Legislative Assembly

Thursday, the 8th November, 1979

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Loan Bill.

   Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.

2. Town Planning and Development Act Amendment Bill.

   Bill introduced, on motion by Mrs Craig (Minister for Urban Development and Town Planning), and read a first time.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL

Second Reading

MR P. V. JONES (Narrogin—Minister for Education) [2.20 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained within the Bill before the House seek to clarify two administrative functions where some uncertainty may have existed, and also to make some alterations to the actual composition of the membership of the authority.

Some doubt has been expressed as to the ability of the authority to charge a fee for board and lodging, and the Bill seeks to ensure that not only is the authority able to charge fees, but also that this situation has always been so.

As the House will readily appreciate, the whole basis upon which the Country High School Hostels Authority has, and does, operate involves the charging of fees in respect of students for whom the authority provides board and lodging while the resident students are attending an adjacent school.

Section 7 of the Act sets out the functions of the authority. This section authorises the authority, *inter alia*, to undertake and carry out, or cause to be carried out, the general management of hostels, including the power "to engage and dismiss members of the staff of hostels and to determine their powers and duties".

The authority is also empowered to appoint committees to exercise, on behalf of the authority, such of the powers and functions of the authority as may be delegated to it.

The functions delegated to committees provided under section 9 have included the appointment and payment of supervisory and domestic staff.

The Country High School Hostels Authority is a Crown instrumentality and the powers exercised by virtue of delegation to committees are those exercised under the authority of the Crown. The employees of committees are therefore employees of a Crown instrumentality.

The supervisory staff of hostels are, pursuant to the designation of the Country High School Hostels Authority under section 11A of the Industrial Arbitration Act, "Government officers". Domestic workers are, for the purposes of industrial coverage, Government wages employees.

The uniform application of the provisions of conditions of service of awards and agreements relevant to employees of the Crown is achieved through the Public Service Board. The amendment under section 10(2) reflects this. Whilst the authority may delegate to the committees established under Section 9 of the Act the power to engage and to dismiss members of hostels, and to determine their powers and duties, the provisions of section 10(4) make it clear that the terms and conditions of service of officers and servants, including their remuneration, shall be determined by the authority, with the approval of the Public Service Board in accordance with the relevant award or industrial agreement.

This approach to conditions of service and staffing is consistent with other Statutes which govern the terms and conditions of employment of staff in other Crown instrumentalities.

The opportunity is also being taken at this time to include a restructuring of members of the authority, and it is proposed that the number of members shall be increased from six to seven, one of whom shall be appointed as chairman.

At the present time, the six members of the authority represent the Public Service, the Treasury, the Anglican Archdiocese of Perth, and the Country Women's Association. Only one member represents the community at large, and currently this particular appointee is serving as chairman of the authority.

The amendments contained within the Bill propose that the number of members of the Public Service on the authority shall be reduced to one, and that the other members of the authority shall represent the community, business, persons having particular experience and knowledge of the operation of residential hostels, parents of students resident within hostels, and the like.

With such a change, it will now be possible to provide an opportunity for the board of the authority to be more closely associated with the operations of the various residential hostels in various parts of the State which fall within the responsibility of the authority.

In presenting this amendment to the Parliament, however, it should be acknowledged that the Government wishes to retain the existing association with the Anglican Archdiocese of Perth which, apart from being represented on the authority itself, is directly involved with the management of hostels at Northam, Merredin, Esperance, and Moora.

Similarly, the association with the Country Women's Association is one which has been of considerable benefit and advantage where country hostels are concerned, and the Government looks forward to retaining the close and fruitful co-operation which has existed since the inception of the Country High School Hostels Authority.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

MR YOUNG (Scarborough—Minister for Community Welfare) [2.26 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes amendments to six areas of the Child Welfare Act.

Five of the amendments are consequential to recent amendments to the Stipendiary Magistrates Act and the passing of the Aboriginal Communities Act.

The remaining amendment, in clause six of the Bill, is introduced as a result of Government concern that the existing law relating to identification of children before the Supreme Court and District Courts on criminal charges is inappropriate.

The first amendment: Previously, under the provisions of the Stipendiary Magistrates Act, 1957, special magistrates were required to take the oath of allegiance as prescribed in the third schedule to the Justices Act, 1902.

Amendments to the Stipendiary Magistrates Act no longer require special magistrates to take an oath of office under that Act, therefore provision has to be made under the Child Welfare Act for such an oath to be taken.

Instead of taking the oath as prescribed in the third schedule to the Justices Act, this Bill requires the special magistrates to take the oath or make an affirmation as set out in a new fifth schedule to the Child Welfare Act.

Stipendiary magistrates who are also appointed as special magistrates and who have already taken their oath of office, will not be required to take the oath as set out in this section.

The need for the second amendment has arisen out of the passing of the Aboriginal Communities Act. That Bill enables certain Aboriginal groups to hold children's courts within their own communities.

At some locations there may not be a suitable building available in which to hold the court, therefore there has to be provision within the Act for a Children's Court to be held in such place—which could be out of doors—as the court may determine.

This amendment does not apply only to Aboriginal communities as at times any Children's Court may have to be convened and held in places that are not prescribed, such as at a hospital bedside of an injured child.

The third amendment: The repeal of subsection (2), (3), and (4) of section 23 of the prinicipal Act is consequential to the fifth amendment.

The next amendment, to section 34E of the principal Act, gives the court the power to order a parent, who has conduced to the commission of an offence by his child, to pay the whole or part of a fine in addition to, or as an alternative to damages, costs or restitution.

The existing provisions of this section allow the court to make an order against a parent, require that parent to pay part, or whole of the damages, costs or restitution but not a fine.

The court has to be satisfied that the parent has conduced to the commission of the offence by neglecting to exercise due care and control of that particular child.

The section makes it clear that the court shall not make such an order without the parent first being given an opportunity to be heard.

If the parent, after first being formally required to attend the hearing does not attend, then the court has the power, under this section, to make an order in the parent's absence.

The fifth amendment is concerned with the public identification of children before the higher courts on criminal charges.

The present legislation requires that a judge in the Supreme or District Court has to give specific permission before a child, who is appearing before his court on a criminal matter, can be identified.

The amendment reverses that situation and public identification is permissible unless the judge specifically orders that there will be no public identification of the child because he considers that it is in the interests of the child and/or in the public interest that no publicity should be given.

The final amendment is consequential to the first amendment, in that provision for a fifth schedule to the principal Act is introduced. This is the oath or affirmation to be taken by the special magistrates.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

ACTS AMENDMENT (PORT AUTHORITIES) BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [2.30 p.m.]: I move—

That the Bill be now read a second time.

When the port authorities were first granted borrowing powers in 1963, they were limited to expending funds so raised on works that they were specifically empowered to undertake.

It was the stated intention of the Government of the day that such borrowings should augment the funds for developing port facilities and subsequently substantial borrowings have been made by or on behalf of the port authorities for the purpose of funding new works.

The current limit on private borrowings of each of the authorities is $1.2 million. There is no defined limit on appropriations from general loan funds.

However, the Acts of the Albany, Bunbury, Esperance, and Geraldton authorities limit expenditure by the authorities on port works in the case of Albany and Bunbury to $10 000 and Esperance and Geraldton to $20 000.

All port works in excess of those limits and the construction of all new works other than port works may be undertaken only by the Minister for Works.

It now appears that despite the Government's intentions, the borrowing powers in the Acts apply only to the port authorities and borrowings cannot be applied to funding works which cannot be undertaken by the authorities. Thus, legally, the funds are not available to the Minister for Works. This, in effect, limits expenditure of loan funds to $10 000 in the case of Albany and Bunbury and $20 000 in the case of Esperance and Geraldton.

Port authority income and parliamentary appropriations are similarly affected.

These borrowings have been of great benefit to the authorities and to the State in augmenting the funds available for port development.

The principal purpose of this legislation is to ensure that the port authorities do have the legal power to borrow for all new works approved by the responsible Minister and to validate all such past borrowings.

While the Fremantle and Port Hedland Port Authorities already have the responsibility for undertaking port works, this responsibility does not extend to other works not defined as port works but which are required for the purposes of their Acts. Accordingly the Bill contains amendments to rectify this deficiency.

These two Acts currently specify no limit on the cost of port works which may be undertaken by the authorities.

The opportunity is also being taken to transfer the responsibility for undertaking works from the Minister for Works to the authorities themselves. This will enable the authorities to play a much greater part in the development of their ports, and also permit better integration between the various transport modes.

Proposed programmes will still be subject to ministerial approval and the Public Works Department may still be used to carry out the works if that is the most efficient means of doing so.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

COLLIE COAL (GRIFFIN) AGREEMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Industrial Development) [2.35 p.m.]: I move—

That the Bill be now read a second time.

This Bill brings before the House the second of three similar agreements which the Government has, or will negotiate, with the parties which have applied for, or which are holding, coalmining leases on the Collie coalfield.

It is a Bill to ratify an agreement between the State and the Griffin Coal Mining Company Limited dated the 5th November, 1979.

An Act to ratify a similar agreement with Western Collieries Ltd. was assented to on the 18th May, 1979.

Execution of the third such agreement with Western Collieries and Dampier Pty. Ltd. could occur before the end of the year.

When introducing the Western Collieries Bill I provided the House with a resume of the overall coal reserves situation in this State.

Since that date revised figures for extractable resources of coal in the Collie basin have been provided by the Geological Survey Branch of the Mines Department.

In May, this year, I announced that as a result of the review, total measured, indicated, and inferred extractable coal reserves at Collie were now 405 million tonnes. This was an increase of 15 million tonnes since the last review in 1974.

Under current economic conditions, extractable coal reserves either measured, indicated, or inferred which had been delineated to the end of 1978 were—

open cut 286 million tonnes;
deep mine 119 million tonnes.

The geological survey review did not alter the estimate of total coal resources at Collie irrespective of their economic extractability—1 915 million tonnes—since no new seams had been found and the boundaries of the coal basin had not altered.

Another development of note since the Western Collieries agreement was considered by this House is the recent announcement of a major coal exploration effort in the Fortescue River valley in the Pilbara.

It is too early to comment on progress to date other than to observe that one of Australia's foremost exploration companies has committed itself to a substantial expenditure on the prospect.

Recital (c) of the agreement, being scheduled to the Bill before the House refers to a long-term coal contract between the company and the State Energy Commission.

Various provisions of the agreement reflect the existence of the contract. Consequently it will assist members if I provide some details of the contract.

Supply of approximately 50 million tonnes of coal to the SEC is envisaged over a 25-year period. Much of the coal will be utilised in the existing Muja power station and two new 200-MW extensions to the Muja station.

Under the contract production from the Muja open cut will increase from 1.2 million tonnes a year to about 2.1 million tonnes.

Supply of coal to the SEC will be from six specified coalmining leases. I will draw the attention of the House to provisions in the agreement which relate to those leases or other aspects of the long-term contract.

Let me now amplify the major provisions contained in the Bill.

Clause 5 details obligations of the company to reserve coal for use by the SEC.

Reservation of 50 per cent of aggregate extractable coal reserves for SEC needs is required from existing coalmining leases, other than those the subject of the long-term contract. The same reservation is required from areas now under application and listed in schedule B.

No such reservation is required from schedule C application areas. The absence of this provision is in recognition of the large quantity of coal already reserved to the SEC from the Muja leases under the terms of the long-term contract.

An overall scheme for exploration and development of the resource over the projected 42-year life of the agreement is required from the company under clause 6.

Also required in the overall scheme are plans to progressively rehabilitate past and future mined areas.

Clause 7 requires the company to submit on or before the 1st July, 1980, detailed proposals on major aspects of its operations for the ensuing 15 years.

Further proposals for the balance of the term of the agreement from year 16 to year 42, are required by clause 9.

Subclause 2 of clause 9 requires the company to satisfy the Minister that it has used its reasonable endeavours to negotiate a coal supply contract with the SEC for the period covered by the further proposal. Such a provision was not necessary for the first set of 15-year proposals in view of the existence of the long-term contract.

Normal provisions for consideration and implementation of proposals and for submission of additional proposals are contained in clauses 8 and 10 of the agreement.

Provisions for protection and management of the environment are contained in clause 11. The company must monitor the environmental impacts from implementation of its proposals. It must report annually to the Minister on its activities. At three-yearly intervals a detailed report on environmental investigations and rehabilitation management is required. As a result of the detailed report the Minister may require further proposals from the company for protection of the environment.

Another major provision is contained in clause 21. Following approval of proposals the company may notify the State as to which of the coalmining lease applications in schedule B and schedule C it requires to have granted as coalmining leases.

The effect of this provision is to give the company access, under the terms of this agreement, to substantial additional coal reserves, where it has previously lodged applications and undertaken some exploration.

This Government's proven formula of ensuring controlled long-term access by developers to the State's mineral resources will, in this case, as in so many previous cases, lead to efficient large-scale development of the resource.

It is understandable that the six coalmining leases from which coal to meet the SEC long-term contract will be drawn will not be jeopardised if the agreement is determined. Subclause (4)(a) of clause 21 facilitates continuance of the leases for the period of the SEC contract.

Similarly, access to essential infrastructure required for the company to fulfil the SEC contract is assured by the provision of subclause (4)(c) of clause 21.

Clause 25 prohibits the company from entering into agreements for coal exports without the consent of the Minister.

This provision will be common to each of the agreements relating to the Collie coalfield and reflects the great importance which the Government attributes to coal in meeting the future energy requirements and industry needs of the State.

Point of Order

Mr BERTRAM: Mr Speaker, I wonder if you would ask the Minister to speak more loudly. We are having trouble hearing him.

Mr MENSAROS: I think I speak loudly enough. The member was holding a conversation.

Mr Pearce: We cannot hear a word.

Mr Rushton: You cannot talk and listen at the same time.

The SPEAKER: Order!

Debate Resumed

Mr MENSAROS: Finally, let me draw members' attention to the provision of clause 37.

In order to initiate the major production expansion necessary to fulfil the SEC contract the company has entered into certain borrowing arrangements.

I notice the member for Mt. Hawthorn is reading and does not want to listen.

Security for the borrowings includes a charge over certain existing coalmining leases. Consequently the clause is drafted to ensure that such arrangements are not jeopardised.

Other provisions of the agreement are common to the many similar agreements between the State and other resource developers and will no doubt be familiar to members.

The Bill is a further major step by the Government in ensuring that Collie coal is developed for use in the most efficient manner by the SEC and local industry.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

BILLS (8): ASSENT

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

1. Reserves Bill.
2. Credit Unions (Consequential Provisions) Bill.
3. Education Act Amendment Bill.
4. Motor Vehicle Dealers Act Amendment Bill.
5. Prisons Act Amendment Bill.
6. Bush Fires Act Amendment Bill.
7. West Australian Trustee Executor and Agency Company, Limited, Act Amendment Bill.
8. The Perpetual Executors, Trustees, and Agency Company (W.A.), Limited, Act Amendment Bill.

BILLS (3): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Acts Amendment (Port Authorities) Bill.
2. Collie Coal (Griffin) Agreement Bill.
3. Country High School Hostels Authority Act Amendment Bill.

RESERVES BILL (No. 2)

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [2.48 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House is the second measure of its kind to be placed before Parliament in this third session.

Members will be aware now that it has become the practice to present two Bills each session—one in each sitting—so as to expedite the various proposals entailed in relation to the variations of Class "A" reserves. In this particular Bill nine separate actions are proposed which I will now relate in the order in which they appear in the Bill.

The Public Works Department intends to establish a waste water treatment plant in Kalbarri and a site has been selected for this purpose outside and adjoining the eastern boundary of the townsite. The land affected by the proposal comprises portion of Class "A" National Park Reserve No. 27004 which is vested in the National Parks Authority. Recent advice from the authority indicated that it had no objection to excision of the area required and, bearing this in mind, the Lands Department arranged survey of a site containing 20.01 hectares. It is considered that the treatment works is suitably located from an environmental viewpoint and it could also provide the nearby golf course with a possible water source. Authority is required to excise the area surveyed as Victoria Location 11322 from Class "A" Reserve No. 27004 so that is can be separately reserved for "sewerage treatment plant" and vested in the Minister for Water Supplies.

The Under Secretary for Works requires survey and protection of a small area of land at King Point, Albany, for the purpose of erecting a navigation lead beacon. Land affected by the proposal comprises portion of Class "A" recreation and parklands Reserve No. 27068 which is vested in the Albany Town Council. That authority confirms that it would have no objection to excision of the site.

An area of 45 square metres has been surveyed and designated Albany lot 1327 and it is intended that the land be set apart as a reserve for a "navigation beacon site". Vesting in the Minister for Works will be arranged also. Parliamentary approval is required to exclude the lot 1327 from Class "A" reserve No. 27068 and the Bill seeks authority to proceed with this course of action.

Class "A" reserve No. 20973—Swan location 3407—is set apart for the purpose "public garden" and is vested in the Bayswater Shire Council. The reserve, which has an area of 121 square metres, was created in 1932 when the former Bayswater Road Board surrendered the land to the Crown. It was noted recently that the land had been absorbed into adjoining public road but no action was ever undertaken to cancel the reservation. Reference to the shire council confirmed that the land should be dedicated for road purposes and the sanction of Parliament is sought to arrange cancellation of the reserve.

Reserve No. 13594 is set apart for the purpose "conservation of flora", is not vested, and is classified as Class "A". The reserve has an area of 40.8732 hectares and is situated approximately 26 kilometres south-south-east of Merredin townsite. Inquiries into the future of this reserve resulted in recommendations to amend the purpose to "conservation of flora and fauna" and vest the land in the WA Wildlife Authority.

The Merredin district is largely devoid of conservation reserves and the local authority wholeheartedly supports the proposals. Alteration to the purpose of Class "A" reserve No. 13594 from "conservation of flora" to "conservation of flora and fauna" is sought accordingly.

The Denmark Shire Council desires to establish a caravan park at Parry Inlet and a site has been selected in co-operation with the Department of Lands and Surveys. Land affected by the proposal comprises portion of Class "A" recreation and camping reserve No. 20928 which is vested in the council. An area of four hectares has been surveyed—designated Plantagenet location 7433—and it is intended that the land be excised from Class "A" Reserve No. 20928 and set apart as a separate reserve for a "caravan park". Vesting in council with power to lease for periods up to 21 years could be arranged following creation of the reserve.

The proposed site is used frequently by holiday-makers and may be beneficial to professional fishermen who operate in the nearby William Bay. It is proposed to excise Plantagenet location 7433 from Class "A" reserve No. 20928 so that the land can be identified as an independent reserve.

The Mandurah Shire Council advised that numerous requests had been received over the past five years for the establishment of a swimming pool in the district and it commissioned an architect to carry out a feasibility study and locate a suitably sized area. Following consideration of the study, council requested that the purpose of Class "A" parklands Reserve No. 22204 be changed to "swimming pool" or one which would be compatible with proposed usage of the land and that the reserve, which is vested in council, be vested with power to lease as it is anticipated that a kiosk would be placed on the

land. Bearing in mind that the reserve is too large for sole use as a swimming pool and that the study recommended establishment of other recreational facilities on the land, it is considered that the purpose should be changed to "parklands and recreation" and thereby accommodate any future activities of this kind.

The course of action proposed then is to change the purpose of Class "A" Reserve No. 22204 from "parklands" to "parklands and recreation". Vesting in council would be arranged but power to lease would not be granted until definite development proposals are put forward.

Class "A" Reserve No. 25062—Avon location 23825—and Class "C" Reserve 25979—location 27082—are set apart for the purpose "conservation of flora" and are not vested. The reserves adjoin and are situated about 25 kilometres south of Bruce Rock townsite. The Department of Fisheries and Wildlife engaged an officer of the State Museum to investigate and report on nature reserves in the Bruce Rock Shire and his recommendations in respect to these reserves are that—

(a) The purpose of Class "A" Reserve No. 25062 be changed to "conservation of flora and fauna".
(b) Class "C" Reserve No. 25979 be cancelled and the land be included within Class "A" Reserve No. 25062.
(c) Class "A" Reserve No. 25062 be vested in the WA Wildlife Authority.

The Bruce Rock Shire Council and the Department of Lands and Surveys concur with the recommendations and authority is sought to cancel Class "C" Reserve No. 25979, include the land within Class "A" Reserve No. 25062 and alter the purpose of the latter reserve to "conservation of flora and fauna". Vesting will be arranged in accordance with normal procedures.

The land bounded by Beaufort, James, Museum, and Francis Streets, Perth, houses the State Library, Museum, and Art Gallery and comprises Class "A" Reserve No. 3521 which was set apart in 1902 for the purpose "museum and public library". A Crown grant in trust was issued over the reserve and it was held by the trustees of the Public Library, Museum, and Art Gallery solely for those purposes.

With the advent of the Museums Act, 1959, the Art Gallery Act, 1959, and the Library Board of Western Australia Act, 1951-1955, each of the State facilities was granted an unencumbered freehold title over the areas they occupied. This action had the effect of nullifying the trust which was placed over the land and it is now considered that Class "A" Reserve No. 3521 serves no useful purpose and should be cancelled.

Class "A" Reserve No. 27595—Melbourne location 3928—is set apart for "ecological purposes and preservation of flora" and is not vested. The reserve is situated about 16 kilometres south-west of Calingiri and has an area of 1 244 333 hectares. The Department of Fisheries and Wildlife engaged an officer of the State Museum to investigate and report on nature reserves in the Shire of Victoria Plains and his recommendations in respect of Class "A" Reserve No. 27595 were that the purpose should be changed to include "fauna" and vesting in the WA Wildlife Authority be arranged.

The Shire of Victoria Plains has no objections to the proposals but the Department of Lands and Surveys considers the purpose of the reserve should be "conservation of flora and fauna" in order to maintain consistency with other reserves controlled by the Wildlife Authority. Approval is sought to change the purpose of Class "A" Reserve No. 27595 from "ecological purposes and preservation of flora" to "conservation of flora and fauna", consistent with desired procedure.

I commend the Bill to the House.

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

LIQUOR ACT AMENDMENT BILL (No. 2)

Second Reading

MR CLARKO (Karrinyup) [2.58 p.m.]: I move—

That the Bill be now read a second time.

The genesis of this Bill began with the dissatisfaction of certain residents of Doubleview, Woodlands, and Wembley Downs, who, in objecting to a proposal to establish a tavern at a shopping centre in their district, became convinced that the Liquor Act should be amended. They approached the Hon. R. G. Pike, and he agreed to introduce a Bill in another place. That Bill is before us today.

Points of Order

Mr PEARCE: I rise on a point of order, Mr Acting Speaker (Mr Sibson). I draw your attention to the fact that the member appears to be reading his speech.

Mr Tonkin: It is not that he appears to be—he is.

Mr PEARCE: Under the conventions of this House, such a privilege seems to apply to

Ministers only, and unless the member has promoted himself recently, he seems to be out of order.

Mr Williams: There is no point of order.

The ACTING SPEAKER (Mr Sibson): There is no point of order.

Several members interjected.

Mr PEARCE: If I heard correctly—

The ACTING SPEAKER: The member for Morley.

Mr TONKIN: It is not within your prerogative to say there is no point of order, Mr Acting Speaker. It is your job to make a ruling according to the Standing Orders of the House. If you were to confer with the Clerks or with the Speaker of the House, you would find that there is a usage that Ministers are permitted to read their second reading speeches but other members are not. In fact, there is a Standing Order which precisely forbids members from reading their speeches.

It actually says members cannot do that. It is not good enough for you to stand up and say you will not take any notice of that Standing Order. The member for Karrinyup is not a Minister of the Crown, and he does not have that privilege extended to him. I suggest that you confer with the Speaker to find out what the rules really are.

The ACTING SPEAKER (Mr Sibson): I have conferred with the Clerks, and I find it is a fact that the member may not read his speech. I suggest to the member for Karrinyup that he refer briefly to his notes from time to time.

Debate Resumed

Mr CLARKO: Thank you, Sir. I appreciate your ruling; and, of course, I appreciate the support of members of the Opposition.

The amendments in the Bill before the House have been the subject of discussion between the Hon. R. G. Pike, and the Executive Director of the Australian Hotels Association (Mr Brian Stremple), and Mr Ron Coffey, the Secretary of the Local Government Association.

Mr Wilson: He sounds much worse now.

Mr CLARKO: The Bill deals with four separate matters, the first of which concerns the need for a provisional certificate for the removal of a licence. The Act now makes provision for the issue of a provisional certificate for a licence in respect of premises that are not yet built or complete, or in respect of premises which require adaptation to make them suitable to be licensed. That procedure enables the Licensing Court to consider the merits of the application before the applicant is called upon to outlay capital for the construction of the proposed premises.

If the application for a provisional certificate is granted by the court, the successful applicant can proceed to erect a new building or adapt existing premises in the knowledge that he will obtain a licence. It is possible also for an applicant who has suitable premises to make application for a full licence in the first place. In such circumstances the applicant is obliged, under section 59 of the Act, to lodge with the court a certificate from the local authority stating that the premises comply with all the relevant Acts and by-laws applicable in the district. It should be noted also section 59(1) specifically excludes that section from applying in the situation where the application is for a provisional certificate only. If the applicant to whom section 59 applies does not file the relevant certificate, the current situation is that the court is not permitted to hear his application.

This situation works very well where the application is for a new licence. However, serious problems arise when the application is not for a new licence, but for the removal of an existing licence under section 90. Section 90(2) specifically includes section 59 among the sections with which an applicant for a removal must comply. The court, therefore, insists that a certificate from the local health authority for the district must be filed before it will hear a removal application. This does not present a problem where the premises to which the removal is sought already exist, because in that situation the local authority physically can check the premises and issue a certificate.

The problem arises where the premises to which the removal is sought have not yet been constructed or adapted to make them suitable to receive a licence. In that situation, some local authorities refuse to issue a certificate by virtue of the fact that they cannot confirm that non-existent premises comply with all the relevant Acts and by-laws.

However, an applicant who cannot obtain a certificate from the local authority cannot have his application heard by the court, and thus is completely frustrated. The problem arises because the Act contains no machinery for an application for a provisional certificate for removal in the same general way that an applicant for a new licence can apply for a provisional certificate for a new licence.

The proposed amendments to sections 59, 59A, 62, 90, and 166 provide for this new type of

provisional certificate for the removal of a licence, and will overcome the problem I have explained.

The second matter concerns section 51, and relates to the need to provide more time for objections to a licence which may be granted under the Liquor Act. The consequence of a judicial decision made on the 16th May, 1977, is that any objections made after 30 days from the date on which the application was lodged by the applicant will not be entitled to be heard by the court because the notices of objection were lodged out of time. Prior to that ruling, the earliest day referred to in section 51(2)(a) was interpreted by the court as being the date set for the hearing.

Therefore, under the present requirements the 30-day period from the date of application is reduced by the seven-day period required under section 55(3), and can be reduced by a further seven days under section 51(2)(c). This means at present the effective period for lodging an objection can be 16 days.

The proposed amendment to section 51(2)(a) will overcome this problem by allowing 45 days before the earliest day on which the application may be heard, thus ensuring 31 clear days for the lodging of objections. Such a period cannot be considered unreasonable in view of the fact that persons in the affected area need to familiarise themselves with the full details of the proposition, and should be given adequate time in which to do so.

The third matter relates also to section 51, and concerns the size of the sign required to be displayed on or adjoining the premises, the necessity for the latest date by which objections can be lodged to be shown on the sign, and the period for which it is required to be displayed. At present the sign, which is of foolscap size, is affixed to a board 400 millimetres by 400 millimetres, which is 15¾ inches by 15¾ inches. This is considered to be too small, and the Bill seeks to make the notice 900 millimetres by 600 millimetres. The persons in the suburbs I mentioned earlier feel the present sign is too small, and people who are knowledgeable in this area feel the same way. The amendment provides for a considerable increase in the size of the sign.

It provides also that the latest date by which objections can be lodged is required to be shown on the sign. The existing provisions of section 51 require a notice of application to be displayed on the premises for 21 days between the lodging of the notice and the hearing of the application. In fact, many applications are not heard within a period of 60 days from the date of the lodgment of the application; in other words, the period during which objections may be lodged may pass prior to the notice being displayed on the premises. This of course is quite untenable and an amendment is provided to cater for the situation.

Finally, the Bill deals with the rejection by the court of applications on technical grounds. At present, objectors are disadvantaged in cases where the court rejects an application because of a technical fault.

The applicant may resubmit his application immediately the fault has been corrected. However, under the present provisions of the Act, objectors to the initial application are required to submit fresh objections in relation to the second application, even though the circumstances in fact might be virtually the same. Certainly, in the case of these particular suburbs, the objections had not changed.

The proposed amendment to section 55 therefore adds a new subsection which will provide that objections against the first application shall be deemed also to have been lodged against the second application.

In summary, then, these amendments seek to facilitate the transfer of existing licences and provide better information to the public and the community at large, and an additional time for the public to object.

I commend the Bill to the House.

Debate adjourned, on motion by Mr O'Neil (Deputy Premier).

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

MR GRILL (Yilgarn-Dundas) [3.12 p.m.]: This Bill brings no credit on the Government, in spite of which the Opposition supports it. We are unfortunately forced into the situation of supporting this legislation. However, we believe numerous other methods could have been employed to do the things this Bill seeks to do, and do them much better. As I said, we are forced into the situation of supporting this measure, as it seeks to relieve a situation of crisis within the legal profession.

This Bill basically seeks to do three things. Firstly, it will extend the provisions of the 1977 legislation which lessened the restrictions upon the admittance of articled clerks into articled clerkship with various Government instrumentalities, principally the Crown Law Department.

Secondly, this Bill seeks to lessen restrictions upon the taking of articled clerks by bodies like the Commonwealth Crown Law Department, the State Crown Law Department, the Legal Aid Commission, and the like, especially in the year after articled clerks have finished their articled clerkship.

Thirdly, it will remove legislative restrictions against legal practitioners splitting and sharing their incomes.

As I mentioned earlier, there is presently a real crisis within the legal profession in respect of the training and admission into the profession of new practitioners. The parts of this Bill concerning articled clerks are very much like its predecessor of 1977 inasmuch as it is a stop-gap measure.

The Bill is not designed to solve the problem in respect of articled law clerks—a problem which is growing. It is merely designed to alleviate the problem for a further period of time. I suppose the Government hopes that by 1983—which is when this Bill is due to expire—it has been able to come up with a long-term solution to the problem of articled law clerks.

The present crisis in respect of the admission of graduates in the legal profession can be summarised under four headings. The first heading is that a significant proportion of graduates from the WA Law School simply are unable to obtain articled clerkships.

In 1977, when the first stop-gap measure was introduced, the State Attorney General indicated there were then seven persons who had qualified as legal practitioners the year before from the WA Law School who could not find positions as articled clerks. He indicated there were a further 17 during that year who still had not been placed. He stated that it was a serious situation which would be alleviated by the 1977 Bill. It would allow the Crown Law Department to employ more articled law clerks and would lessen the restrictions placed on the admission of articled law clerks and thus get over the problem. In his second reading speech in 1977, the Attorney General (the Hon. I. G. Medcalf) stated as follows—

> The object of this Bill is to alleviate the present acute situation in regard to some law graduates not being able to secure articles.

He went on to say—

> Out of those who desired articles commencing in January, 1977, I am informed that there are presently seven graduates still unplaced.
>
> I am further informed that out of the anticipated 1977 graduates there are, at this stage, an additional 17 unable to obtain articles.

Later in his speech he said—

> It is anticipated that the present situation is of a temporary nature only and will cease by the year 1979 when it is hoped that additional arrangements for legal education are in operation.

That Bill was supposed to alleviate an acute situation, but what has it done? At present there are 10 unplaced law graduates from last year—in other words, an increase on the 1977 situation—and on top of that there are 23 people so far unplaced this year.

So, the 1977 Bill simply did not alleviate anything. Merely by extending the provisions of that Bill, which expires on the 31st December this year, the Government is doing nothing to alleviate what the Attorney General admitted in 1977 was an acute situation in respect of the training of articled law clerks and the admission of graduates from the WA University.

The situation has become worse, not better and this Bill will not solve any problems at all—despite the fact that to some extent it will further lessen the restrictions upon the taking of articled law clerks by various Government bodies. That is the first area in which there is a crisis in the admission of graduates in the legal profession.

The second area is in respect of the growing problem of placing those articled law clerks who were lucky enough to obtain articles the year after their graduation in restricted practice with other firms the year after they finished their articles. This is a growing area of concern to which this Bill does not address itself. In fact, this Bill does not concede or even mention the problem.

Let me tell the Deputy Premier that this problem has the potential to grow as big as the problem which already exists in respect of articled law clerks which, in 1977 was acute, and which in 1979-80 is even more acute.

The second problem appears to be an even larger one, and it is allied to the third area of crisis. As a result of the fact that articled law clerks who have completed their articles have to have one year of restricted practice and there are not enough positions for all these young people, some of them are going into practice on their own, operating legal practices quite illegally. They do that under the wing and under the name of another practitioner who is prepared to lend his licence to them. That is happening in this State at present, and it is a scandal. It is a scandal to

which this Government has not yet addressed itself.

The young practitioner finds himself, after his first year out of law school, finishing his articled law clerkship. At the end of that period, he has to be employed by a firm of solicitors for a further year before he can practice. He is not able to find that employment. What does he do? He goes to a friend he knew in the year before him at law school and he says "I realise that you cannot employ me, and I don't expect you to employ me. But, if I don't get a job with a legal firm, I won't be able to practice. That is five years of university down the drain, and a further one year as an articled law clerk down the drain. There is my whole career down the drain." The friend says to him, "You are right. I can't afford to employ you; but if you would like to operate under my licence, under my name—on your own account, of course—on the strict understanding that whatever fees you collect you keep for yourself, and whatever expenses you incur you pay yourself, you can use my name." That is happening today in Western Australia. It is a crisis situation. It is a scandal.

Another area of concern is that young, inexperienced barristers and solicitors are conducting important litigation whilst not being fully competent or experienced to handle it. That is being done at the expense of their unwitting clients. Quite often one finds that articled law clerks, after they have done their restricted practice, go out and operate in their own practices, setting themselves up with a shingle somewhere around the city or suburbs and accepting briefs from the unsuspecting public. They then apply to the Legal Aid Commission for legal aid in respect of the briefs they have obtained. They obtain legal aid, and then they conduct cases in the District Court and in the Supreme Court in their first year of unrestricted practice. Some are simply not competent enough to handle that work. When they go into court, they are ripped to shreds by competent, experienced counsel; and, what is more, they are ripped to shreds by the judges who preside in those courts.

All of these problems need to be addressed by the Government. There needs to be a proper system of training of articled law clerks who are graduates. I might add there is a restriction in the numbers of people who can go through university to become articled law clerks. After they have finished university, there must then be an opportunity of employment for them to finish their articled law clerkships. They must then have the opportunity of employment thereafter, without having to resort to operating under the wing of a friend in some sort of illegal situation. There must be some sort of restriction upon young, inexperienced counsel taking complicated cases, especially with the help of the Legal Aid Commission, to the highest courts of this land. Those areas of concern need to be addressed by the Government. This Bill does not do that.

The Government is largely responsible for the parlous position in which the legal profession finds itself in respect of graduates. The Government is culpable for that reason, and because it has not set up a proper system of legal training for young graduates. The Government has refused to set up or to fund a legal aid workshop. There are such workshops in the other States of the Commonwealth.

A request was made some time ago by the University of Western Australia for the setting up of a legal aid workshop. The workshop would have been attached to the university but it would have been set up in the city somewhere. The Government, through the agency of the Minister for Education, refused the funds for the project.

The Government has abrogated its responsibiltiy in respect of the training of young graduates. It has said to the university and to the law profession in general, "It is your problem. You look after it." The Attorney-General, who admitted in 1977 that the situation was acute, will not admit in 1979 that the situation is worse. What have we seen the Government doing during that period? The Government has done nothing. It has abrogated its responsibility to the university and to the legal profession. Those two bodies do not have the ability to undertake the problem on their own.

As a matter of fact, the university has indicated to the Government that it would like to throw the responsibility for training young graduates back onto the Barristers Board and, therefore, back onto the Government. Even now, the Government is taking no real steps to alleviate the crisis which has grown up over the last decade.

I will explain how the training of lawyers is carried out in this State. All lawyers need to obtain a university degree. There is only one university in this State that confers a law degree, and that is the University of Western Australia. It has a quota of about 110 students. It is necessary for the students who wish to become lawyers to complete one year of an arts course. At the end of that period, the students are assessed. If they come within the quota of 110, having made an application to the Law School for admission and having qualified, they are allowed to study in the

Law School of Western Australia. In that way, they can become one of two things. They can become a Bachelor of Jurisprudence or they can become a Bachelor of Law. The course for the Bachelor of Jurisprudence is a three-year course, at the end of which time one receives the degree of Bachelor of Jurisprudence. To obtain a Bachelor of Law, the student attends university for one year more. At that time, he is qualified to call himself a lawyer and to endeavour to find an articled clerkship for himself.

If the student is successful in finding an articled clerkship—and it appears that something between 10 and 20 per cent of graduates are unable to find suitable articles for themselves—he completes his year as an articled law clerk. Following that, he still cannot practice on his own; he has to practice for one year with another firm in the employ of another solicitor.

That is the basis on which one becomes a fully qualified lawyer in this State. In all other States, the situation is that graduates, after having finished at Law School, go through a legal aid workshop. That has been found to be a necessity in the other States. That has been found necessary because the legal profession simply is not able to employ all graduates from the university.

Mr O'Neil: Is that in addition to the articled clerkship or as an alternative?

Mr GRILL: As an alternative. It appears this State so far has rejected the notion of legal workshops. It has been estimated the cost of such a workshop would be in the vicinity of $133 000 for capital development, if it went ahead in 1980-81. It is estimated the cost to run the workshop per annum would be $246 000. The Law School of WA is quite adamant that that is the only answer to the problem of training new graduates. It believes the scheme should be implemented straightaway. It believes if the decision were made tomorrow to implement such a scheme the workshop would not be ready and underway until 1982. The way things are going at present, such a scheme, even if implemented without State Government backing and implemented by the university alone, presumably through the Universities Commission, would not get going before 1984.

The situation is apparently this: the university has decided it will go ahead with such a scheme in spite of the fact it is not backed by the Government. That is an indictment of the present State Government which is simply letting down very badly the young practitioners, the young law graduates, of this State. The Government is letting down the State in general by not developing adequately a proper system of legal training; it is letting down future generations by not ensuring there will be sufficiently well educated new graduates for the future.

In my opinion, all those things indicate the present Bill, although supported by the Opposition in respect of this vexing question of articled law clerks, is not a measure about which we can be very enthusiastic at all. It is a measure we feel is simply a stop gap. There is an acknowledgment of that fact in the legislation itself. The Bill of 1977 was to cover the period up to the 31st December, 1979 only, the operations of the major portions of this particular Bill will operate only until 1983.

There is an admission on the part of the Government that these measures are only stop gap. As time goes by the situation will get worse and worse. What we need is a positive initiative by the Government; and if the concurrence of the university, the Law Society, and the Barristers Board is needed, it should be the Government which ensures these bodies get together to agree and decide on what the future course should be.

It is no good the Government shrugging off its responsibility and saying, "Specific proposals have not come up" or, "We have not received enough money from the Commonwealth this year", or using any other excuse. The responsibility comes back to the Government in every respect. It is a State Government responsibility; it is not a Commonwealth Government responsibility. It is a responsibility not of the legal practitioners themselves; it is a responsibility of the people who are governing this State.

The other part of this Bill deals basically with the removal of the legislative restrictions upon barristers and solicitors splitting and sharing their incomes. In the Minister's second reading speech he correctly pointed out that the only professional body which has a legislative restriction upon the splitting and sharing of incomes is that which covers barristers and solicitors. The Government has done its research fairly well here.

In principle, the amendment contained in this Bill is probably a good one inasmuch as one single section should not be discriminated against as opposed to all the other professions. So in that area of principle the Government is probably on firm ground.

Nevertheless, it is felt by the Opposition that what the Government should be looking at is not a situation where the professions as such have the ability to split and share incomes or where other

sections of the work force which are in a privileged position can do the same; it should be considering the proposition that everyone should have the same rights in respect of the splitting of incomes. Certainly the great majority of people in our community do not have that right. The great majority of people in our community are wage and salary earners.

The general principle of the Government shows it might be on the right track; but in fact it is ensuring a privileged position for professional people and others in this State as against wage and salary earners. The Government may say it is not its responsibility and that it is up to the Commonwealth Government to ensure this policy applies. On the other hand, we believe there should be at every level an endeavour to create some sort of equality. For that reason we have concern with this provision; but generally speaking we support the Bill.

MR BERTRAM (Mt. Hawthorn) [3.38 p.m.]: The principal purpose of this Bill is to usurp the prerogatives and power of the Federal Parliament in respect of the making of laws to do with income tax. This is the second Bill of this kind we have had here in the last year or so. The last one was a try-on in respect of architects. At that time I expected a Bill would come in shortly to amend the Legal Practitioners Act in the way this Bill intends to do so. I think I probably forecast that at the time.

This Bill will make it lawful in the future for legal practitioners, by a tax avoidance procedure, to do what they cannot lawfully do now because it would amount to tax evasion. Therefore, this Parliament in respect of this Bill is showing the way with the very highest level of tax avoidance one can get; namely, statutory tax avoidance in respect of income tax which is not the prerogative of the State Parliament at all.

As most of us are aware, there is a tremendous amount of public disquiet currently prevailing because of what is described as tax dodging. There are two ways to dodge income tax: one is by tax avoidance, which is the dodging of tax by lawful means, and the other is by way of tax evasion, which is the dodging of tax by unlawful means. There is a fair amount of evidence to show the greatest problem in Australia these days is not tax evasion, but tax avoidance.

I should like to quote an editorial comment from *The Mercury*, which is published in Hobart. It reads as follows—

> Tax avoidance has become a national scandal. It has understandably caused the Federal Government to become concerned at not having the benefit of those millions of tax dollars protected by the intricacies of clever and complex schemes.
>
> But far more important is the effect it is having on the community. It is creating divisions in society—the conviction that there is one taxation law for the rich and privileged and another for lesser mortals.
>
> A fair go in the application of tax laws, even if this would not necessarily mean ideal equity, should be a high government priority.

Mr Nanovich: When are you going to get onto the Bill?

Mr BERTRAM: To continue—

> The more cynical can be pardoned for observing that politicians do not seem to have the same trouble overcoming tricky problems when their own welfare is at stake.

This causes one to wonder whether the rumour which exists at the moment is true; that is, if the Government has its way members of Parliament will soon be able to split their incomes also.

Mr Jamieson: I split mine now. My wife gets most of it. What are you worried about?

Mr O'Neil: Join the club!

Mr BERTRAM: The proposition contained in the Bill means the people best able to pay income tax will be relieved from paying a certain amount of it. The rest of the community will have to make up the shortfall as a result of the taxation relief being accorded legal practitioners. That is a most unsatisfactory state of affairs.

It is the job of the Federal Government to make the laws which govern income tax. Therefore, if it wants to take similar steps to those proposed in this Bill, it should do so. The State Government should not attempt to usurp the functions of the Federal Government, nor should it introduce legislation of this nature without consulting the Federal Treasurer or the Prime Minister.

Why should a legal practitioner or architect be able to split his income into halves, quarters, fifths, or sixteenths when someone else—a producer of goods and wealth—is not permitted to do so? What is the logic or fairness behind that? There is no logic or fairness to support that proposition. For that reason, the Opposition objects strongly to this provision in the Bill.

It appears that this legislation has been designed primarily as a vehicle to achieve the objective of taxation relief for legal practitioners, because, according to the member for Yilgarn-Dundas, the other provisions contained in it are not very satisfactory or effective. The action of the Government in this regard provides yet

another example to the people of Western Australia of the favouritism shown by the Government to certain sections of the community.

The Opposition does not oppose provisions designed to reduce the impact of taxation on the people. It is, however, concerned about favouritism extended to certain people who in fact are the best able to pay their income tax. However, these people are being given taxation relief. The majority of the population will receive no relief from the impact of taxation, but a certain group of people will. The producers of wealth in this community are given no respite and rarely does the Government give employees any respite from income tax.

I cannot recall an occasion on which the Treasurer of the State has said to the Federal Treasurer, "Give the employees of this State some respite from income tax."

Sitting suspended from 3.45 to 4.05 p.m.

Mr BERTRAM: During the afternoon tea adjournment it was suggested to me that the amount of income tax to be dodged as a result of this Bill will not be very great. I do not think that is relevant but I think in certain cases the amount of tax which will be dodged will be very considerable for the reasons intimated earlier. It appears the legal practitioners will be able to split their income, not only into two equal parts but into a large number of parts.

Some legal practitioners are in the fortunate group which has a very significant income and will derive from this measure what may be described by some as huge benefits. On the other hand, thanks to a High Court decision in the 1930s, an ordinary working man, an employee, is still not permitted to deduct from his assessable income his travelling expenses to and from his place of employment.

This was decided by three judges, two of whom were Liberal Party appointees and the dissenting judge was a Labor Party appointee—this would not surprise many people. Ordinary employees in their droves still cannot claim and are not entitled to a deduction in respect of their travelling to and from work for the purpose of earning assessable income, in respect of which they pay tax. This illustrates the different approaches of Governments.

Recently Joh Bjelke-Petersen suggested that the Federal Government should give a tax holiday to a particular entrepreneur. The Premier of this State said that something should be done by way of a depreciation concession to the rather wealthy presumably transnationals who will establish iron and steel mills. That will give them yet another advantage.

This may be a good move if it were brought into the context of evenhandedness—not the Premier's variety—of tax concessions across the board. However, that is not happening, there is favouritism and this measure is another example of it. The Opposition feels duty-bound—in some respects with considerable reluctance—not to sit idly by and allow these acts of favoritism to be allowed and carried out right under our noses. We cannot allow this to happen while there are people in desperate need and who need income tax relief. As a result of this measure these people will not receive income tax relief in the future but will have to pay more income tax to take up the slack which will follow because legal practitioners will be able to organise their affairs in such a way that their income tax burden will be substantially cut.

MR O'NEIL (East Melville—Deputy Premier) [4.10 p.m.]: I thank the Opposition for its support of this measure. I think I should deal with the matters raised by the member for Mt. Hawthorn and the member for Yilgarn-Dundas as issues separate from the main thrust of the Bill.

Firstly, the member for Mt Hawthorn was critical of this "discriminatory law". He talked about evenhandedness, and the like. I think that was an argument in support of the proposal to provide for the removal of the legal barriers which in the professional field obtain only to legal practitioners in this State to arrange some "income-splitting", as he refers to it.

I was very careful, during my second reading speech, to point out that the situation which we propose to introduce in this State already obtains in both Queensland and New South Wales. In this State, again, the legal barrier now exists only in respect of the legal profession. So, both geographically and professionally the law as it stands is discriminatory. We propose to remove that discrimination.

One would imagine we are to make it compulsory for incomes to be split. The member for Mt Hawthorn spoke about a legal practitioner being able to divide his income by 16, or an even greater number. Well, I think the only tenor in which that could be implemented would be in the case of a very staunch Roman Catholic legal practitioner with 14 or 15 children. He would be the only type of person who would be able to split his income to that extent. We are not making it compulsory; we are simply removing the barrier which has been removed already in at least two States and which applies only to the legal profession in this State.

There is, of course, a protection and it will be interesting to see what happens when the rules under which legal practitioners are able to divide their incomes are brought down. In my second reading speech I pointed out that the Barristers Board will, in fact, prescribe the occasions and conditions where income sharing will be permitted.

I imagine the Barristers Board will exercise more than its usual care in such matters and the conditions will, in fact, be enshrined in the rules.

I will quote what I said in my second reading speech, as follows—

> It is envisaged that the sharing of income would apply to persons in a close relationship with the legal practitioner concerned.
>
> In any case, the rules to be prescribed fall within the definition of regulations . . .

I explained that the prescribed rules will fall in the category of regulations, and will be tabled in this Parliament and may be disallowed. So, I will be interested to see the attitude of the member for Mt Hawthorn when those rules are first tabled. I will not be able to see his attitude, but I might be able to read about it in the newspaper next year, perhaps!

The member for Yilgarn-Dundas quite rightly pointed out the problems that relate to the positions available for graduates of the university who enter into articled clerkships, and the practical experience which needs to follow. Members are aware, of course, that I am not the Attorney General but I undertake to bring to the notice of the Attorney General some of the illegalities about which the honourable member has some knowledge but which, of course, I do not.

The member for Yilgarn-Dundas indicated that some young graduates were, in fact, practising law illegally. If that is the case it should be brought to the attention of the appropriate authorities. I am not aware of those instances but I will bring to the attention of my colleague, the Attorney General, the comments of the honourable member.

It is true this Bill simply will extend the period of time during which certain articled clerks will have the opportunity to serve in areas different from those in which they originally served. I mentioned, during my second reading speech, that when the first endeavour was made to overcome this problem it was expected by the end of that year a legal education course would be operating which would obviate some of the problems. That was in 1977. Whilst I am told that some initial progess was made, it is now evident, apparently, to the Attorney General that this will not eventuate in the immediate future.

The honourable member said that this Bill was no more than an extension of the 1977 Bill. However, it is an alleviating measure in that clerks who are articled either to the State or the Commonwealth Crown Law offices will no longer have to serve for five years. The period has been reduced to one year on the basis that the experience which the articled clerks gain in the Crown Law Departments of the State and the Commonwealth is far wider now than when the original provision was inserted in the Act back in, I think, 1925. So, that is a further move to overcome the problem.

I thank the Opposition for its support of the Bill, and I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 6 amended—

Mr BERTRAM: This clause will amend section 6 of the principal Act, and reads as follows—

> (a) by adding after paragraph (f) of subsection (1) the following paragraph—
>
> (fa) for prescribing the cases and conditions in which certificated practitioners may share the whole or any part of the costs referred to in paragraph (4) of section seventy-nine of this Act with persons other than certificated practitioners, or their executors or administrators; ;

This is really the centre of this Bill. It is true the Minister said that in due course the Barristers Board will promulgate regulations relative to this question of income-splitting or income tax dodging. The fact of the matter, of course, is that whilst regulations will be made and gazetted, and placed before this Parliament, we all know—whether we are members of the Government or of the Opposition—that when the regulations come forward the Opposition will have absolutely no say in respect of them—so it is appropriate that one or two comments should be made at this stage.

It is said the purpose of the Bill is to bring the legal profession into line with other professions and occupations so far as self-employed persons are concerned. The Minister intimated that the splitting of income will occur only between people who are close relatives or those in a close relationship with the legal practitioner concerned.

As I understand it, that position does not obtain in respect of architects and other self-employed people in professions and trades. Therefore it seems to me that may work out to be unfair, and in this case discriminatory against the legal practitioner.

It is said some reasons exist that the intent of keeping the field of income-splitting into a small area is important in respect of legal practitioners. There may be some substance in it in that case but if there is we have not been told very convincingly, if at all, what that substance is. Therefore, unless an excellent case can be made out, the intention to confine the splitting to close relatives or others in a close relationship may discriminate against the legal profession.

It may be unfair to the legal profession and bestow no particular benefit on the public; so it should be shown very clearly that there is a real justification for it and justice and good sense in it. Unless those elements can be established, the Opposition says a legal practitioner who is an officer of the court and is supposed to be a person of some character in the community should be given an opportunity to work out his own arrangements for the splitting of his income and should not be too confined by regulations.

That is what the Opposition has to say about this matter. It is hoped therefore that serious consideration will be given to the proposition that so far as is possible legal practitioners should not be restricted in their income-splitting; that is to say, merely to close relatives and others in a close relationship with them.

Clause put and passed.

Clauses 3 to 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and passed.

PUBLIC NOTARIES BILL

Second Reading

Debate resumed from the 17th May.

MR GRILL (Yilgarn-Dundas) [4.25 p.m.]: On the face of it, this Bill appears to be quite innocuous and should normally proceed with the support of the Opposition. However, in this case we do not think the Government has put up a convincing argument for a new Bill and we cannot see any reason to support it. Consequently, we oppose it.

The Bill repeals the Public Notaries Act, 1902. It is a very old Act and perhaps some areas of it could be updated, but generally speaking it is not out of date as far as I can see. The Bill introduces two new provisions. Basically, in respect of the appointment of public notaries, it incorporates all the provisions of the old Act plus two new concepts.

The first of the new concepts is that there shall be two types of notaries public in future, as distinct from the one type who operated in the past. The two types will be the general public notary who will operate in the metropolitan area, and the district public notary who will operate in country areas. The general public notary who operates in the metropolitan area will have the traditional powers of a public notary extending throughout the State, but the country public notary—namely, the district public notary—will have only those powers traditionally exercised by a notary public in the district for which he is nominated.

I cannot see that a convincing case has been put forward for this distinction. In fact, I cannot see a convincing case for what really amounts to a discrimination. There may well be a case; I do not know. Perhaps the Deputy Premier can put it forward, but certainly it was not put forward in his second reading speech. The Opposition cannot see why public notaries in country areas should have less power than public notaries in the metropolitan area. We see from time to time this sort of impediment and discrimination between city and country people. I do not know why it must be so, and I think it rests upon the shoulders of the Government to put forward a cogent and compelling case for creating this distinction. We cannot see it at the present time.

Difficulties exist in respect of the appointment of notaries public. The principal difficulties are that there are very few notaries public in country areas and at times people have to travel very long distances to avail themselves of the facility of having documents witnessed or authenticated by a notary public. For instance, at the present time

only one notary public is appointed for the whole of the eastern goldfields. He is Mr Tom Evans, the member for Kalgoorlie. He lives in the city, but even when he was living in Kalgoorlie he was in the city quite often, and people would go into the office to have documents witnessed or authenticated by a notary public to find he was not available. The next closest notary public was in Perth; there was not one at Southern Cross, Merredin, or Northam. Therefore one had to go all the way down to Perth.

So there are difficulties in respect of the appointment of notaries public. Those difficulties are acknowledged by the Opposition, but we do not see why there needs to be discrimination between city and country notaries public. What is necessary is for the Government to ensure that sufficient notaries public are appointed in country areas so that people do not have to travel to the city to have a document witnessed by one.

The Opposition's view in regard to this measure is different from that of the Government in a second area, and this is perhaps slightly more important. Traditionally notaries public have been appointed by the court—in our case by the Supreme Court—without any intervention or interference by the Executive branch of Government. This Bill provides specifically that the Attorney General will have both the power and the duty to report in respect of any one applicant, and also, he will have the power—and I suspect the duty—to intervene in respect of any application that comes before the court.

In our view political interference in what has been traditionally a non-political area is obnoxious, and we cannot see that any case has been put forward for such interference and intervention by the Executive branch of Government, and more particularly, by the Attorney General, who at any one time is the tool of a political party.

The history of notaries public shows that past appointments have been very strictly non-political. As the Deputy Premier pointed out in his second reading speech, the concept of notaries public grew up in England, and originally appointments were made basically by the church. Notaries public were necessary to fill the very important role of witnessing and authenticating documents, generally for use overseas.

Notaries public fulfil roles similar to those of justices of the peace. The main difference is that the use of notaries public has international recognition. For instance, if a person residing in Germany wishes to have a document witnessed in Australia, almost exclusively the duty of witnessing that document would fall on a notary public.

Germany, Italy, and many other countries recognise and appoint notaries public. An Australian living overseas might go to a Consul General or an Ambassador—if there were a Consul General or an Ambassador in the country in which he is residing—to authenticate a document from Australia, but where there is no such person, he would seek the services of a notary public.

Mr Laurance: Their services are extremely important in the case of shipping, and so on.

Mr GRILL: Yes, notaries public are very important for witnessing documents involving shipping.

By and large, in countries where notaries public are appointed—and especially in England where they had their genesis—such appointments are not political, and they are made usually without the intervention of the Executive arm. We on this side of the House feel the system has worked well in the past, and we cannot think of, nor have we had pointed out to us, any areas where there has been an abuse of power. We cannot think of, and nor have we had pointed out to us, any case of the appointment of a notary public by a court which was in any way a wrong decision. As the system has worked so well, we feel it should not be interfered with.

Allegations have been made in this House—and I can see some grounds for them—that the appointments of justices of the peace are political in some respects. I believe there is some objective evidence to support that allegation, and certainly it seems to be the case in my electorate. I put forward for nomination to the position of a justice of the peace the nephew of the Governor who happens to be an old friend of mine. Subsequent to that I put forward for nomination as JPs some people from the trade union movement. I found that the Governor's nephew was appointed—as I hoped he would be appointed—but the union officials were not so appointed, even though they could have fulfilled the duties of justices of the peace in every way.

Mr Hodge: I have had all mine knocked back, every single one.

Mr GRILL: Perhaps I am making incorrect allegations, but the very fact that it can be said seriously in this House that the appointment of JPs can become political is enough for us to show caution and restraint in regard to the appointment of notaries public.

Mr Coyne: How many nominations have you made?

Mr GRILL: Does the honourable member mean since I first became a member?

Mr Coyne: Say within the last few months.

Mr GRILL: I have made over a dozen nominations, but less than two dozen.

Mr Coyne: Have any appointments come from those?

Mr GRILL: Yes.

Mr Young: Well that is remarkably good.

Mr Hodge: I have had a 100 per cent failure rate.

Mr Young: It should be noted that that is not unusual.

Mr O'Connor: That is the normal rate.

Mr Bertram: It does not make it right.

Mr Young: So the member for Yilgarn-Dundas has the highest batting average.

Mr GRILL: That may be so. The fact that such allegations can be made is enough to require the Government to look again at the role of the Attorney General in these appointments.

I have referred to the areas where the Opposition feels concern. Perhaps the Deputy Premier can answer my points sufficiently to satisfy us. We feel that the situation has worked very well in the past and that it does not need to be changed in any degree.

MR O'NEIL (East Melville—Deputy Premier) [4.37 p.m.]: I am not quite sure whether or not the Opposition is opposing the measure. Certainly the member for Yilgarn-Dundas has raised some objections to it. I would be a little surprised if the Opposition is opposing it, because I took the opportunity to read the speeches made in another place after this Bill was introduced by the Attorney General. There was no question of lack of support by the Opposition to modernising the provisions for appointing notaries public as well as modernising the Act itself.

I would like firstly to sort out the difference between justices of the peace and the way in which they are appointed, and notaries public and the way in which they are appointed.

There is a requirement, and there has been a requirement for as long as I have been a member of Parliament, that the nomination of a name to the Commission of the Peace must be initiated by the member for a district. So that commences on a political basis. Occasions do arise where that general rule is not followed, but certainly it has been my experience that when other members have nominated a constituent of mine for appointment to the Commission of the Peace, the practice has been for the Government to refer that nomination to the local member for any comments he may have. So it commences on a political basis, and the Attorney General, an Executive of Government, ultimately makes the appointment.

My understanding of the situation in regard to notaries public is that the appointment is made on the application of the person concerned. It is not sponsored by anyone or through anyone. The appointment is made by the Chief Justice.

Mr Grill: After a Full Court hearing.

Mr O'NEIL: Apparently the modernisation of the Act was initiated by the Chief Justice. He wondered whether a better system could apply. As the honourable member said, we have relatively few notaries public.

The view was put forward that an applicant for such a position should have the opportunity to state the magisterial district in which he is prepared to act. The member for Yilgarn-Dundas referred to the situation in Kalgoorlie, where there was one notary public who was more frequently in Perth than in Kalgoorlie, and he pointed out that that occasioned difficulties.

I do not think there is anything wrong with the proposition that a person who desires to serve the community as a notary public can indicate the geographical area in which he is prepared to serve either on a Statewide basis or on a district basis.

That is fair enough, and I do not think it tends to be discriminatory. It simply ensures that someone is prepared to confine his services to the community to a specific area, rather than be called upon by people from all over the State.

Mr Grill: As I understand the situation, a person appointed in, say, Kalgoorlie can act there. But can he act as a notary public in Perth?

Mr O'NEIL: I should not think so. The point is that if he wishes to witness documents in Perth he should apply to be a general notary public instead of a district notary public. I think the option is available to the applicant to determine what he wants to be in that regard. It may well be that in considering the application a suggestion may be made to him that perhaps he should confine his activities to a certain magisterial district or districts.

I understand also that in discussions held as to the appointment, it is desirable—I think from the point of view of the Chief Justice—that some advice be available as to the competency of the person and the need for a notary public in the area concerned, or in the State, generally. Under those circumstances, it is suggested there be a panel of notaries to which the Attorney General

would refer applications in order that advice may be given to the Chief Justice.

Mr Grill: That argument is weakened by the fact that applications can come only from a very restricted class of people; namely, barristers and solicitors.

Mr O'NEIL: It is indeed a fact that the common rule is that only barristers and solicitors are appointed. However, I do not think that is a requirement. Certainly it was not originally a requirement that one must have legal qualifications before one could be appointed a notary public. I think anyone can apply.

Mr Grill: Yes, but the fact is that only barristers and solicitors are appointed.

Mr O'NEIL: That gets back to the point of having a small advisory panel to which applications may be referred so that the Attorney General can pass to the court the recommendations of the panel. In this exercise the Attorney General in my view would not be seen to be acting as a political animal, but rather would be seen to be acting as a letter box between the applicant, the advisory panel, and the court. That seems to me to be not undesirable.

Mr Grill: He could act politically. I am not saying the present Attorney General would, but an Attorney General could act in that way.

Mr O'NEIL: Yes, he could, but I believe that should an Attorney General decline to pass on a recommendation made by a panel of notaries, he would certainly be in trouble. I do not think we can prescribe in legislation that an advisory panel must advise the Chief Justice. I think we must put the Executive intermediary in there as a post office. In my view that seems to be the only reason for including the Attorney General. I was making a distinction between an appointment to the commission of the peace, which is the responsibility of the Attorney General, and which does stem from a political base, and the appointment of a notary public.

The honourable member referred also to the fact that these people were appointed in England initially by the Pope, and now are appointed by the Archbishop of Canterbury. I understand that practice was severed in about 1902 in the States of Western Australia and Tasmania. I am given to understand the appointment of notaries public in all other States of Australia is still the responsibility of the Archbishop of Canterbury. However, that is purely an academic point.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neil (Deputy Premier) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Confirmation of established notaries, and preservation and continuation of the Role of Notaries—

Mr O'NEIL: I move an amendment—

Page 3, line 9—Delete the figure "7" and substitute the figure "10".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 19 put and passed.

Title put and passed.

Bill reported with an amendment.

ACTS AMENDMENT (MASTER, SUPREME COURT) BILL

Second Reading

Debate resumed from the 9th August.

MR BERTRAM (Mt. Hawthorn) [4.48 p.m.]: Nearly three months ago, on the 9th August, the Deputy Premier introduced this Bill and supported it with his second reading speech. The Opposition has studied the Bill and the Deputy Premier's comments. In view of the argument put forward and the good purpose of the Bill, the Opposition supports it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and passed.

SOLICITOR-GENERAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st August.

MR GRILL (Yilgarn-Dundas) [4.55 p.m.]: This Bill is one with retrospective application. The retrospectivity goes back to the date of the first

enactment of the Bill setting up the Act; namely, the 19th May, 1969.

Any Bill which is retrospective in its application is unusual, and normally requires an explanation. I understand the circumstance which led to this retrospective Bill was that a former Solicitor-General of this State (Sir Ronald Wilson) accepted an appointment as a justice of the High Court of Australia. I understand he was the first person from this State to enjoy the honour of actually being appointed to the High Court. He had served very capably as a Solicitor-General of the State, and as such was able to enjoy certain benefits by way of superannuation and pension.

It came to the notice of the Crown Law Department that if Sir Ronald Wilson accepted the appointment to the High Court, he would lose certain benefits, including superannuation and pension benefits and, I think, some other ancillary benefits. On looking at the Act, it apparently became clear there were some anomalies which acted against a person who had been a member of the Public Service before being appointed Solicitor-General and, subsequently, to a position on the High Court of Australia. The Attorney General and the Deputy Premier in their second reading speeches quite simply said they wished to remove that anomaly.

The Opposition supports the Bill. However, there are some things which need to be said for the sake of the public record about which I should perhaps be rather delicate or else they might be thought to be unsavoury or not proper.

Before I say those things, let me hasten to point out that whatever I say has no reflection on Sir Ronald Wilson, because he is a person of the highest competence, ability, and standing.

It is a matter of just how this piece of legislation will be viewed by people in the other States which worries me and the Opposition. It is well known that, up to the time of Sir Ronald's appointment, there had never been a Western Australian appointed to the High Court of Australia. It is also well known that for some time the Premier and the Attorney General have put forward quite vocally the view that there should be appointments to the High Court from the various States. In fact, the Premier made it quite clear on one of his trips to the Eastern States that that would be one of the things for which he would be pressing.

In due course, it has come about. The situation which will transpire by the passing of this Bill is that Sir Ronald Wilson, in fact will become entitled to superannuation and pension rights running into a considerable sum of several tens of thousands of dollars.

It was well known in legal circles, well before the appointment, that the Solicitor-General for this State had been approached in respect of the appointment and that the Government was keen to have him appointed to the High Court. It was well known within the profession that the Solicitor-General was not keen to accept the appointment because he would lose the superannuation and pension rights. It was well known also—and I had mentioned it to my colleagues well before the appointment—that the Government would introduce this Bill to ensure that those tens of thousands of dollars which the Solicitor-General may have lost would not be lost, so that would induce him to accept the appointment.

As I said before, I need to make this point fairly delicately. It could be interpreted—and in fact it has been interpreted by various parties—that the passing of this retrospective Bill and the payment of this money in due course is an inducement to a member of the highest court in this land. I do not believe that it is. Let me say I do not believe it is.

Sir Charles Court: Well, why did you say so?

Mr GRILL: Certainly that is the way in which it can be, and has been, interpreted. It would be wrong if justice were done, but were not seen to be done—if it were seen that the Government of this State had in its pocket one of the judges of the High Court. That would be very wrong.

By the passing of this Bill, those sorts of allegations can be made, and can be made seriously, whether or not they are correct. I do not believe personally that they are correct; but such allegations can be made, have been made, and will be made in the future.

For that reason, the performance of Sir Ronald Wilson, who is extremely competent, extremely able, and of very high standing, will be watched with considerable interest when he sits on the High Court.

I do not believe this is the sort of situation we want to be involved in—the situation where one or other of the judges of the highest court in this land should feel himself bound to uphold the interests of one State against those of another. For that reason, although we support the Bill I make those few comments, which I think should be made strictly in the public interest.

MR O'NEIL (East Melville—Deputy Premier) [5.04 p.m.]: I cannot help but be appalled at the comments made by the member for Yilgarn-Dundas. He indicated initially that he would

speak on what he regarded as a very delicate subject, and he said he would speak delicately. He indicated that he would not attribute to Sir Ronald Wilson any of the things that he said other people could attribute to him. It seemed to me a very strange place to express the points of view of other people if he did not hold those views himself.

I will go no further than that, because I regard the comments made by the member, who was apparently speaking on behalf of people outside this Chamber, with the utmost contempt.

Mr Pearce: Are you denying people are saying things like that?

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and passed.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 4th October.

MR BERTRAM (Mt. Hawthorn) [5.08 p.m.]: On the 3rd April, 1975, nearly five years ago, the Full Court of the Supreme Court ruled that it was not lawful for courts to caution people coming before them for penalty. The procedure of administering cautions had been applied since 1910 or perhaps even before that time; and what the courts had been doing over the space of 65 years or more was unlawful.

Nonetheless, it was generally considered—a contention supported by this Bill—that the power to administer cautions in proper circumstances was a worth-while power that should be "reinstated". In fact, from immediately after the 3rd April, 1975, the time was ripe for this Parliament to do something about amending the law to "reinstate" the power of courts to adminster cautions in proper cases.

It reflects no credit whatsoever upon this Government that it should have dilly-dallied and messed about with this proposal for nearly five years before it introduced this Bill. It is hardly a monumental Bill—three and one-half pages at the most to put the law into the position where it ought to be. It took the best part of five years!

In that time the Opposition has attempted on at least two occasions to reinstate the caution power by amendments to Bills before this Assembly. Each of those attempts made by the Opposition has been rejected without any good reason being advanced by the Government. Heaven knows for what reason it was rejected other than sheer perversity or ineptitutde, or perhaps a blend of both. Then again, perhaps it was just another show of power and authority to keep the Opposition in its place, a procedure not altogether unfamiliar here.

But the losers have not been Opposition members; the losers have been literally hundreds of people who have gone before courts and in respect of whom the courts have been denied the power to administer cautions. Hundreds of people have been disadvantaged as a result of this Government's neglect.

If my recollection is correct, the Government sent this question of cautions, following the judgment to which I referred earlier, to the Law Reform Commission. In due course the commission made recommendations. The Opposition is by no means convinced that this was a proper matter to refer to the Law Reform Commission. The commission has a big and very responsible job of reforming the law.

Alternatively, we believe if the Government was all that keen to send this matter to the commission it should have brought in a Bill promptly; that is to say in 1975, not the tail end of 1979. It should have introduced a short Bill to restore the position more or less at least to what was thought to be the position for the 60-odd years up until the Full Court decision. This would have instantly given to the public the right to be cautioned; it would have instantly given back to the courts the power to administer cautions instead of denying it to the courts for nearly five years.

The Law Reform Commission could have proceeded with its inquiry and, if thought necessary, the Government could have brought in a Bill at this time to make even more effective and efficient the temporary legislation to which I have referred and which, as I said earlier, should have been brought in in 1975.

Bear in mind the Opposition has not been silent on this matter. It has discharged its obligation to this Assembly by bringing this matter to the attention of the Government on a number of occasions. It is not as though we were in a slip

situation where everyone has forgotten about this particular important matter. The Opposition has not forgotten it for a moment. As I have said, on a number of occasions the Opposition acted responsibly with a view to restoring the law to where it ought to be and the Government resisted and opposed those moves.

Notwithstanding all that saga of activity, the Government has taken almost five years to produce this Bill which contains two clauses. This is an example of ineptitude and lack of interest. There is absolutely no justification for it. The Government deserves the very strongest censure in respect of this Bill. It may have kept the Opposition in its place, but effectively what it has done by ignoring the urgings of the Opposition to do something about this is to stand over and disadvantage the public of Western Australia—not some segment of it, but every person in the State who may have found himself before a court in a situation where the obvious thing for the court to do was to impose a caution.

So for five years the courts have been denied that ability. Not only that, it follows that penalties imposed have been inappropriate. People have been dealt with by courts and penalised in a certain manner when, quite obviously, they should have been dealt with by way of a caution. This is thoroughly unsatisfactory and it should not be treated lightly by the people of Western Australia. I can think of other Bills which have been brought in here almost within a matter of weeks of decisions being made in courts with a view to righting a position. Members will recall the Premier telling the people in 1974 he would put things right. He has not carried out that promise; he has not even looked like doing that. But in respect of this Bill he is putting things right five years late.

This type of inefficiency, unless brought home to the people of the State, is the sort of thing which goes unnoticed and which should not go unnoticed. Governments have an obligation to act with a degree of responsibility and efficiency. With respect to this Bill the Government has not measured up on either of those counts.

The Opposition naturally supports this Bill. As far as we can see it is a good Bill; it is serving a very meritorious purpose, five years late.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Neil (Deputy Premier), and passed.

QUESTIONS

Questions were taken at this stage.

House adjourned at 5.50 p.m.

QUESTIONS ON NOTICE

STATE FORESTS

Pine: Donnybrook Sunklands

2113. Mr BLAIKIE, to the Minister representing the Minister for Forests:

Would the Minister give details of the projected expenditure of the Donnybrook sunkland pine planting programme during the current financial year and the specific projects where this expenditure will be incurred?

Mrs CRAIG replied:

	$
Initial clearing	433 106.00
Final clearing	155 644.00
Ploughing and drainage	67 600.00
Clover establishment	93 950.00
Planting	67 000.00
Fertilizer application	23 150.00
Demarcation and soil surveys	53 940.00
Total establishment	894 390.00
Tending operations	30 340.00
Total Donnybrook sunkland operations	924 730.00

MEAT: LAMB MARKETING BOARD

Exports and Price

2114. Mr BLAIKIE, to the Minister for Agriculture:

(1) What was the average per head price paid for lamb acquired by the board during the 1978-79 year?

(2) What was the average per head price paid for lamb purchased by the board from—

(a) other Australian States;
(b) New Zealand,

during the 1978-79 year?

(3) In relation to (2), what is the percentage of lambs be they purchased for either local or export markets?

(4) Which export markets were supplied with New Zealand lamb, purchased by the WA Lamb Marketing Board, during the 1977-78 and 1978-79 financial years?

Mr OLD replied:

(1) $13.52.

(2) (a) The board does not purchase lamb outside of Western Australia on a per head basis. It purchases in a processed form delivered to aircraft or ship. Details of f.o.b. prices are confidential for trading reasons.
(b) Nil.

(3) Tonnages purchased interstate were for export markets.

(4) 1977-78 Iraq
1978-79 Nil.

MEAT: LAMB MARKETING BOARD

Purchases and Exports

2115. Mr BLAIKIE, to the Minister for Agriculture:

(1) How many lambs were processed by the board during the 1978-79 year?

(2) How many lambs were—

(a) exported;
(b) utilised in Western Australia,

during the 1978-79 year?

(3) How many lambs were purchased from—

(a) interstate (by State);
(b) New Zealand,

for—

(i) export;
(ii) local requirements,

during the 1978-79 year?

Mr OLD replied:

(1) 1 328 404.

(2) (a) 770 451;
(b) 484 003.

(3) No lambs were purchased, but the following carcase meat was supplied on f.o.b. basis.

(a) (i) Victoria 556 tonnes
South Australia 882 tonnes;
(ii) Nil;
(b) (i) and (ii) Nil.

ABATTOIR: ROBB JETTY

Fire Damage

2116. Mr BLAIKIE, to the Minister for Agriculture:

(1) What was the extent of damage following a fire in freezer chiller rooms at the Robb Jetty abattoirs in November 1978?

(2) What was the extent of damage to meat stored at that facility by weight and by the number of carcases involved in each category, i.e., beef, mutton, hogget, lamb, veal, etc.?

(3) Was the—

(a) building;

(b) contents,

insured by the State Government Insurance Office, and if so, to what extent?

Mr OLD replied:

(1) Six freezing chambers on the top floor of the main cold store building were destroyed; and three freezing chambers and one freezer store located directly beneath these chambers suffered superficial water and smoke damage.

(2) 13 262 lamb carcases (packed in cartons) and weighing 160 tonnes were destroyed.

The following meat was stored in rooms affected by water and smoke—

Lamb	45 489 carcases	697 tonnes
Mutton	16 090 carcases	36 tonnes
Goats	764 carcases	14 tonnes

(3) (a) Yes. The full depreciated replacement value together with costs of removing debris were recovered under the terms of the policy.

(b) Under the standard condition for cold storage adopted by the commission goods are stored at the owner's risk and responsibility for insuring rests with the owner. The lamb was insured by the WA Lamb Marketing Board for the market value, in store, at the time of the fire.

ABATTOIR: ROBB JETTY

Fire Damage

2117. Mr BLAIKIE, to the Minister for Agriculture:

(1) Have tenders been called for the purchase of meat carcases following a fire at the Robb Jetty freezer/chiller rooms in November 1978?

(2) (a) When were tenders called; and
(b) who were they?

(3) Who "vetted" tenders for the State Government Insurance Office?

(4) Who was the successful tenderer and what were the terms offered?

(5) Is the State Government Insurance Office responsible for meeting costs of fire damaged meat still held in storage?

Mr OLD replied:

(1) Yes.

(2) (a) In July and September 1979.
(b) If the member is referring to the names of tenderers this information is confidential to the State Government Insurance Office and to the Western Australian Lamb Marketing Board.

(3) The Western Australian Lamb Marketing Board.

(4) This information is confidential as negotiations are still in process.

(5) Yes. The State Government Insurance Office has agreed to accept the claim for all fire damaged meat.

ANIMALS: DOGS

Stray: Tranquiliser Guns

2118. Mr TONKIN, to the Minister for Local Government:

(1) Why will the State Government not authorise the use of tranquiliser guns for the control of stray dogs in urban areas?

(2) Is she aware of the considerable amount of dissatisfaction by local government authorities with the inadequacies of the means to deal with the dog nuisance?

(3) What plans are in hand to improve the situation?

Mrs CRAIG replied:

(1) For reasons of safety.

(2) No, although some local authorities have indicated concern.

(3) No action is being contemplated at the moment.

CAMPING

Tent Style

2119. Mr SKIDMORE, to the Minister for Health:

(1) Further to question 2493 of 1978 relevant to camping, what recommendations were made by the interdepartmental review committee concerning camping?

(2) Is it proposed to relax the present restrictions on informal "tent-style" camping?

(3) Have the recommendations been considered by the Government and when are they likely to be implemented?

Mr YOUNG replied:

(1) Recommendations were made for the provision of additional facilities in organised situations and the inclusion of a new category for "nature park" camping. Additionally, provision is allowed for tent style camping in national parks legislation.

(2) Yes.

(3) Yes. The recommendations are currently being examined by the Crown Law Department and a precise date to implement will not be known until this is completed.

LAND: RESERVES

Mt. Lesueur and Nos. 8431 and 26177

2120. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) (a) Further to questions 2402 and 2403 of 1978 relevant to mining tenements, what is the present situation concerning the investigation of applications for mining tenements involving Reserve No. 26177 at West Cape Howe;

(b) what was the outcome;

(c) have the tenements been approved and, if so, what conditions have been imposed?

(2) Further to question 2441 of 1978, what is the present situation concerning discussion between the National Parks Authority and the Augusta-Margaret River Shire Council concerning the future of Reserve No. 8431?

(3) (a) Further to part (1) of question 2527 of 1978, what is the present situation concerning discussions between the Director of Conservation and Environment and the Under Secretary for Mines;

(b) what is the nature of any resolving of the matter?

Mr O'CONNOR replied:

(1) (a) It is assumed that the member is referring to questions 2401 and 2402 of 1978. The applications for quarrying areas 70/15 and 70/16 were refused by the warden in the Perth Warden's Court on the 3rd January, 1979, because quarrying areas can be granted only on Crown land. Reserves are not defined as Crown land under the Mining Act 1904-1968.

(b) and (c) It has been determined that the Albany Shire Council has the authority to license the quarrying of stone under section 5(1)(f) of the Parks and Reserves Act. It is understood that the council is yet to reach a decision on whether or not to allow quarrying to take place on Reserve No. 26177.

(2) The National Parks Authority has developed recommendations concerning Reserve No. 8431 and these will be discussed with the shire and concerned departments in the near future.

(3) (a) Discussions have been held between the respective heads of the two departments, and these will continue.

(b) No firm resolutions have been reached to date.

LAND: NATIONAL PARKS

Fitzgerald River and Moresby Range

2121. Mr SKIDMORE, to the Minister for Conservation and the Environment:

(1) Further to question 2587 of 1978, what progress has been made in determining boundaries and declaring the Owingup Swamp a Class "A" nature reserve?

(2) (a) Has the working group on land releases yet considered the results of a soil survey of land in the vicinity of Fitzgerald River national park and associated land use proposals;

(b) what progress has been made in determining areas for inclusion in the national park?

(3) (a) On what dates have the National Parks Authority and members of its staff made inspections of the Moresby Range area;

(b) what procedure has been implemented by the authority to ensure that it becomes aware of suitable land being available for purchase?

Mr O'CONNOR replied:

(1) It has not been possible to progress with this recommendation due to other priorities. However, consultations between concerned departments are continuing.

(2) (a) The results were considered by the Environmental Protection Authority and a report was submitted to the working group for its information.

(b) The Environmental Protection Authority has completed its investigations and has submitted its recommendations to the Under Secretary for Lands.

(3) (a) The Director of National Parks, on the 15th July, 1975, walked that area of the Moresby Range proposed for purchase as a national park.

(b) The National Parks Authority depends on its field staff who report from time to time.

LAND

Reserve No. 30626 and Stockyard Gully

2122. Mr SKIDMORE, to the Minister representing the Minister for Lands:

(1) Further to question 2583 of 1978—

(a) for what reasons was the matter of enlarging Reserve No. 30626 referred back to the Environmental Protection Authority;

(b) what decision has been made as a result of the Environmental Protection Authority's further consideration;

(c) what subsequent action has resulted?

(2) (a) What are the considerations referred to affecting the beekeepers' reserve;

(b) what progress has been made concerning these considerations;

(c) what further action has been taken to excise Stockyard Gully from the beekeepers' reserve?

Mrs CRAIG replied:

(1) (a) The views of the Environmental Protection Authority were sought on the inclusion in the reserve of an area of Crown land outside and abutting the proposed reserve.

(b) and (c) A decision will be made when advice has been received from the Environmental Protection Authority.

(2) (a) and (b) The considerations referred to affecting the beekeepers reserve were related mainly to the question of control and management of the reserve. These matters have now been resolved.

(c) Action has proceeded to the stage where excision and reservation can be implemented at an early date.

HEALTH: MENTAL HEALTH SERVICES

Federated Engine Drivers and Firemen's Union Award

2123. Mr SKIDMORE, to the Premier:

(1) Further to my question 1842 of the 18th October, 1979 relevant to medical award payments, were the following underpayments of wages made to employees of the Mental Health Services—

(a) Thomas—$392.51;
(b) Eccles—$400.07;
(c) Latto—$108.91;
(d) Paynter—$394,79;
(e) Marrs—$725.86;
(f) Waits—$123.48;
(g) Bamford—$737.72?

(2) In view of the work involved in the calculation of the underpayment of wages by servants of the department concerned, will he ensure that all Government departments have their own autonomy to act when awards covering their employees are amended, and thus ensure that immediate payment of those amended rates is made?

Sir CHARLES COURT replied:

(1) (a) to (g) Yes.

(2) I am not prepared to have changed the present system of advice of award variations and interpretations being sent to State Government departments and authorities by the Public Service Board.

2124. *This question was postponed.*

POLICE

Restaurateurs: Prosecution

2125. Mr SKIDMORE, to the Minister for Police and Traffic:

Are prosecutions brought against restaurateurs who provide a complimentary glass of sherry to patrons as a good will gesture during the course of a meal taken at unlicensed premises?

Mr O'NEIL replied:

If the premises where the meal is supplied is an unlicensed restaurant as defined in section 48 of the Liquor Act and a charge is made for the meal, the person supplying any liquor is deemed to have sold the liquor by virtue of section 139. He would therefore be unlawfully dealing in liquor. Prosecutions are made when evidence is available.

HEALTH: TOBACCO PRODUCTS

Advertising: Prosecutions

2126. Mr BERTRAM, to the Premier:

How many prosecutions has his Government brought for the unlawful pushing of cigarettes to people under 18 years of age in each of the years ended 30th June—

(a) 1975;
(b) 1976;
(c) 1977;
(d) 1978;
(e) 1979?

Sir CHARLES COURT replied:

(a) to (e) No statistics are kept for this type of offence.

ELECTORAL ROLLS

Joint

2127. Mr BERTRAM, to the Chief Secretary:

(1) What is the present cost to the taxpayers of this State of the procedure whereby both the State and Federal Governments maintain separate electoral rolls instead of uniform rolls?

(2) Does the State Government intend to do anything to eliminate this possibly wasteful duplication?

(3) If "No", why?

Mr O'NEIL replied:

(1) to (3) Following a conjoint inquiry undertaken between the Commonwealth and State authorities, the State Government announced on the 11th July, 1979, that it would not implement a system of joint rolls because the implied cost savings were seen to be illusory and it was considered that the maintenance of State rolls could be carried out more effectively by the State Electoral Department.

NORTHERN AUSTRALIAN DEVELOPMENT SEMINAR

Broome

2128. Mr JAMIESON, to the Premier:

(1) What organising responsibility did the Western Australian Government undertake with respect to the recent northern Australian development seminar conducted at Broome?

(2) What was the estimated cost of running this seminar to the Government of Western Australia?

(3) What cost is incurred by this State Government when these seminars are held in Queensland or Northern Territory?

(4) As the principal speakers on this occasion seemed to be all politically biased in the one direction, would he use his influence to have more political balance when programmes are being drawn up for future northern Australian development seminars?

Sir CHARLES COURT replied:

(1) The conference was organised by the executive of the northern Australia development seminar.
The Director, Office of the North-West, in his role as chairman of that executive, took the responsibility for the planning, while the local organisation was carried out by the Broome Shire Council.

(2) The small short-fall of approximately $1 000 between seminar fees and expenses will be met by the Government of Western Australia.

(3) Only the seminar fees and expenses for three or four delegates will be met by the State on these occasions.

(4) It is not conceded that the principal speakers were selected on the basis of political leanings. Selection was on the basis of what speakers could contribute to major aspects of northern Australia development.

LEGISLATIVE ASSEMBLY

Sub Judice Rule

2129. Mr BERTRAM, to the Premier:

(1) Is it his intention to introduce amendments to the *sub judice* rule—as it is applied in this Assembly—during this Parliament?

(2) If "No", why?

Sir CHARLES COURT replied:

(1) No.

(2) Because there is no need. The initiation for this would have to come from another quarter.

MEMBERS OF PARLIAMENT

Disclosure of Interests

2130. Mr BERTRAM, to the Premier:

(1) Is it his intention to introduce a Bill to require members to disclose their interests during this Parliament?

(2) If "No", why?

Sir CHARLES COURT replied:

(1) No.

(2) As previously indicated on a number of occasions, the Government considers that this measure is best approached on a uniform basis by the Australian Parliaments, and is presently awaiting publication of the Bowen report. With this in mind, I discussed the matter further with the Prime Minister recently to remind him that we are anxious to proceed—hopefully in consultation with the Commonwealth and other States.

2131. *This question was postponed.*

FREEDOM OF INFORMATION LEGISLATION

Introduction

2132. Mr BERTRAM, to the Premier:

(1) Is it his intention to introduce a freedom of information Bill during this Parliament?

(2) If "No", why?

Sir CHARLES COURT replied:

(1) No.

(2) This is a complex area in which to legislate and the Government believes that it would be advisable to first gauge the experience of the Federal legislation.

COMPANIES

Donations to Political Parties

2133. Mr BERTRAM, to the Premier:

(1) Is it his intention to introduce any legislation during this Parliament by way of amendment to the Companies Act or otherwise which will require companies to disclose in their accounts to their shareholders and to the public at large full details of all donations made by them to—

(a) politicians;

(b) political candidates;

(c) political parties?

(2) If "No", why?

Sir CHARLES COURT replied:

(1) No.

(2) The Companies Act is a uniform Act and, under arrangements with other States, should be amended only on a uniform basis. Also, it is likely to be superseded soon by new national corporations and securities legislation.

AGRICULTURE PROTECTION BOARD

Doggers

2134. Mr H. D. EVANS, to the Minister for Agriculture:

(1) What doggers has the Agricultural Protection Board employed in the area between Port Hedland and Newman in the past 18 months?

(2) What was the date of appointment of each?

(3) For how long was the appointment in each case?

(4) What is the policy of the Agricultural Protection Board in the placement of doggers in the area referred to in (1)?

(5) What measures, in addition to the doggers, has the Agricultural Protection Board taken or intend to take in control of dogs in the area?

Mr OLD replied:

(1) Eight.

(2) and (3)

Date of Employment	Period of Employment
3.2.1964	Still employed
16.2.1978	Still employed
22.3.1979	Still employed
28.5.1979	Still employed
23.3.1978	12 months
26.4.1978	10 months
18.3.1979	2 months
1.4.1963	16 years until retirement.

(4) Doggers are placed in accordance with the need to provide maximum possible protection to sheep. The contract dogger operates on the coastal area on eight stations running predominantly sheep. Three doggers operate in a buffer zone inland of the coastal zone where sheep and cattle are run.

Another dogger operates in a buffer zone around Marillana Station which carries sheep.

No doggers operate on the inland cattle stations.

(5) The Agriculture Protection Board provides a 1080 fresh meat baiting service. The service is available to all pastoralists. Baits provided by the station owners are treated by board staff and distributed by pastoralists. 17 000 baits have been distributed in the area.

Baiting drives have been undertaken using fresh meat poisoned with strychnine in the buffer zone inland of the coastal strip.

A scalp bonus of $20 total is paid in the area for dogs caught on pastoral leases and this has been in operation since 1976.

LAND

South Newman

2135. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

(1) Is it intended to release any land for commercial purposes in the South Newman area?

(2) If "Yes",

(a) when is it intended to release such land;

(b) where precisely will it be located?

(3) If "No" to (1), will the Minister have the need for the release of land for business purposes in this area fully assessed with a view to satisfying the demand which is ascertained, and when will such evaluation be commenced?

Mrs CRAIG replied:

(1) No.

(2) (a) and (b) Not applicable.

(3) No. Newman is a "company town" held under special lease and until such time as the "normalisation" negotiations are concluded, the Lands Department has no jurisdiction over land release. The need for commercial land release will be evaluated as requested at the appropriate time.

LAND

Roebourne

2136. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

Adverting to the reply given to question 1828 of the 17th October, 1979, what

were the development components considered in determining the upset price of the land auction at Roebourne referred to, and the amount of each item?

Mrs CRAIG replied:

Servicing and setting of service premiums is co-ordinated by the Townsites Development Committee, Department of Industrial Development. The land price component set by Lands Department for single residential lots was $200.

INDUSTRIAL DEVELOPMENT

Fruit: Apple Juice Concentrate

2137. Mr H. D. EVANS, to the Minister for Industrial Development:

(1) Is it intended that an apple juice concentrate plant will be constructed in the Manjimup district?

(2) If "Yes",—

(a) what individual or firm/s is/are involved in the project;

(b) when will such plant be ready for operation?

(3) If "No" to (1), what is the position regarding previous negotiations on the establishment of a juice plant to which he has referred in this House?

Mr MENSAROS replied:

(1) No.

(2) (a)and (b) Not applicable.

(3) The apple concentrating plant will be established by Bulmers (Australia) Ltd. using Watsons Food Ltd. equipment at Capel. It is expected that the plant will be operational in time for the next apple season.

INDUSTRIAL DEVELOPMENT

Fruit: Apple Juice Concentrate

2138. Mr H. D. EVANS, to the Minister for Industrial Development:

(1) When is it expected that the apple juice concentrate factory at Capel will commence operation?

(2) What price will be paid to growers who deliver fruit to the Capel plant?

(3) What are the specifications of fruit to be considered acceptable at the plant?

Mr MENSAROS replied:

(1) It is expected that the factory will be operational in time to handle the next apple crop.

(2) Indicative prices of approximately $75 per tonne delivered to Capel have been mentioned but actual contractual prices are subject to agreement between Bulmers and the WA Fruit Growers' Association.

(3) It is considered that all sizes of fruit will be accepted provided no physical damage is present.

STOCK: LAMBS

Export

2139. Mr H. D. EVANS, to the Minister for Agriculture:

(1) How many live lambs have been exported from Western Australia in the first ten months of 1979 to—

(a) Middle East countries;

(b) South Australia;

(c) other Eastern States;

(d) other destinations?

(2) (a) Is it a fact that lambs being sold privately to the Eastern States are being re-purchased by the WA Lamb Marketing Board and brought back to Western Australia for eventual export either live or in chilled form;

(b) if "Yes", what numbers have been so re-purchased in 1979?

Mr OLD replied:

(1) (a) to (d) The inspection of sheep for export either overseas or interstate does not involve aging. The precise information sought is therefore not available.

(2) (a) and (b) The board does not purchase live lambs in the Eastern States. All interstate purchases are carcases on an f.o.b. basis.

TRAFFIC NOISE

Melville: Submission by Local Authority

2140. Mr HODGE, to the Minister for Health:

(1) Is it a fact that in February this year the Commissioner for Public Health, Dr J. McNulty, received a submission from the Town Clerk of the City of Melville, Mr R. Fardon, on model by-laws that could be adopted statewide for the control of traffic noise pollution?

(2) If "Yes", what action has been taken to date as a result of the submission?

(3) Is it a fact that the Commissioner for Public Health has invited the Melville City Council to nominate a councillor for membership of a committee that was appointed to study traffic noise pollution and make recommendations to the Minister for Health?

(4) If "Yes" to (3), did the Melville City Council nominate a councillor and, if so, how many meetings of the committee has that councillor attended to date?

Mr YOUNG replied:

(1) Yes.

(2) The subcommittee of the interdepartmental committee on traffic noise handling legislative aspects is considering the development of these by-laws to the stage where they can be presented as model by-laws.

(3) Yes.

(4) The Melville City Council has nominated Councillor R. N. Ames. No meetings attended to date. A meeting of the interdepartmental committee on traffic noise is anticipated within the month.

TRAFFIC NOISE

Melville: Stock Road

2141. Mr HODGE, to the Minister for Police and Traffic:

(1) Is he aware that large numbers of noisy trucks are constantly using Stock Road, Melville, on a 24-hour a day basis and are frequently interrupting the sleep of residents in the early hours of the morning by creating an excessive and unreasonable amount of noise?

(2) Will he take action to see that the laws and regulations concerning speeding, overloading, and excessively noisy trucks and other vehicles are enforced at all times in the Melville area and that particular attention is directed to Leach Highway, Stock Road, and Marmion Street, Melville?

Mr O'NEIL replied:

(1) I am aware that Stock Road, Melville, is a major route for heavy vehicles and noise problems do exist.

(2) Action is continuing against offending vehicles in the areas mentioned.

EMPLOYMENT AND UNEMPLOYMENT

Farm/Station Hand Training Course

2142. Mr McPHARLIN, to the Minister for Labour and Industry:

(1) Since the Department of Labour and Industry commenced a farm/station hand training course at Moora on the 14th February, 1977, where 28 trainees were employed on 23 farms and were subsidised under the NEAT scheme, has this course been completed?

(2) Is it the Government's intention to continue this training programme?

Mr O'CONNOR replied:

(1) The course was completed on the 30th November, 1978.

(2) The State Government wanted to have a second intake of trainees under the mature age training scheme, but the Commonwealth was not prepared to fund this under the National Employment Training Scheme (NEAT). However, the State Government is again currently examining the feasibility of introducing formal on-the-job training into the rural areas. In this respect a survey, initiated by the Western Australian Industrial Training Advisory Council and involving in excess of 200 farmers in the agricultural areas, has recently been completed to ascertain farmers' views and training requirements.

The results of this survey are currently being collated.

MEAT: LAMB MARKETING BOARD

Exports

2143. Mr H. D. EVANS, to the Minister for Agriculture:

(1) What quantity of chilled lamb has been exported to Middle East countries by air in 1979 to date?

(2) Has the Federal Government relaxed its attitude to backloading by large aircraft carrying chilled lamb to the Middle East?

(3) (a) If "No" to (2), what is the present position regarding backloading by cargo aircraft carrying chilled lamb out of Western Australia;

(b) what action has the Western Australian Government taken to have the Federal Transport Minister change policy on this matter?

Mr OLD replied:

(1) 1 138 tonnes.

(2) Yes. The previous concession to the Western Australian Lamb Marketing Board expired on the 30th June, 1979. The continuation of this arrangement and its extension to a second flight was approved in September, 1979, following representations by me to the Commonwealth Minister for Transport.

(3) (a) and (b) Not applicable.

TRAFFIC NOISE

Modification of Vehicles

2144. Mr HODGE, to the Minister for Police and Traffic:

(1) Has he made any progress on implementing an overall plan to modify noisy vehicles, which he stated was required in a press statement in *The West Australian* of the 18th April, 1978?

(2) In a press statement published in *The West Australian* on the 18th April, 1978, he stated that the Road Traffic Authority had established a system of approval for vehicle modifications and now had a better control of the situation. Can he provide details of how the system is working and what improvements have been made in reducing traffic noise pollution?

Mr O'NEIL replied:

(1) Yes.

(2) An improved system has now been implemented. Information booklets covering permitted modifications in respect of various classes of vehicles are now available to the general public. This reduces the numbers of permits being issued.

Strict policing of modifications particularly to exhaust systems will lead to reduced traffic noise.

QUESTIONS WITHOUT NOTICE

POLICE

Summonses: Information Sought

1. Mr DAVIES, to the Minister for Police and Traffic:

(1) When a summons for a misdemeanour is served on a citizen what information is sought by the police from that citizen other than the name and address of the recipient?

(2) Referring to a story in tonight's *Daily News* on page 22, I ask the Minister: will he check to see that the police are not exceeding their duties in this regard?

Mr O'NEIL replied:

(1) and (2) I am unable to answer the member's question because I have not seen the article and have not received any notice of the question. However, I will obtain a copy of this question and refer the matter to the Commissioner of Police.

ABATTOIR: ROBB JETTY

Fire Damage

2. Mr BLAIKIE, to the Minister for Agriculture:

My question is supplementary to questions 2116 and 2117 on notice today, wherein I asked the Minister if he could advise the responsibility of the State Government Insurance Office in regard to the Robb Jetty abattoir. I thank the Minister for his answers; but for further clarification is he able to advise the extent of the claim made and the cost incurred to date?

Mr OLD replied:

The amount of the claim is the business of the Western Australian Lamb Marketing Board and is a matter between the board and the State Government Insurance Office, and is considered to be confidential.

EXPLOSIVES

Warnbro Area

3. Mr BARNETT, to the Minister for Local Government:

I have given some short notice of my question which is in four parts and is as follows—

(1) Is the Minister correctly reported in the article in this morning's *The West Australian* relating to high explosives in Warnbro?

(2) Is the Minister aware there are numerous Department of Defence signs warning of the danger of high explosives situated up to at least two miles south of the area set aside for off-road vehicles and at least 1½ miles north?

(3) Is the Minister aware of six smoke ejection shells which have been found up to 1½ miles south of the area set aside for off-road vehicles and at least two high explosives on the immediate northern boundary?

(4) Is the Minister still of the same opinion as reported in this morning's *The West Australian;* and if so, will she give me an iron-clad guarantee that no high explosives will be found in the newly gazetted off-road areas and no harm will come to anyone using the area?

Mrs CRAIG replied:

I thank the member for five minutes' notice of his question the answer to which is as follows—

(1) and (2) Yes, the report was largely correct, the only difference being that it was somewhat shorter than the statement I made.

In answer to the second part, "Yes," I am aware some Department of Defence signs warn of the unexploded projectiles that may be present in the area. Perhaps the House would be interested to know what is written on these signs. They say, "This notice marks the area in which unexploded projectiles may be located". They also say that extreme danger is attached to handling unexploded projectiles and they should not be touched but the location should be clearly marked and the matter reported to the Rockingham Police Station; and then three phone numbers are given. It is important to understand that these notice boards are on the track into the area being utilised by off-road vehicles. It is also my clear understanding that this area has been used for that purpose for a considerable time and for this reason the Shire of Rockingham put the area forward as being a suitable area in which off-road vehicles should be permitted.
I have checked that matter as recently as yesterday with the Shire of Rockingham, and I believe the information was also reported in the Press today.

(3) The simple answer is "No."

(4) No.

HOSPITAL: ROYAL PERTH

Outpatients

4. Dr TROY, to the Minister for Health:

During the last few weeks much publicity has been given to the cuts in hospital moneys and to the funds available for hospital building programmes.
Commensurate with the cut back in the programme for the Royal Perth Hospital, for example, there is another aspect of health care which has not been given much attention.

I would like to point out that patients attending the outpatients ward at the Royal Perth Hospital are affected. I will give the example of an old lady who has been attending for the last eight years. On the last occasion she attended she received a letter which, in part, read as follows—

> Dear . . . .
> We very much regret having to advise you that we are unable to give you further attention for the ailment with which you presented at the Royal Perth Hospital.

I ask the Minister whether he is aware of this fact. Also, is he aware that this type of letter is causing considerable concern to many patients? Does this action take place as a result of a direction from the Minister?

Mr YOUNG replied:

I think most members who heard the question would find themselves in the same position as myself in not being able to understand it. I am aware the member for Fremantle knows what he is talking about, and that he has some difficulty in getting his question across. If he puts the question on the notice paper I will provide an answer for him.

WATER SUPPLIES

Services: Restriction

5. Mr JAMIESON, to the Premier:

(1) Is the Premier aware that as late as 9 o'clock this morning the Metropolitan Water Board was still cutting off, or restricting—whatever term he may like to use—the supply of water to domestic users, including women with young children, without prior warning?

(2) Is it the intention of the Government to allow the Metropolitan Water Board to continue with this policy without protest?

Sir CHARLES COURT replied:

(1) and (2) I do not know of any specific cases, and I do not think the member for Welshpool would expect me to without discussing the matter with the Minister concerned.

I will take that action if the member so wishes.

EMPLOYMENT AND UNEMPLOYMENT

Youth: Record

6. Dr TROY, to the Premier:

Before addressing my question to the Premier I would mention that for the benefit of the Minister for Health I will provide a copy of the *pro forma* letter to which I referred in my earlier question.

Mr Young: Does the member for Fremantle want a reply to the question now, or does he intend to place the question on the notice paper?

The SPEAKER: Order! The question has been asked, and replied to by the Minister. I suggest the member for Fremantle continue with his present question.

Dr TROY: I preface my question by stating that last week the Organisation for Economic Co-operation and Development released some figures with regard to unemployment amongst youth in the countries which belonged to that organisation, of which Australia is one. Those figures show that Australia has the worst record of unemployment amongst youth, and, indeed, the time spent unemployed by youth in this country was shown to be three times longer than in the nearest other country. It was reported in the Press that Western Australia has the worst unemployment record in Australia. I ask the Premier: what does he intend to do about that particularly urgent problem?

Sir CHARLES COURT replied:

I am sure the honourable member is aware of the programme which is now being generated. He would know that as late as this evening's Press tender papers have gone out for the very big jacket which is the basis of the North-West Shelf project offshore contruction, and around which a great amount of work which can be done in Australia will be undertaken. That is one project. The Alcoa project has already started. Others are listed, and they are all part of a programme to generate employment.

I believe the increase in employment will be very dramatic when it starts in the

new year. The member will find that the scene will change quite dramatically.

Mr Davies: You have been promising that for five years.

Sir CHARLES COURT: Apart from that the Government, and particularly the Minister for Labour and Industry, has been constantly working on the problem of unemployment.
I remind the member that the initiatives taken by the Minister for Labour and Industry on behalf of the State Government, in conjunction with the Federal Government, have been successful in bringing together a number of proposals which are very important with regard to the employment of our youth.

Mr Davies: Name them.

Sir CHARLES COURT: I remind members that when an announcement was made a few days ago all we got from a certain section of the union movement—not all sections—was opposition.

Mr Davies: You got agreement; be fair. We agreed; be truthful for a change.

EMPLOYMENT AND UNEMPLOYMENT

Premier's Election Promise

7. Mr B. T. BURKE, to the Premier:

(1) In view of the deteriorating unemployment situation, as exemplified in the figures released today, does the Premier now concede that his promise to provide, at the time of the last State election, 100 000 extra jobs was a rash promise?

(2) In view of the apparent failure of those measures to which the Premier has now just referred to overcome the problem of unemployment, does he concede that these measures are insufficient to alter what is a worsening situation?

Sir CHARLES COURT replied:

(1) and (2) I want to tell the member for Balcatta that the undertaking given by the Government with regard to employment will be more than honoured.

Mr B. T. Burke: When?

Sir CHARLES COURT: I also remind the member that this State, in terms of employment, has an outstanding record in Australia.

Mr Jamieson: You must compile the figures yourself.

The SPEAKER: Order!

Sir CHARLES COURT: Members opposite are down on their knees every night praying that unemployment will get worse.

Mr B. T. Burke: Your jobs appear only in newspapers, in the headlines.

The SPEAKER: Order!

Sir CHARLES COURT: Members opposite must pray every night for unemployment to get worse.

Mr Skidmore: I have never prayed in my life; I am an agnostic.

Mr Nanovich: That is what is wrong with you.

Sir CHARLES COURT: Whatever agnostics do, the member for Swan will be doing just that.
Members opposite must pray every night that unemployment will get worse because they have a vested interest. I ask members opposite occasionally to think positively and to think of the employment which has been created in this State. The situation is a great deal worse throughout the rest of Australia.
The community, generally, realises the position in this State must be better than it is in the other States because our increase in population has been double the rate of the other States of the nation.

Mr Jamieson: They cannot afford to go back to the other States.

Sir CHARLES COURT: If members opposite are not satisfied they should talk to businessmen from the other States. When they come to this State they claim the position here is so much superior to what it is in any other State.

Mr Davies: Have you asked the businessmen in this State?