Legislative Council

Thursday, the 12th October, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

CONSUMER AFFAIRS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West —Leader of the House) [2.41 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Consumer Affairs Act, 1971-1975, to make provision for the establishment of a consumer products safety committee for the purpose of protecting the public against unsafe and dangerous consumer products.

The need for such legislative action is the outcome of recommendations made by an *ad hoc* committee set up in September, 1976, to examine and report upon complaints to the Bureau of Consumer Affairs concerning dangerous and unsafe products. Reference to these products was first made in the bureau's annual report for the year ended the 30th June, 1974.

In the Commonwealth sphere, the Minister for Business and Consumer Affairs, under the Customs (Prohibited Imports) Regulations, may ban the importation of any unsafe product.

A separate problem is posed by such products being already on the local market and products of an unsafe nature manufactured in Australia. The control of products in the latter two categories can be effected via the Commonwealth Trade Practices Act, but only in so far as they are supplied or sold by corporations as distinct from unincorporated firms.

This Bill will complement existing legislation in New South Wales, Victoria, and Tasmania, and recently introduced legislation in South Australia.

In overseas countries there has been much activity in recent years to safeguard the public against unreasonable risk of injury associated with unsafe consumer products.

Children, especially, are vulnerable to risk of injury through the sale of cheap imported goods, particularly some so-called toys. An example of the latter was a high-powered sling shot capable of inflicting severe injury or death.

The Bill therefore seeks to—

Establish a statutory consumer product safety committee with power to enlist the aid of technical specialists;

provide power to ban the sale of products which are apparently or actually unsafe;

impose a temporary ban to enable examination of products temporarily or permanently banned in other States or by the Commonwealth;

provide for the lifting of any ban;

provide that products may be sold subject to certain conditions, such as modifications being made to the article;

provide for the advertising of all bans imposed and removed.

As mentioned earlier, this legislation will complement existing legislation in other States, and prevent Western Australia from becoming a "dumping ground" for unsafe products.

It is recognised hat there is existing legislation in Western Australia that covers some unsafe products. However, it is not intended that this legislation will overlap or duplicate existing laws in regard to unsafe products.

Other amendments contained in this Bill relate to the chairmanship of the Consumer Affairs Council, and the assumption of the commissioner's powers under the Act by the deputy commissioner.

Section 9 of the Act provides that one member shall, at the time of his appointment to the Consumer Affairs Council, be appointed as chairman. In accordance with this section, should the chairman resign, his replacement to membership of the council would become chairman.

This is not a desirable situation, as it precludes an existing member from becoming chairman. A Deputy Commissioner for Consumer Affairs has recently been appointed, and it is considered desirable that he be given the same powers as the commissioner during the latter's absence.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

LIQUOR ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains three amendments which relate to the supply and sale of liquor—

at institutions involved in the training of catering students;

by cabarets on New Year's Eve where that day falls on a Sunday; and

to allow consumption of alcohol by guests of members of voluntary associations attending approved functions on licensed club premises.

The first provision is to exempt from the Act the sale or supply of liquor at a function conducted for the purpose of training persons for employment in the catering industry at tertiary educational institutions approved by the Minister for Education.

At institutions such as the Bentley Technical College, there are courses in catering for people seeking employment in the trade.

The situation at present is that students can serve only non-alcoholic drinks, and this has obvious disadvantages for persons seeking employment as drink stewards. The amendment seeks to overcome this and provide a more realistic training situation.

The second provision is designed to enable cabarets to sell and supply liquor on New Year's Eve, where that day falls on a Sunday. Under section 30 of the Act, holders of cabaret licences are not permitted to sell and supply liquor on Sunday evenings. There are no means whereby special dispensation can be given to the holder of a cabaret licence where New Year's Eve falls on a Sunday.

This amendment proposes to authorise holders of cabaret licences to sell and supply liquor on their premises when New Year's Eve falls on a Sunday and so bring cabaret licences in line with other liquor licences such as restaurant, hotel and tavern.

The matter was raised because of the particular significance of this year's New Year's Eve which, of course, will be the eve of the State's 150th anniversary.

The final provision relates to a 1976 amendment which allowed holders of a club licence to obtain a voluntary associations permit to enable those associations to hold functions on licensed clubs' premises and to be supplied with alcohol at such functions.

The wording of this paragraph does not allow for association members to entertain their wives and guests at such functions. The amendment rectifies that situation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

ABATTOIRS ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [2.48 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to provide the Western Australian Meat Commission with the necessary legislative authority to grant discounts, in certain circumstances, to livestock producers using the commission's abattoir facilities.

It will, no doubt, be appreciated there is a serious problem of under-utilisation at this time of the commission's slaughtering facilities at both Midland and Robb Jetty. Members will also be aware of measures recently approved by the Government to rationalise the operations of the service works to reduce losses.

The commission has drawn attention to the constraints placed upon it by the slaughtering fee in particular where the same fee is applicable notwithstanding the numbers of livestock delivered for slaughter by an operator.

The commission's economic performance would be improved if it was able to attract higher throughput. In practice the ability to do so depends upon its being able to offer a fee discount or rebate based upon a guarantee from an operator that a certain minimum number of livestock will be presented for processing over a predetermined period.

The present system of charging for the commission's slaughtering facilities is controlled by regulation and as such is quite inflexible. It does

not provide any prospect of giving practical recognition to an operator who has stood by the commission over a long period and who is prepared to continue supporting it at an acceptable level.

The ability of privately operated works to offer discounts has attracted some operators away from the commission, and this is partly to blame for the present under-utilisation of the slaughtering capacity of the two service abattoirs. The basic purpose of the Bill is therefore to allow the commission the same flexibility to compete as abattoirs in the private sector.

The ability to secure a greater throughput on a consistent basis would also be beneficial both to the commission's operators and to livestock producers, since it would assist in containing rises in slaughtering fees.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [2.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make provision in the Stock Diseases (Regulation) Act, 1968-1976, to enable the powers conferred by section 10 of the Act in regard to the making of regulations with respect to enzootic diseases, also to be made with respect to any one or more of the exotic diseases.

The purpose of the Stock Diseases (Regulations) Act is to control disease of livestock that play an important part in the economy of this State.

Under the Act, regulations can be made in regard to enzootic diseases; that is, diseases already present in Australia such as tuberculosis, brucellosis, footrot, and lice infestation. Also regulations can be made in regard to exotic diseases; that is, diseases of a very serious nature which are not present in Australia, such as foot and mouth disease and swine fever.

The exotic diseases (emergency powers) regulations, in view of their sweeping powers, are able to be put into effect only when the Governor has declared a state of emergency.

The Act sets out the regulatory action which may be taken in relation to two completely separate situations; that is, to deal with an enzootic disease, or to deal with an outbreak of an exotic disease.

However, the legislation does not provide for a situation in which an entirely new exotic type disease is identified in Western Australia, but in circumstances where the absence of deaths or widespread sickness means that the declaration by the Governor of a state of emergency would not be warranted.

The amendments contained in this Bill are designed to correct that deficiency, and I commend them to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

PUBLIC SERVICE BILL

Third Reading

THE HON G. C. MacKINNON (South-West—Leader of the House) [2.53 p.m.]: I move—

That the Bill be now read a third time.

THE HON. J. C. TOZER (North) [2.54 p.m.]: We have had a long debate on the Public Service and the conditions under which its officers work and we have learnt a great deal about the Public Service Board and the manner in which it controls or regulates the operations of the Public Service. The Public Service Board controls the Public Service on behalf of the people of Western Australia and the Government.

We can be satisfied that we have a piece of legislation which is quite adequate—it is pretty good—to look after the fundamental aspect of our total social structure in Western Australia.

In this House we have spent something like 12 hours debating the Bill and members in another place spent something like six hours on it, and that adds up to many hours and many words. However, in the closing stage of the Bill I want to spend a moment or two discussing what we have not done during all those hours and in that great welter of words.

In Western Australia we have thousands of servants of the public employed by statutory commissions and boards, and all sorts of Government instrumentalities, and this aspect was referred to during the debate. However, the Bill has nothing whatsoever to do with those people. It does provide for the officers of those instrumentalities to be incorporated into the Public

Service, but we are advised there is no such intention to do so, and the Premier in a telex to the Association of Professional Engineers of Australia said—

> The Bill does not extend the authority of the Public Service Board or the Public Service Arbitrator in respect of employees of Western Australian Government instrumentalities such as Westrail, the State Energy Commission and the Main Roads Department. It is not the intention of the Government to make any change with regard to the status of the three instrumentalities mentioned above, nor to interfere in any way with the industrial machinery applicable to the employees of those instrumentalities.

Perhaps we must ask ourselves: Are we really satisfied with what I may describe as this second Public Service? Is it in our best interests to have two Civil Services? The majority of employees are covered by this Statute, but many people in the organisations just mentioned—the SEC, the MRD, Westrail, and many others—are covered by a range of other Statutes and they have their own industrial conditions. Some of the awards under which they work are also mentioned in this correspondence, and include the railway professional officers award, 1974; the professional engineers (State Energy Commission of Western Australia) award, 1978; the professional engineers (Main Roads Department of Western Australia) award, 1978. Professional engineers employed by those three employers in Western Australia have been covered by Federal awards since 1961.

I do not know whether this state of affairs is good or bad, and I am certainly not in a position to pass judgment on the matter. However, I wonder if we should not find out whether it is good or bad. It occurs to me that an expert committee could be established comprising a representative of the Public Service Board, a representative of the Civil Service Association, and one nominated from the instrumentalities to inquire into whether this dual Public Service we have developed in Western Australia is the best arrangement we could achieve. The expert committee could make recommendations to the Government as to whether anything further ought to be done about the situation.

Having spoken of the two Public Services I find, in point of fact, there is a small third Public Service. All of these officers are servants of the public, but they are outside the control or regulation of the Bill before us which we look like passing this afternoon. In this case I am talking about persons who are ministerial appointments. They are all public servants; or, if we wish to be pedantic, they are servants of the public. But they are completely outside the ambit of this legislation, and theoretically at least they are outside the control of the Public Service Board.

I do not find their names on the Public Service List; neither do I find the names of the officers of the State Energy Commission and the Main Roads Department on the Public Service List.

The PRESIDENT: Order! I presume the honourable member realises that in speaking to the third reading it is necessary for him to confine his remarks to reasons as to why the Bill should not be read a third time. I trust that quite quickly he will reach the stage of advising the House why he thinks the Bill should not be read a third time.

The Hon. J. C. TOZER: I have actually looked at the Standing Orders to ascertain whether that is the case. In point of fact, I have no intention to suggest to the House that the Bill should not be passed. I am referring essentially to what has been raised in the preceding debate. I am saying we will have a good Statute, and I shall vote for the third reading of the Bill when the time comes. I am pointing out that perhaps we have not gone far enough.

The PRESIDENT: Order! I recommend to the honourable member that now is not the time for him to advise the House of those thoughts. Now is the time for him to advise the House as to why the Bill should not be read a third time. Unless the honourable member intends to make comments along those lines, I suggest he is out of order.

I have been lenient, and I have been waiting for the honourable member to give those reasons. I could not quite grasp the trend of the debate. If he is not going to give his reasons as to why the Bill should or should not be read a third time, I suggest he has no right to be speaking.

Point of Order

The Hon. R. F. CLAUGHTON: On a point of order, if you are giving a ruling on the subject matter of the third reading, then I am afraid I have to contest that ruling, because my understanding of a third reading debate is that it ranges over matters that have been covered in the preceding debates—not in the narrow confine that you, Mr President, are contesting, that it should be confined to reasons for or against the passing of the third reading of the 3ill.

I do not want to be placed in the position of having to contest your decision, but in the interests of sensible debate in this House I feel it is necessary to put forward this point of view.

The Hon. G. C. MacKINNON: Mr President, could I ask a question? If it is in order that a member should speak on why the Bill should not be read a third time, would it not be equally in order, perhaps, for the member to speak on why the Bill should be read a third time, because that would represent the two sides of the penny?

President's Ruling

The PRESIDENT: Yes, may I say this to honourable members. There is ample time during the second reading debate for members to canvass the reasons that a Bill should or should not be agreed to by the House. In the course of the second reading debate, there is such an opportunity offered to honourable members.

After the Bill has been discussed at length in Committee, the third reading stage is simply an opportunity afforded to members, who continue to feel that the Bill should not be read a third time, to express their reasons. It is not an opportunity for members to go over arguments already canvassed.

I am suggesting that is the situation, and I would rule that this is the situation. If honourable members wish to disagree with me then the way is open for them to do so.

I am ruling that the third reading debate should be confined to the matters that were not cleared up in the second reading debate, and particularly the reasons why the Bill should not be read a third time.

Point of Order Resumed

The Hon. J. C. TOZER: You, Mr President, have opened the door to me a bit, because I was just about to sit down. I shall support the third reading of the Bill. You have opened the door to me when you rule that I could talk about things not cleared up in the preceding debates. May I proceed?

Debate Resumed

The Hon. J. C. TOZER: Before the point of order was raised I was speaking about the people who were engaged through ministerial appointments under contracts of service, usually for a given term. These people are engaged under contracts of service drawn up between the Ministers and the officers concerned. They embrace the conditions under which those officers are employed.

Strangely enough, in my own case the contract between the Minister and myself was prepared by the Public Service Board. Clause 33 of the Bill states specifically that the Public Service Board will approve of conditions laid down by the Minister. When I go through the various sections of the agreement I have in my hand I find that in respect of salary it is linked with a Public Service classification; in respect of annual leave, sick leave, and long service leave it is in accordance with the Public Service conditions; in respect of allowances it is in accordance with the rates determined by the Public Service Board for permanent officers; and in respect of provident fund it is exactly in accordance with the conditions applying to the Public Service.

Whether or not we like it, the Public Service Board is involved inextricably in the functioning of contract officers even though in accordance with the Bill before us there is no control over such officers.

I believe these officers are essential for the Government, and they are brought in for special reasons and for the skills they possess. I do not criticise these appointments at all. I think it is imperative that the Government should have the right to engage such officers. We can find them in the public relations section, in the Department of Industrial Development, and in appointments such as the Director General of Transport.

What I am doing is to raise these questions: Why are these people outside the Public Service? Why are they not fully subject to the conditions laid down in the Bill before us?

Some things in this contract are not quite comparable with the contents of the Bill. We find that an officer can be dismissed at the whim of a Minister. Such an officer has no redress and no appeal; he cannot question why he was dismissed. A clause of the agreement states simply that he has to be given notice. Similarly, an officer cannot subscribe to the superannuation fund, although he can subscribe to the provident fund. The provident fund is very attractive, but again this is a condition of employment that is not quite comparable. It is a great pity that this third Civil Service is excluded from some of the things that apply to public servants in general.

In summary I thank the Government for presenting a soundly-based piece of legislation to control the Public Service, but in doing that I just raise this question: What about the second Public Service, those people employed by the commission and other instrumentalities, and what about the third Public Service, those employed on contracts?

I would like to think that the Leader of the House can take this matter up with the Premier and with the Government generally. I ask whether this matter could be examined to see whether this good Statute we have before us now can be made better by embracing the matters I raised.

I am sorry, Mr President, if I have offended against your ruling. All I have to say now is that I support the third reading of the Bill.

The PRESIDENT: By way of explanation I would like to say that I referred to a couple of authorities and it would appear perhaps that my interpretation was a little limited. All the authorities indeed suggest that comments on the third reading are to be very restricted, and I will leave it at that.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.12 p.m.]: Mr Tozer spoke about the groups in the Public Service, and this reminded me of a small group not covered by the Public Service and one which we should be concerned about. These people are not able to enjoy some of the benefits Mr Tozer mentioned. Perhaps we, as the people served by the group of whom I am talking, should be doing something to change that situation. I am referring to the staff of Parliament House. These employees are not able to join the Civil Service Association, they are not classified as public servants, and they are not able to enjoy its benefits.

As the ones who owe a great deal to the staff, we should be concerned about the situation, and we should not allow it to continue if we can do something about it. I do not want to infringe too much on your ruling, Mr President, but I did not think you would mind my referring to our own staff.

We have had a very long debate on this Bill. From comments made outside this Chamber, although the debate became a little tedious at times, I understand members felt there was value in it for them. However, having arrived at the end of the debate, we find we made no more progress than did the members in another place where the debate took only half the time taken here. So it strikes me that the purpose of debate in this Chamber is very difficult to perceive. If one looked at the matter logically, one would have to say that it was very much a waste of time, because we achieved no more than was achieved with a much shorter debate in another place.

None of us should be satisfied with that sort of situation. We must be seriously concerned about the state of our Parliament. I believe this is a good opportunity to again raise the question of a Committee system.

Point of Order.

The Hon. G. C. MacKINNON: I rise on a point of order, Mr President. While there may be some debate with regard to the degree of restriction, I notice in the references I had time to look up there is no argument at all about the point that speeches made to a third reading must in no way introduce new material.

I would like to refer you, Sir, to the latter half of the paragraph in the middle right-hand page of May's *Parliamentary Practice*. The reference there very clearly delineates the type of material to be raised. I think we have been very tolerant, Sir. Most of the matters brought up to date were, in fact, not contained in the Bill. There were opportunities to refer to these matters during the second reading debate; they should not be raised now.

The PRESIDENT: In this Parliament we refer to two authorities, and they differ somewhat in what they suggest ought to happen during the third reading of a Bill. Each of them disagrees with the other and with my point of view, and so that makes three authorities who disagree with one another.

The Hon. G. C. MacKinnon: Sir, in this House you are the major authority.

The PRESIDENT: Exactly, in this House I am the authority. As I was lenient with the previous speaker, I have tended to be lenient with the present speaker. The purpose of the third reading is to clear up any misapprehension which may have arisen during the second reading debate, and certainly it is not to introduce a completely new line of debate.

I ask the honourable member to be very brief in his comments, because one of the stringent requirements is that the debate should be strictly confined to the contents of the Bill, and nothing that is not contained in the Bill ought to be raised.

Debate Resumed

The Hon. R. F. CLAUGHTON: I have been referring to matters which were debated, and certainly they were very much concerned with the contents of the Bill.

The Hon. G. C. MacKinnon: It does not matter whether they have been debated; they must specifically be contained in the Bill.

The Hon. D. W. Cooley: Was the third Public Service in the Bill?

The Hon. G. C. MacKinnon: No, that was a mistake too.

The Hon. D. W. Cooley: Why did you not raise this then?

The Hon. G. C. MacKinnon: I have raised it now.

The Hon. D. W. Cooley: You are pretty biased then.

The PRESIDENT: Order! I am asking the honourable member to confine his remarks to the area I have suggested I will permit.

The Hon. R. F. CLAUGHTON: It is most unfair that the Leader of the House chose to raise the point of order he did because he is quite wrong.

The PRESIDENT: We are not debating—

The Hon. R. F. CLAUGHTON: We are dealing with the details of the Bill, Mr President.

The PRESIDENT: Order! We are not dealing with that matter at all. The matter we are dealing with is whether the Bill will be now read a third time. The Leader of the House raised a point of order that I dispensed with, and there is no longer any discussion in respect of that matter. The question you are debating is whether or not the Bill will be read a third time. I have told members the limits I am prepared to allow in respect of the scope of the debate. I suggest that the honourable member should proceed.

The Hon. R. F. CLAUGHTON: When I rose to my feet earlier in regard to your ruling, Sir, I said I did not want to argue about that, and I do not want to be forced into the position where I have to. What I am saying is that the matters I am debating are very much concerned with the Bill and with the arguments that have been presented already. One of the points I made very strongly was that, because of the importance of the Bill and the nature of the service that it covers, a much deeper inquiry should have been undertaken. A much greater variety of opinions should have been sought before this Bill was presented here.

I had suggested to the Minster that the third reading of the Bill should be delayed until such time as the regulations and administrative instructions were tabled in this House. I am surprised that the Minister should raise a point of order on my comments on the third reading speech when I had made such a point about that in the debate.

I am suggesting to him and to other members that we should have a system of committees where members are equally represented across the parties. Discussions would be held away from the party-political atmosphere of the Chamber. If that were done, then we might arrive at a much better Bill than we have.

The Hon. W. R. Withers: You have the only party-political rulings in this Chamber: Do you realise that? You are the only party that has any rulings about party voting.

The Hon. R. F. CLAUGHTON: Whenever there were divisions on this Bill, the divisions were strictly on party lines. Every member of the Liberal Party was lined up with the rest of them.

The PRESIDENT: Order! The honourable member should ignore these interjections.

The Hon. R. F. CLAUGHTON: It is not very good that the members of the Liberal Party are raising these points by interjection.

The Hon. G. E. Masters: Get on with your interminable speech!

The Hon. O. N. B. Oliver: Allow him to be brief!

The Hon. R. F. CLAUGHTON: In dealing with the conditions of the Public Service, the Bill covered a small number of matters related to that aspect. They were things like the appointment of temporary officers to permanent duties, promotion appeals, and the discipline of officers. These are not matters relating to conditions. There was the prohibition on extra curricula activities of officers so that they did not interfere with their vocation, and there were other clauses relating to long service leave.

All other matters relating to the service conditions of Public Service officers were removed and placed under the control of the Public Service Board. I ask the Minister directly whether it is now the intention of the Government that these matters will not be decided by Parliament, but in fact will be decided by the Public Service Board. I would like him to make that quite clear.

Although the regulations made are brought to Parliament and can be disallowed, the administrative instructions will not be brought to this Parliament at all. Parliament will not have a chance to make any decision about those matters. That is a very important consideration when we are dealing with the Public Service.

Finallly, I express regret that the Minister has not conceded to the request to allow this Bill to

stand over to the next session so that we can consider the regulations and administrative instructions before we finally give approval to this legislation.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [3.24 p.m.]: I thank honourable members for their continued interest in this legislation. It has been interesting in that the matter of what ought or ought not be discussed on the third reading has been raised. I would have thought that the matters discussed on this occasion would have been better discussed in the second reading debate. Indeed, in the main, they were discussed.

I take it that as members would not wish me to discuss new subjects, the questions asked of me were rhetorical in character—that they were questions not really calling for an answer.

The matter which is germane to the Bill—and I think I ought to answer it—is that one could not expect anybody to spend time on working out the regulations and the administrative instructions which must be in accord with the legislation until such time as the legislation is passed. Therefore, there is a proper—

The Hon. R. F. Claughton: You have a very different attitude in Government from what you had in Opposition.

The Hon. G. C. MacKINNON: There is a proper order in which things—

The Hon. R. F. Claughton: All the instructions are in the Bill.

The Hon. A. A. Lewis: A most unseemly interjection.

The Hon. G. C. MacKINNON: The proper order is that the legislation will be adopted and carried by this Parliament, and then the regulations will be framed. As has been said before, there will be consultation with the Civil Service Association. The Bill will be proclaimed once that has been done. This Bill then becomes law. The regulations will be brought to the House. Members could obtain a copy of the administrative instructions, and they could move a motion to discuss them. I have already mentioned that in the second reading debate.

I believe the debate was a thorough one. The debate gave members a better understanding of the Bill and of the conditions of the Public Service.

The Hon. R. F. Claughton: I asked a direct question, which was not rhetorical, as to whether in fact—

The Hon. G. C. MacKINNON: I just answered that question.

The Hon. R. F. Claughton: I am sorry. I am afraid I must have missed it. It relates to the question of whether the conditions will be decided in Parliament or by the Public Service Board.

The Hon. G. C. MacKINNON: The administrative instructions will be decided by the Public Service Board. Decisions on what time Johnny goes to work, and what time Jenny uncovers her typewriter, are certainly not the types of decisions that ought to be made by Parliament.

The Hon. R. Hetherington: That is just begging the question.

The Hon. G. C. MacKINNON: I am not begging the question at all.

The Hon. R. Hetherington: Of course you are begging the question. You always beg the question.

The Hon. G. C. MacKINNON: I am not begging the question. We all say this sort of thing backwards and forwards. We are not begging the question.

The administrative instructions are simply not—

The Hon. R. Hetherington: That is a pity!

The Hon. G. C. MacKINNON: —the responsibility of Parliament. Of course, the regulations are the responsibility of Parliament. By law the regulations have to remain on the Table of the House. They can be disallowed by the Parliament, if the Parliament wishes. That is a specific answer to a specific question.

I commend the Bill to the House.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

ACTS AMENDMENT (SUPREME COURT AND DISTRICT COURT) BILL

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [3.29 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Road Traffic Act, 1974-1977, to remove anomalies indicated by decisions and recommendations of courts, and to give effect to suggestions made by members of State Parliament, the Parliamentary Commissioner for Administrative Investigations, the National Safety Council, the National Association of Australian State Road Authorities, and by officers of the Road Traffic Authority concerned with the enforcement of traffic laws, and the licensing of drivers and vehicles.

The proposals contained in the Bill have been considered and recommended by the Road Traffic Authority for adoption.

A number of the amendments are of a minor procedural nature, but some are of considerable importance and, in this regard, I refer to amendments—

to remove anomalies in sentencing procedures for offences of dangerous driving causing death or grievous bodily harm;

to provide a lesser offence of dangerous driving causing bodily harm;

to exclude the provisions of the Offenders Probation and Parole Act and the Child Welfare Act where minimum penalties irreducible in mitigation are provided in the Road Traffic Act;

to deem a person who receives an infringement notice convicted of the offence where he does not pay the prescribed penalty or does not elect to have the matter heard and determined by a court; and

to amend the penalty provisions of the Act relating to the overloading of vehicles which will enable a scale of fines to be prescribed differentiating between—

unwitting overloads of a lesser nature due to improper positioning or misjudgment of the nature of the load; and

blatant overloads where the vehicle is overloaded well in excess of the limits.

Eighteen sections of the Act are involved in the proposed amendments as well as two schedules and I will refer to the proposed amendments to the Act in the order in which they are contained in the Bill rather than in their order of importance.

To give effect to amendments which I will mention at a later stage, it is necessary to include definitions of "moped" and "cattle" and to amend the definition of "owner".

It is proposed to remove from the Act the requirement of the Road Traffic Authority to issue a vehicle licence without the payment of a licence fee where the vehicle is owned and used by a minister of religion.

In recent years it has become evident that a number of lay members of the clergy have been ordained as ministers of some denominations and registered with the Registrar General apparently to qualify for the concession. In fact, many of the laity in this category are in full-time employment elsewhere and it is apparent that some review of concessions of this nature should be made.

The amendment does not mean that all ministers of religion will have their free licence withdrawn or that free licences will not be granted to ministers of religion in the future, but subject to the approval of the Minister they will be issued under subsection (4) of section 19 of the Road Traffic Act.

The Road Traffic Authority is faced with the problem of unauthorised removal of stickers affixed to the windscreens of unroadworthy vehicles. Unless a person is caught in the act of removing a sticker or confesses to removing it, it is very difficult to sustain a prosecution and this offence has become prevalent among less responsible members of the motoring public.

To reinforce procedures designed to remove unroadworthy vehicles from the road, it is desirable for the authority to have power to cancel a licence where the owner—or user—of an unroadworthy vehicle or one suspected of being unroadworthy does not present his vehicle for reinspection when ordered to do so.

Where a licence is cancelled in these circumstances, the owner would be entitled to apply for a refund of the unexpired portion of the fee.

Section 29 of the Road Traffic Act was inserted some years ago to provide for the compulsory annual inspection of motor vehicles. This proposal has not been proceeded with nor is it intended to do so as it is considered, in view of the relatively low number of vehicle accidents which could be attributed to defects of the type found during an annual inspection, the cost to the motoring public would not be warranted.

A detailed study has been made, and a pilot scheme is at present being evaluated with a view to commencing, on a restricted basis, the appointment of authorised garages and vehicle testers.

The proposals follow that of a similar scheme operating in New South Wales and it is proposed to issue certificates of inspection—or rejection—instead of certificates of roadworthiness.

During the pilot scheme the costs of inspections are being met by the authority, but if a full scheme is adopted it is considered the owner or user of the vehicle should pay for the service whether it is carried out at an authorised garage or a departmental testing station. It is emphasised that this proposal has nothing to do with any scheme of compulsory annual inspection but simply relates to easing the work load on branches and agencies and to provide inspection facilities in country towns which would not warrant the cost of providing full inspection facilities and staff.

At present section 42 of the Road Traffic Act requires that an applicant for a driver's licence shall have attained the minimum age of 17 years.

In the case of mopeds, consideration was given to removing the requirement for licensing of these vehicles, but after due consideration it has been decided that because of the possibility of injury to other persons the requirement to license mopeds should be retained and riders should continue to demonstrate their ability to control them and be tested on their knowledge of road rules.

The amendment proposes that the present age of 17 years required for a motor driver's licence should, in the case of mopeds only, be reduced to 16 years.

The death of, and serious injury to, riders of high-powered motor cycles is a matter of increasing concern. The Road Traffic Authority has carried out research into the problem and has recommended that licences should not be issued for machines of more than 250cc until the applicant has a minimum of 12 months' experience of riding machines with a cubic capacity of less than 250cc. The amendment to section 43 of the Road Traffic Act proposes to confer power to prescribe such a regulation.

The amendment concerning drivers' licences issued on probation is related to another amendment to section 52 of the Act which seeks to permit the authority to refund a fair proportion on the issue or renewal of a driver's licence.

The majority of licences issued for the first time are issued on probation only. At the discretion of the applicant, the licences are issued for a period of one year or three years, but are on probation for the first year. Probationary licences are subject to cancellation if the holder commits prescribed offences, and in view of the proposal to refund the unexpired portion of the fee in the event of cancellation, it is considered that a probationary licence should be issued only for the period of probation; that is, one year. The renewal notice forwarded to the holder prior to the expiry of the probationary period would include the option of renewal for one year or three years.

Under section 44 of the Road Traffic Act, the Road Traffic Authority may issue a driver's licence to persons who have not attained the minimum age of 17 years and where in the opinion of the authority the denial of a driver's licence would occasion undue hardship or inconvenience. On occasions the authority recognises the degree of undue hardship and inconvenience and agrees to the issue of a conditional licence subject to the applicant passing the necessary tests. There is an anomaly in that, although it may approve of the issue of a conditional licence, it does not have the authority to approve of the issue of a learner's permit to enable the applicant to receive the necessary tuition. The purpose of this amendment is to remove that anomaly.

In making amendments of this nature, it is necessary to ensure that the effective minimum age of drivers is not lowered without the approval of Parliament and the amendment has been drafted to ensure that this does not occur.

The Road Traffic Act provides for the refund of a fair proportion of a vehicle licence fee in circumstances which, in the opinion of the authority, render it just and convenient that a refund should be made. There has been no similar power in the Act to provide for a refund in respect of drivers' licences.

When the currency of the licence was restricted to one year and fees were fairly low, it was considered that the cost of making the refund would be in excess of the value of the refund received. Now that the fee is $7 a year and the currency of the licence may be for a period of three years, there is some justification in making provision for refunds. Representations have been made to the Minister for Police and Traffic in this regard on behalf of constituents and the Parliamentary Commissioner for Administrative Investigations has also drawn attention to this matter.

A refund may not be justified where a holder of a probationary licence has it cancelled in the first year. Rather than making an exception and refusing a refund in the case of probationary drivers, this has been dealt with under a previous amendment to which I have referred restricting the currency of the first issue of a probationary driver's licence to one year.

Section 59 of the Road Traffic Act deals with the offence of dangerous driving causing death or grievous bodily harm and provides for the person charged to elect to be dealt with summarily and thus receive a lesser penalty than if he was convicted on indictment and was the subject of comment in a judgment delivered by the Court of Criminal Appeal. The matter has been considered by the Attorney General, in consultation with the Crown Counsel and Crown Prosecutor, and the amendments propose—

> to allow a court of summary jurisdiction to refer the case to a higher court where it considers that the matter should be dealt with on indictment; and
>
> where the court is of the opinion that the penalty is inadequate when convicted by a court of summary jurisdiction, the court may commit the convicted person for sentence;

as well as providing for a lesser offence of causing bodily harm.

The penalties proposed for the offence of causing bodily harm fall between the penalties provided under section 59 of the Act for the offence of dangerous driving causing death or grievous bodily harm and the penalties provided under section 60 of the Act for the offence of reckless driving.

While the courts have the power to impose cumulative terms of imprisonment, the Chief Justice has handed down a decision that there is no power in the Road Traffic Act to impose cumulative periods of suspension or to extend the date on which a period of suspension shall commence.

In effect, this means that if a person under suspension commits an offence and incurs a period of suspension, the second period of suspension commences from the date of that conviction and not at the end of the first suspension.

Cumulative periods of suspension have been imposed for many years and, subject to the approval of Parliament, there is very good reason they be imposed in the future. The courts have general powers of disqualification where a motor vehicle is used in the commission of an offence, and no good reason is seen to withhold the authority of the courts to impose cumulative sentences.

The previous Traffic Act contained provisions authorising a police officer to drive the vehicle of a person apprehended on charges of driving under the influence to a police station, but there is no such authority in the present Act. For safe custody, it is far better to drive the vehicle of a person, who has been apprehended or arrested, to a police station or other place of safe custody than leave it in a place where it may be stolen or damaged.

Rather than confine this authority to drink driving offences, it is considered that this should be extended to all cases where there is reason to believe a vehicle has been used in connection with an offence or a person has been charged with an offence an element of which is the use or driving of a vehicle. It may be appreciated that a person apprehended or arrested may not be co-operative at the time, but where he cannot make alternate arrangements it would be in his own interests for the vehicle to be removed to a place of safe custody rather than leaving it where it stands at the mercy of thieves or vandals.

At present, a person who receives an infringement notice has the option of being dealt with by paying the modified penalty or doing nothing and subsequently being dealt with in the normal way by the court.

Approximately 80 per cent of 125 000 drivers receiving infringement notices for traffic offences each year elect to be dealt with by payment of a modified penalty; 25 000 do not respond and are dealt with by the courts. Of the 25 000, more than 22 500 plead guilty by endorsement, or do not enter a plea or appear in court, leaving less than 2 500 who actually appear in court.

The present procedure is to convert an unpaid infringement notice into a complaint, issue a summons and the complaint is heard in court as is the right of the person charged. This procedure has worked quite well for a number of years and will be continued to enable any person, who so nominates, to exercise his right to defend the charge.

Attention was first drawn to the problem by a magistrate who was concerned with the waste of everybody's time to sit in court and deal with traffic summonses where the person has not responded to an infringement notice but has entered a plea of guilty. The amendments which have been drafted not only deal with this problem but also the problem of a person who does not respond to the infringement notice or a summons.

There is no doubt that the proposals will reduce costs to the community as a whole and the problem was to draw up a system and draft legislation which would achieve this without jeopardising the rights of the individual. This

aspect has received the special consideration of the Attorney General and Crown Counsel and it is believed the amendments will achieve the objectives which have been set.

The proposals are that a person receiving an infringement notice has three choices—

He can elect to be dealt with by payment of the modified penalty;

he can elect to have the complaint of the alleged offence heard and determined by a court by serving notice on a prescribed form; or

he may do nothing at all.

If he opts for the first choice and pays the modified penalty no further action is taken other than to record demerit points against him should these apply.

If he opts for the second choice and gives notice that he wishes to have the complaint of the alleged offence heard and determined by a court, the deeming provisions proposed in this amendment do not apply. The infringement is converted into a complaint, a summons is served and witnesses called.

Should he elect to appear in court and, in fact, does not appear, the case may be heard and dealt with by the court in his absence in accordance with existing law.

If he does nothing at all, that is, does not pay the prescribed penalty for the infringement notice or does not elect to be dealt with by the court, he will be deemed to have been convicted of the offence and to have elected to pay the penalty prescribed for the offence. If, having been deemed to be convicted, the prescribed penalty is not paid within 28 days after the payment date, a warrant may be issued against him.

Where an infringement notice is left on a vehicle in such cases as standing or parking offences, there is provision for the personal service of a copy of the notice before the deeming provisions of this section can apply.

Provision has also been made for corrective action to be taken should an error in procedure occur.

A further amendment to section 102 is proposed to increase the amount which can be dealt with by infringement notice from $50 to $200 and this is related to a posposal to deal with minor overloading offences under the provisions of this section and to which I will further refer when dealing with penalty provisions of overloading.

Section 103 of the Road Traffic Act provides disqualification—because of accumulation of demerit points—shall take effect when notice thereof has been served personally on the person and no sooner.

A problem frequently arises where a person who has accumulated 12 demerit points is facing another charge involving mandatory suspension or where there is a probability of the court suspending his licence.

By avoiding service of the notice of demerit points suspension until his latest charge comes before the court, he is able to manipulate the periods of suspension so that they run concurrently.

Sitting suspended from 3.45 to 4.03 p.m.

The Hon. G. C. MacKINNON: Before I proceed, I hope members have noticed the fact that the problem brought to our attention by Mr Claughton earlier has been overcome. *Hansard* has arrived. I understand there was some trouble at the Government Printing Office.

The Hon. R. F. Claughton: Will it arrive on time next Tuesday? That is the problem.

The Hon. G. C. MacKINNON: To continue my comments on the Road Traffic Act Amendment Bill. A similar situation arises where a person faces charges occurring on separate occasions, one of which will involve the accumulation of 12 demerit points and the other mandatory suspension. By obtaining adjournment of the cases to ensure that they are heard on or about the same date, the person is able to serve two periods of suspension concurrently.

The suspension of a driver's licence for an accumulation of points or for serious offences is a strong deterrent to drivers who are not influenced by monetary penalties.

The amendment proposed in this Bill is aimed at removing the practice of seeking adjournments of hearings solely for the purpose of ensuring periods of suspension are served concurrently, and to make it quite clear to the courts the serious view which is held concerning offences which result in periods of cancellation or suspension from driving.

While the driver of an overloaded vehicle may be charged, it has been the policy to charge the owner of the vehicle. Where a body corporate is convicted of an offence of this nature, a problem of execution arises where the company has no assets free of hire purchase or other encumbrances.

It is proposed to include a new section 104A in the Act to define a director of a body corporate and make each director liable as owner of the vehicle. A similar provision is already included in the Road Maintenance Contribution Act.

Section 106 of the Road Traffic Act provides that where a minimum penalty is provided for, that penalty shall be irreducible in mitigation notwithstanding any provisions of the Justices Act or the Criminal Code.

The minimum penalties are for the more serious offences where it is considered the monetary deterrent should not be less than the benefit derived from a breach of the law.

Generally magistrates recognise what is understood to be the clear intention of Parliament, but there have been a number of cases where provisions of the Offenders Probation and Parole Act have been invoked to impose penalties less than the minimum provided by the Statute.

For example, a person was charged on two counts of unauthorised use of a motor vehicle in connection with two charges of breaking and entering. The penalties for unauthorised use of a motor vehicle are—

> For a first offence, a fine of not less than $200 or more than $1 000 or imprisonment for not less than one month or more than twelve months; and
>
> for a second or subsequent offence, imprisonment for not less than three months or more than two years.

Under section 74 there is also a general power of disqualification where driving a motor vehicle is an element of the offence or a motor vehicle was used in the commission of an offence.

In the case referred to, the person was a holder of a probationary driver's licence and on conviction would have incurred nine demerit points on each charge if he was not suspended by the court.

Pleas of guilty were entered but instead of a term of imprisonment or a fine being imposed, he was placed on probation for a period of three years under the provisions of the Offenders Probation and Parole Act. Notwithstanding the seriousness of these charges, the offender received no monetary penalty, was not disqualified by the court, and demerit points were not recorded against him.

The same problem exists with juvenile offenders who are able to escape suspension for offences imposing mandatory suspensions and they are not debited with points.

The proposed amendment will not interfere with the prerogative of the courts to consider circumstances in mitigation when imposing penalties but it will remove any doubt that, where minimum penalties are provided in the case of more serious charges, the offenders will be dealt with in accordance with the penalties set by Parliament.

An example appeared in the *Daily News* of Wednesday, the 11th October, of what I think would be regarded as fairly unbalanced reporting. In another place, a member pointed out the way in which the probation and parole sections were used to relieve a man in a case of difficulty. I assume most members would have read the article under the heading, "Harsh penalties 'won't solve toll' ". A fellow drove his car to a police station to find out what penalty had been imposed on him for a charge in Perth, only to find that a suspension had been imposed. He was charged—probably unwisely—by the constable with driving his car while under suspension, because he drove to the police station. The man had suffered a similar penalty 15 years earlier, and he was therefore faced with a mandatory period of one month in gaol.

The justice used the provisions of the Offenders Probation and Parole Act, and was able to find a loophole. That was very good. However, I think the Press was unfair in not quoting the examples which were given on the other side of the coin. In other words, I believe it was a case of marked unbalanced reporting, because similar cases were quoted at length by the Minister in another place.

To continue, the provisions of the Offenders Probation and Parole Act and the Child Welfare Act will be excluded from the operation of the Road Traffic Act in the same way as the Justices Act and the Criminal Code are now excluded.

So, if both sides of that argument publicised on the 11th October had been presented, it would have been considerably fairer. To continue, regulation 1702(1) of the Road Traffic Code requires that the owner or the person for the time being in charge of an animal shall not allow it to—

> stray into or along a road;
>
> be unattended on a road; or
>
> obstruct any portion of a road.

A charge under this regulation has been dismissed on the grounds that the Road Traffic Act did not give the authority to make this regulation. While there are provisions in the Police Act and the Local Government Act to deal with this type of offence, it is considered to be an offence of a minor nature which should properly be dealt with under the Road Traffic Code.

It is proposed to amend section 111 of the Road Traffic Act to empower the making of regulations dealing with unattended animals on roads.

In recent years representations have been made by various sectors of the Australian road transport industry for increases in vehicle dimensions and loading with a view to reducing costs by the use of larger units.

The National Association of Australian State Road Authorities—NAASRA—initiated a nationwide study of the economics of road vehicle limits under the direction of a steering committee. A study team was appointed and work commenced in 1973.

The recommendations resulting were studied by a review committee composed of officers of the Main Roads Department and the Road Traffic Authority, and new regulations replacing the vehicle standards and vehicle weights regulations have been drawn up.

The review committee discussed the proposals with representatives of the transport industry of this State on several occasions and as increases in mass limits were recommended the proposals were well supported.

The NAASRA study also recommended—

that the scale of fines for overloading be related to the amount of the overload;

that the level of fines be at least comparable with current levels in South Australia; and that the level of fines be reviewed every five years to ensure sufficient deterrent.

In addition the NAASRA study recommended the compulsory offloading of overloaded vehicles and means of ensuring such off-load occurs; and to provide greater emphasis on the policy of licensed gross vehicle and combination mass.

The matter of penalties was also discussed with representatives of the transport industry who were advised of a proposal to deal with low penalties for small overloads by infringement notice up to $200 and for high penalties for blatant overloads well in excess of the limits. Industry advised that they had no wish to overload their vehicles, provided their operations were not prejudiced by a relatively small number in the industry who deliberately overloaded their vehicles to make a quick profit irrespective of the damage done to the roads, and supported the proposals.

The penalties to be prescribed by regulation provide for minimum penalties and maximum penalties related to the percentage by which the mass limits are exceeded, and vary from $10 for a tyre or single axle overload of not more than 5 per cent, to a minimum penalty of $1 500 and a maximum penalty of $3 000 for overloads in the region of 200 per cent.

The amendments to the first and second schedules to the Act provide for the definition of a converter dolly trailer which has come into increasing use in recent years, particularly in the cartage of freight to the north. No alteration of fees is involved.

An additional schedule has been added providing the form of warrants to be used in connection with section 102 of the Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

RESERVE AND ROAD CLOSURE BILL

Second Reading

Debate resumed from the 11th October.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.14 p.m.]: The Opposition supports this Bill which is to resolve a very undesirable situation. As explained by the Minister, an arrangement was made many years ago to, as it were, swap a piece of land belonging to the university and used to build the Secondary Teachers' College for the area south of the campus containing Hackett Drive.

Because of a later decision not to build a proposed road beyond the university campus linking up with The Esplanade, Hackett Drive remained on the university land which, in effect, had been given to the university, in fee simple, in trust, in exchange for the land on the corner of Hampden Road and Stirling Highway.

This still remains a vexatious question. As members would have read in the newspaper this morning, the Subiaco council is not very happy about the matter; and one can understand its reservations, because it has done quite a deal to make the foreshore around Crawley Bay accessible and attractive to the public. The council is worried about the curves in the road that will go through the area near the foreshore, carrying heavy traffic and making the area less accessible to the public. As a matter of fact, if I and a few other people associated with the university had our way it would be a dead-end road and, in fact, there would be a lot more reserve, providing the people who use the foreshore with more safety. We feel that would

be the case if the road were to end in the area of the entrance to the National Parks Board and the yacht clubs. The area would then be safe and would be a pleasant one for people to enjoy.

However, as usual, the motorcar wins, and the Main Roads Department and others are sure that we must have a road around the area. Therefore, we have to attempt to cope with the situation of people using the foreshore, traffic using the road to get to Dalkeith, Nedlands, and all points south, and also with the tremendous amount of traffic and parking problems associated with the 10 000 students and many thousands more academic and administrative staff of the university.

In case there is some feeling that the university will construct a whole lot of buildings on this beautiful area, let me point out that is not the intention at the moment. When sufficient funds are available some buildings will be put on the area adjacent to the campus, but they will be on the university side of the existing Hackett Drive. So in the foreseeable future there will be ample area for the public to enjoy.

The university has a small campus but it does have a particularly aesthetic outlook in respect of its grounds and surroundings especially where they border on public places, and I am sure it will do its very best to see that the foreshores are preserved as pleasantly as possible.

I would like to bring one small matter to the attention of the Minister, and it concerns the amount of land which is to be excised from the area which the university was to have in trust. The amount of land is stated in the Bill to be 6 404 square metres, but there will be an additional area of the road reserve which, of course, has never been used by the university. It is marked on the plan.

The Minister is to be congratulated for producing this plan for members, because it is difficult to understand what is happening simply by reading words in a Bill. When one has a graphic illustration such as the map the Minister has prepared, it is easier for one to understand what is happening.

The land shaded blue on the map, comprising 1 380 square metres below the Princess Road area is really land that the university is losing in addition to the 6 404 square metres. I hope the Government or some succeeding Government will take into consideration the fact that the university is in fact giving up what is very precious land, because it has an extremely small campus. Efforts have been made by the resident architect and the landscape architect to make the university appear not to be crowded, but it is in fact a most crowded campus in terms of square metres per 1 000 students.

It is most important that if it is at all possible at some future time the same amount of land should be put in trust in fee simple for the university. Then all concerned will be happy about the matter, and the total amount of land due to the university would be somewhere in the vicinity of 7 500, rather than 6 500 square metres.

We have pleasure in supporting the Bill, and we hope it is put into effect as quickly as possible.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.20 p.m.]: I thank the Opposition for its support of the Bill. I know this is a matter which is close to the heart of some members opposite. It has been a vexed question for many years and has remained unresolved for a long time. I am glad that at last we have got to the stage where everyone knows where he stands.

Two points should be made. The first is in regard to the point made by the Hon. Grace Vaughan in connection with the land the university is to lose. She pointed out that the university will lose 1 380 square metres in addition to that stated in the Bill. I appreciate the point she made, because that is land to which the university would have been entitled had we adhered to the old plan. The Bill states the amount of land that will be excised; and, of course, the additional land does not have to be excised from the present area.

Concern has been expressed in the Press about the difficulty some Nedlands people feel could arise from any realignment of the road. One of the major points of concern is the capacity of the new road. I think people were concerned it would be a dual carriageway, much the same as the road at the other end of Hackett Drive where it meets Mounts Bay Road. Members will note from the map that insufficient room is available for that sort of road. In fact, the road will be the same pavement width as the road which at present runs into Princess Road, and it will match up with the current extension which runs into Princess Road. People will have a choice of using Princess Road or The Avenue; therefore, all the traffic will not be directed into one road in Nedlands.

Concern was expressed before Christmas in regard to this area. That concern arose from an altogether different problem which was caused by the Main Roads Department removing "Stop" signs in Princess Road at the junction of Bruce Street, and installing those signs in Bruce Street. The effect was that traffic in Bruce Street rather than traffic in Princess Road was required to stop.

People complained—and quite rightly so—that traffic in Princess Road was speeded up. Therefore, the "Stop" signs were changed again, thus alleviating the problem of speeding in Princess Road.

I make the point, firstly, that I do not believe the capacity of the new road will be any different from that of the previous road. Secondly, the public will have available to them a lot more space than would have been the case had we stuck to the previous agreement in which the road went into The Avenue. Under the present proposal that nice corner will become public open space and can be landscaped. It will become a pleasant picnic spot.

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.

LEGAL AID COMMISSION ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan —Attorney General) [4.27 p.m.]: I move—

That the Bill be now read a second time.

Since the Legal Aid Commission commenced operation in April this year, experience has shown that there are a few administrative problems which, to ensure that the commission continues to function effectively, could best be overcome by amendments to the Act.

Members would be aware that the Legal Aid Commission is authorised to engage private solicitors in appropriate circumstances to act for persons who qualify for legal aid.

Under section 14 of the Act, the commission is authorised to prescribe by its rules "lump sum fees" to be paid to private practitioners for such services. As can be appreciated, there are marked variations in the amount of work required in individual cases, and the lumpsum concept—which involves the same amount being paid for every case irrespective of the work involved—has proved quite unsatisfactory.

Further, the Act as it presently stands does not enable the commission to prescribe scales of fees, and that deficiency also has posed considerable difficulties in assessing remuneration to be paid to private practitioners. The amendment to section 14 will remove the concept of "lump sum fees" and enable the commission to prescribe its own scales of costs.

As it stands at present, section 62 allows a practitioner on the staff of the commission, who has received a delegation of power, to sign the name of the Director of Legal Aid on matters relating to a proceeding in which the commission is acting.

The commission feels it would be more appropriate for the practitioner to be able to sign his own name on behalf of instead of in the name of the Director of Legal Aid. The delegation of this power would remain with the director as at present.

Experience has also shown that it would be desirable to have some formal arrangement of reciprocity of representation through other legal aid bodies in Australia. It would probably be possible for this to be done at present on an informal basis, but as there will undoubtedly be more cases in the future it is preferable that a specific provision be made in the Act.

Secrecy of information received by a person by reason of his office or employment under this Act is preserved by section 64.

The commission is concerned that there are some difficulties with the concept of section 64 in so far as that section relates to prosecutions under the Act. The commission does not require applicants to verify their applications by way of statutory declaration but prefers instead to rely upon the general misrepresentation provisions of section 65. Legal opinion has been expressed that the narrow parameters of section 64 could inhibit the use of section 65 and an amendment is desirable to remove this barrier.

It has been suggested that the commission also lacks authority to obtain relevant information from a private practitioner to whom an assignment has been made, and an amendment is proposed so that the commission may obtain information it requires for the purposes of the Act. This would include financial disclosures by the aided person to the private practitioner, to enable the commission to keep the former's eligibility for aid under review.

In effect, the commission wishes to make it clear that its role is similar to that of an instructing solicitor. Other than to comply with its own duties and obligations under the Act, the commission does not want to impinge on the normal solicitor-client relationship so far as the conduct of a particular case is concerned, but does want the right to obtain all relevant information from the assigned legal practitioner whilst, at the same time, ensuring that the client's position as against third parties is safeguarded.

The proposed amendments will achieve these purposes, and I therefore commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

Debate resumed from the 11th October.

THE HON. NEIL McNEILL (Lower West) [4.32 p.m.]: The first observation I wish to make in this debate is that I am sure members again welcome the opportunity of discussing the Budget papers which have been tabled in this House, and in conducting that discussion on a somewhat leisurely basis. I particularly remember the previous experience we used to have where we were faced with the unhappy situation of having a Budget presented to this House frequently on the last night of a session and, even worse, at a very late hour on the last night. That was my last experience as a Minister in charge of a Bill of this nature.

I am sure members generally will appreciate the opportunity to debate the Bill. The motion has been before the House for some time now, and members have had the opportunity to undertake some work at a more leisurely pace than otherwise would have been the case and have been able to take a more active and cogent interest in matters contained in the Budget.

It is also worth noting that, during the Constitutional Convention, the matter was raised quite informally by some persons within that huge party; they commented very favourably upon our procedure, and said that a similar practice was not followed in the upper Houses of certain of the Australian Parliaments. We were the subject of some envy. In fact, I was asked about the particular procedures by which we were enabled firstly to receive the papers, and secondly to permit a debate of this nature to proceed. I mention that point because I believe it is worth noting that the Western Australian upper House is the subject of some envy in the procedure it follows with regard to debating the State Budget.

The debate really commenced I suppose with the contribution last evening by the Hon. R. Hetherington. While it is not my intention to give any comprehensive reply to the matters he considered at some length last evening, there are some observations I feel I must make.

One of the early comments made by Mr Hetherington related to research assistants. He believed members of Parliament, particularly Opposition spokesmen, should be given more assistance to carry out research work. He felt particularly inhibited as the Opposition spokesman on education matters.

I would not deny there is a real necessity for a number of research assistants to be made available, because it is true that documents and papers of this nature are becoming more complicated and have an ever increasing impact on the social and economic life of our community. Therefore, it is very desirable that members have as complete an understanding as is possible of the legislation which comes before them.

In saying that, however, I certainly would not like to think Mr Hetherington was saying that we should have a greater number of research assistants available to a point where it absolved a member from undertaking a great deal of his own research.

My reason for saying that is that I admit to being a conservative and it is my belief that a member of Parliament is in Parliament as a representative of the people, bringing to Parliament the benefit of his experience from whatever walk of life he may come. I do not believe it is properly the role of a member of Parliament to be involved necessarily—I use the word quite advisedly—in detailed research carried out by others in order for him to put certain views or make explanations on matters of great complexity before the Parliament. In other words, I believe the emphasis on members of Parliament should be to act as representatives of the people, representing viewpoints and opinions rather than trying to establish some nucleus or centre of research knowledge.

The Hon. R. Hetherington: Sometimes we do need to have facts and figures, and need somebody to do the donkey work and gain an understanding. I am not saying a member should not do any work at all.

The Hon. NEIL McNEILL: I am sure Mr Hetherington understands I am talking in a somewhat restricted sense. In my belief, it would be wrong

for members of Parliament to work in such a way. My particular reason for saying this is that I believe it would contribute in Western Australia as it has in other places to the further removal of members of Parliament from that very vital and necessary contact with their constituents.

It would be so easy for people, particularly those who had a great love of research and examinations, to occupy the greater amount of their time on complex matters and therefore miss out on what I believe is the far more valuable role of members of Parliament; namely, to gain a thorough understanding of their electorates. Whatever their failings and weaknesses, the fact remains that those people have elected us here to represent them. However inadequate they may be considered—not that I am suggesting they are inadequate; quite the reverse—it is our duty to represent them as best we can.

The Hon. R. Hetherington: I was suggesting it was a mistake for members to get lost in the detail of various matters, because they have so much else to do. I believe we need research assistants to do the detailed work so that a member can get a broader picture.

The Hon. NEIL McNEILL: I do not think we are in any disagreement on this point; I simply raise the matter in case people interpreted Mr Hetherington's remarks in a rather more extreme way than he intended.

I am not saying anything of tremendous importance or something that is new when I say that the more members are involved closely with their electorate, the greater the opportunity they will have to represent people from all walks of life and represent more closely the broad spectrum of the people.

Mr Hetherington devoted a great deal of time to what I might call an historical argument, leading up somewhat lengthily to an examination of the Budget itself. He even went back as far as the industrial revolution. In fact, I was glad he did not have any more research assistance, otherwise we might have been taken even further back and in even greater depth.

The Hon. R. Hetherington: I intended to go back only as far as the industrial revolution, I can assure you.

The Hon. NEIL McNEILL: In his examination of the Budget itself, he referred to the balancing of the Budget. I wish to make it quite clear that I believe the Budget is a very good and sound one. While up to a point it may be considered to be important to have a balanced Budget, it is not necessarily always desirable. Once again, I do not believe I am making any profound statement when I say there are some who consider it desirable at a time when there is need for greater employment to increase public expenditure in which case, of course, it follows that a Government must budget for a deficit.

The Hon. D. W. Cooley: That is good thinking.

The Hon. NEIL McNEILL: I knew I was not going to make a profound comment, but I suggest Mr Cooley has anticipated me there; it may be good thinking on certain occasions. In fact, even in my political experience it has been a very desirable practice—I am speaking now particularly in the Federal sphere—to have deficit budgeting at a time when inflation was not a consideration; sometimes it is a very desirable way of giving a real stimulus to the economy.

It might equally be said there are occasions when it is desirable to have a Budget surplus when a Government wants a deflationary effect on the economy. I suppose now might be considered a time when deflationary measures should be considered.

However, I do not believe that is necessarily appropriate to State Government budgeting; we do not have the same control over the economy as the Federal Government; that responsibility rests elsewhere. Again, Mr Hetherington made several allusions to this point.

This year's Budget has been balanced by the use of short-term investment funds to the extent of some $13 million. Mr Hetherington was at some pains to enlarge and elaborate upon that aspect, saving that we should be made more aware about what else was in that account from which the investment money was drawn. I do not think that is very important; there is no real secret involved. I am not going to attempt to explain it because, quite frankly, I do not know the complete answer.

However, the point is that in the Budget speech and the papers tabled in this House a clear reference was made to the Auditor General's report; once again, Mr Hetherington recognised and identified this point. The Auditor General's report was available for examination.

The Hon. R. Hetherington: I had to go to the report.

The Hon. NEIL McNEILL: I shall quote now from page 3143 of *Hansard* No. 16, from the item headed, "Estimated Expenditure"—

> In addition to the estimated revenue I outlined earlier, the Government proposes to pay to Consolidated Revenue $13.9 million from earnings on the investment of Treasury

cash balances last year which will have the effect of balancing revenue and proposed expenditure.

So, there is certainly no secrecy. I do not mean to suggest Mr Hetherington was claiming secrecy, but that was a complete statement by the Treasurer giving full recognition to the fact that that money was used in assisting with the balancing of the Budget.

The Hon. R. Hetherington: I could not find it in the Consolidated Revenue papers.

The Hon. NEIL McNEILL: There is reference in the General Loan Fund papers to amounts of money which are short-term investments under provisions of section 4 (b) of the Public Moneys Investment Act.

Reference was also made at some length by Mr Hetherington to the matter of education. Once again, I believe I ought to comment on this, because from the general tenor of his remarks it may well be understood that he was deprecating the fact there is not more money available for education.

The Hon. R. Hetherington: I was suggesting the Commonwealth should make more money available.

The Hon. NEIL McNEILL: I could not agree with that view. I am one of those who lived in the Menzies period when the argument announced last night, that education was a State responsibility, was actively pursued. However, State Governments decided the distribution of their funds was for them to handle, but the Commonwealth itself would not make money available specifically for that purpose. Much water has gone under the bridge since then.

I refer again to the Budget papers and the Financial Statement, and to that area dealing with education. I do not believe it is necessary for me to draw any specific references from those items, but nevertheless members would have acquainted themselves with the detail. The proposed allocation to education for the 1978-79 year is $332.2 million, which is an increase of $42.4 million, or 14.6 per cent on last year's expenditure. That is a very commendable effort on the part of the Government; and it really is an effort for the Government to make available a higher percentage of funds than is available to a great many other departments and, more particularly, to make available a much higher percentage increase than is the total increase in funds available to the Government.

The Hon. R. Hetherington: That is as long as it is spent, which it was not last year.

The Hon. NEIL McNEILL: It is stated in the Budget papers that nearly all that amount is taken up in salary increases—I refer to the $42.4 million increase.

The Hon. R. Hetherington: There was $5 million last year and $9 million the year before.

The Hon. NEIL McNEILL: Perhaps it is an error to take figures in isolation without knowing the circumstances. Mr Hetherington also referred to something said by the Treasurer—I am not going to attempt to use the same words—to the effect that the Government was obtaining a more effective use for the dollars spent. Mr Hetherington was at pains to discuss that aspect.

It should be borne in mind that a major part, if not all the increase, is going into salaries. I am sure many people would like to think that increase was going into an improvement of the education system; it is not necessarily doing that. I am not implying that there are no advantages as a consequence of an increase in salaries.

The Hon. R. Hetherington: My point about the Premier's remark was merely on the context in which it was made.

The Hon. NEIL McNEILL: Mr Hetherington said also there needs to be an overview, not just of the Consolidated Revenue Estimates, but the entire financial papers, and that includes the General Loan Fund papers. In that respect I think it is worth referring to the remarkable achievement of the Government in allocating an amount of $26.524 million for capital works projects, for things such as school buildings, for the 1978-79 year. That figure is only a shade less than the actual expenditure on capital works within the school system last year where the figure was $26.619 million.

There was also a reference made by Mr Hetherington—and I do not want to be thought to be taking this out of context—to the "ramshackle" education system. He may advise me just in what context he did use that word; I do not think it was being applied to the whole spectrum of education, but once again, in the event that such a comment came from the Opposition spokesman on education, it may be used out of context and I am sure he would not consider for a moment that our system is a ramshackle one.

The Hon. R. Hetherington: I talked about a ramshackle system of protectionism. I am always prepared to defend the Education Department although there is room for improvement.

The Hon. NEIL McNEILL: I am glad Mr Hetherington made that observation because I made that comment for the particular reason of having his words properly identified. It would be a tragic thing if a very commendable education system in this State had such a term attributed to it.

One of the items in the estimates is vividly in my mind; namely, the expenditure on the Mandurah High School. Having recently made an inspection of that new school, which will open next year, I cannot fail to be tremendously impressed with the development in the capital works programme of the buildings and facilities now made available, and being made available, in high schools. The Mandurah High School will be the first to have incorporated in it, right from the outset, facilities for years eight, nine, and 10. The normal practice is to have rooms for these years added progressively.

The facilities at this school may be regarded as rather elaborate—almost luxurious. I am sure there will be numerous comments to this effect because the appointments really are quite beyond the dreams of even very recent masters, teachers, and students in our high school system. It is indeed a beautiful building.

I would like to comment now on the Metropolitan Transport Trust. Members will be aware of the financial liability of this trust and the tremendous expenditure which it involves. Certainly they will be aware of the losses incurred by the MTT. On page 43 of the Financial Statement we find that the loss increased from $5.7 million in 1973-74 to the frightening figure of $25.3 million in 1977-78.

Many members, especially those in the metropolitan and near metropolitan areas, will have experienced the deficiencies in the provision of bus services, whether on regular routes or for special purposes. I have experienced this in a portion of my province, particularly in Rockingham, where there is considered to be a need for an extended bus service to be used by persons visiting the hospital as patients or otherwise. Members will be aware of the problems of having the service upgraded and of having greater availability of buses for the transport of school children.

Approaches to the trust usually receive the inevitable reply, "We regret there are no buses available." Members will have seen in the Press recently references to the fact that the MTT will be leasing a considerable number of buses to provide a greater service in the coming year.

Having made those observations, I wish to state that I took a few moments off to look at the last annual report of the MTT, tabled in the House. It is the report for 1977 and it contains some interesting statistics. I make the observation that I have a considerable amount of sympathy for the trust, because in its opening paragraphs it states—

> Another matter of concern has been the drop in patronage. A total of 57 274 974 passengers was carried during the year, 1 609 426 less than the previous year, a drop of 2.7 per cent. This loss of patronage is most disappointing as services have not been curtailed, in fact bus kilometres have increased by 264 612.

I repeat that I have some sympathy for the situation in which the trust is placed. The report deals with the revenue gained from passengers, the operating loss, and the uncontrollable expenses. On page 6 the traffic statistics are given and they include the passenger revenue, the passengers carried, the passenger traffic kilometres, and the hire of buses and ferries. The report gives the actual figures for the years ended the 30th June, 1976, and the 30th June, 1977.

My purpose in mentioning these matters is that one aspect is not covered and I consider it is an important one. I am referring to the bus timetables. I suppose all members have heard complaints about these timetables. I know that the former Minister for Transport (the Hon. D. J. Wordsworth) defended the system and said that the timetables were good, or that was the implication of his remarks. However, I wonder whether the public would agree with him.

One aspect which I have in mind concerns the amount of time during which buses are stationary. I am sure that the former Minister for Transport is aware of the fact that buses in other parts of the world are in use almost continuously, thus overcoming the problem of buses remaining idle at the terminus. I have not engaged in a research of the matter—not because I lack assistance, I hasten to add for the benefit of Mr Hetherington—to establish the number involved and for how long buses are stationary at a terminus.

The 1977 report reveals that there are 822 bus routes and I believe that if we could establish for how many hours buses were stationary and how many buses were involved we would realise this aspect plays a significant part in the overall costs of the trust. The report refers to the number of kilometres covered by buses and

the number of hours they are in use, but it does not refer to the number of hours during which buses remain stationary and are thus not earning revenue.

The Hon. D. J. Wordsworth: By the placing of radios in buses it is hoped that some of the slack will be taken up.

The Hon. NEIL McNEILL: I am glad the Minister made the interjection, because his remark gives added substance to my comments. It is recognised that the stationary time is significant and contributes to the trust's poor economic situation. If research into this aspect has not been undertaken, it should be. On the other hand, if research has been undertaken, perhaps the findings of the study could be made available.

I can recall that in Geneva a person would know that, within a certain number of minutes following his arrival at a hailing point, a bus would be available. At certain periods in the day a bus would be at a certain point every 10 minutes; at other periods a bus would be there every 15 minutes; while at other periods a bus would be available every 20 minutes or half an hour.

That was one of the best bus services I encountered. Passengers were placed on an honour system. They bought a ticket from a nearby tobacconist or newsagent, or from slot machines on the pavement. Of course, not everyone was honest and the penalties for breaches of the law were fairly severe as passengers discovered if an inspector happened to board a bus and they had not obtained a ticket. However, I am convinced that the buses were well patronised, because a more or less continuous service was provided and buses were not stationary for inordinately long periods at the terminus. I am sure that the financial operations of the trust are detrimentally affected because buses are left stationary for such long periods. I am not referring to the times when the buses are left overnight locked in the depots.

I would now like to deal with another matter which has been of concern to me ever since I have been in Parliament. Members will recall that in recent weeks I have asked questions concerning the dairying industry. On the 5th September I asked the following questions—

(1) For each of the years 1976/77, 1977/78, how many licensed dairy farmers—

(a) surrendered their whole milk quotas to the Dairy Industry Authority;

(b) transferred quotas to other licensed dairymen;

(c) were allocated whole milk quotas by the Dairy Industry Authority?

(2) What was the total quantity of quota milk involved in each case as referred to in (1) above?

The answer was—

	1976/77		1977/78	
	Number	Total Litres	Number	Total Litres
(1) and (2)				
(a)	32	15 849	27	12 662
(b)	14	5 770	8	3 621
(c)	89	21 805	14	3 430

NOTE: 106 quotas (total 25 970 litres) were granted during 1975 for supply from January 1, 1976.

The information was so significant that I pursued the matter further. I was aware that the situation in the dairying industry was not happy. The Dairy Industry Authority and the Minister for Agriculture have expressed concern about the loss of production in the industry. On the 12th September I asked the following question—

(1) What was the total number of dairymen's licences issued at the 30th June, 1978, for—

(a) market milk (including manufacturing milk and cream); and

(b) manufacturing milk or cream only?

The answer was—

(1) (a) 607

(b) 79.

Those figures were extremely disturbing. I will not refer to the actual quantities of milk involved, because I am more concerned about the people themselves. I will refer to the quantities later.

I studied the annual reports issued by the Dairy Industry Authority since 1974 and up to 1977. As a result of the information in those reports and information I obtained in reply to other questions I asked, I ascertained that in 1975 the total number of market milk producers was 564 and the total number of manufacturing milk producers was 413. As I have already indicated a moment ago, in 1978 the total number of market milk producers was 607 and the total number of manufacturing milk producers was 79.

I realise, of course, that some manufacturing milk producers have left the industry altogether. However, it is significant that many farmers who previously were manufacturing milk suppliers have now obtained a quota under the dairy assistance plan.

A considerable number of dairy farmers have left the industry. Perhaps a study of the situation would reveal that those who have remained in the industry are the more viable producers and consequently they will continue to survive.

Unfortunately, consistent with the reduction in the number of dairy farmers, there has been a considerable loss of production and I think this aspect should be emphasised. If one adds the total number of market milk farmers and manufacturing milk farmers as well as the number of quotas issued under the dairy assistance plan—namely, 206—one finds that since 1975 the number of licensed dairy producers who have gone out of the industry is 166. This may not be considered to be a very significant number. However, if one considers the figure as a proportion of the total number of licensed milk producers, one realises that those 166 represent some 30 per cent of the number operating in 1975.

That in itself is rather serious, in my view. Something must be happening to contribute to a decline of such proportions, and perhaps from the State's point of view in terms of milk production it has an even more important consequence.

For those who may not be fully *au fait* with the operations of the dairy assistance plan, I will elaborate by saying that the 209 quotas allocated for market milk were each for 54 gallons. I prefer to work in terms of gallons rather than litres because I believe it is more understandable to most people. In fact the dairy farmers who have gone out of existence and surrendered their quotas to the Dairy Industry Authority were the traditional suppliers who had in the main been in the industry for a considerable number of years and who did not have quotas of 54 gallons but quotas in the vicinity of 110 gallons. I think it would be accurate to say those were quotas of 110 gallons as against the DAP quotas of 54 gallons allocated in recent years.

So that means those 166 producers were producing twice the quantity of quota milk for market purposes in Western Australia. I am sure that in itself has contributed to a situation of which metropolitan people, particularly, have been aware in recent years and which has given rise to concern that there could be a shortage of milk for whole milk purposes in Western Australia—a situation which a few years ago we would not have even remotely considered. It would have been quite beyond any expectations.

There must be a sound reason for this. One looks for reasons, and as part of the background I refer first of all to a Press item in the *Coastal Districts Times* of Friday, the 8th September, which was headed "Bonus for WA dairy farmers" and which said—

> Dairy farmers will get a 20 per cent bonus for their milk this year.

Before I elaborate on that I should make a further observation. While I have referred to the lesser number of dairy farmers in business, I have not yet specifically referred to the lessening quantity of milk available. I have made allusions to it but I have not given the precise figures.

Looking at the statistics for 1976-77, I find the total production of milk for all purposes in Western Australia had dropped in that year by some 25 million litres. I apologise for my reference to litres on this occasion but the statistics are given in litres and I have not made the conversion.

I am making use of figures provided by the Bureau of Statistics, which went to some trouble to find them for me. Going back to 1974-75, and bringing the figures up to the present day, I am rather horrified to find that last year the total production of milk for all purposes in Western Australia was 40 million litres less than the production in 1974-75. One wonders for how long the industry can continue if in fact it suffers a loss of some 40 million litres a year. If one did an unjustifiable thing with statistics, one could say at a guess we would last about another five years, but that would not be a correct assessment because there will continue to be a solid core of dairy farmers and milk will continue to be produced.

The important point is there is some disincentive for production which is bringing this situation about, and I want to refer to that eventually. One could assume that the disincentive is mainly an economic one.

I am sure the dairy farmers themselves welcomed the statement in the *Coastal Districts Times* on the 8th September that there will be a 20 per cent bonus for their manufacturing milk this year. The article refers to the actual amounts of money in cents per litre and cents per kilogram of butterfat which will be paid by the Dairy Industry Authority. One could assume from that there has been a recognition that greater provision needs to be made, and perhaps it also reflects the concern of the Dairy Industry Authority about the lessening quantity of manufacturing milk which has been available in Western Australia.

So the first point I make is that there is recognition of concern—a concern which has been translated into money to give an increased

return, no doubt for the purpose of stimulating the supply of manufacturing milk. The Press item to which I have referred goes on to say—

> The 29 cents a kilogram premium will be paid on milk supplied to the dairy produce factories for 11 months starting on August 1.
>
> At present, farmers get 14 cents a kilogram from the dairy factories.

Later on it says—

> The authority had also decided to pay a premium of three cents per litre over the basic rate for milk for special products purchased by the authority during the months of February, March and April, 1979.

It was decided at the beginning of September to pay a premium of 3c on milk purchased by the authority during the months of February, March, and April. Members will be aware that it takes a considerable time to bring a cow into milk. I do not know how it can be said at the beginning of September in any year—which is not normally the mating season in the dairy industry—that a price increase will apply in February, March, and April for manufacturing milk. I am wondering where that milk will come from.

I would think that if production is to be stimulated in those difficult months of the year far more notice should be given to the farmers so that they can take advantage of the extra 3c a litre. The only assumption one can make, the announcement having been made now, is that perhaps some manufacturing milk will be available by February, March, and April, 1979, which would not otherwise have gone to the Dairy Industry Authority; but if in fact it is for special milk products it has to go to the authority, because that milk is vested in the authority and the authority is the sole purchaser.

I cannot help wondering at the thinking which prompts the announcement of such a payment in that period of the year. I recognise it is a difficult time of year and there is certainly a need for a premium.

The additional point I want to make is that over many years—perhaps over the entire history of the Dairy Industry Authority in Western Australia—in the whole-milk industry in particular some difficulty has been experienced in the supply of manufacturing milk for a variety of purposes in the late summer and early autumn months, but it was overcome, prior to the days of the DIA or vesting, by the dairy companies going out and soliciting supplies, canvassing and encouraging the farmers, and paying summer premiums and incentive prices. I do not think we were ever faced with a situation comparable with that we had last summer.

In the mind of the Dairy Industry Authority it is clearly a situation which will become even worse in the coming years unless some drastic action can be taken. There has been a decline in production and a lack of profitability which the DIA is presumably trying to overcome by the payment of bonuses. However, there is a recognition that a problem exists.

The next Press report to which I wish to refer appeared in the *Western Farmer and Grazier* of the 28th September, 1978, and it is headed "Dairying better: report". I thought that was rather an unusual comment because from all that had happened previously it appeared things were difficult, with concern about people going out of the industry and production dropping by 40 million litres a year. However, the article presumably refers to a statement made by the Dairy Industry Authority, although it does not actually say so. The article says—

> In three years prices paid to producers for market milk rose 45 per cent, against production cost increases of 37 per cent, the report said.
>
> On a "whole-farm" basis, taking into account income from manufacturing milk and such sidelines as livestock, average net income increased by 93 per cent.

So I suppose the headline is correct when it says "Dairying better"; but one might ask, better than what? The article continues—

> The report, which probed the state's market milk industry, was prepared by the marketing and economics branch of the Agriculture Department.
>
> Based on a cost of production survey, the report covered the 1976-78 year as a follow-up to a similar survey three years before.
>
> A representative sample of 55 farmers, both with and without irrigation, was chosen for a study of costs and incomes.
>
> The report showed expenses on paid labour were lower in 1976-77 than in 1973-74, despite wage increases at that time.
>
> And a comparison of production costs on irrigated and dry-land farms showed that in the Busselton-Bunbury area it cost more to produce milk on irrigated farms.
>
> The average production cost of all milk was 13.3c a litre on irrigated land, against a dry-land figure of 11.3c a litre.

> The report also showed that as quota size increased the cash costs of production per litre of market milk fell—

Under normal circumstances one might expect that to be a correct statement. Normally we are of the view that one of the benefits of increasing scale is a lower unit cost, so the report says that as quota size increased the cash costs of production per litre of market milk fell. In fact, that Press report is not quite correct. The truth is that the cost of production per litre of market milk rose.

To verify that, I will refer in a moment to the report by the marketing and economics branch of the Department of Agriculture. It also went on to say—

> But the profitability of processing market milk has deteriorated.

I am not going to elaborate by examining the processing side of the industry; I will confine my observations to the production side.

That report was extremely disturbing to me in view of my own experience and observations in the industry—which observations I have made to the House tonight—because I believe it could quite adversely affect any future consideration which may be given to price increases and increased margins to people, particularly on the production side of the dairy industry. One would not be unfair in making the assumption from the Press report that the dairy industry was greatly improved and that increased production would follow. However, the contrary is the case, because production is falling quite rapidly.

One of the more disturbing aspects of that report is that in any future consideration by the Dairy Industry Authority or the Government to increase margins or to pass on price increases to the consumers, there could well be some reaction —unjustifiably in my view—due to the impression given that there has been a very considerable increase in the profitability of the dairy industry. I wonder to what extent that report faithfully revealed the actual position.

I have a copy of the report parts of which I should like to read to members. I commence at page 4, where the following statement appears—

> In 1976-77 the average price paid to producers for market milk was 16.46 cents per litre. According to the survey, average total costs were 13.26 cents per litre with 6.58 cents of this total being cash costs. This left a net profit of 3.2 cents per litre of market milk.

That of course is one of the reasons for the Press headline, "Dairying better". On the face of it, they were making 3.2c a litre profit. However, the report continues—and this was not contained in Press statements—

> The average return for all milk produced was 11.73 cents per litre giving a *net loss* of 1.53 cents per litre for all milk supplied.

How on earth can the results of a survey be limited simply to the market milk portion of production when in fact it is the total which should be considered? If one combines the cost of producing all milk one finds dairy farmers make a loss. A dairy farmer cannot say, "I will produce only market milk." He is required to maintain his quota, and must produce manufacturing milk.

When the special milk products quotas were introduced, there was no great demand by people in the industry, one of the reasons being that the Dairy Industry Authority was paying only 28c a gallon or roughly half the price for quota milk. They are required to produce these special milk products under exactly the same conditions as apply to market milk, and they produce manufacturing milk. The Dairy Industry Authority, the processing plants, and others expressed great concern, because of the shortage of manufacturing milk in Western Australia.

The State Budget contains numerous references to agriculture. Certainly, the Federal Budget, particularly the taxation aspects of that Budget, refer extensively to agriculture and rural activities generally. I would like to put on record that the survey carried out by the marketing and economics branch of the Department of Agriculture reveals that the rate of return on net worth capital is 0.779 per cent—hardly a worth-while exercise if one is concerned about return on capital.

As I have pointed out, the report indicates that the economic position of the market milk industry has improved; however, when we take the total production into consideration we can see the farmers are not much better off; in fact, their profitability is very much less than was stated in the Press.

The report and the Press statement also referred to the labour cost component in the dairy industry; in fact, the report described the "incredible improved efficiency" on the part of dairy farmers. The report revealed that in 1973-74 the labour cost was 4.449c per litre, and in 1976-77 it had reduced to 3.518c per litre, which on the face of it one would assume represented a considerable reduction in labour costs.

However, the real reason is that people are employing less labour simply because they cannot afford to employ people due to the economics of their industry. It is not that farmers do not want to employ labour; the profitability in the industry does not permit them to employ people. The report states at page 8—

> Increasing cash costs caused producers to substitute family unpaid labour for paid labour and producers actually spent 25 per cent less on paid labour in 1976-77 compared to 1973-74.

I intended to correct the newspaper report which stated that—

> . . . as quota size increased the cash costs of production per litre of market milk fell . . .

In fact, on page 11 of the report it states that average cash costs per litre of milk increased. I make that statement simply to correct that rather misleading article.

Having examined the economics of the dairy farmers, I wish to pass to a few of the sequels to this situation. One is that Western Australia faces a severe shortage of dairy products; our domestic production is not keeping pace with demand. We have a great capacity not only to produce the major proportion of our requirements but also to produce it reasonably economically.

Apart from the actual shortage of domestic production in Western Australia which is contributing to the lessening of supply to the consumers of the metropolitan area and Western Australia generally, other considerations are involved which exacerbate the problem. Western Australia's population continues to rise and the demand for agricultural products—despite the inroads made by substitutes—also continues to rise. Consumption of dairy products is on the increase; there is a greater variety of dairy products available in Western Australia.

As a consequence of this continuing demand and the severe shortage of locally produced dairy products, Western Australia is importing its requirements in increasing quantities from the Eastern States and, to a lesser degree, from overseas. If the present trend continues, one wonders whether we will begin importing ordinary, bottled, or cartoned milk.

From the information provided to me by the Australian Bureau of Statistics, I issued a Press statement on the 2nd October, 1978, part of which stated as follows—

> The irony of the situation though, said Mr. McNeill, is that as the consumption of dairy products continues to rise, figures supplied by the Australian Bureau of Statistics show that in 1976-77, W.A. imported over 7 million Kg of butter, butter oil and cheese, worth $12 million, and preliminary figures indicate that this will be greatly exceeded in 1978.

We all should be disturbed about this trend. Here we are discussing a Budget which to be balanced required investments in the short-term account of some $13.9 million, yet Western Australia spent some $12 million in importing dairy products in 1976-77. In cold hard cash, Western Australia is out some $12 million, which has been paid to Eastern States' producers, principally in Victoria.

While I am not decrying the need for an equalisation system over the whole of Australia and Commonwealth control and intervention in the Australian dairy industry, I still firmly believe Western Australia has the capacity—given the opportunity—at least to maintain its dairy industry in a viable state. This is what we should be aiming at to save some of those precious dollars.

We should bear in mind that our export bill of $12 million is not very far removed from the figure of $13.9 milion which is needed to balance the Budget. Some of this money, of course, went overseas to purchase the fancy type of cheeses, many of which are not made in Australia and very few, indeed, in Western Australia. That is a very minor amount. It is possibly less than $1 million. We could make very great inroads into that import bill if we had the right environment and the right encouragement given to the conduct of our dairying industry in this State.

I make these observations because I have a long-standing interest in the industry. I also make them because of what I believe to be the ability of our dairy farmers. We do not have to go back many years to a time when our whole milk industry in Western Australia was regarded as a model for Australia—the most profitable whole-milk industry. It was probably one of the most profitable primary industries in Australia. We are faced with a sad situation today.

The Dairy Industry Authority came into existence as a result of the 1973 legislation. I am not going to say that the authority is the sole cause of the problem. I say it has certainly been a contributing factor to the state of our industry. That is a result of that confounded 1973 Act, if I may be permitted to make that observation, Mr President.

That particular legislation had three purposes. In my understanding, one was that it would rationalise—and how I detest that word—the dairy industry. It was to assist in keeping manufacturing dairy farmers within the industry. By some means or other, it was to integrate the two sections of the industry to enable dairy factories to have a greater throughput. The purpose of the Act was to provide a more viable dairy industry in Western Australia.

By virtue of the Dairy Industry Authority, there was to be a stimulus to the allocation of market milk quotas to those farmers who were manufacturing milk producers. There were some 600 manufacturing milk farmers. Allowing for the 209 of them who have now been allocated quotas under the dairy assistance plan, we now find there are only 79 farmers remaining from the great number operating previously. Those farmers have gone out of business despite the existence of the Dairy Industry Act and despite the existence of the Dairy Industry Authority.

I do not wish my remarks to be taken as a direct criticism of the Dairy Industry Authority. It is more a criticism of the industry and of the whole population who are prepared to embrace this new principle. What I am really referring to is the fact that this scheme has not been successful. It has not achieved what was believed in the industry generally would be the consequences —that the industry would be maintained, and that a sufficient number of people would be maintained in the industry for economic production. Unfortunately it has not happened that way.

I recall with some sadness my former colleague, the then member for Wellington (Iven Manning). He and I had very strong views about what was known as the lifting of the boundary in the whole-milk area. That was to enable the allocation and the spread of whole-milk quotas into manufacturing milk areas. That scheme was not considered rational. It was not considered to be fast enough to prevent manufacturing people from going out of business.

Now we have a system which was brought in some time ago. Five years after its introduction, what do we find? We find 209 of those producers now have quotas. I can say, based on my not inconsiderable experience, that had this system been allowed to continue from 1973 onwards, rather than the lifting of the whole-milk boundary and the natural acquisition of quotas by farmers in the far south-west areas, we would today have approximately 200 market milk producers in those areas. The result, in other words, would have been the same in terms of the number of dairy farmers.

One significant difference would have been that those farmers would not have been on 54 gallon quotas. They would, in fact, have 110 gallon quotas by now, the same as everybody else. They would not have been producing only 54 gallons of market milk plus a little special milk products milk. I believe there would have been farmers producing 110 gallons, and perhaps more, of market milk. There would not have been any special product quota milk at all. Those people would have been producing considerable quantities of surplus milk, the same as the established milk producers. They all would have been producing greater quantities of surplus milk more economically than they are at the moment.

I suggest that there be a close analysis of this industry. I do not wish to revive the rivalry between the two sections of the industry. I realise there are not two sections now. There is a need to maintain people in the industry. There is a need to save our precious dollars. I believe the people of Western Australia lack understanding of the problems of this industry. We need to ensure the production of sufficient milk to provide for the minimum dairy needs of the people of Western Australia.

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

House adjourned at 5.52 p.m.

QUESTIONS ON NOTICE

PENSIONERS

Pensioners (Rates Rebates and Deferments) Act

361. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Local Government:

(1) Has the review of the Pensioner (Rates, Rebates and Deferment) Act been completed in respect of its effect on people in receipt of service pensions?

(2) If so, is it intended to introduce amending legislation in this session of Parliament?

The Hon. I. G. MEDCALF replied:

(1) and (2) Yes.

WATER SUPPLIES: RATES

Shires of Collie and Wongan-Ballidu

362. The Hon. N. E. BAXTER, to the Leader of the House:

During this current financial year—

(1) (a) Is the Shire of Collie liable for and has paid water rates amounting to $3 000 on its administration building; and

(b) if so, how is this amount arrived at?

(2) (a) Is the Shire of Wongan-Ballidu liable for and has paid water rates amounting to $4 500 on its administration building; and

(b) if so, how is this amount arrived at?

The Hon. G. C. MacKINNON replied:

(1) (a) No. The liability for water charges is $160, plus $30 fire service fee.

(b) Not applicable.

(2) (a) No. The liability for water charges is $160.

(b) Not applicable.

CONSERVATION AND THE ENVIRONMENT

Star Swamp Area

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

(1) Will the Minister table a plan of the area proposed to be reserved for Star Swamp, North Beach?

(2) Has he received any correspondence from Mr Ian Viner, M.P., for an area to be reserved about the lake significantly larger than that presently proposed by the Government?

The Hon. D. J. WORDSWORTH replied:

(1) The Lands Department has not as yet been asked to effect any reservations.

(2) No.

QUESTIONS WITHOUT NOTICE

RAILWAYS

Fares: Interstate

1. The Hon. H. W. GAYFER, to the Minister representing the Minister for Transport:

As the Minister for Transport has been quoted in this morning's newspaper as saying "there had to be some avenue for reducing domestic air fares", could he inform the House if it is proposed that the State Ministers for Transport will give the same consideration to interstate rail fares?

The Hon. D. J. WORDSWORTH replied:

I thank Mr Gayfer for notice of the question. The Minister for Transport has informed me that, should a reduction occur in domestic air fares, he will submit to the Australian Transport Advisory Council conference that the matter of interstate rail fares be fully examined.

"HANSARD"

Delay in Production

2. The Hon. R. F. CLAUGHTON, to the Leader of the House:

I apologise for not having previously notified the Leader of the House of my question, because I was not aware of this situation until only a short time ago. My question is as follows—

(1) Is the Minister aware that the weekly *Hansard* for last week is not available at Parliament House?

(2) Can he advise the reason for the delay?

(3) Will he endeavour to see that such delays are overcome in the future?

The Hon. G. C. MacKINNON replied:

(1) I was not aware of that situation.

(2) I am sorry, but I cannot give Mr Claughton the reason for the delay because I have not had the opportunity to examine the matter.

(3) Yes, I will find out what the trouble is and see if it can be rectified.

The Hon. G. E. Masters: It is probably because of all that modern computerised equipment they have at the Government Printing Office now.