the matter is prosecuted it must go before the court." His department may not have to worry about it, but the court has to decide the issue. This is the point the Minister has not understood. At some point of time someone has to define what this means. First of all it is the duty of the inspector to observe that the provisions of the Act are being complied with. However, the inspector would not understand the provisions, so he will prosecute and then the court must know the answer. Eventually someone must know the correct definition but the Minister refuses to recognise this point. I cannot understand a Minister of the ability of the Minister for Development and Decentralisation failing to understand the point we are making. Perhaps the member for Boulder-Dundas, in his persuasive way, may have some influence on the Minister. If we cannot sway him, surely someone on the other side can do so.

Clause put and passed.

*Point of Order*

Mr. COURT: Mr. Chairman, I gather you ruled "Aye" on that clause? We did not have a chance to vote.

Mr. Graham: The Chairman ruled, "the Ayes have it."

Mr. COURT: With respect, you called, "the Ayes have it" before you put the negative.

The CHAIRMAN: Order!

Mr. COURT: There was no sound from the Government. We called "No," when you put the question, to register our comment.

The CHAIRMAN: I appreciate the fact that I speak quickly. However, in future I will make sure you have the opportunity to vote.

Mr. COURT: It is getting rather rough when we cannot even vote on a clause. You can be thankful, Sir, that we are in Opposition and not in Government; because those now on the Government side would spend the next 10 hours arguing over your ruling if the positions were reversed. We have spent many hours on such points of order.

*Committee Resumed*

Clause 7: Appointment of inspectors—

Mr. COURT: I move an amendment—

Page 3, line 17—Insert after the word "person" the passage "appointed to and holding the office of inspector under the Factories and Shops Act, 1963, or under the Health Act, 1911."

One of the evils of a Statute of this nature is that inspectors who are appointed will have the right to enter premises. Our amendment would ensure that the inspectors are experienced in this type of work—people who are frequently in and out of these premises in the course of their duties. Goodwill could be established in this way as this is a commonsense, practical approach to the problem.

I am aware that the argument could be advanced that the officers of the Department of Development and Decentralisation will want to enter some of these premises in the ordinary course of their work. These men usually attend by invitation and not as a statutory right. However, under this legislation we find that the Minister may appoint any person to be an inspector. Under the provisions of the legislation the inspector could be the office boy, although I know this would not happen in practice. Once we have a Statute of this nature we should ensure that people so appointed are experienced. Therefore, I feel the most appropriate persons are inspectors appointed under the Factories and Shops Act or the Health Act.

Clauses 8 and 9 set out the duties of the inspectors. It is clearly indicated that we must not gloss over this lightly, particularly when we see later that the inspectors can have access to information which may be quite secret in its form.

Therefore, once we cover the position by Statute I believe it is more than ever necessary to ensure that the inspectors are people who normally act under either the Factories and Shops Act or the Health Act.

Mr. GRAHAM: I do not think the insertion of these words is necessary. It will be seen that the Minister may appoint any person to be an inspector under this legislation. It could well be that the Minister, in his discretion, would appoint an officer or an inspector under the Factories and Shops Act or the Health Act; but he may want to appoint other persons as well. At the present time a most cordial relationship exists between the Department of Development and Decentralisation, the Chamber of Manufactures, the Chamber of Commerce, and, I venture to suggest, practically all of the firms in business in this State. There is frequent contact between the officers of the department and those people.

I am unable to say—and I have no fixed views on this—who should be the inspectors, although I feel that it is the intention, at least initially, to proceed as we have during recent years, with officers of the Department of Development and Decentralisation keeping their eyes on this matter. If the inspectors sought to be specifically mentioned in the Bill are included, then this job will be something new and novel to them and beyond the scope of their normal activities of policing and inspecting under the Statutes under which they operate. If we anticipate that a great number of firms will deliberately go out of their way to be dishonest, then it would be a different matter.

If it is found that this work cannot be carried out satisfactorily by officers of the department, or by inspectors under the Health Act or the Factories and Shops Act, then other people will be appointed. The amendment restricts the freedom of the Minister. If we allow the Bill to remain in its present terms the Minister will be able to select persons he deems to be appropriate to take on this responsibility.

Mr. COURT: I invite the attention of members to clause 9, which states that an inspector may enter any premises—and these are the crucial words—together with any person he thinks competent to assist him. Such a person would not even be appointed by the Minister. The inspector would decide for himself. I am not sure whether he would look for brains or brawn.

Mr. Graham: I think the honourable member is romancing. What is this suggestion of brawn?

Mr. COURT: Now that the Minister has decided to make this matter statutory he must consider it from a practical point of view, and consider the points which arise under Statutes. Previously this has operated on a goodwill basis.

Mr. Graham: All I can say is, thank goodness the present Minister is in charge and not the ex-Minister if that be his attitude.

Mr. COURT: If the previous Minister were still in charge the Bill would not be before the Committee, because we would continue with the excellent goodwill we had generated and which the present Government is now experiencing.

Mr. Graham: Are you trying to strengthen this by putting in red tape and penalties?

Mr. COURT: No. If the Minister gets away from his obsession about this and reflects for a moment he will see that I am trying to insert little teeth in place of the big teeth he has inserted. The Minister thinks he has no teeth in the legislation and that it will all be fun and games and love and kisses; but in point of fact the very vagueness of the legislation will create all sorts of problems for him. These problems will not come from the decent people; we have no trouble with them. However, we will have the odd character once this becomes statutory who will want to see what is in the legislation and will work on that.

That is why we must define who may be an inspector. If we had no legislation there would be no problem. We would still operate on goodwill and the officers of the department would carry on with their everyday contact. Even the Minister himself as he goes around would know whether or not the right thing was being done. As a result of the great powers to be given to an inspector it is important to know at least who is going to enter premises. I do not like the idea of inspectors; but once we have inspectors at least let us ensure that we have trained, experienced men with whom those in industry and commerce are accustomed to dealing. I say the correct inspectors are the ones mentioned in the amendment.

If we must have this legislation then it must be capable of interpretation with the minimum of friction. I have conferred with a number of people about the legislation, and they would prefer to see some definition as to who will be the inspectors once the decision is taken to make it statutory. Those people can suggest no-one better than an inspector under the Health Act or the Factories and Shops Act. I hope the Committee accepts my amendment.

Amendment put and a division taken with the following result:—

Ayes—22

| | |
|---|---|
| Mr. Blaikie | Mr. O'Neil |
| Sir David Brand | Mr. Reid |
| Mr. Court | Mr. Ridge |
| Dr. Dadour | Mr. Runciman |
| Mr. Grayden | Mr. Rushton |
| Mr. Hutchinson | Mr. Stephens |
| Mr. Lewis | Mr. Thompson |
| Mr. W. A. Manning | Mr. Williams |
| Mr. McPharlin | Mr. R. L. Young |
| Mr. Mensaros | Mr. W. G. Young |
| Mr. Nalder | Mr. I. W. Manning |

*(Teller)*

Noes—23

| | |
|---|---|
| Mr. Bertram | Mr. Jamieson |
| Mr. Bickerton | Mr. Jones |
| Mr. Brady | Mr. Lapham |
| Mr. Brown | Mr. May |
| Mr. Bryce | Mr. Moiler |
| Mr. Burke | Mr. Norton |
| Mr. Cook | Mr. Sewell |
| Mr. H. D. Evans | Mr. Taylor |
| Mr. T. D. Evans | Mr. A. R. Tonkin |
| Mr. Fletcher | Mr. J. T. Tonkin |
| Mr. Graham | Mr. Harman |
| Mr. Hartrey | |

*(Teller)*

Pairs

| Ayes | Noes |
|---|---|
| Mr. O'Connor | Mr. Davies |
| Mr. Gayfer | Mr. McIver |

Amendment thus negatived.

Clause put and passed.

Clauses 8 to 11 put and passed.

Clause 12: Secrecy—

Mr. COURT: I move an amendment—

Page 5, line 37—Insert after the word "the" first appearing the word "written".

This clause deals with secrecy. Here again, once a person becomes involved with statutory provisions he encounters this question of secrecy which otherwise would not prevail. Any person who commits a breach of this provision is, of course, subject to a penalty for making such disclosure without the consent of the person carrying on or operating any particular undertaking or equipment.

Mr. Graham: Could I perhaps save time by indicating I am prepared to accept the amendment?

Mr. COURT: I appreciate that assurance from the Minister. However, I will briefly finish what I was about to say because often there is argument as to whether consent is given when it is made verbally, but there could be no argument when the consent is in writing.

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 6—Delete paragraph (c).

This amendment is not a reflection on the incumbent of the office or any other person who may be the Minister, but I believe that where secrecy is involved the right to disclose this sort of information should not be given to anyone. I believe it would be an embarrassment to the Minister if, in fact, we implied he could permit this information to be made public. I know if I were in the position I certainly would not seek the right to make this information available and, having regard for the nature of the legislation, I cannot see the purpose of it. Many people may be scared off if they find that inspectors have access to the information and that the Minister has the right to authorise the information be made public. Therefore, I think that if the provision calls for the written consent of the person and if the provision permits the information to be disclosed for the execution of the Act, that is sufficient.

Mr. GRAHAM: I am of the opinion that the cases would be exceedingly rare when a Minister would be called upon to give his permission to disclose the information, and it would only be in the most exceptional circumstances that he would give permission for information that had been ascertained during the course of an ordinary inspection to be disclosed, and by that I do not mean that it be disclosed by being published in the Press.

Frankly, I do not think the point is worth arguing about because it merely seeks to meet a circumstance which I cannot envisage. However, it could be that, in the course of his duty, some extraordinary happenings could occur which had relation to the security of the public and the security of the country, and the Minister, or anybody else, would have to report to the proper authorities. For the Minister to disclose any information he would have to be satisfied one hundred times over before he granted his approval, having regard for the duties of the officer concerned and his responsibility to the State. I think therefore that the possibility of this being invoked is so remote that even if one were enthusiastic about it from the point of view of playing politics, the chance of this occurring would perhaps be one in a million.

Mr. COURT: I am sorry the Minister does not agree with me on this amendment, but on reflection I am more than ever convinced the paragraph should be deleted. If we are suggesting that these secrecy provisions do not provide for this information to be made available for the purpose of taking action under the legislation, that would be different; because all those rights are preserved, and I refer particularly to paragraphs (b) and (d). Why we desire, in a case such as this, to put the Minister in a situation where he can authorise secret trade processes to be made public is beyond me, and I hope the Minister will not seriously resist the deletion of this paragraph, because the clause is still effective without it.

Mr. Graham: Where does it say it will be made public?

Mr. COURT: The first part of the clause reads—

> A person who discloses any information relating to any manufacturing process or trade secret . . .

When we talk about making a thing public, this does not mean that we have to publish it in the newspaper. If a person discloses information to a third party, that is making it public, and in the case of a secret process there is probably only one person interested in it and that is a competitor and he is a "public" on his own. Therefore, I think it is undesirable that we should leave this to the Minister because it could be embarrassing to him. We should leave the clause as printed, but with the deletion of paragraph (c). If that were done we would not authorise the Minister to disclose this information. I do not think he would want to disclose it. The fact that proposed paragraph (c) is in the legislation will place him in an embarrassing position, quite apart from any other consideration.

Amendment put and passed.

Mr. COURT: I move an amendment—

> Page 6, line 10—Delete the words "Two hundred dollars" and substitute the words "Five hundred dollars or imprisonment for six months."

The proposal in the Bill is to prescribe a penalty of $200. I am seeking to delete this penalty, and to insert a penalty of $500 or imprisonment for six months. This may sound harsh, but we always provide in legislation which has to do with the Public Service, or any other types of Statutes dealing with boards, and so on, very severe penalties for the disclosure of secret information, bearing in mind that the disclosure of a trade process could be ruinous to a business.

I consider it desirable to make this penalty a heavy one, so that it will be a guide to magistrates hearing these cases that Parliament regards this particular offence much more seriously than it does other offences under the legislation. I emphasise we are dealing with the maximum penalty and not the minimum, and it is usual for secrecy provisions to be enforced with a major penalty.

Mr. GRAHAM: The penalty proposed by the Deputy Leader of the Opposition is excessive. The essence of the Bill is one of goodwill. Furthermore, the officers appointed to undertake the task will be Government servants; they will be appointed by the Minister; and they will be subject to Public Service discipline. Therefore to increase the penalty as suggested, which includes the possibility of a term of imprisonment, is not necessary.

My leader has reminded me that the Deputy Leader of the Opposition has said that he prefers little teeth to big teeth. As a matter of fact he seems to be waltzing in all sorts of directions, because he said that if he had been in Government there would not be any legislation such as this before us. The other day he said in the second reading debate on this Bill—

> I would like to make it clear from the start that the Opposition does not oppose the idea of legislation to protect the Western Australian symbol.

Mr. Court: I said something else as well, but it does not suit your purpose to say that I refused to bring the legislation in.

Mr. GRAHAM: This morning he indicated that the legislation is not necessary. Last week he did not oppose it, but this morning he does. I have given the reasons as to why I do not consider it necessary to

step up the penalty. In the case of public servants the possibility of loss of job, superannuation, and accrued rights as a result of having been proved to be manifestly unworthy of an office of trust has far more effect than anything else. That would be a greater deterrent, even if no penalty was provided for this type of offence.

Mr. COURT: I would not have bothered to pursue this further had it not been for the comments made by the Deputy Premier. I would remind him that I said we were supporting the legislation subject, of course, to the amendments I had on the notice paper. I also explained to the Chamber that when I was the responsible Minister the officers of my department wanted me to introduce this legislation. I admit they did not press me hard. They drew my attention to it, but I did not wish to bring it down because I thought we were getting on famously with the use of the symbol. Once we get to passing Statutes we face problems. Under various Acts where officers have access to documents, not only the documents of other people but also of the Government, it is customary for them to take an oath of fidelity and an oath of secrecy. There is no suggestion in the legislation that the inspectors will have to do that. Forgetting that aspect, it is customary for these officers to take such oaths and, of course, to be subject to severe penalties.

I instance the Land Tax Assessment Act. Under section 7 it is provided that every person appointed or employed under that Act shall take an oath of fidelity and secrecy; and every person who wilfully acts in contravention of such an oath shall be liable on conviction to imprisonment for any term not exceeding six months. Furthermore, any officer who communicates any information acquired by him is liable to a penalty of $500. Such penalties appear throughout this type of Statute.

Now that it is proposed to go statutory in respect of the Western Australian products symbol and people will be given access to secret information, we should make sure that the penalty is appropriate to the offence. I repeat that the magistrates hearing these cases will have the power to act within their discretion, and this is to be the maximum and not the minimum penalty.

Mr. W. A. MANNING: This penalty is not to be imposed for any act that is performed inadvertently; it is for something done deliberately in disclosing confidential information. I do not think the proposed penalty is too high for such a breach of faith. A person who is entrusted with duties under this Act should be severely penalised if he discloses confidential information. I urge the Minister to agree to the amendment.

Amendment put and a division taken with the following result:—

Ayes—22

| | |
|---|---|
| Mr. Blaikie | Mr. O'Neil |
| Mr. Court | Mr. Reid |
| Mr. Coyne | Mr. Ridge |
| Dr. Dadour | Mr. Runciman |
| Mr. Hutchinson | Mr. Rushton |
| Mr. Lewis | Mr. Stephens |
| Mr. W. A. Manning | Mr. Thompson |
| Mr. McPharlin | Mr. Williams |
| Mr. Mensaros | Mr. R. L. Young |
| Mr. Nalder | Mr. W. G. Young |
| Mr. O'Connor | Mr. I. W. Manning *(Teller)* |

Noes—22

| | |
|---|---|
| Mr. Bertram | Mr. Hartrey |
| Mr. Bickerton | Mr. Jamieson |
| Mr. Brady | Mr. Jones |
| Mr. Brown | Mr. Lapham |
| Mr. Bryce | Mr. May |
| Mr. Burke | Mr. Moiler |
| Mr. Cook | Mr. Norton |
| Mr. H. D. Evans | Mr. Sewell |
| Mr. T. D. Evans | Mr. Taylor |
| Mr. Fletcher | Mr. A. R. Tonkin |
| Mr. Graham | Mr. Harman *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Sir David Brand | Mr. Davies |
| Mr. Grayden | Mr. J. T. Tonkin |
| Mr. Gayfer | Mr. McIver |

The CHAIRMAN: The voting being equal, I cast my vote with the Noes.

Amendment thus negatived.

Clause, as amended, put and passed.

Clauses 13 and 14 put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

## EDUCATION ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 23rd March.

MR. LEWIS (Moore) [12.24 p.m.]: This Bill is designed to authorise an increase in the tuition fees payable to independent schools on behalf of the parents whose children attend those schools.

When the Minister introduced the Bill, at the conclusion of his remarks, which were brief—and possibly in the circumstances the brevity was justified because it is a small Bill—he said—

> This matter was fully explained at the time of the introduction of the Budget . . .

So I turned to the remarks the Minister made in the capacity of the then Treasurer when he introduced the Budget. On page 1433 of *Hansard* he is reported as merely saying—

> Aid to independent schools will be increased to assist schools in meeting the cost of increased salaries for teachers.

He then went on to explain what the tuition fee subsidy was at the time and that the new subsidies would apply as at the beginning of the following year. He indicated that the new subsidies would cost

an estimated additional $400,000 in 1971-72. He also referred to the tuition fee subsidies for university students, but that has nothing to do with the schools.

That is all the Minister had to say in fully explaining the increased subsidies. Probably a lot of explanation was not necessary, but I just wanted to indicate how much the Minister said in justification for the increase.

I would point out that like many of the innovations made in regard to education, this tuition fee subsidy was first introduced by the previous coalition Government which, in 1965, had legislation passed to pay a subsidy for the lower secondary students—that is, those in the first three years of high school education—of £15, which was the currency at the time; and, for the upper secondary students—that is, those in the fourth and fifth years—the fee was £18; and those subsidies of $30 and $36 respectively have continued until the present time.

In 1967 an amendment was made to include primary pupils and a tuition fee of $10 was granted for them to commence on the 1st January, 1968. The legislation introducing the tuition fee subsidy was applied retrospectively to the 1st January, 1965. In 1967 for primary pupils it was made to commence in 1968; and in 1968 a further amendment increased the primary subsidy from $10 to $20 to commence on the 1st January, 1969.

On the enrolments in August, 1967—and these are the latest figures I have—I calculated that the tuition fee subsidy in the aggregate was costing the State something slightly over $1,000,000. However, the Minister now proposes that the subsidy be increased for primary pupils at independent schools from $20 to $30—an increase of 50 per cent.; for the lower secondary pupils, from $30 to $40—an increase of 33⅓ per cent.; and for the upper secondary students from $36 to $40—an increase of just over 11 per cent. These are to be made retrospective to the 1st January, 1972.

In his second reading speech the Minister stated that the estimated cost for this increased subsidy in the 1971-72 financial year was $400,000. This must have been a miscalculation or a misprint because on the numbers attending secondary and primary schools the cost will be about $200,000, bearing in mind that only half a financial year is involved if the increased subsidy is to operate from the beginning of this year. So, if this is the case, and the Minister finds himself $200,000 better off than he thought he would be, I hope he will be able to do something about other areas of education with the money he is saving this financial year on that issue.

I now turn to the justification for an increase in tuition fees. I have carried out some research into the trend of tuition fees, as distinct from boarding fees. I know many parents claim it costs them so much to send their children to private schools, but in many cases they fail to segregate the boarding fee from the tuition fee. Of course, it is a combination of those figures which make up the total cost of sending a child to school.

I have made inquiries at some of the independent schools—not all of them by any means—and I obtained figures for the years 1968 to 1972. I do not propose to weary the House by quoting all the figures, but I will confine myself to one or two examples.

The tuition fee at one of the leading boys' schools was $525 in 1968 for the lower secondary grades. At the same school the fee for the first to third years is now $753, and for the fourth and fifth years the fee is $786.

Mr. Nalder: Is that the fee for a term?

Mr. LEWIS: That is the fee per annum. The increase has been $228 and $261 respectively, which means an increase of 43 per cent. and 49 per cent. during the five-year period.

Another well-known college has increased its tuition fees by 51 per cent., to a total of $795. Another college charges $771 at present, which is an increase of 46 per cent. At another school where the tuition fee is on a much lower scale, the increase has been $69 and $72 respectively, but the percentage increase is as high as 76 per cent.

The colleges have found it necessary to increase tuition fees but I am not suggesting they are making a great profit. The competition among non-Government schools would ensure that the fees were kept within bounds. However, it is much more costly to run a non-Government school now than it was previously and, no doubt, this is due to increases in salaries and to lower class sizes.

The increased costs also apply to Government schools. It is also found that in some non-Government schools the religious teachers comprise a much lower percentage of the staff than was formerly the case. Consequently, the lay teachers have to be paid and this increases the costs to the school. Overall, it has been necessary to increase tuition fees.

No doubt the Government recognises the problem, as did the previous Government, and is trying to subsidise the extra cost to parents. However, I would point out that while the increase of 50 per cent. in the primary subsidy is substantial and in the aggregate must cost the department a fair sum of money—$400,000 in a full year—the subsidy for the lower secondary grades has been increased by 33 per cent., and the subsidy for the upper secondary

grades has been increased only from $36 to $40. I feel this is where the greatest need lies.

We must encourage parents to keep their children at school as long as possible, and at least try to give them upper secondary education. However, the proposed tuition fee subsidy does very little to meet the demand for upper secondary education.

I will now turn to the trend and the effect which the extra tuition fees, charged by the non-Government schools, is having on the enrolment figures, when compared with enrolments in Government schools. I have obtained figures for the last three years from the annual report of the Education Department.

I find that primary enrolments in State schools increased between 1969 and 1971. The figures are for August in each year, and are the latest available to me. The increase in primary enrolments in State schools, between 1969 and 1970, was 2.62 per cent. Between 1970 and 1971 the increase was a further 2.65 per cent. In non-Government schools the increase was 1.61 per cent. between 1969 and 1970 and from 1970 to 1971 enrolments had actually dropped by .33 per cent.

Turning to the secondary division, we find that for the first three years of education enrolments increased by 2.99 per cent. in Government schools from 1969 to 1970, and from 1970 to 1971 the increase was 3.36 per cent. So the trend is going up. In non-Government schools, in the same three years of secondary education, enrolments rose from 1969 to 1970 by 2.5 per cent. That figure is not quite as high as that for the Government schools. From 1970 to 1971 there was no increase at all and, in fact, there was a reduction of four students. So there was practically no movement in the enrolment figure for the non-Government schools.

Turning to upper secondary education in the State schools, for the fourth and fifth years, there was an increase of 8.48 per cent. from 1969 to 1970. From 1970 to 1971 the increase was 13.74 per cent., so again, the trend is for the figures to go up. In non-Government schools, from 1969 to 1970, the increase was 1.71 per cent., and from 1970 to 1971 the increase was 5.31 per cent. Although there was an increase in enrolments for secondary education in non-Government schools, it was not as high as that for Government schools.

I appreciate that it is dangerous to draw any definite conclusion from the figures relating to a brief period of three years, particularly for the period between 1969 and 1970 inclusive. That was a period of great economic difficulty in country areas and, undoubtedly, many parents were influenced in their choice of secondary schools. It will be interesting to observe the trend over the next five years, to see whether it continues or whether it has just been a passing phase.

I suppose it is always a matter of some debate as to why people send their children to non-Government schools. There could be many reasons, one of which is that many non-Government schools place much greater emphasis on a specific line of religious instruction whereas it would not be acceptable for State schools to give anything other than general religious instruction. I know some parents place great importance upon this aspect.

I hope the old traditional school tie is fast dying out. Nowadays I do not think parents send their children to non-Government schools for status reasons as was done a few years ago. I well remember sitting on a board of directors when there was a vacancy. The chairman made inquiries about the nominees for the vacancy and when he was informed that one nominee's father had attended one of the non-Government schools he said, "His father went to such-and-such a school, I remember. He will be all right." I did not know about miners' silicosis in those days and, had I done so, I would have told the chairman this was what he was suffering from.

Mr. Court: That applied to one Government school in Perth at one time. If a person went to Perth Boys' School he was "in."

Mr. LEWIS: I am quite serious about this. I do believe, however, there is greater discipline in non-Government schools than in Government schools. The reason is that non-Government schools are free to accept or not accept, enrolments. To some degree they can be selective and can expel students from schools with much greater impunity than is possible in a Government school. I believe this threat —or warning—hangs over all students who attend non-Government schools and is something which promotes discipline.

Furthermore, I do not believe teachers in non-Government schools are subjected to the same publicity or receive protests by parents if they exercise discipline and inflict corporal punishment, as is the case in State schools. I am not drawing a distinction between performance in non-Government and Government schools, because I think both are complementary to each other. Many fine citizens of this State have been the products of both non-Government and Government schools.

Non-Government schools do a good job generally and they face serious financial difficulties at the moment. I do not know what the answer will be. I have already indicated the trend in enrolments over the last three years alone. If this trend continues, I think non-Government schools will find increasing difficulty in financing their operations. Apparently the situation is now being reached where buyer resistance is making its presence felt and many

parents are finding difficulty in meeting increased fees which are inevitable in non-Government schools.

There has been a change of thinking on the part of the Labor Party towards non-Government schools not only in this State but federally in recent years. If the Government does appreciate the value of non-Government schools to our education system generally, it should study in depth what the difficulties are and how best they can be overcome. If the present trend continues an increase in the tuition fee subsidy will be inevitable as many parents will find it increasingly difficult to meet the costs. After all the tuition fee subsidy is only a drop in the bucket. In the case of lower secondary students the increase in the tuition fee subsidy has been from $30 to $40, a mere $10, which is disproportionate to the increases in fees charged, as I have already mentioned.

*Sitting suspended from 12.45 to 2.15 p.m.*

Mr. LEWIS: Before the luncheon suspension I was indicating the enrolment trends in both Government and non-Government schools. I think the retention rate we are able to achieve in both these types of schools is even more important. We should encourage students to go on to higher education, and upper secondary education is a step in this direction.

In this regard, the Government schools have a comparatively poor record. The retention rate from third to fourth year in Government schools in 1970 was 34.4 per cent. This increased in 1971 to 38.77 per cent., which is an increase of 4.4 per cent. In non-Government schools the respective retention rates for those years were 59 per cent. and 61 per cent., which is much higher than those in Government schools. Perhaps this is readily understandable because, generally speaking, I think it is fair to say the students in non-Government secondary schools are drawn from the more affluent sections of the community. Nevertheless, the increase in the retention rate in non-Government schools was only 2 per cent. in those years as against 4.4 per cent. in Government schools.

I do not want to draw a comparison. My point is that we should encourage the retention rate, whether in Government or non-Government schools. As much as possible, we should encourage retention for higher education, in which objective the tuition fee subsidy will play some part.

You would not permit me, Mr. Speaker, to discourse on education generally, but perhaps I might briefly refer to the nation-wide television debate on secondary education last week. I believe we should congratulate Dr. Mossenson, the Director of Secondary Education in Western Australia, on putting the record straight as far as education is concerned. Nowadays it seems to be popular to rubbish and denigrate education. One would almost think we would be better off without it. But Dr. Mossenson indicated on that programme, for the information of the public and Professor Scott, that education was a very live discipline as far as this State and Australia, generally, were concerned.

This does not mean we are satisfied with the situation as it is. As one who has had something to do with education in this State, I have said on many occasions we were not satisfied with the situation as it is. I hope we will never be satisfied. We must keep on improving what is; but that is far different from rubbishing education and giving the general impression that it is doing no good at all for the community.

Mr. Nalder: Dr. Mossenson did a very good job.

Mr. LEWIS: He did. I support this Bill. I think it is a step in the right direction of assisting non-Government schools, but I regret that short step is not a full stride.

MR. McPHARLIN (Mt. Marshall) [2.20 p.m.]: I, too, wish to add my support for the Bill before the House. I would like to offer some criticism of the amount which will be allocated to the students in the upper secondary level.

The figures for last August, which were given by my colleague, the member for Moore, indicate that there were 4,185 upper secondary level students in independent schools. The amount mentioned by the Minister in his second reading speech shows an increase of $4 to those students, which would involve an expenditure of something in the vicinity of $16,700. That would bring the allocation up to $40, which is not a great deal. The member for Moore said that serious consideration should be given to the retention rate. If this allocation were lifted from $40 to, say, $50—which would involve, according to my figures, a further expenditure of $41,850—it would assist these students to continue their education.

Criticism has been levelled at the allocation of funds to independent schools. Various sections of the community have made complaints of this nature over the years. We often see cars travelling around with the sticker, "F.F.F.S.S." on them. With the prevalence these days of certain words on the stage and in cinemas, one has to stop and think of what these letters stand for.

Mr. T. D. Evans: It is more than four letters.

Mr. McPHARLIN: Yes. However, after studying the letters for a little while one realises what they stand for, particularly if one does not attend "R"-classified films, as do some members.

Mr. T. D. Evans: Has your leader been playing up again?

Mr. Nalder: Members of what?

Mr McPHARLIN: Members of Parliament. Apparently the Government has considered the criticisms levelled at the allocation of funds but it has decided that this assistance should be continued. Without this assistance to the independent schools many of them would have to close and this would place increasing pressure on the State school system. In my opinion it is desirable that the allocation of these funds be continued to assist the independent schools and so avoid overloading the State system.

I would, however, suggest that the Minister give consideration to the point I made of increasing the assistance from $40 to $50 per student. As he is well aware, the upper secondary level is vitally important, and I consider this suggestion is worthy of serious consideration.

From my own experience, for the last 12 years increasing costs have caused increased fees at independent schools each year. The schools are reluctant to increase their fees, but they are forced to take this step because of the pressure of rising costs. It is good to see that the Government has proposed this increase, but I do not feel it is enough. I suggest that the Minister gives further consideration to the matter.

**MR. THOMPSON** (Darling Range) [2.25 p.m.]: I would like to indicate to the House that the Liberal Party supports the Bill now before it. The provisions in this measure are fairly similar to the policy laid down by the Leader of the Opposition before we went to the electors. The Liberal-Country Party Government introduced this proposal in 1965. It was later extended to include primary schools and then a further increase to the primary schools was made at a later date.

I would like to say, Mr. Speaker, that I send my children to a State school because I believe they receive a good sound education under the State system.

Mr. Jamieson: They might be going to Guildford Grammar one day?

Mr. THOMPSON: Do you think they would be admitted free? If they are not, they will not be going.

Mr. Jamieson: If you give the school much more publicity they will be.

Mr. THOMPSON: It makes economic sense to allocate some funds to private schools to keep them going. It is a fact that 78 per cent. of school children are enrolled at State schools, and State schools attract 25 per cent. of State revenue. However, 22 per cent. of the school children attend independent schools, but these schools attract only 1 per cent. of the total State revenue. This is not a very big percentage. From time to time circumstances arise which force the closure of a private school as it cannot continue to operate. Fairly recently this happened in my electorate when a Catholic school at Pickering Brook which had operated fairly successfully for a number of years was forced to close because of rising costs.

This caused a slight embarrassment to the Education Department when it was forced to accommodate these children at a State school virtually without notice. A new cluster type building had to be built quickly at Pickering Brook. This is a small example of what would happen if all the independent schools decided to close. The State system would be highly embarrassed and the taxpayers would have to dig deeply to pay for education. As I said earlier, it makes economic sense to encourage private schools and to keep them open.

I would like to make brief reference to the recent debate on education on television with a national interconnection. From the Western Australian point of view, the debate highlighted our sound system of education in comparison with the other State systems. The Education Department, under the previous Government, did a splendid job. The Brand Government can be congratulated for handing on to the present Minister a good system of education and an Education Department which is working very efficiently when compared with the other States of Australia.

Mr. T. D. Evans: Do you not think you should also congratulate the actual administrator in the Education Department?

Mr. THOMPSON: Yes, this is so. I congratulate Dr. Mossenson and many others who are doing a splendid job. The efficient administration of the department was established under the previous Government.

Mr. T. D. Evans: That was only because a Liberal Government was in power for 12 years.

Mr. THOMPSON: I have recently received a letter from Father Don Hughes of Mazenod College, in which he indicates several points about which he is a little unhappy. He claims that there are a number of items issued to State schools by the Education Department which are not available to private schools.

I am not aware of all the items they cannot obtain, but apparently there is quite a list of them and I will certainly have a look at that list so that I may ask the Minister and the Government to consider making these available to the private schools. If this were done it would lighten the burden of those schools and, in the long run, would lighten the burden on the Government should the private schools be forced to close.

One of the matters that Father Hughes raised with me was that of toilet paper issued by the Education Department for use in schools. This toilet paper is not similar to the paper that we use in this

place and that Government officers use in the buildings in which they are employed. A small passage of the letter from Father Hughes reads as follows:—

> Secondly, a rather mundane request. Have you ever seen the quality of the toilet paper issued as free stock to the school? Six months ago some boys came to me about it. I laughed and told them that they should be tougher. Since then I have had numerous comments from others. I changed to it myself and soon found out what they meant. I now believe what one boy meant when he suggested that it was poor quality sandpaper.

Mr. O'Neil: Is that paper to be tabled or is the table to be papered?

Mr. THOMPSON: It is a paper to be tabled. It is a poor quality toilet paper and I hope the Education Department, when it sets down its specifications calling for the supply of toilet paper for private schools, ensures that they are similar to the specifications set down for the toilet paper that is issued for parliament house and Government offices throughout the State.

Mr. Jamieson: You don't know how much trouble we had to get some here only two years ago.

Mr. THOMPSON: As the Minister appreciates the problem I hope we will get him on side in trying to obtain better quality toilet paper in the private as well as government schools.

Mr. Jamieson: I do not think it is rough. I think it is too smooth.

Mr. THOMPSON: Might I conclude on the note that we support the Bill?

Mr. Nalder: Was it made in Western Australia?

Mr. THOMPSON: I don't know. It is not branded with the state symbol.

**MR. T. D. EVANS** (Kalgoorlie—Minister for Education) [2.33 p.m.]: I thank the members who have contributed to the debate for the interest they have taken in what is a most important aspect of our education system and for their general support. I have noted their areas of criticism and I now hasten to say that I believe this criticism, no doubt expressed with good intention, is invalidly based.

Education of young children of any body politic must surely be regarded as the most important, and, as experience has shown, the most expensive undertaking resting upon a Government. As the member for Moore indicated, all political parties recognise the need for the continuance of the dual system of the education of our children, and I refer to the public system and the non-Government system. The moral behind such recognition must surely be the objective of providing, as near as is humanly possible, and as near as is economically possible, the equality of educational opportunity for every child in Western Australia; that is, every child irrespective of which school he attends. This principle naturally presupposes that a system of assistance rendered for the education of a child—again, regardless of the school he attends—should be rendered on a needs basis.

Whilst it is true that this Bill does carry on and augment the amounts provided under the 1965 pattern set by the former Government and the payments are on a *per capita* basis, I would indicate that prior to the preparation of the 1971-72 Budget, when I was personally involved in the exercise, the State Government received representations from representatives of non-Government schools—indeed a comprehensive written submission very carefully and well prepared from the largest group of independent schools—clearly indicating the serious financial difficulties that independent schools faced.

However, it also indicated quite clearly that these difficulties were emphasised and were greatest not in the secondary section, but in the primary section. Also it showed that there were difficulties in the higher secondary degree but not to the same extent as in the lower secondary degree. I do not have the submission with me but it is available for examination by any member who is interested in studying it.

If we look at the history of these forms of *per capita* grants, I think the member for Moore, who may carry the proud title of being the author of this form of valuable assistance, will recognise that in 1965 the amount per child per annum was set at $30 in the lower secondary section and $36 in the upper secondary section, and these two amounts have remained static until 1972. The philosophy behind setting these two amounts and the difference of $6 in the amount made available to the lower secondary section and that made available to the higher secondary section, indicated that the greatest need, because of the number of enrolments, was surely to be found in the lower secondary section. If this is not so, surely the Government of the day would have provided a greater amount than $36 in the upper secondary section in 1965.

However, in 1967 the Government saw the need to introduce *per capita* grants for those children attending non-Government schools at primary level. Here the figure of $10 was set and, relatively speaking, this was very quickly amended to $20 a child per annum, because the Government of the day recognised that the greatest need was at the parochial or primary school level.

Mr. Lewis: Only two years later.

Mr. T. D. EVANS: Yes, indeed, and that is a rapid increase, relatively speaking.

Estimated enrolments in years one to three in independent schools this year are 12,600. An additional $10 a pupil will therefore provide private schools with an additional $126,000. By comparison the enrolments in years four and five will number

about 4,300. I think it is true to say that many of these children will be found in some of the colleges to which I may refer as the wealthier colleges which are in less need than other non-Government schools, and so the Government, having to cut its coat according to the length of cloth available, placed the emphasis where the need was greatest and where the money would do the most good.

The estimated cost of the increase in a full year based on expected 1972 enrolments is, indeed, $400,000. At the time the Budget was framed the Treasury contemplated that virtually all this sum would be paid out before the end of the current financial year. However, it has now become apparent that only half the additional funds payable to the primary schools and two-thirds of the additional amount to be paid to secondary schools will be paid out before the 30th June next; and therefore I qualify the remarks I made, firstly when introducing the Budget, and, secondly, when I introduced this Bill. However, the figure is still valid for the full financial year when it is expected the sum of $400,000 will be involved.

Mr. Lewis: Why was that amount estimated when the increase was not to be effective until the 1st January this year? In your Budget speech you said it would be effective on that date and therefore only half the normal amount would be involved.

Mr. T. D. EVANS: I ask the honourable member to place his question on the notice paper.

I listened with a great deal of interest to each of the members who contributed to this debate, and particularly to the member for Moore who for many years was the ministerial head of the Education Department. Indeed, when he spoke, he did so, not so much as a former Minister for Education but, indeed, as an educationist. I was most impressed by his very profound understanding of and human interest in the most delicate and highly important subject of education.

He would agree with me that if we recognise the need—as he does—to continue the dual role of education where the obligation is upon us all at all times to endeavour to bring about equality in education opportunity, then we must recognise the need for non-Government schools to adopt widespread practices of rationalisation. We see examples now of how non-Government schools, particularly in connection with certain specialised subjects, have their children avail themselves of the opportunity to take these subjects at Government high schools. I speak of subjects such as home economics, technical drawing, and perhaps manual art.

Indeed, I see rationalisation in non-Government schools with assistance from the public system as being the saviour of the system and I would hope that non-Government schools will continue the practice of rationalisation particularly when the best use can be made of the best teachers to provide the best teaching.

I listened to the member for Mt. Marshall with a great deal of sympathy, but I am sure he will realise that one has so many competing interests for valuable and scarce funds within the portfolio of Education that one must properly and closely determine priorities. Indeed, as the member for Moore would agree, what we are really trying to do in the Education Department is to utilise cents to carry out a task which really requires dollars. Although I am sympathetic to the suggestion of the member for Mt. Marshall it would not be possible at the present time for the Government to expend the amount available in the upper secondary level.

I make one brief comment in reply to the comments of the member for Darling Range. For the first time I can recall I find myself in complete agreement with a proposition he made. He said it makes good economic sense to assist non-Government schools. He gave a rationale for this statement, but there is no need to repeat it because I support it.

However, economics apart, it remains true that the Government is obliged to provide the best possible education for all Western Australian children.

I commend the Bill to the House and trust it will receive a second reading.

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.

## PARKS AND RESERVES ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 23rd March.

**MR. COURT** (Nedlands—Deputy Leader of the Opposition) [2.49 p.m.]: Normally when a Minister introduces anything to do with King's Park he expects to have full galleries and emotions running at a great height—indeed, at fever pitch. In fact, whether a motion or Bill is introduced by the Minister or by a private member it seems to have the same reaction. However, the fact that hardly a soul is in the gallery to take an interest in this particular Bill is indicative of the fact that no-one is terribly excited or upset about what is planned.

Mr. T. D. Evans: There are at least two souls.

Mr. COURT: There are two parts to the measure. The first deals with the kiosk that has been built in King's Park which the Government wants authority to lease, and the second deals with penalties that can be imposed by boards that are created under the parent Act.

I assure the Minister I raise no objection to this legislation on my own behalf or on behalf of those for whom I speak. However, I think it is appropriate to make some comment. Doubtless my colleague, the member for Subiaco, will want to say a few words, too, because this part of King's Park is actually within his electorate. I do not know whether he breaks even or loses by one vote in this part of his electorate because, if I remember correctly, there is only one person on the roll for that segment of the park. Nevertheless, it is within his electorate and he has a responsibility in connection therewith.

I have taken the trouble to look at the kiosk as I felt it my responsibility to do so when I took the adjournment of the debate on the Bill on behalf of the Opposition. The King's Park Board has erected the structure with great care. It has gone to some pains to ensure that the dimensions—particularly the height—are not offensive. The board also appears to have gone to extreme pains to use materials which blend into the natural setting of the park. It has also located the kiosk in a position where it is not offensive—or, indeed, obvious—to anyone driving along the road. It is my opinion the kiosk has been well located and designed. Whether it will be big enough with the passage of time is another matter. However, I gather that once we give approval for the lease, if extension is necessary this will be practicable. I hope the board has complied with the health laws in incorporating a public toilet for men and women in this comparatively small building. I think that most people who built such a structure would be required to separate the toilet facilities for the public from the building. However, I do not question this point because doubtless it has been looked into.

Might I say that members of the public are generally very appreciative of what has been done. I know certain criticism was levelled at the previous director, Dr. Beard, when he recommended opening up the park in certain areas and a swath was cut right through the centre of the park to make it more accessible. I am sure those who criticised it were in the minority. As one whose electorate takes in part of the park I have noticed greater public interest in it. More people are going into the natural bush from the swath than was the case previously. Say what we like, there are very few city dwellers who want to move about in natural bush for a long time at frequent intervals.

Also, it does one's heart good to see the number of families, particularly those with young children, who use the facilities that have been erected in the area. I commend the board for what it has done.

Having said that, I want to make it quite clear that we support the amendment. We understand it to be the right to lease the kiosk. I think the board is wise to lease the kiosk instead of trying to run it. In addition to the right to lease for three years there will be a right of renewal. This is fair enough because three years is not a very long period and a person entering into an engagement to run the business would want to know that he could have it for a period longer than three years provided he conforms to certain conditions. We have no objection to this.

The second provision refers to penalties and is to permit boards constituted under the Parks and Reserves Act to make by-laws imposing a maximum pecuniary penalty of $150 for breaches of such by-laws. The Minister gave us a brief but adequate explanation of the basic reason; namely, to enable those responsible for the operation of Rottnest Island to be able to prosecute—and have the prospect of imposing a more effective fine upon—those very reprehensible people who steal or "borrow" bicycles. Some people have different moral attitudes towards these matters. Some say that if a person takes a push bike which is standing outside a house or the local hotel, rides it a distance, and leaves it in the bush that person has in fact borrowed the push bike. As far as I am concerned it is stealing whether a person rides it 100 yards or 100 miles.

Mr. Hartrey: That is not the law.

Mr. O'Neil: It is not the law in respect of motor vehicles.

Mr. COURT: I know it is not the law. The Government has brought down the amending legislation in the hope that more effective penalties will be imposed on those who steal bikes. We can only hope that magistrates will heed the Parliament and take the hint that they should be more severe in these cases of stealing. Sometimes I wonder whether magistrates ever read *Hansard*. The Parliament does not like imposing minimum penalties. In fact if minimum penalties are included in legislation magistrates are the first to complain, but they bring much of it on themselves because they do not seem to get the message about what matters the Parliament regards as more serious than others and which should attract more severe penalties. I hope the magistrates will get the message. The fact that a special amendment has been brought down will influence magistrates to impose more effective penalties which will perhaps be more of a deterrent than some of the sentences that have been passed in the last year or so.

I chide the Government over the fact that it has brought down a piece of legislation such as this fairly early in the session but we have not heard anything effective from the Government as to what it proposes to do in respect of the shocking business of car stealing. I do not agree with the definition of "unlawful use" which is tagged onto these offences. As far as I am concerned the people are car stealers, and sometimes they steal vehicles worth $5,000 or more. Quite apart from cars of rich people, there are many working people whose car is one of their few luxuries, but they live in fear all the time that someone will steal their car and damage it. Sometimes it takes weeks to find the car and a person never knows the condition it will be in if and when it is found. The penalties imposed for this offence are quite ridiculous.

Mr. H. D. Evans: I wonder what this has to do with my little Bill.

Mr. COURT: I advise the Minister that we support his Bill but I hope he will ricochet what I am saying onto the appropriate Minister within his Government to see whether amendments to other laws can also be brought down. I am not opposing the measure but I do say it is rather odd that we should go to this trouble over push bikes—and I do not disagree with this, because it is still stealing—when we have not done anything at this stage about greater offences. I hope the Government will soon give us a comprehensive policy submission on this problem.

**DR. DADOUR** (Subiaco) [2.58 p.m.]: Like the Deputy Leader of the Opposition, I, too, support the Bill. I recommend to members of Parliament who have not yet seen the adventure playground in King's Park to go along and look at it. It is a credit to the people who had the idea and have developed this area. Its approximate area is 12 acres. It is grassed and there are tracks leading out into the native bush. All the playthings are constructed from raw materials, such as tree trunks and other features of the natural environment. It is an adventure playground and it is not only adventurous for the little ones but also for the parents and grandparents. There are picnic areas and barbecues. Families can go to the park and spend a very pleasant Saturday or Sunday afternoon. As I have said, I recommend that all members should go and have a look at the playground.

I would like to record my appreciation of Mr. Arthur Fairall who developed and created this. Unfortunately he died in March, 1970. The programme he envisaged has been followed fairly closely and development is going on all the time.

The building of the kiosk which will probably sell ice creams and sweets for the children will make the park complete. Incidentally, the toilet facilities are an absolute necessity because the area is too far away from other such facilities in the park.

I urge all members to go along and have a look at this playground. They could perhaps establish something similar in their own electorates. I am fortunate in having this one in my electorate. At weekends 2,000 or more people visit the playground.

Everything has been made from the rough timber. There is a lake, with 15 inches of water in it at its deepest part, in which children can sail their boats—and bus tickets, as the pamphlet says. There are bridges made from tree trunks; there are stumps in the ground, causeways, a small running stream with bridges over it, and a log cabin which children can climb up to and probably learn to do a little more than they could do before. The playground has a spirit of adventure.

The idea for this playground came from Peking, in China, where a type of adventure playground had been developed with a miniature battlefield, gun emplacements, tanks, dummy minefields, etc. The people who started the adventure playground at King's Park thought they would do it the other way around and try to develop the youngsters. I can say from my experience with my own children and other children who go there that it is a wonderful boon, and it is as good for the granddaddies, and the member for Karrinyup, as it is for the youngsters of all ages. The kiosk will make it complete by providing facilities nearby where the children can buy ice creams, sweets, etc.

I support the Bill and I urge all members of the House to have a look at this playground so that they can plan something along similar lines in their own electorates.

**MR. LAPHAM** (Karrinyup) [3.02 p.m.]: I find myself in a rather unusual position in relation to this Bill. I am completely in agreement with what has been said about it by the members of the Opposition. I have been analysing what they were saying to make sure they were right. There is no doubt that they are right on this occasion.

I remember when King's Park was discussed here many years ago. It was a matter of whether the board had the right to do what it wished or whether anything concerning King's Park should go to Parliament. Considerable debate took place. At that time it was rather refreshing to hear in this Chamber the opinions expressed on both sides. It was a non-party issue and there was a rather unusual alliance.

Mr. R. L. Young: We are not often wrong but we are right again.

Mr. LAPHAM: On this occasion, I am in agreement with the two previous speakers. There is not the slightest doubt that this park has developed in a lovely way. The adventure playground is planned as a natural type of playground but man has helped by adding his skill to give it a further degree of attraction. As a consequence, today the park is not only an area where adults can wonder at the glories of nature; children can also enjoy the glories of nature.

When the matter of taking control from the King's Park Board and placing it in the hands of both Houses of Parliament was discussed, it was considered the park should be protected for posterity. That was at least 18 years ago, and we now see the park developing in a natural way. In the next 20 or 30 years, when most of us are under the ground, the youngsters of the present time can decide how they would like the other areas of the park to be developed. I would like members to realise how necessary it is that King's Park should always remain under the control of both Houses of Parliament in the interests of posterity.

I think it is a glorious park, and I am pleased to know the Minister has introduced this Bill as a consequence of something that was done by both Houses of Parliament at least 18 years ago. I have much pleasure in supporting the measure.

**MR. H. D. EVANS** (Warren—Minister for Lands) [3.06 p.m.]: I thank the members who have spoken for their support of this Bill. I think the measure is warranted and that nobody could take exception to the matter proposed.

I was pleased that both the Deputy Leader of the Opposition and the member for Subiaco made formal acknowledgement of their appreciation of the efforts of the board. That was fully warranted. The members of the board are men who have considerable experience and who are eminent in their own field, and it was through their foresight and planning that the playground was initially set up.

The extent to which the playground has been used is very gratifying; the figure of 2,000 mentioned by the member for Subiaco is correct. The facilities to be provided under this Bill are necessary to cater for the number of people who visit this small area.

The member for Karrinyup must derive some satisfaction from the fact that effect is being given to his amendment of some time ago, even though it is a comparatively minor matter; he must be pleased to see the procedure he initiated operating in this way.

The Deputy Leader of the Opposition referred to unlawful possession of motor vehicles—or, in common parlance, joyriding. This is an extension of the principle involved in the unlawful use of push bikes on Rottnest Island. I largely agree with him in this matter. It became necessary to increase the penalty to make it more effective because the problem had been accentuated by the increasing number of day-trippers to Rottnest Island, the advent of larger ferries, and the prospect of even larger ferries and a greater number of ferries.

I think this Bill is warranted, and I thank members for their support.

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.

## QUESTIONS (29): ON NOTICE

### 1. TECHNICAL EDUCATION

*Rockingham Sites*

Mr. RUSHTON, to the Minister for Education:

(1) Adverting to question 1 on 29th March, have there been initiatives by Government or the department for the establishment of a technical school or college on the site bounded by Day Road, Dixon Road and Mandurah Road, Rockingham.

(2) If "Yes" have these initiatives been changed?

(3) If "Yes" who has directed a change, he or the department, and what is the reason for making the change?

Mr. T. D. EVANS replied:

(1) No.

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

### 2. ROADS

*Albany-South Western Highways Junction: Redesign*

Mr. RUSHTON, to the Minister for Works:

(1) Have the design, plan and specifications for the reconstruction of the Albany and South Western Highways junction at Armadale been finalised?

(2) Has the redesign been accepted by the Shire of Armadale-Kelmscott?

(3) What is the estimated cost of this work?

(4) If there are further items to be resolved before construction commences, what are they?

(5) When is the work expected to commence?

Mr. JAMIESON replied:

(1) and (2) Yes.

(3) Excluding the cost of land acquisition, about $300,000.

(4) Negotiations for the acquisition of four properties remain to be finalised.

(5) When all land acquisitions are completed.

3. STATE GOVERNMENT INSURANCE OFFICE

*Taxes*

Mr. O'NEIL, to the Minister for Labour:

Referring to question 14 on 11th April, 1972—

(a) Why was no payment in lieu of normal State charges made by the S.G.I.O. to State Treasury in 1967-68?

(b) Does the answer to question 14 (3) imply that the S.G.I.O. will not pay taxes normally due to the Commonwealth if the S.G.I.O's franchise is extended?

(c) If not, could he give approximate additional sums related to question 14 (2) which the office would be liable to pay under Commonwealth laws?

Mr. TAYLOR replied:

(a) There was no assessable income in 1967-68 mainly due to a deficit of $431,070 in the employers' indemnity industrial disease (pneumoconiosis) account.

(b) Yes. But the present Act and the proposed Bill specifically require the S.G.I.O. to pay all tax to the State that is normally due to the Commonwealth.

(c) Answered by (b).

4. STATE GOVERNMENT INSURANCE OFFICE

*Premiums: Reduction*

Mr. O'NEIL, to the Minister for Labour:

Referring to the answer given to question 18 on 11th April, 1972—

(a) Can it be inferred that the 30% reduction in premiums referred to in question 18 (2) will apply to all forms of insurance business done by the S.G.I.O. if the S.G.I.O. franchise is extended; or

(b) did he mean to state, as the answer implies, that already S.G.I.O. clients in home insurance benefit from a premium 30% below that charged by private companies;

(c) in any case, what additional reduction in premiums could be expected?

Mr. TAYLOR replied:

(a) The 30% reduction was intended to apply only to the specific example of home insurance referred to in the question, as the S.G.I.O. already does this. However, when granted the extended franchise it will make its rates as competitive as possible in all areas.

(b) Private company rates for home and other types of insurance vary widely between tariff, non-tariff and independent companies and there is no single rate with which to compare. However, to the extent to which comparison is possible, S.G.I.O. rates for home insurance are approximately 30% below most companies.

(c) Excluding motor comprehensive and employers' indemnity for which S.G.I.O. already has a franchise and which are already very competitive, it hopes to achieve a reduction of approximately 20% on normal tariff company rates.

5. STATE GOVERNMENT INSURANCE OFFICE

*Agents: Government Officers*

Mr. O'NEIL, to the Minister for Labour:

(1) Upon what basis are agency fees payable to agents of the S.G.I.O. who are Government employees?

(2) Is the fee or commission paid to individuals or to the departments employing them?

Mr. TAYLOR replied:

(1) 5% on new business written by the agent.

(2) The cheque for the commission is made out in the name of and sent to the clerk of courts or mining registrar. Approval to pay commission to such agents was granted by the Public Service Commissioner in April, 1961 when the former Government was in office.

The cheque is never made out to a name.

Mr. O'Neil: What about the policemen who act as agents?

Mr. TAYLOR: It would be made out to the constable in charge of say, Meekatharra, but never to a name.

6. STATE GOVERNMENT INSURANCE OFFICE

*Contributions to State Revenue*

Mr. O'NEIL, to the Minister for Labour:

Since his answer to question 42 on 11th April indicates that he is aware of the contributions made to State revenue in New South Wales by the Government Insurance Office in that State, would he advise—

(a) the annual contribution for the last three years;

(b) the percentage of total revenue that that contribution represents?

Mr. TAYLOR replied:

(a)

| | $ |
|---|---|
| 1968-69— | |
| Life | 221,000 |
| Non-life | 712,761 |
| Total | $933,761 |
| 1969-70— | |
| Life | 287,600 |
| Non-life | 2,508,087 |
| Total | $2,795,687 |
| 1970-71— | |
| Life | 341,476 |
| Non-life | 2,603,500 |
| Total | $2,944,976 |

(b)

| | % |
|---|---|
| 1968-69 | 1.0 |
| 1969-70 | 2.3 |
| 1970-71 | 2.2 |

Each of these figures is a percentage of the total revenue received and not the percentage of that year's profit.

7. COCKBURN SOUND

*Port Developments, and Effect of Sea Grass*

Mr. RUSHTON, to the Minister for Environmental Protection:

(1) When is the authority expected to make its report on the Fremantle Port Authority amended proposals for Cockburn Sound as detailed in the report by the Premier's committee tabled in the Assembly?

(2) Will he table a copy of the report in the House or let me have a copy?

(3) How is the present deterioration in growth of sea grass in Cockburn Sound expected to affect the naval facility and the stability and ecology of the Sound?

(4) Has the industrial effluent causing the deterioration of the sea grass been identified?

(5) What remedial action has been taken?

Mr. H. D. EVANS (for Mr. Davies) replied:

(1) The Environmental Protection Authority has not been asked to report on these amended proposals. However, the Director of Environmental Protection has reported to me in detail and, as noted by the Deputy Premier in his press release on the subject, has indicated several areas which require detailed consideration in implementation of the report.

(2) A copy of the report is available to the member in the office file at the Environmental Protection Department.

(3) If remedial action is taken by the industries concerned in the near future no deleterious effect on the ecology of the sound is expected.

(4) Yes. The collective industrial waste from the foreshore industries in the Kwinana area.

(5) The co-operation of and action by the industries concerned has been sought.

8. STATE HOUSING COMMISSION

*Internal Revenue, and Proceeds of Land Sales*

Mr. RUSHTON, to the Minister for Housing:

(1) What amount of money from its internal resources did the State Housing Commission apply to housing activities in the years 1968-69, 1969-70 and 1970-71?

(2) What sum from the same source is available during this financial year?

(3) How much of the funds in (1) and (2) were obtained from the sale of land?

(4) Have funds from the sale of land been used for other than purposes related to housing during the last five years; if so, for what purposes?

Mr. BICKERTON replied:

(1)

| | $ |
|---|---|
| 1968-69 | 4,629,973. |
| 1969-70 | 7,011,595. |
| 1970-71 | 6,760,281. |

(2) Funds from internal sources for 1971-72 have been estimated at $5,500,000.

(3) Cash proceeds from the sale of land have been assessed as follows:—

| | $ |
|---|---|
| 1968-69 .... | 1,579,000. |
| 1969-70 .... | 2,271,000. |
| 1970-71 .... | 919,000. |
| 1971-72 (to date) | 1,088,000. |

(4) The commission's Bunbury office was constructed at a cost of $93,628 in 1967 and was financed from the commission's internal funds, without any specific source of funds specified.

9. TOWN PLANNING

*Corridor Plan: Ritter Report*

Sir DAVID BRAND, to the Minister for Town Planning:

Arising from the answer to question 24 on 28th March, 1972—

(1) How many copies of the Ritter report have been printed?

(2) How many copies of the report are issued free of charge?

(3) At what price is it intended to sell the balance of the reports to cover costs?

(4) What was the nature of the work performed for Mr. Ritter by the Town Planning Department?

Mr. GRAHAM replied:

(1) By tomorrow 1,000 copies will have been printed.

(2) 171.

(3) $5 a copy.

(4) (a) Investigation of 300-acre ownerships in local authority areas from shire offices, and preparation of detailed plans of these areas.

(b) Preparation of overlay showing approximate boundaries of proposed corridors.

(c) Preparation of overlays showing school sites, shopping complexes, water and sewerage services.

(d) Supply of original base plans and colour masks for main maps in report.

(e) Typing.

10. EDUCATION

*Surplus Teachers*

Mr. BATEMAN, to the Minister for Education:

Where primary schools have a vacant classroom and there is a surplus of teachers in the Education Department, would he consider supplying an extra teacher to these schools with a view to pupils obtaining more individual tuition?

Mr. T. D. EVANS replied:

Staffing of primary schools is based on the number of children attending a school and not on accommodation.

11. EDUCATION

*Primary School Libraries*

Mr. BATEMAN, to the Minister for Education:

(1) Does the Education Department provide finance for the purpose of building libraries in or adjoining primary schools for the use of primary school pupils?

(2) If so, what action is required by parents and citizens' associations to obtain finance to construct libraries to existing primary schools?

Mr. T. D. EVANS replied:

(1) Yes, a building subsidy to a maximum of $5,000 is paid.

(2) Parents and citizens' associations should apply to the Education Department for a subsidy and submit their proposed plan of the library for approval.

12. TEACHERS

*Overseas Recruitment*

Mr. MENSAROS, to the Minister for Education:

(1) How many teachers and of which classification were recruited—

(a) from the United Kingdom;

(b) from other countries,

as a result of the recent trip of the Director-General of Education?

(2) How many of these arrived in Western Australia?

(3) How many started teaching?

(4) How many receive their salary or any other remuneration without having started teaching?

Mr. T. D. EVANS replied:

(1) (a) Approximately 38 secondary and 10 primary teachers were recruited as a result of the Education Department's recruitment campaign in the United Kingdom in the latter part of 1971 which culminated in the visit to London by the Director General of Education.

(b) No teachers were recruited from other countries.

(2) Nineteen teachers have arrived from the United Kingdom since the beginning of 1972. Because the teachers recruited must give notice to their present employers and many have homes to sell, they

are allowed twelve months in which to take up the offer of employment.

(3) 19.

(4) None.

13. INDUSTRIAL AWARDS

*Publication in Gazette*

Mr. MENSAROS, to the Minister for Labour:

(1) Can he state whether it is a fact that the South Australian Government publishes a complete and consolidated copy of all State industrial awards in the form of a supplementary gazette?

(2) Will he give consideration to following this example?

Mr. TAYLOR replied:

(1) There is no supplementary gazette published in South Australia containing a complete and consolidated copy of all State industrial awards. No State in Australia publishes a consolidated volume of awards and agreements.

(2) No—as it is considered impracticable to attempt an overall consolidation, the Western Australian Industrial Commission publishes each month a separate *Industrial Gazette* containing all decisions, new awards and consolidations of existing awards as made by the Industrial Commission.

14. CONSTRUCTION SAFETY BILL

*Committee of Inquiry*

Mr. O'NEIL, to the Minister for Labour:

(1) Who were the actual persons who served on the Committee which reviewed the Scaffolding Act and recommended the proposed Construction Safety Act?

(2) When was the first regular meeting held and when was the final meeting conducted?

(3) Was a sub-committee formed to revise regulations and who were the members?

(4) Has the committee made final recommendations in respect of these regulations?

Mr. TAYLOR replied:

(1) At the inaugural meeting convened to review the Scaffolding Act, the following were present:—

Hon. D. H. O'Neil, M.L.A., as Minister for Labour.

Mr. C. A. Reeve, as Secretary for Labour.

Mr. H. A. Jones—Chairman.

Mr. R. H. Jones—Deputy Chief Inspector of Scaffolding.

Mr. J. A. Campbell—Administrative Officer, Department of Labour.

Mr. J. Mander (replaced by Mr. R. Torrance)—Representing Master Builders' Association.

Mr. R. Elliott (replaced by Mr. J. O'Connor)—Representing Australian Federation of Civil Engineering Contractors.

Mr. R. Bullied, Deputy Mr. R. Maitland—Representing the Master Painters, Decorators and Signwriters' Association.

Mr. G. Crewe (replaced by Mr. R. C. Anders)—Representing Chamber of Manufactures.

Mr. R. Davies and Mr. A. C. Lee (replaced by Mr. T. Henley)—Representing Building Trades Association of Unions.

Mr. J. Mutton and Mr. R. Anderson—Representing Metal Trades Union.

Mr. A. Galton-Fenzi—Observer —Representing National Safety Council of W.A.

Mr. D. S. May (from January, 1969)—Engineer, Department of Labour.

(2) The inaugural meeting was held on 31st October, 1967, and the final meeting on 15th October, 1969.

(3) No. Regulations are being revised by officers of the Department of Labour, and these will be referred to the above committee.

(4) In case of possible amendments no final recommendation can be made until the Bill is assented to.

15. RAILWAYS

*Road Transport Service: Lake Grace-Pingaring*

Mr. W. G. YOUNG, to the Minister representing the Minister for Railways:

Further to my question 7 on 30th March—

(a) when is the road truck service between Lake Grace and Pingaring to be closed;

(b) what freight has been carried in total in each of the years 1969, 1970, 1971;

(c) what was the nature of this freight?

Mr. MAY replied:

(a) Tuesday, 2nd May, 1972.

(b) Figures for 1969 and 1970 are not readily available but for the 12 month period ended 30th November, 1971, a total of 50 tons 9 cwt. was carried for a freight return of $503.

This equates to approximately 10 cwt. for a return of $5 per trip of 62 miles.

(c) Mainly vegetables, papers, bread, meat, parcels and small machinery parts.

16. *This question was postponed.*

17. TOTALISATOR AGENCY BOARD

*Agencies: Management*

Mr. MOILER, to the Minister representing the Minister for Police:

(1) How many T.A.B. agencies are in Western Australia?

(2) How many are managed or operated on a casual or part-time basis by persons deriving the bulk of their income from other sources?

(3) How many managers or agents manage or control more than one agency?

(4) Is there any agency managed directly from the T.A.B.?

Mr. BICKERTON replied:

(1) 164.

(2) The details requested are not known.

(3) Managers—Nil.
Agents—1.

(4) Yes.

18. ELECTRICITY SUPPLIES

*Collie Coal and Fuel Oil: Sulphur Content*

Mr. JONES, to the Minister for Electricity:

(1) What is the average sulphur content of Collie coal?

(2) What is the sulphur content of fuel oil used at the South Fremantle, Kwinana and East Perth power stations?

(3) Is he aware that in the United States of America emission standards have become increasingly more stringent and that a national standard that translates into 0.7% sulphur in the fuel is being considered by the Federal Government for new plants regardless of ambient air quality?

Mr. MAY replied:

(1) 0.5% approximately.

(2) 2.5% approximately.

(3) No.

19. TEACHERS' TRAINING COLLEGE

*Bunbury*

Mr. WILLIAMS, to the Minister for Education:

(1) Now that the Commonwealth have agreed to release the Bunbury rifle range for education purposes, has this decision increased the possibility of an earlier start on the proposed teacher college and/or college of advanced education?

(2) If so, what now is the intended programme, and what variations are to be made to the original proposal?

Mr. T. D. EVANS replied:

(1) The date of release of the Bunbury rifle range site is dependent on negotiations for an alternative site.

(2) No final decision has yet been made for the development of teacher education or advance education in Bunbury.

20. NEWTON MOORE HIGH SCHOOL

*Upgrading and Extensions*

Mr. WILLIAMS, to the Minister for Education:

(1) Is Newton Moore high school, Bunbury, to be extended to a five year high school, and, if so, when is this to be done?

(2) What will be the programme for the extensions?

(3) What will be the maximum number of students?

(4) Is consideration being given to the acquisition of a site for a new three year high school in Bunbury?

Mr. T. D. EVANS replied:

(1) It is planned to raise Newton Moore to full senior high school status by 1974. Initial moves towards this end will be to introduce a fourth year in 1973.

(2) Two classrooms, woodwork centre, pre-vocational centre, two offices and storage have been listed in the 1972-73 school building programme.

(3) 785 in 1973.
892 in 1974.

(4) No.

21. BUNBURY TECHNICAL SCHOOL

*Extensions*

Mr. WILLIAMS, to the Minister for Education:

Are any extensions planned during the next financial year for the Bunbury technical school, and, if so, would he give the details?

Mr. T. D. EVANS replied:

No extensions are planned during the next financial year.

22. ABATTOIRS

*Water Supply*

Mr. STEPHENS, to the Minister for Water Supplies:

(1) Has an estimate of cost been given to the Trades and Labor Council and the United Farmers and Graziers' Association for the supply of water to a proposed abattoir at Boyup Brook?

(2) If "Yes"—

(a) what is the estimated cost involved;

(b) what quantity of water is required;

(c) what quantity of water is used annually at Robb Jetty and Midland abattoirs respectively?

Mr. JAMIESON replied:

(1) An estimate of cost based on a storage to be constructed on Thompson Brook was forwarded to the Minister for Development and Decentralisation who enquired on behalf of the Boyup Brook Shire Council.

(2) (a) $1,500,000.

(b) 330,000 gallons per day.

(c) The actual amount of water used cannot be given as both organisations obtain a considerable quantity from their own bores which are not measured. Estimated quantities for the last three years are:—

| | Million Gallons |
|---|---|
| Robb Jetty— | |
| 1969-70 .... | 278 |
| 1970-71 .... | 277 |
| 1971-72 .... | 212 |
| (9 months to 31-3-72) | |
| Midland Abattoirs— | |
| 1969-70 .... | 156 |
| 1970-71 .... | 150 |
| 1971-72 .... | 189 |
| (9 months to 31-3-72) | |

23. LAMB MARKETING AUTHORITY

*Manager: Appointment*

Mr. REID, to the Minister for Agriculture:

(1) When will the appointment of the manager of the lamb marketing authority be made known?

(2) When will the lamb marketing authority commence active operations as envisaged in the legislation?

Mr. H. D. EVANS replied:

(1) As soon as practicable.

(2) This is still under consideration by the authority and is subject to the establishment of the necessary procedures and organisation.

24. ABATTOIRS

*Trades and Labor Council and Farmers: Deputation*

Mr. REID, to the Minister for Water Supplies:

(1) In reference to question 4 on Tuesday, 11th April, will he confirm that on Thursday, 23rd March I made arrangements with himself personally and his private secretary to receive a deputation from the Boyup Brook shire of two councillors and myself to discuss water supplies to Boyup Brook?

(2) Does he also recall that I telephoned his private secretary on Monday, 27th March informing him I had received a request for the inclusion of a T.L.C. and U.F.G.A. representative together with Mr. Jones, M.L.A. on the deputation?

(3) In light of answers to parts (1) and (2) would he now agree that the question and answer of No. 4 part (1) was incorrectly phrased and could be misleading in stating he had received a deputation from the T.L.C. and U.F.G.A. organisations?

Mr. JAMIESON replied:

(1) to (3) The reply I gave to question (4) on Tuesday, 11th April, was a correct reply to the questions asked and went further to indicate the full composition of the deputation which I met on 29th March.

However, the circumstances which led up to my receiving the deputation are basically as stated by the member.

25. SEX SHOP

*Threat of Closure*

Sir DAVID BRAND, to the Premier:

(1) Has he received advice that the State executive of the A.L.P. at its meeting on Monday evening, 10th April, carried a motion to the effect that his stated intention to close the sex shop was not in accordance with the policy of the Australian Labor Party on censorship?

(2) Does this mean that the Cabinet will not proceed with measures designed to prevent the sex shop owners "getting to first base"?

(3) Can he inform the House of what are the intentions of the Government regarding the sex shop?

(4) As no doubt he read of the State executive's action in the daily press, does he agree that his stated intentions to close the shop clash with Labor Party policy?

Mr. J. T. TONKIN replied:

(1) No.

(2) Answered by (1).

(3) The intentions of the Government regarding the sex shop are to ensure that the censorship laws of the Commonwealth as they exist from time to time are complied with and that persons (and those in their care) are not exposed to unsolicited material offensive to them.

(4) Labor Party policy is as stated in the answer to question (3).

26. *This question was postponed.*

27. JUNIOR HIGH SCHOOLS

*Upgrading*

Mr. LEWIS, to the Minister for Education:

As junior high schools will become district high schools as from January, 1973, when will these schools subsequently be upgraded to senior high schools, and what will be the qualification for this?

Mr. T. D. EVANS replied:

At this stage no date can be given as to when the first of these schools will be upgraded. The qualification for upgrading will be the number of students likely to remain at school for the 4th and 5th years.

28. ALUMINA REFINERY AT UPPER SWAN

*Environmental Protection Report*

Mr. COURT, to the Premier:

(1) Will he please reconsider the answer to my question 21, 11th April, 1972 and make a detailed Government commentary on the Environmental Protection Authority Pacminex report in view of the fact that the authority did not condemn the project on account of the site alone but on all phases and this increases the urgency of the public and industrialists knowing the criteria and the technical advice used?

(2) In what general area is a new site being studied?

(3) (a) Is the statement by the Minister for Environmental Protection referred to in part (2) of his answer 11th April, 1972 the one on Environmental Protection Authority Pacminex report tabled on 29th March, 1972;

(b) if so, what is its relevance to his answer as it was not presented as purporting to be the type of detailed information sought?

Mr. J. T. TONKIN replied:

(1) and (2) Talks are currently being held between the Government, the company, and the Environmental Protection Authority, and it is not considered in the best interests of these discussions to add to my previous answers.

(3) (a) Yes.

(b) See answer to (1) and (2).

29. POLICE ENFORCEMENT

*Wiluna*

Mr. COYNE, to the Minister representing the Minister for Police:

(1) Is the Minister aware that an abnormal situation exists in the town of Wiluna and difficulty is being experienced by the policeman in maintaining law and order?

(2) Would the Minister agree that it is unreasonable to expect one permanent policeman to retain effective control over one hundred Aboriginals many of whom are regularly under the influence of alcoholic liquor?

(3) Does the Minister realise that a number of Aboriginal pensioners are being terrorised and intimidated by younger natives in an endeavour to make them surrender their money or liquor?

(4) Will he have this situation investigated with a view to having an additional permanent constable appointed?

Mr. BICKERTON replied:

(1) and (2) Yes.

(3) I have no knowledge of such terrorism.

(4) The situation has been investigated and an additional constable has been posted to this centre.

## QUESTIONS (6): WITHOUT NOTICE

1. EDUCATION

*Stern Report: Objections*

Mr. LEWIS, to the Minister for Education:

What procedure is to be followed with respect to objections which might be raised by interested people to the Stern report on rural education, and how will these representations be dealt with after receipt?

Mr. T. D. EVANS replied:

Anybody who wishes to respond to the findings of the Stern committee have, indeed, a wide choice. A public—or Press—release was made in my name, on behalf of the committee, when the report was published.

Response to the report is welcome and may be offered direct to the Stern committee, care of Professor Stern at the University of Western Australia, or to myself.

In respect of any submissions I have received, or will receive, copies are made available to the Stern committee and also to the Department of Agriculture for processing.

We will allow ample time to test the response of the public.

2. EDUCATION

*Stern Report: Objections*

Mr. LEWIS, to the Minister for Education:

Regarding submissions which go to the Department of Agriculture, would they be dealt with first by the Stern committee or by the department?

Mr. T. D. EVANS replied:

I hope that when it is manifest that public reaction has been tested, the Stern committee, together with a representative of the Department of Agriculture, and also a senior officer of the Education Department, will meet and process all submissions which have been received.

3. COCKBURN SOUND

*Revised Plan: Investigation*

Mr. RUSHTON, to the Minister for Works:

From an answer I received today it appears that information supplied to me regarding an investigation by the Environmental Protection Authority of the revised plan of the Cockburn Sound area is incorrect. The Minister has been saying that the Environmental Protection Authority has been investigating the matter.

Mr. J. T. Tonkin: You have no authority to get up and make a statement. Ask your question.

Mr. RUSHTON: I want the Minister to understand what I am saying.

The SPEAKER: Order!

Mr. RUSHTON: The Minister has been telling me that an investigation by the Environmental Protection Authority has been proceeding, but the answer to my question states that is not so. I would ask the Minister whether an investigation 's in process and, if not, would he have one carried out?

Mr. JAMIESON replied:

Not having before me all the questions and answers that have been involved—and I do not want them now—I would like the subject matter to be further examined by having the question placed on the notice paper.

I would like to say that as well as the investigation by the Environmental Protection Authority into this matter, a commissioned investigation was carried out on behalf of the Fremantle Port Authority. It was a fairly elaborate investigation and the result was handed to the Environmental Protection Authority.

It may be true that in physical fact the authority has not made a detailed examination, but on the other hand it has the results of a very comprehensive and detailed study.

4. STATE GOVERNMENT INSURANCE OFFICE

*Contribution to State Revenue*

Mr. O'NEIL, to the Minister for Labour:

My question relates to question 6 on today's notice paper. As a preamble I would like to indicate that the question on the notice paper is different from the question as printed on the page which contains the reply from the Minister.

Part (b) of my question states—

> the percentage of total revenue that that contribution represents?

That part of the question which appears on the page which contains the answer states—

> the percentage of total revenue of the Government Insurance Office of New South Wales that the contribution represents.

I ask the Minister whether, in fact, the answer given to 6(b) is the percentage of revenue of the Government Insurance Office? The figure I wanted was the percentage of the contribution the Government Insurance Office of New South Wales makes in respect of total revenue to the State of New South Wales. My question is complicated, but in accordance with your ruling, Sir, I have to ask it now in order to have an opportunity to put it on the notice paper if the Minister so requests.

Mr. TAYLOR replied:

I understand the point made. The percentage given is the percentage of the total revenue of all classes of insurance handled by the Government Insurance Office for the 12-month period.

The wording in the question has been misunderstood, and I will endeavour to answer the question actually asked if it is placed on the notice paper.

5. ALUMINA REFINERY AT UPPER SWAN

*Environmental Protection Report*

Mr. COURT, to the Premier:

I seek amplification of the explanation given by the Premier in reply to question 28 on the notice paper. The Premier answered parts (1) and (2) with a composite reply and I can only assume he misunderstood the object of my question.

Mr. J. T. Tonkin: It is not easy to understand the objectives of your questions.

Mr. COURT: If the Premier would be patient. If he finds it inconvenient to answer part (2) of my question I will accept that, but I would like him to believe that my request is not made in the atmosphere of trying to probe the present situation which exists between Pacminex and the Government, but to get a commentary awaited by industrialists and developers generally on the criteria, as well as the advisers, involved in the report.

I want to make it clear we do not accept the statement tabled by the Minister for Environmental Protection as being anything like the answers we are seeking.

Is the Premier prepared to consider this request quite separate from current negotiations between Pacminex and the Government? It is purely an amplification of the criteria and advisers behind the report.

Mr. J. T. TONKIN replied:

For reasons I have given I am not prepared at this stage to provide the information which the Deputy Leader of the Opposition is seeking.

Mr. Court: My question has nothing to do with any dispute. We are only seeking the criteria on which the report was based.

Mr. J. T. TONKIN: That does not make any difference to the Government's attitude on this question: I have been advised the information sought should not be made available at this juncture.

Mr. Court: That is a bad show.

6. SEX SHOP

*Closure: A.L.P. Policy*

Sir DAVID BRAND, to the Premier:

I think the Premier misunderstood the intention of my question 25 on today's notice paper. I would like to simplify the matter by asking: Is his stated intention to close the sex shop contrary to the policy of the A.L.P.?

Mr. J. T. TONKIN replied:

Firstly, I would remind the Leader of the Opposition that under no circumstances are Ministers expected to try to work out the objectives of questions, because that would be an exercise which would not lead to satisfactory answers.

Sir David Brand: Get onto the answer of my question.

Mr. J. T. TONKIN: The Premier raised this aspect himself. The answer to the question is: The action which will be taken by the Government will conform to the policy of the party.

Sir David Brand: The policy of the party?

Mr. J. T. TONKIN: Yes.

Sir David Brand: The Labor Party, presumably?

Mr. J. T. TONKIN: That is right; in accordance with policy, and it does not need any elaboration to remind people that when a Labor candidate stands for Parliament he signs a pledge that he will observe the platform of the party.

Mr. Court: I'll say he will.

Mr. J. T. TONKIN: So far as I know, similar undertakings are expected from members of the Liberal Party also.

Several members interjected.

The SPEAKER: Order!

Sir David Brand: Mine is a very simple question.

Mr. J. T. TONKIN: I am entitled to give an answer in the way which suits me.

Sir David Brand: It is the same answer as last time.

Mr. J. T. TONKIN: That is what I proposed to do. I would remind the Leader of the Opposition there was in exist nce in this State some years ago a consultative council which told members of the Liberal Party what they could do, and they had to do what they were told.

Several members interjected.

The SPEAKER: Order! Order!

## WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

*Returned*

Bill returned from the Council without amendment.

## METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 23rd March.

MR. HUTCHINSON (Cottesloe) [3.41 p.m.]: On the second reading debate of this Bill to amend the Metropolitan Water Supply, Sewerage, and Drainage Act, I would like, in the main, to confine my remarks to three principal matters which, I believe, should be discussed and aired.

The first of these relates to what the Minister calls the most important proposal, which is to control the use of all underground water. The second matter I have in mind deals with that clause which compels owners to take over the payment of excess water rates incurred by their tenants when those tenants cannot be traced by the board.

The third proposition to which I wish to refer deals with the relevant part of the legislation which has to do with metering, and the Minister's statement regarding metering, which has led to a good deal of confusion throughout the metropolitan area in particular.

The first of these three matters is, as the Minister said, the most important. It is to control the use of all underground water. In fairly recent times the Parliament of Western Australia passed legislation which provided that the Metropolitan Water Board would have control over the possible pollution of underground sources of water.

At that time, however, no step was taken along the lines suggested in this Bill. The whole purpose of the provision is to protect underground and bore water.

I must first speak about the clash—and it may be an apparent clash but this will become increasingly apparent to the House after I have completed my statement on this matter—between the Minister for Water Supplies in his admirable aim and objective to control the use of potential sources of underground water supplies, and the statement made by the Premier that the Government will not boost its water supplies from bores.

I think this situation is one which requires clarification. It is a great pity the Premier is not in the Chamber because, as I say, this is not a very satisfactory situation; particularly when we find that the Minister who is charged with the responsibility of controlling water supplies in Western Australia is in opposition to his leader, the Premier, who does not want certain sources of water supplies used.

I take the side of the Minister for Water Supplies. I feel it is tremendously important that the underground catchment areas are protected in the same way, virtually, as the catchment areas in the hills region.

I say this because already in the metropolitan area and in various parts of the State we use a considerable quantity of bore and well water. Yet in the *Daily News* of Friday, the 3rd September, 1971, the State Premier said under a heading, "Government will not boost from bores"—

> The State Government did not favour supplementing W.A.'s water supplies by boring, the Premier, Mr. Tonkin, said yesterday.
>
> He said that when he was Minister for Water Supplies in the last Labor Government he had rejected moves to put down additional bores.

The Premier went on to say that he felt the people were entitled to water from the hills which was of a better quality than bore water. The statement then continues for several paragraphs which certainly do not cloud his meaning.

Mr. Court: Did he say it should be fluoridated?

Mr. HUTCHINSON: No he did not. In fact all his remarks were to the effect that he was going to defluoridate the water supplies. Accordingly, when the Minister for Water Supplies replies to the debate I would like him to give us some indication as to whether he will continue in this vein, to protect the potential underground sources of water which, I believe, are so extremely important.

We already find in one area north of the city that about 700,000,000 gallons of water are being drawn annually from underground sources, and of this quantity almost 500,000,000 gallons come, not from artesian waters, but from sources between ground level and 160 feet below.

*Sitting suspended from 3.46 to 4.07 p.m.*

Mr. HUTCHINSON: I will continue to speak about the most important proposal in this Bill—the protection and control of the use of underground water. The Minister, in introducing this measure, ignored the Premier's utterances which were accepted by the people of Western Australia. Just before the suspension I quoted the relevant remarks made by the Premier in regard to the use of bore water. We find,

therefore, that the Minister ignored his leader in introducing this Bill, the most important part of which deals with the use and control of bore water.

Mr. Jamieson: He does not seek my advice on Treasury matters either, I might add.

Mr. HUTCHINSON: I am not at all sure that Ministers can work in strict compartments without acting against the safety of the Government. This would not be fair to the people of Western Australia. I have endeavoured to highlight portions of this legislation which throw considerable doubt on the credibility of the Premier's utterances. How else can we construe this? How else can we understand it? The people of Western Australia should be in no doubt as to the truth of the Premier's remarks. I hope the Minister will comment on this point and tell us whether he intends to pursue the matter. There is no doubt that our underground water will be used more and more as time goes by.

Before I leave this subject, I would like to say that the principle of protecting the use of underground water is not new. In Western Australia we have complete protection of the use of underground water in areas north of the Tropic of Capricorn. I would like to refer to relevant legislation in three other States.

Mr. Jamieson: Incidentally, we amended that legislation last year to give protection to the whole of the State.

Mr. HUTCHINSON: For artesian water?

Mr. Jamieson: All water. The legislation controlled all water in the whole of the State, and it was introduced a few months ago.

Mr. HUTCHINSON: Why do we need this Bill to control the use of underground water?

Mr. Jamieson: The other provisions were contained in the Rights in Water and Irrigation Act Amendment Bill. This is in a different area.

Mr. HUTCHINSON: This is in the metropolitan area.

Mr. Jamieson: I am pointing out that you said north of the 26th parallel.

Mr. HUTCHINSON: In country areas?

Mr. Jamieson: No, it covers the whole of the State. However, the water must be in proclaimed districts.

Mr. HUTCHINSON: But it does not cover the metropolitan area.

Mr. Jamieson: Yes, it does.

Mr. HUTCHINSON: If this is correct, why do we need this legislation?

Mr. Jamieson: We need this legislation because the Metropolitan Water Supply, Sewerage and Drainage Board does not have the authority under the Rights in Water and Irrigation Act. You would know that.

Mr. HUTCHINSON: That is what I am saying. It has been found necessary to give control of the use of underground water to the Metropolitan Water Supply, Sewerage and Drainage Board. The Minister has just said this is the reason for introducing the legislation and yet he denied it a moment or two ago.

Mr. Jamieson: Do not let us get mixed up. In the first place you said we controlled the water above the 26th parallel. I said we had control in the whole State but the Metropolitan Water Supply, Sewerage and Drainage Board is superimposed on the State picture and therefore there is a problem, as you would appreciate.

Mr. HUTCHINSON: I agree the water is controlled in the north. However, there is no legal control in the metropolitan area.

Three other States have legislation to protect fully the sources of supply of underground waters. In Victoria there is an Act to make provision for the conservation of underground water and for other purposes. This is a 1969 Act and its short title is, "The Ground Water Act."

South Australia has an Act to provide for conserving and preventing the contamination and deterioration of the underground water supplies, to repeal the Underground Waters Preservation Act, and for other purposes. The short title is "Underground Waters Preservation Act."

The New South Wales Act has the short title of, "The Clean Waters Act, 1970."

It can be seen that other States have taken these steps and I agree they are necessary in this State. There is an amendment on the notice paper which will be moved by another member and I feel this would give greater control to Parliament.

This is the most important provision of the legislation, but I would like to speak about another provision. It is objectionable to make the owner of the land responsible for excess water used by tenants. We propose to oppose this particular clause.

Mr. Jamieson: This is all right for a country water supply but you object when it concerns a metropolitan water supply?

Mr. HUTCHINSON: Yes, this provision should not be in the legislation. If this Bill does not conform with another Act, let there be a difference.

Mr. Jamieson: You do not object to this provision in the Local Government Act.

Mr. HUTCHINSON: That is so. In the metropolitan area there are many incidents where tenants neglect houses and let them deteriorate. Often, they are responsible for deliberately wasting water and it is not fair that excess water charges incurred by a tenant should have to be paid by the owner, despite the fact that it is proposed under the legislation that every

endeavour will be made by the board to recover the charges from the offending tenant.

Mr. Jamieson: Who pays these charges now?

Mr. HUTCHINSON: The Metropolitan Water Board.

Mr. Jamieson: No, they are recovered from the new tenants that use the water and this is what has caused so much trouble which you, being a metropolitan member, should know.

Mr. HUTCHINSON: If the charges are obtained from the new tenant this is a matter between the tenant and the owner.

Mr. Jamieson: Yes, and this is the whole argument.

Mr. HUTCHINSON: It is completely unfair that the owner should be charged with a responsibility which properly lies with the Metropolitan Water Board, and so the Minister will find that this provision is strongly opposed by those on this side of the House.

I would now like to touch on the question of metering, in regard to which I would like some information. When introducing the Bill 1½ pages of *Hansard* were devoted to the Minister's explanation of the confusion that arose from a Press report on metering and in regard to which the Minister said that the Press had misconstrued his meaning. One has to read the report of his speech to appreciate to the full what the Minister tried to say. I will confine myself not to a rehash of the whole of this incident but merely to say that the public is still in some confusion as to what will happen in regard to the metering of ground water in the future.

Towards the end of his speech the Leader of the Country Party, by way of interjection, asked—

> You did not have any intention of metering private water supplies?

To this query the Minister replied—

> No, I never did have. This clarifies the situation.

Possibly this clarifies the situation so far as it concerns the metropolitan area generally, but on the whole what the Minister had to say virtually had no regard for the metering of those bores and wells to be put down in those areas that will be proclaimed under the terms of the legislation now before us. So I want to know what is proposed about the metering of these bores and wells; that is, the bores and wells already existing and those that will be put down in the future. In addition to finding out whether they are to be metered, I would also like to know whether the owners of private wells are to pay any rates, or will they be governed by a system of metering similar to that used for the Gascoyne water supply, as indicated in the Minister's speech?

Although, when replying to the question asked by the Leader of the Country Party, the Minister said that this clarified the situation, earlier in his speech the Minister said—

> The reporter then asked me, "How will you give consumers equal rights?" I told him I did not know, but if this became necessary in the future we could consider a system such as that operating on the Gascoyne River.

So there the Minister has said that if there are shortages of water in the metropolitan area the Government would consider using the system of metering that operates on the Gascoyne River. It is true that the users of water from the Gascoyne scheme do not have to pay any rates; it is purely to exercise control over the supply of underground water. So I ask the Minister what he intends to do about the metering and rating of those bores and wells which will be put down in the areas that will be proclaimed under this Bill.

Mr. Jamieson: I can answer that by interjection. I have no intention of remaining the Minister for Water Supplies that long.

Mr. HUTCHINSON: Why? Is the Minister to be sacked tomorrow?

Mr. Jamieson: Maybe.

Mr. HUTCHINSON: Perhaps when the Minister comments on the use of bore water and his disagreement with the Premier he will elucidate this. The Bill contains other provisions with which I cannot disagree, although they will not be completely satisfactory to all parties. However, this is the way of most pieces of legislation that are worth while. Originally I had some doubt as to what sort of *caveat* would be placed on the title held by pensioners and the like who obtained deferment of their rates, but I think from what I read in the relevant clause that the whole situation is fairly clear. It appears to me that land will not be able to be exchanged unless the *caveat* is cleared and the debt is paid to the Metropolitan Water Board. Here again I think the Metropolitan Water Board should not be deprived of receiving rates which were deferred when the circumstances show that the need for deferment no longer exists. I think that is quite fair.

So with the exception of the particular clause I have mentioned, where owners are responsible for the payment of rates for excess water used by tenants, I support the Bill.

**MR. MENSAROS** (Floreat) [4.23 p.m.]: I wish to make only a few comments and, in particular, they will apply to clause 18 mentioned by the member for Cottesloe a few moments ago. Unlike him I am not

happy with these provisions at all, because they empower the board to hold a *caveat* on any property, but not in the circumstances as set out in the Minister's second reading speech.

Perhaps this is an aspect that I should mention first, because we are usually confronted with the situation that a Minister stands up in his place and explains the provisions contained in a Bill, following which his comments are printed in *Hansard*, and we then find that the relevant clause is entirely different from what he has said or that the provisions in the Bill are much more embracing than was indicated by the Minister when making his second reading speech.

Even the member for Cottesloe mentioned that he is satisfied with that clause relating to rates which were deferred because a pensioner could not afford to pay them. This is exactly what the Minister has said, to make us believe that the conditions are such. In fact he said that this provision relates only to certain cases. Then he mentioned old people and those who cannot pay water rates and said that the Government wanted to be very kind to these people and did not want to cut off their water supply, or apply any other measures that are usually applied, but that a *caveat* should be lodged so that these people are protected.

I do not object to this, but if the Minister wants it that way, why does he not insert a suitable provision in the Bill? The Bill provides something entirely different. As I have said, this is what we are often confronted with. On reading the Bill one finds the position is entirely different, but the Minister stands up and says, "I am an honourable man and I will not make use of all these bad provisions." If he is an honourable man he should insert into the Bill exactly the same conditions which he says he wants to introduce. Clause 18 seeks to insert a new section, 124A. It states—

> (1) Where, in relation to any land, payment of any rates made and levied, moneys due for water supplied, or prescribed charges levied under this Act is in arrear, the Board may deliver a memorandum. . . .

In those circumstances the board would be empowered to lodge a *caveat*. There is no condition in the Bill to say that this provision is not to apply to all people, or only to people whose rates are deferred. It simply says wherever there are arrears the board may lodge a *caveat*.

The Metropolitan Water Board is not even a Government department. To my knowledge the Commonwealth Government—and the Minister can put me right if I am wrong—has no such right, and it cannot make a property entirely immobile. In this instance much higher amounts are involved. The State Government has no such rights either, and it levies taxes in connection with properties, such as the land tax. The State Government cannot deliver a memorandum, or in other words lodge a *caveat*, on a property in order to recoup arrears of land tax or any other tax.

In his second reading speech the Minister mentioned one specific case in connection with local government. I hasten to point out that local government is the third tier of government, and therefore it is a form of government. The power under this section is conferred on the board only, and this is to be a general all-embracing provision.

Proposed section 124A is even worse when we take into consideration the proposal that excess water charges can be recouped from the owner of land. One does not have to stretch one's imagination very far to realise there are occasions when an owner of a property lets it to a tenant. The owner might go overseas or interstate, the tenant might not pay the excess water bill, and such failure might fall within the period that the owner is absent. The owner therefore does not know anything about the matter, but he still becomes responsible for the excess water bill. Under this section the board can take action and make the property entirely immobile.

Should the owner in the meantime decide to sell his property and close the deal, perhaps with an interstate buyer, he will find that having signed the transfer document he can proceed no further because a *caveat*, or a memorandum as it is called, has been lodged on his property.

We were not given any reasons as to why the Metropolitan Water Supply, Sewerage and Drainage Board should enjoy this specific protection, which the State Government, the State Electricity Commission, or any other board does not enjoy. We were not told why it should be permitted to recoup arrears of rates, and be able to cause inconvenience to people in so doing. There is not a word in the Bill to indicate that even one reminder should be sent out to the owner of a property the rates of which have not been paid. The clause simply provides that where any of these charges and fees are in arrear the board may lodge a *caveat*. The board simply has to convince the Titles Office that there are arrears. If this Bill becomes law the Titles Office will then be obliged to register the *caveat* immediately, without the payment of fees. The board does not even have to pay fees for this exercise.

It may be that my sense of individual liberty is, perhaps, excessively developed, but without putting forward any amendment—and obviously the member for Cottesloe does not think it is necessary—I want to register and declare my opposition to this provision, because I do not think it is right.

Mr. Hutchinson: Did you have an amendment in view?

Mr. MENSAROS: I do not have an amendment in this regard. All I am saying is that although so far the Minister has not shown me the courtesy of replying to anything I have remarked on his portfolio, if he feels so inclined on this occasion he might explain why these wide concerning provisions are needed—provisions which are far in excess of what he claims should be necessary. If he does that I might be satisfied, although I doubt it very much. Having said that, I resume my seat.

MR. JAMIESON (Belmont—Minister for Water Supplies) [4.31 p.m.]: I thank members who have taken part in the debate on this measure for their comments. I am rather disappointed to know there is some objection to the Bill, which has arisen from a good deal of misapprehension about this matter. I shall deal with that aspect later.

The member for Cottesloe dealt with the statement made by my leader on the 3rd September, 1971. I have not been able to confer with my leader since the member for Cottesloe made that reference. However, having discussed this matter with him on a number of occasions I know something about the situation which did arise when my leader was the Minister for Water Supplies.

I would assume that would have influenced him in making his statement, because his electorate at that time—Melville, North-East Fremantle, or whatever it was—was being supplied directly with bore water. As a result he used to be severely hammered by the people living in the suburbs affected, because of the smell and the foulness of the water.

Since that time we have gone a long way. The previous Minister for Water Supplies opened a water purification plant before he went out of office. A considerable quantity of water has been treated by that purification plant, unlike the method previously used at Attadale by the use of an aerating method which was not very effective. A flocking method to get the sediment out of the water is now used, and a number of other water purification methods have been adopted, including sand filtering. The resultant product proved that the purified water was satisfactory to the people.

I have mentioned a number of suburbs north of the city which are receiving water from this source. In the period that I have been the Minister for Water Supplies I have not received one complaint from this area about the water supplied. This indicates the water must be reasonably satisfactory for human consumption, otherwise a number of complaints would have filtered through to the department.

In these circumstances my leader would possibly have been justified in the attitude which he expressed that no more of the bore water—as he knew it at the time—would be fed into the system. However, the more sophisticated methods of purification have resulted in producing water, with the aid of the very expensive plants in operation, which is acceptable. That is a matter to be borne in mind.

Mr. Hutchinson: But the Premier made that statement last year.

Mr. JAMIESON: I know he said it last year, but I was assuming, and I said so a moment ago, that he was drawing on his experience.

Mr. Hutchinson: He has not brought himself up to date on this matter.

Mr. JAMIESON: He is only human. He cannot be expected to be *au fait* with all Government departments and their activities, and with all changes that occur in them.

Mr. Thompson: He is not Super-Tonk any more?

Mr. JAMIESON: Whatever the honourable member may like to call him, he will have to defend himself, and knowing the Premier's ability to do that, the honourable member will come a poor second.

The underground water in and around the metropolitan area will be a very important source in the future, and I am glad we are in unison in our opinion on this.

Mr. Rushton: We are not in unison, surely to goodness!

Mr. Bryce: Don't take any notice. He is only mumbling.

Mr. JAMIESON: The member for Cottesloe and I have an opponent, and I wonder why; but having had experience of the member for Dale I would say he seems to be against anything just for the sake of being against it. However, the member for Cottesloe and I have a degree of unanimity on the importance of underground water supplies and I am glad this is the case.

The member for Cottesloe dealt with the fact that this right is inherent in legislation in other States and, indeed, in other legislation in our own State. In a cumbersome sort of way we could, by Government action, use this particular Act to cover the metropolitan water district because it is not excluded under that Act. However, it would be terribly complicated if every time the Metropolitan Water Board desired to take some action it had to get the Public Works Department to do the work and the gazetting associated with the project. If the honourable member reads the terminology of the two provisions he will see that they are almost identical

except for the changes necessary to apply to the specific reserves of the Metropolitan Water Board.

The provision has worked quite well in the country districts. No complaints have been received and the provision has been responsible for supplying those areas, particularly in the north, which are very short of water, with good information on underground sources. Under the Rights in Water and Irrigation Act the areas are protected and must be registered by way of license when water is taken from these sources.

The officers of the Metropolitan Water Board are well aware of the experience which has been gained as a result of that legislation and naturally they want some sort of similar coverage for the area under the jurisdiction of the board, even though the Rights in Water and Irrigation Act has wide application.

Let me now deal a little with the charges for excess water. Over the years I and a number of my colleagues—and, no doubt, many members of the Opposition—have been faced with the dilemma of a constituent who is a tenant in a State Housing Commission home. After being in the home for six months only, the tenant has found himself responsible for the whole of the excess water charges even though the six months of his tenancy included all the winter months.

When faced with such a problem the tenant will complain bitterly to the board, but the board indicates that this is the only safeguard it has under the Act. It must get the excess charge from the tenant, and the tenant is the person in occupation when the notice is sent out following the reading of the meter.

A tenant moving into a home is usually so pleased to get a home that he does not check on all these various matters. He does not make sure the board knows exactly what amount of water had been used before he moved in and, of course, he has no way of proving he has not used the water for which he has been charged.

It is true that the water board, to its credit, has on occasions, when it has been made abundantly clear to it that the current tenant could not possibly have used the amount of water for which he has been charged, reconciled its accounts and broken the amount down somewhat; but usually the person involved is left with an amount to pay because he happened to be in residence at the time the account was issued.

To me this is very unfair, but that is the case with many features associated with the letting of dwellings.

If a person is the owner of premises he has some hold on a tenant, normally because he holds a deposit from the tenant. This is a certain safeguard in case the tenant absconds. This also applies to State Housing Commission tenants. Of course, with electricity bills the meters are read every three months and a much lesser amount accumulates. If the account is not paid after the three months, the necessary action is taken to cut off the supply of electricity. However, in the case of water, a much longer period is involved; and it seems to me that the person who is responsible must be the owner who should protect himself.

Mr. Thompson: In the case of the electricity account admittedly the meter would be read every three months, but a deposit is payable by the person consuming the electricity giving him a direct interest in advising of his intention to vacate.

Mr. JAMIESON: Of course in regard to water, the new tenant could be made to pay a specific deposit before the water was connected. However, if this were the case because the amount of excess water used by some people is very high, so the deposit would have to be exceedingly high to protect all cases.

Mr. Thompson: Yes, but an electricity account can be $60 or $70 in an all-electric flat.

Mr. JAMIESON: Yes, I know it can be. The member for Darling Range knows everything about everything and he therefore knows this to be a fact. I say an account could be that high, and probably sometimes is. However, in the main, if a three-month electricity account has not been paid, the commission suffers no great loss in comparison with the amounts which are sometimes owed to the water board.

When Minister for Water Supplies, the member for Cottesloe for many years went along with this provision in the Public Works Act which governs country water supplies. I would like the member for Floreat to know this because that provision still applies in respect of people who draw water from the country water supply scheme. The department—which is a Government department—can take action under its Act against the owner, and it has been able to do so for a long time. It seems only reasonable to me that if a person has a property in Northam and he is responsible for the water used by his tenant, then a person who has a property in the metropolitan area should be likewise responsible for any water used by his tenant. I cannot see how we can differentiate between the two circumstances.

The honourable member tried to demonstrate some difference in the position of a local governing authority when it is involved in charges against a property; but whether we are dealing with the third arm of government or the first arm of government, it must be possible to have

redress against the property, otherwise the rest of the consumers must be levied with an additional amount to make up for what these people refuse to pay.

Mr. Thompson: Are you prepared to put into the Bill the same provisions you mentioned in your second reading speech?

Mr. JAMIESON: This is merely a matter of interpretation and half the time I cannot interpret what the member for Darling Range has in mind. In any case I suggest my interpretation of this situation is as valid as is the honourable member's.

The Government merely wishes to give the same authority already vested in other spheres, whether it be local government or the country water supply department, to the Metropolitan Water Board so that its position is protected and an incoming tenant is not liable, as in the past. In this way everyone will get a fairer crack of the whip in respect of the responsibility for the payment of water charges.

Of course, the owners of properties will protect themselves. Those letting flats will need no greater protection than the normal deposit. But those who let houses which have large grounds, I should imagine, would want some protection in the form of a guarantee from the tenant that excess water, if used, would be paid for. That would then be the legal responsibility of the tenant and the owner could obtain the money either out of the deposit, or by some prior arrangement.

Regarding the matter of metering, one can get oneself into trouble at times by trying to be a crystal-ball gazer. When one is asked what one would do in certain circumstances, one answers in the light of present-day circumstances. If a person had to state what he would do in 20 years' time he would work on the same principle as if he had to do it tomorrow.

If the member for Cottesloe were asked tomorrow to suggest a method to distribute equally an aquifer which existed beneath a group of properties so that the owners all had equal use of that water, I think he would say that the only way to do it would be to meter the water. There would then be the possibility of equal distribution. The system used on the Gascoyne River has been quoted and that scheme has proved to be eminently successful. However, from my understanding of a discussion I had with the Speaker, the people in that area were very much opposed to the scheme when it was first initiated. The situation now is that they all appreciate that they have an equal go at the water which is available.

Regarding the suggestion of a charge associated with such metering, I thought I clarified that point rather effectively when I answered an interjection from the Leader of the Country Party. I did not suggest, nor did I ever countenance, that a charge would be made. I am not Nostradamus—and he was not very effective anyway—and I cannot judge what will happen in 20, 30, or 40 years' time.

If one tries to guess what will happen in the future one is likely to be misjudged, and obviously I have been misjudged concerning the situation with respect to metering.

Dr. Dadour: The Minister will have us believing what he says, soon.

Mr. JAMIESON: The member for Cottesloe mentioned other States.

Mr. Hutchinson: Before the Minister moves from the subject of metering, could he let us know what would be done about metering and the possible rating and proclaiming of areas?

Mr. JAMIESON: It has never been suggested that in the foreseeable future the Metropolitan Water Board would find this necessary. It is a matter of licensing within the terms of requests to prevent pollution, and to have a knowledge of the strata. I should imagine that if some large industry were to move into a particular area and put down large bores which would affect the supplies of water, it would be necessary to have an agreement with such a company. Indeed the Government would want this before the company was allowed to proceed.

I cannot envisage in the foreseeable future, or even beyond that time, the introduction of any form of charge on gallonage drawn for domestic purposes and the like, or indeed possibly for market garden purposes. Water used for these purposes will not be associated with metering.

It is true that in other States metering and charges apply to many areas despite the fact that the equipment provided is the person's own equipment. A restricted charge is placed on it because the State claims the water belongs to the State and that anyone using it in a given area has a responsibility to pay for it. I am not speaking of Western Australia and let there be no confusion on this point. I am merely pointing out that this occurs in other States.

Mr. Rushton: It would not take much to do it here.

Mr. JAMIESON: Hello, the member for Dale is back with us again! I am sure the honourable member would like me to put meters on everybody's properties in his area and impose a charge. He would be running around and saying, "I told you so."

Mr. Rushton: I am waiting for the Committee stage.

Mr. JAMIESON: I have never had any intention of doing this nor have I even contemplated the idea.

Dr. Dadour: You will have us believing that soon.

Mr. JAMIESON: If I could be assured the member for Subiaco believed me I would start my story all over again.

Dr. Dadour: No, please.

Mr. JAMIESON: I would know that I had missed out somewhere along the line.

Mr. Hutchinson: At present you have no intention of metering in proclaimed areas?

Mr. JAMIESON: No.

Mr. Rushton: How long will it take to change that thought?

Mr. JAMIESON: Perhaps a change of Government but I could not be responsible for that as I always vote the one way.

Dr. Dadour: No imagination!

Mr. Hutchinson: The Minister is sure of one vote in his electorate.

Mr. Thompson: If his electorate comes in for redistribution he may get two.

Mr. JAMIESON: The member for Floreat dealt with the difficulty of action. I see no difficulty. There is to be a prescribed attachment and this will be taken off the supply as soon as the amount is paid. If anybody is unhappy he has the right of appeal and similar protection to that contained in the Rights in Water and Irrigation Act. Indeed the right of appeal is better; because in the Rights in Water and Irrigation Act a person has the right to appeal to the Minister if he is aggrieved, whereas, under the present legislation, a person will have the right to appeal to a court. I am sure the board would watch the position closely; if it felt it had a case, it would keep the attachment on but, if not, it would quickly take it off.

Since paperwork is involved doubtless we will find that it goes a little haywire at times and attachments will be fitted when they should not be, and *vice versa*. This kind of mistake happens in any major undertaking where a great deal of paperwork and filing associated with lots of land are involved.

Mr. Hutchinson: The member for Floreat was making the point that, in his opinion and in ours, concessional deferments could be made the subject matter of a *caveat*. But he did not like the fact that a memorandum might be put on a title for charges or for excess water charges incurred when a man is away from the State.

Mr. JAMIESON: The point made by the member for Floreat is that a man might be away and decide to quit his land. This would work like taxes imposed by a shire council and other charges against the land; doubtless it would be worked out by research in the same way as an estate agent works in connection with proportionate charges of rating on any other feature. I see no great difficulty in this. It would impose another search upon agents and people dealing with the transfer of land, but I see no great problems.

I think we must clearly go along with a proposition such as this. When legislation is introduced people wonder how it will apply to them and what will happen. They ask such questions as, "Will I be rated? Will a meter be put on? Will I be prohibited from having a well? Will I be in a proclaimed area?" Many questions like this naturally occur to people. However, I have not seen any objections from people in Busselton, where a great deal of underground water is drawn for gardens, from Geraldton, or any other place where similar legislation applies. It seems to work quite satisfactorily. Had it not, a number of members would have been vocal in telling us what had happened and of all the problems which had occurred. They have not occurred and, in the circumstances it seems right and proper to confer these rights on the Metropolitan Water Board so that it may take full charge of water within its jurisdiction and supply it to the people of metropolitan Perth as and when it is needed. I commend the Bill.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Jamieson (Minister for Water Supplies) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Amendment to Section 24—

Mr. RUSHTON: The point at issue in this clause is the acquisition of land by the board to carry out certain purposes. Would the Minister clarify for me the board's attitude in respect of fairly extensive areas of land which may be required, say, for a pumping station of a fair magnitude or for other works needed by the board? In the past the board has been required to purchase land. I know it might be argued that compensation will cope with this out-of-pocket situation. Although a piece of land may not be extensive in area many of us know that in certain circumstances the value of the block is prejudiced. We all know the arguments when it comes to compensation. I ask the Minister to clarify the board's attitude to this. My question is: To what extent will the board go before it acquires land for certain purposes such as a pumping station or other works?

Mr. JAMIESON: I meant to deal briefly with this matter during the course of my reply. The situation at present is that the water board has certain powers under section 24 of the Act. However, section 24(b) provides that certain work can only be done upon lands authorised to be taken.

The member for Dale will be aware that a number of areas are set aside as open space under the metropolitan region town planning scheme. Pumping stations can be constructed on part of drainage reserves by arrangement with local authorities. The land can be used effectively without the board having to take it. Such pieces of land can be used to their maximum and, undoubtedly, members have quite often seen where this has occurred. A pumping station is often located alongside a local authority reserve. It is true the board has extended its activities which has allowed it to have certain areas for drainage reserves without having to acquire them. I think this is a good move and the fact that the board must own or acquire the land at present is a failing in the Act. It is desirable that we allow this provision.

Clause put and passed.

Clause 7: Section 57E added—

Mr. RUSHTON: I regret I was called to the phone during the debate because I would have enjoyed participating. However, I am now restricted to the clauses. I have no confidence in the Minister because he does not intend to go ahead with metering, and I am therefore proposing certain amendments. My amendments will give some degree of control, in due course, if it is required.

People are inclined to forget that other people have certain rights, whether they live in the centre of the metropolitan area, or in peripheral areas. There seems to be no intention to limit or control the size of the City of Perth. This means that people could take up land in fairly dry areas, and at some later stage have it taken from them. There should be some provision for compensation.

A person could start a market garden or a poultry farm in an outer area and then lose the best part of the value of the property because of a declaration proclaiming the area. Such a declaration could restrict a person from using underground water and so deprive him of his earning power.

There should be some spelling out of where he stands. It is not good enough that he can have his livelihood and the value of the property he has paid for dearly taken from him, which is what this clause amounts to. I have grave doubts for the future about this so-called metering, licensing, and charging that can be introduced under these amendments.

In particular, the amendment under discussion proclaims areas and allows all this to take place. The people in the area you represent, Mr. Chairman, would be in the same boat. In your electorate there are areas that would very much lend themselves to this position. Your electorate is a little further away; there are not many people; it is easy to take from them and the squeal is not very loud. I have no faith in the Minister protecting these people in future because, should they be wronged, the Act does not provide adequate redress. The Act is so broad and all-embracing that it does not allow them to do other than make an appeal to the court. Under this clause they would not have a leg to stand on. I know of many people who would be wronged under this clause.

I think these circumstances should have been spelt out by the Minister when he introduced the legislation. It is therefore my intention to move an amendment. I hope the Minister will support it because at least it provides in a small way redress of the wrongs that could be done, and it gives both Houses of Parliament the opportunity to say, "You have gone too far. We want to have a say. We want these people to be protected." If my amendment is agreed to, the circumstances will not be left so wide that the residents of the metropolitan region will not know what will happen tomorrow. It is very strange that all this should have been disclosed and then countermanded.

It has been said in joking that the Premier rang the Minister for Works on that fateful Sunday morning but could not get through because the line was jammed.

Mr. Jamieson: I had five calls and none of them was from the Premier. He rang on Monday.

Mr. RUSHTON: Did they take so much time that others could not get through? This is a very serious matter for the people of the metropolitan area, and particularly for the people in the area I represent and other areas that are in the same circumstances. Those people will be very concerned, as I am, that their livelihood could be inhibited.

It is appropriate for me to move this amendment at this time. I move an amendment—

> Page 4—Add after subclause (2) a new subclause as follows: —
>
> (3) Section thirty-six of the Interpretation Act, 1918, applies to any proclamation made under this section as though the proclamation were a regulation.

Mr. JAMIESON: I do not intend to agree to this amendment. Strangely enough, I have a little more confidence in the Minister than has the honourable member who moved the amendment. If he were genuine about this aspect, he would have raised Cain last year when I was amending the Act that covers the whole of the State.

Mr. Gayfer: Hear, Hear!

Mr. Rushton: I put it in there.

Mr. JAMIESON: There was no amendment as such to that particular section. I am saying that if this provision does not apply to the parts of the State represented by members of the Country Party, and they feel it is proceeding very well, it should not apply in the metropolitan area. There are very good reasons why it should not apply in the metropolitan area.

An area might suddenly be discovered to be the source of pollution of the underground aquifers. As soon as it is found it may be necessary to proclaim it in order to protect the rest of the metropolitan system or a large part of the metropolitan system. It might be said the objective could be achieved by proclaiming the area and laying the proclamation on the Table of the House. However, in the meantime, in order to protect the situation it may be necessary for the Metropolitan Water Board to move in with a considerable amount of plant and equipment and take action which is almost irreversible. If we were to go along and say, "You have had the rights; we are now going to take them from you," and we have not required that under similar legislation—

Mr. Rushton: What did we put in last year?

Mr. JAMIESON: We had a similar sort of provision.

Mr. Rushton: What did we put in the Rights in Water and Irrigation Act last year?

Mr. JAMIESON: The only amendment made to this section last year was to enlarge the area. I am not prepared to have it in this Act. I think there is ample scope for members. It provides a protection for people in the metropolitan area. If the member for Dale does not want protection for the people, I do.

Mr. Rushton: I want them to be protected against you.

Mr. JAMIESON: I would ravage them. I am a ghoul. I would attack them. I am dangerous and should be locked up. As a matter of fact, I am not, so I have more confidence in myself than the member for Dale has, and as a consequence I am not prepared to accept this amendment.

Mr. RUSHTON: This is rather intriguing. It was my belief that last year I put an amendment on the notice paper in relation to the Rights in Water and Irrigation Act. I would like the Minister to indicate to me where we did it last year. I thought we were doing it in the same place in the legislation. In fact, the Minister amended my amendment because he found something he liked better. Perhaps he did it in a different place in that legislation, but I would like him to tell me so. I firmly believe we intended to proclaim licensing in the area below the 26th Parallel.

I thought we were on sound ground and that the Minister would be friendly about this amendment because it is only giving the people the sort of protection I hoped we had given before. It says, in effect, that when an area is proclaimed Parliament should have a say. What is wrong with Parliament having a say in a matter as serious as this? That is why we are elected—to have some say in what takes place. This is particularly disturbing and I would like the Minister to indicate to me whether or not this is what we intended to do last year in the Rights in Water and Irrigation Act Amendment Bill.

This is the principle. Parliament has the opportunity to say that everything is in order. It is far-reaching and all-embracing, and I certainly do not feel it will be offensive to the Minister. I ask him to reconsider his earlier indication that he will not accept this amendment.

Mr. JAMIESON: Strangely enough I do have some doubt in my mind because I recall the member for Dale dealing with something like this last year. It is not shown in the copy of the measure I have here at present.

Mr. Rushton: Section 18.

Mr. JAMIESON: Section 18 is not shown in the copy I have. I give the honourable member an undertaking that this will be included in the Bill before it is finalised if it is in fact included in the Rights in Water and Irrigation Act Amendment Act.

Mr. RUSHTON: I accept the assurance of the Minister. Section 18 of the principal Act was amended in this way—

(a) by deleting the words "lying north of the twenty-sixth parallel of south latitude", in lines two and three of subsection (1); and

(b) by adding after subsection (1) a subsection as follows—

(1a) Section thirty-six of the Interpretation Act, 1918, applies to any proclamation made under subsection (1) of this section as though the proclamation were a regulation.

I remember at the time I had an amendment on the notice paper and I was obliged to the Minister for his further amendment, as this tidied it up. I accept the Minister's undertaking that this amendment will be included for attention in another place.

Mr. JAMIESON: Finally, I indicate that I am relying on an Act which has allegedly been brought up to date. Section 18 is included, but there is no subsection (1a). I did not want one piece of legislation at variance with the other.

Mr. MENSAROS: I will quote a passage from page 379 of *Hansard* dated the 24th November, 1971. The Minister moved—

Page 2—Insert after clause 2 the following new clause to stand as clause 3:—

Amendment to s 18. (Certain wells to be subject of license.)

3. Section 18 of the principal Act is amended—

(a) by deleting the words "lying north of the twenty-sixth parallel of south latitude", in lines two and three of subsection (1); and

(b) by adding after subsection (1) a subsection as follows—

(1a) Section thirty-six of the Interpretation Act, 1918, applies to any proclamation made under subsection (1) of this section as though the proclamation were a regulation.

The member for Dale made some comments and the Minister replied. The member for Cottesloe also commented and I assume that the Minister's amendment was agreed to. I do not think the Committee would have rejected the Minister's new clause. This makes it abundantly clear that this amendment was suggested by the Opposition and the Minister agreed to the principle it contained.

Mr. Jamieson: Obviously I am wrong. I accept what you say as being right but I do not have the correct document here.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8: section 57F added—

Mr. LEWIS: I rise to make a plea for the market gardeners in that portion of the Wanneroo Shire which could well be declared a water area. I do not suggest that much, if any, of this water would be suitable for human consumption—indeed a high proportion of it is not good enough for market gardens. As this legislation affects the area and many of these market gardeners are not very conversant with the English language, I ask the Minister to take steps to advise them of the provisions of the legislation beyond a formal notice in the *Government Gazette*.

I am certain that very few, if any, of these gardeners would read the *Government Gazette*, and I hope the Minister will inform the settlers in this area of their obligations under this legislation by less formal means.

Mr. JAMIESON: I will undertake to do that. It is fair and proper that the Metropolitan Water Supply, Sewerage and Drainage Board should accept this responsibility in an area such as this. The board should send out officers to advise these people of their obligations as well as issuing the legal proclamation.

Clause put and passed.

Clauses 9 to 14 put and passed.

Clause 15: Amendment to section 103—

Mr. HUTCHINSON: This clause contains the addition to the Act which will make the owner responsible for excess water charges incurred by tenants. As I stated during the second reading debate, I do not believe this provision should be included in this Act.

The Minister made the point that this principle applies in the Country Areas Water Supply Act. This is so, but it does not mean the principle is right and the view I expressed is wrong. Uniformity is not desirable purely for the sake of uniformity. The decision which made it incumbent on owners to pay excess water charges incurred by tenants in country areas could have been a wrong decision. We have to make this decision in this Parliament at this time, and in relation to existing circumstances

It might well be that the policy of excess water charges in country areas being borne by the landowners should be altered. I appreciate that as the previous Minister I operated under the Act as it is at present; but I also operated under the Country Areas Water Supply Act as it is at present. The Minister should be content with the present position and he should not press on with this proposition. I think it is completely unfair and unjust that an additional impost should be placed upon the owners of land. We oppose the clause.

Mr. JAMIESON: I cannot agree to this proposition. We could run into all sorts of problems. If the owner of the land occupies it for the first half of the year and then lets it for the second half and the tenant is charged with the total excess water, it is not the tenant's fault that the water is in excess if the owner has used it before the tenant occupied the house. The reasonable action is to make excess water charges the responsibility of one of the parties.

Mr. Hutchinson: But the meter should be read before the changeover.

Mr. JAMIESON: Yes, but often that is not done, even in State Housing Commission rental areas. As a consequence, the tenant who occupies the property during the second half of the year is faced with the charge for excess water.

Mr. Hutchinson: But in the case you mention the tenant can fix matters simply because there is an appeal available to him.

Mr. JAMIESON: But the argument still is, "Who used the water?" If the meter is read at the time there is no problem, but that is not always done.

Mr. Hutchinson: The board makes adjustments.

Mr. JAMIESON: The board finds it difficult to make adjustments in these cases because it is required to be an adjudicator between the two parties. I do not think it should be placed in that position. It was established to trade in water, and whoever the water is sold to should be responsible for payment. If the landowner has a tenant on his property, the tenant will protect himself to ensure that he is not required to pay the charge for excess water. The owner may be inclined to want the vegetation maintained in a lush state with the use of excess water. If this is agreed upon between the two it is all very well. However the owner must bear the final responsibility for excess water.

Mr. RUSHTON: It is well known that the water board is in the business of selling water; so why not treat it as a business? Why should the board be able to pass its debts on to someone else?

Mr. Jamieson: Rubbish! How long were you in local government?

Mr. RUSHTON: Eight years.

Mr. Jamieson: Then why didn't you do something about the loading of debts onto other people in that sphere?

Mr. RUSHTON: The Minister claims he wishes to keep rents down. Yet I have referred this legislation to a number of people who own property and they immediately said they would allow for this contingency and add $X to their rents. Why should the charge be passed on in this way? I hope members on the other side can see how diabolical is this provision because it will increase rents.

Let us consider the position of an aerated water manufacturer who is renting his premises. What a profit he will make, because he will be able to fill the bottles with water at no charge. The owner will pay the excess water. What a good business!

If a tenant does not like the landowner he may simply allow water to run away, and the owner will receive a bill for possibly thousands of dollars. Earlier we were talking about conserving water, but this measure could have absolutely the opposite effect.

Surely it is clear to members opposite—certainly it is clear to members on this side—that this provision encourages a permissive society; it encourages passing the buck by taking responsibility away from a person who should be responsible and giving it to another who should not be responsible. The board is responsible for running a business; so it should comply with the rules of business. The increased rent factor is a real one because home owners will immediately increase rents.

Mr. Brady: How many have increased rents already?

Mr. RUSHTON: This provision will have the direct effect of increasing rents.

Mr. J. T. Tonkin: You are putting up an argument for rent control.

Mr. RUSHTON: The Government is having a bob one way and a bob the other way. Water is valuable and we should be conserving it. Under this provision everybody will be going into the aerated water business.

Mr. T. D. Evans: The Swan Brewery will not be too happy.

Mr. HUTCHINSON: This clause compels owners to pay excess water charges incurred by tenants, yet the owners have no control over the matter. It would be more just if owners had control. This will be a further impost on owners with poor tenants who leave the property whilst owing rent and after incurring excess water charges. The owner, as well as suffering from a nonpayment of rent legally due to him, will be required to suffer the impost of excess water charges.

Mr. Jamieson: So all the other people in the community pay for it?

Mr. HUTCHINSON: That is correct. These charges were born before the water board was established. Since the water affairs of the metropolitan area have been handled by the water board they have been handled more efficiently.

Mr. J. T. Tonkin: I do not agree with that at all.

Mr. HUTCHINSON: The percentage of payments for water supplied is far in excess of what it was.

Mr. J. T. Tonkin: You have yet to prove that.

Mr. HUTCHINSON: In the course of the debate on this Bill I have thrown considerable doubt on the credibility of the Premier's utterances.

Mr. J. T. Tonkin: You ought to talk about the credibility of utterances. You should be the last one to talk about it.

Mr. HUTCHINSON: It is no good saying, "I am silly—you are silly." I have pointed out clearly the Premier's utterances about bore water; and here we have a Minister trying to protect bore water and increase its use.

Mr. Jamieson: What has this to do with the clause?

Mr. HUTCHINSON: I am speaking about the Minister's statement and trying to establish the credibility of his utterances. I have tried to conduct myself in a manner befitting this debate.

Mr. J. T. Tonkin: I hope you will.

Mr. HUTCHINSON: I support this legislation with the exception of one clause,

Mr. J. T. Tonkin: I am not arguing about that; I am simply disputing your statement that the water board is an improvement.

Mr. HUTCHINSON: I say it is.

Mr. J. T. Tonkin: I say it isn't.

Mr. HUTCHINSON: There is a difference of opinion. The Premier can check up on it, and I will check up on it. There is no doubt about the result. I believe it is unfair and unjust to put these charges on to an owner who has no responsibility and no control over them. Therefore, the responsibility lies with the Metropolitan Water Board to obtain the moneys due from the tenant, and if it fails the charges will have to go against bad debts. I hope the Committee will not agree to this proposition.

Mr. J. T. TONKIN: One aspect of this matter has been completely overlooked. From time to time the price of rebate water is increased which means that, for the amount of rates paid, the basic allowance of water is reduced. This means that the tenant would probably go onto excess water more quickly, or to put it another way, some of the water the tenant was able to obtain without incurring excess rates is no longer available, because the basic allowance has been reduced.

Mr. Hutchinson: That has no bearing in principle.

Mr. J. T. TONKIN: I can only present the facts; I cannot give the necessary intelligence to the honourable member to understand them. On the question of the efficiency of the Metropolitan Water Board, since the board has been administering the department the price of rebate water has been increased—

Mr. Hutchinson: So have the costs involved.

Mr. J. T. TONKIN: —because the basic allowance has been reduced.

Mr. Hutchinson: Who increased the water charges?

Mr. J. T. TONKIN: This means that the tenant goes on to excess water within a much shorter period. The basic allowance is now so low that in many instances pensioners are using excess water where previously they had no occasion to do so.

Mr. Court: Who made the last increase in rates?

Mr. J. T. TONKIN: The Metropolitan Water Board; the board which the member for Cottesloe is so pleased with.

Mr. Hutchinson: You absolve yourself of this responsibility?

Mr. J. T. TONKIN: The previous Government was responsible for setting up the Metropolitan Water Board which, in turn, is responsible for the rating of water, so the Opposition cannot have it both ways.

Mr. Court: Neither can you.

Mr. Rushton: What about the electricity charges?

Mr. J. T. TONKIN: What has electricity charges to do with the principle under discussion?

Mr. Williams: It is the same principle.

Mr. J. T. TONKIN: I listened to what the member for Dale had to say and then I listened to what the member for Cottesloe had to say and the argument of one defeated the argument of the other. The member for Dale said that the result of this provision would be that the owner would increase his rental in order to recoup himself, and the member for Cottesloe said that the owner would have no redress; that he could do nothing about it. The fact of the matter is that the owner does, and will, do something about it because he will say to the tenant—

Mr. Rushton: What if the tenant has shot through?

Mr. J. T. TONKIN: —"If you do not pay these rates I will increase the rent."

Mr. Court: What if the tenant has gone?

Mr. J. T. TONKIN: It is a remarkable thing that the Government which was in office and supported by both the member for Dale and the member for Cottesloe adopted this principle of levying the owner in regard to land tax. The tax follows the land and whoever owns the land is expected to pay the tax.

Mr. Hutchinson: That is different from excess water.

Mr. Court: The land tax is a fixed tax but the rate on water used is an unpredictable tax when it comes to a question of excess water and no-one is present to see that people do not leave the taps on maliciously.

Mr. J. T. TONKIN: It is a recognised thing that in order to protect the revenue of the Government in the first instance, or the revenue of a board that is subsequently set up to carry out the work, it is necessary to provide a safeguard.

Mr. Hutchinson: I think the Minister is pleased you are handling this for him.

Mr. J. T. TONKIN: That is the basic principle and that is what this provision is intended to do; to ensure that the payment for the service being rendered will be recovered by the board which renders the service. Of course, that is the basic principle of private enterprise.

Mr. RUSHTON: The Premier has made such a mess of his argument in going backwards and forwards that it should be answered briefly.

Mr. T. D. Evans: That will be a change.

Mr. RUSHTON: We have only a limited time in which to speak. The Premier believes that the Metropolitan Water Board should be protected at all costs against

the individual. This is a strange philosophy. Why has not the owner of the property, or whoever it may be, some right to protection? Why should not our water supply be protected against waste? Why should not our rents be subject to the normal processes so that they are not increased unfairly? So we get this specious argument of the Premier that he is trying to protect big brother against the little man.

Mr. JAMIESON: I merely wish to draw attention to the fact that this principle has been a feature of the supply of water to country areas for many years. I have checked with my colleague, the member for Kalgoorlie, who represents an area which probably runs second to the metropolitan area as far as the use of water is concerned, and he tells me that he has not received any complaints about this sort of thing.

What the member for Dale suggests will not occur. If this were the case it would be likely to occur in Kalgoorlie just as much as it would in Perth. I have more regard for the responsibility of the individual. There are no-hopers in every community, of course, and some people are out to vent their spleen on the owner in some way or other. They turn the water on unnecessarily, or do a dozen and one things to destroy the owner's property. However, I am satisfied that, in the main, the people of this State are responsible citizens and this has been proved by the system that has prevailed throughout the country water supply areas over the many years the Government has levied its charges in this way.

Clause put and a division taken with the following result:—

Ayes—20

| | |
|---|---|
| Mr. Bertram | Mr. Jamieson |
| Mr. Brown | Mr. Lapham |
| Mr. Bryce | Mr. May |
| Mr. Burke | Mr. Moiler |
| Mr. Cook | Mr. Norton |
| Mr. H. D. Evans | Mr. Sewell |
| Mr. T. D. Evans | Mr. Taylor |
| Mr. Fletcher | Mr. A. R. Tonkin |
| Mr. Graham | Mr. J. T. Tonkin |
| Mr. Hartrey | Mr. Harman |
| | *(Teller)* |

Noes—20

| | |
|---|---|
| Mr. Blaikie | Mr. Mensaros |
| Sir David Brand | Mr. Naider |
| Mr. Court | Mr. O'Neil |
| Mr. Coyne | Mr. Ridge |
| Dr. Dadour | Mr. Runciman |
| Mr. Gayfer | Mr. Rushton |
| Mr. Grayden | Mr. Stephens |
| Mr. Hutchinson | Mr. Williams |
| Mr. Lewis | Mr. R. L. Young |
| Mr. McPharlin | Mr. I. W. Manning |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr. Davies | Mr. W. A. Manning |
| Mr. McIver | Mr. Reid |
| Mr. Jones | Mr. O'Connor |
| Mr. Bickerton | Mr. W. G. Young |
| Mr. Brady | Mr. Thompson |

The CHAIRMAN: The voting being equal I give my casting vote to the Ayes.

Clause thus passed.

Clauses 16 and 17 put and passed.

Clause 18: Addition of section 124A—

Mr. JAMIESON: I move an amendment—

> Page 11, line 7—Insert after the word "memorial" the passage ", in the prescribed form,".

The addition of the passage is required on the suggestion of the Commissioner of Titles in order that a standard and acceptable form may be prepared for submission to his office noting on the title that charges are in arrears.

Amendment put and passed.

Mr. JAMIESON: I move an amendment—

> Page 11, line 19—Delete the passage "or subsection (4)".

The deletion of this passage is consequential upon the following amendment on the notice paper which I will refer to, and I will give the reasons for it. The deletion of this subsection is required on the advice of the Commissioner of Titles, as he is of the opinion that it is undesirable as it places him in the judicial position of having to decide between the board and a ratepayer.

The deletion of the subsection does not in any way interfere with the purpose of the proposal and the ratepayer is amply protected by subsection (3) which compels the board to issue a certificate when payment ceases to be in arrears. The ratepayer would have ample legal remedies if the certificate were not issued. The subsection was originally included as additional protection to a ratepayer, but is really only an amplification of the protection already included in subsection (3).

Mr. HUTCHINSON: I have no objection to the amendment.

Amendment put and passed.

Mr. JAMIESON: I move an amendment—

> Pages 11 and 12—Delete proposed subsection (4).

Mr. MENSAROS: I was not satisfied with the explanation given by the Minister at the conclusion of the second reading debate. The Minister has admitted that he wants to protect the board, or that the board wants to protect itself through the ability to register a *caveat* against a property. I feel the Minister has left himself open to the accusation that I previously mentioned: that his second reading speech relating to this clause dealt with matters that are entirely contrary to the provisions of this clause. Now he admits that he does not want to protect the old and the feeble who do not have money, but

that in all circumstances he wants to protect the board, because the clause states that whenever there are arrears, regardless of the reason or the person concerned, the board may register a memorandum.

I do not want to be unkind to the Minister but the remarks he made in the second reading debate were misleading. He did not explain the provisions in the Bill, but mentioned something entirely different. I was not impressed by the argument of the Minister that as one branch of the Government, the country water supply, has this right already it should be extended. It is a red herring type of argument. If we have done something wrong, I do not consider we have the right to do the same thing again. Two or three wrongs do not make another wrong right.

We heard the same argument when the Minister was on this side of the Chamber and spoke in the debate on the Bill relating to the registration of plasterers. In support of his argument he said that we had already introduced legislation for the registration of builders. I repeat that just because we have done something wrong, it is not right to perpetrate the same wrong under the provisions in the Bill.

I do not know every Statute by heart, but gladly I am prepared to believe the Minister regarding the right of the Public Works Department administering the country water supply for registering a *caveat* if accounts are outstanding. However, I would emphasise that the Commonwealth has no right to register a memorandum or *caveat* where substantial amounts of income tax, company tax, or any other tax are outstanding.

I would be very glad if the member for Mt. Hawthorn could give us a legal opinion about this matter. I do not see why the Metropolitan Water Board should be in a more advantageous position than anyone else. After all, as the member for Dale pointed out, the board is supposed to be a self-contained business and why should it be in a better position than any other business in similar circumstances?

I was not satisfied with the Minister's explanation concerning an owner who is away. What is the use of a deposit to him? A deposit will not walk to the Public Works Department and pay the bill. A *caveat* could be registered and when the owner returned he might want to sell his house, but then he would find himself in all sorts of bother because of the *caveat* and he might even miss out on a sale. I gave only one example, but I could give many more. However, I want to register again my objection to this principle, which I think is wrong. I am also against the attitude which is occurring with regard to second reading speeches. Certainly the second reading speech of this Bill does not explain the measure. It merely misleads members.

Mr. HUTCHINSON: I do not have the same opinion as that expressed by the member for Floreat. I have no objection to a *caveat* being attached to a title if a concession has been granted by the deferment of rates. For instance, if such a concession is granted to a pensioner because of, say, financial difficulties, I believe it only fair that the charge should go onto the land. However, I would like the Minister to check what he said during the second reading speech and again in Committee to confirm that it is in accordance with what is in the Bill. He has said that this provision is intended virtually to cater for concessional deferments. I cannot see anything wrong with that principle and with the board being recouped when a pensioner dies and a change of title occurs.

Mr. JAMIESON: The board informs me that occasionally concessions have been granted for various reasons and then the property involved has been sold without the board being adequately protected for its debts. This provision covers all such possibilities.

Mr. Hutchinson: I think that is fair enough.

Mr. JAMIESON: If for instance the member for Cottelsoe or I did not pay the water rates or excess water charges, the board would take action to have the water disconnected. However, if an aged couple are responsible for the payment of rates, and they are only just able to get around, the department cannot, for humane reasons, disconnect the water. It is then that the *caveat* is lodged against the property. After all, the department must have some protection. As has been pointed out, we do not want to disturb these people but we do want to protect the department.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 19 put and passed.

Title put and passed.

Bill reported with amendments.

*House adjourned at 6.03 p.m.*

# Legislative Council

Tuesday, the 18th April, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

## DRUG OFFENCES

### *Convictions*

The Hon. J. DOLAN (Minister for Police): On Wednesday, the 12th April, The Hon. A. F. Griffith was advised in reply to question 3 that detailed information in regard to