

Legislative Council

Tuesday, the 22nd August, 1978

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

BILLS (5): ASSENT

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

1. Evidence Act Amendment Bill.
2. Construction Safety Act Amendment Bill.
3. Art Gallery Act Amendment Bill.
4. Zoological Gardens Act Amendment Bill.
5. Suitsors' Fund Act Amendment Bill.

QUESTIONS

Questions were taken at this stage.

BILLS (5): THIRD READING

1. University of Western Australia Act Amendment Bill.

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and returned to the Assembly with an amendment.

2. Health Act Amendment Bill.

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and passed.

3. Censorship of Films Act Amendment Bill.

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

4. Northern Developments Pty. Limited Agreement Act Amendment, Bill.

Bill read a third time, on motion by the Hon. W. R. Withers, and passed.

5. Parks and Reserves Act Amendment Bill.

Bill read a third time, on motion by the Hon. I. G. Pratt, and passed.

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

THE HON. V. J. FERRY (South-West) [4.48 p.m.]: My remarks will be brief. This Bill is

designed to improve the control of fruit fly within the community, and not necessarily in fruit-growing areas. However, in connection with fruit growers and commercial orchards, I would like to make the observation that the control of fruit fly appears to me to be more effectively handled in this day and age by chemical sprays; in other words, an effective spray cover of the fruit.

I believe there is still in existence a regulation obliging fruit growers to pick up fallen fruit from the ground and destroy it by action other than chemical treatment. It seems to me to be completely unacceptable, particularly in view of the labour situation in fruit-growing areas today where labour is costly and is sometimes not available, that growers should be expected to pick up fruit from several hectares of orchard.

It seems to me the department would be well advised to allow growers effectively to control the larvae of the fruit fly both on the tree and on the ground by the use of appropriate chemical sprays. I believe this method does not meet with departmental policy, although to me it is a more effective way of controlling this problem rather than picking up fruit that has fallen to the ground. I make this observation in view of the importance of controlling fruit fly, particularly in stone fruit.

THE HON. G. W. BERRY (Lower North) [4.51 p.m.]: I have spoken about the fruit-fly problem before in this House as it concerns the Carnarvon area, which was once a free area and later became a declared area. This followed the introduction of fruit fly from fruit brought into the area from the south.

I understand we will have a biological exercise in tackling the control of fruit fly in the Carnarvon region. The area lends itself to such a method, because it is far removed from any other source of infestation. It is hoped the method will be successful; and the department believes that it will be. If the method proves itself in the Carnarvon area it may be possible to apply it throughout the State. It is to be hoped that this is so, as fruit fly is a curse to the fruit industries.

THE HON. A. A. LEWIS (Lower Central) [4.53 p.m.]: While I support this Bill I wonder whether it goes far enough. Members may recall, during an Address-in-Reply speech I made, I indicated that fruit-growing areas were being infested with fruit fly. I wonder if there is sufficient public concern among backyard orchardists in Western Australia.

The Hon. G. W. Berry: I am sure there is not.

The Hon. A. A. LEWIS: Bridgetown is the heart of the apple-growing territory and I wonder

at the cost this menace is going to inflict on the fruit industry in this State.

I believe fairly direct action should be taken, and this measure seems to be a stopgap attempt to control the fruit-fly menace. Heavy penalties should be imposed on people who do not control fruit fly. Perhaps a penalty of \$1 000 a tree should be imposed so that a person will be encouraged to buy fruit from a fruit store rather than leaving fruit trees *in situ*.

This is a subject we should not pass over lightly and we should look at it on a State-wide basis. Mr Ferry has mentioned the southern areas and Mr Berry the northern areas. We should look at this problem far more closely than we did in the past, and more effort should be made to back up officers in the field. I get the impression from the field officers that if they inform the department there are seven people who should face prosecution the matter sits in the departmental basket known as the "too hard" basket. This is because the department does not want to take action against the people concerned. If we are to overcome this problem people must realise that the fruit fly is damaging our exports.

I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [4.56 p.m.]: I thank the three speakers for their comments and the House for its support of this Bill. Mr Ferry raised different ways in which control can be achieved. Mr Berry gave a fine example of the great need for fruit-fly control when he mentioned that Carnarvon had been free of the problem until affected fruit was taken into the area.

Finally, Mr Lewis pointed out that a lot more importance ought to be placed on this matter when one considers the contribution to the State by the fruit-growing industry. He has indicated the industry is being greatly affected by the amateur who, not having any financial outlay at stake, is not so concerned and is only wishing to grow a few fruit for himself. More relevance should be given to the aspect of the problem so as to protect the person more vitally concerned with the fruit-growing industry.

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.

WHEAT MARKETING ACT AMENDMENT AND CONTINUANCE BILL

Second Reading

Debate resumed from the 17th August:

THE HON. R. T. LEESON (South-East) [4.58 p.m.]: This Bill has been before the House on a number of occasions. As the Minister stated in his second reading speech, the Act is there in case of a breakdown in the Wheat Industry Stabilization Acts which the States and the Commonwealth have passed.

Fortunately, these Acts have worked very well over the years and it gets back to something I have said in this House before: Western Australia, particularly, revolves around two major industries—the rural industry and the mining industry. We have stabilisation in the wheat industry, which is part of the rural industry, and we certainly need stabilisation in the mining industry.

We have seen what has happened over the last few years to both these industries, and in my opinion it is only the start. If we do not stabilise both industries and, in particular, devote a lot more time and thought so far as the mining industry is concerned we will be in a lot of trouble. We must relate the mining industry in some degree to the rural industry. It seems to me that at the moment there is an attitude of, "I'm all right Jack; you sort out your own problem."

We all have problems which are common to one another. In the near future we will have to take a far closer look at both industries to ensure they are stabilised so that each and every one of us will benefit.

I support the Bill.

THE HON. H. W. GAYFER (Central) [5.00 p.m.]: This Bill is of great interest to the wheat industry of Western Australia. In fact it might be said that it is the back-up measure to protect the farmers' interests in connection with the marketing of their wheat, if the Australian Wheat Board and the associated stabilisation Acts of the various States of the Commonwealth should break down.

As most members are aware the legislation was enacted for the first time in 1947. It was repealed in 1965, but was very smartly revived again in 1966 because it was realised then that if there should be a breakdown in the Australian system of the orderly marketing of wheat then Western Australia would have no orderly marketing arrangements on which to fall back.

No doubt the Act would need many amendments to make it effective today;

nevertheless it provides a good formula for quickly bringing into effect a Western Australian wheat board should such a board be necessary. I sincerely hope it never will be. Many people say that Western Australia should market its own wheat. Nevertheless it is hard to imagine the significant part we would play on the world market as an individual State in comparison with the combination of all the other States, particularly in view of the small hatful of wheat we produce compared with the quantity marketed in other parts of the world. Other countries are well organised in this truly competitive industry.

Nevertheless if anything should occur, as I said before, at least Western Australia will have this legislation on which to fall back.

The Bill also makes provision for the change of name of one of the five persons who will be required to establish a temporary committee to get the Western Australian legislation off the ground if it ever became necessary. At present the Act provides that there shall be five persons appointed immediately by the Government to bring into being the Western Australian legislation. One of those is the Chairman of Directors of CBH, one is the Chairman of the Grain Pool of Western Australia, and the other three are to be appointed by the Minister.

An anomaly exists of course, because in 1975 the then Grain Pool of Western Australia virtually went out of existence. The amendment simply states that the person to be appointed, instead of being the Chairman of the Grain Pool of Western Australia, shall be the Chairman of the Board of Directors of The Grain Pool of WA, established under the Grain Marketing Act of 1975.

I support the Bill which is interesting in its philosophy. I hope not too many members rise and speak on philosophical aspects, as otherwise I will wish I had not spoken until later in the second reading debate.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.04 p.m.]: I thank members from both sides of the House for their support of the Bill. Perhaps it is fitting that Mr Gayfer should have drawn attention to the fact that he would be one of those who would have to implement the legislation, although, of course, he would be wearing a different hat!

I commend the Bill to the House.

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.

SECURITIES INDUSTRY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th August.

THE HON. D. W. COOLEY (North-East Metropolitan) [5.07 p.m.]: The Opposition supports the measure. The second reading speech is very explicit regarding the intention of the Government which is merely to clear up what was possibly an error in drafting that occurred in 1975 when the legislation was enacted. Some doubt was created regarding the payment out of the fidelity fund established under the Act. Apparently at present the maximum amount of \$500 000 could be paid in respect of all claims made against one broker who trades on the Stock Exchange, whereas the intention of the Act was that the maximum amount of \$500 000 should not be exceeded in respect of one broker. The amendment makes the position clearer.

The Bill contains several other amendments which are consequential to the amendment to which I have just referred, and others again rectify typographical errors.

We support the Bill.

THE HON. V. J. FERRY (South-West) [5.08 p.m.]: I wish to thank Mr Cooley for his support of the Bill which I commend to the House.

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.

FIREARMS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th August.

THE HON. D. W. COOLEY (North-East Metropolitan) [5.11 p.m.]: We also support this Bill which in the view of the ALP is a move in the right direction.

It proposes to distinguish between the possession of unlicensed firearms and the possession of firearms where a licence has been refused or cancelled. The penalties are to be increased substantially in respect of people who use firearms when a licence has been cancelled or refused.

The legislation also provides for it to be an offence if a firearm is altered from its original condition. We are all aware of how lethal some weapons can be if they are altered. I instance the sawn-off shotgun, and the like.

The Bill contains another good amendment which makes it an offence for a person to use firearms on another person's land without the landowner's permission. It is common for people at weekends to use guns indiscriminately when shooting innocent animals without any regard for the humane aspect. It would be good also if some legislation could be introduced to make a similar law applicable in respect of Crown land.

It is good to note that the laws are being tightened up in respect of firearms.

There is not much control of firearms in the United States and—I think my figures are reasonably correct—I was reading the other day that some 12 000 people are shot in anger per year in that country. That is about 32 a day. It is good to note that the Government is aware of the need for more control in respect of the use of these weapons.

For these reasons we support the measure.

THE HON. G. C. MACKINNON (South-West—Leader of the House) [5.13 p.m.]: I thank the honourable member for his comments on the Bill which I commend to the House.

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.

LAND VALUERS LICENSING BILL

Second Reading

Debate resumed from the 15th August.

THE HON. F. E. MCKENZIE (East Metropolitan) [5.15 p.m.]: The Opposition supports this Bill which is designed to provide for statutory control of land valuers. However, in supporting it I wish to make a couple of comments. In his second reading speech the Minister did not indicate the origins of or the reasons for the Bill; or whether problems had been experienced in the industry.

Notwithstanding that fact I am reliably informed that the Bill came about as a result of discussions with the president of the State body of the Australian Institute of Valuers. Whilst it is desirable to establish the body proposed in the Bill, it was a simple matter for the president of

the State body to approach the responsible Minister to ensure that appropriate legislation was prepared and brought before Parliament. In this case the Bill is quite different from what took place in regard to the legislation dealing with the registration of school teachers.

Recently in company with my colleague, Mr Hetherington, I had an audience with a number of teachers who were protesting against the Government's decision to repeal the Teachers' Registration Act. In all aspects, it appears to me that the same circumstances apply in the case of the licensing of land valuers.

The registration of school teachers was to be undertaken by a self-regulatory body, the same as is proposed in the Bill before us. However, in the case of the school teachers, discussions and negotiations between the parties took some four years before registration was granted. Today I noticed the comments of the President of the School Teachers' Union (Mr Bennett) which appeared in a copy of *The Western Teacher*. He said that he believed there was virtually no possibility of a new Act for the registration of teachers being introduced during the term of this Government.

I find it quite strange that we can offer an easy passage to a Bill which deals with the registration of one group of people, the land valuers, while in the case of another group, the teachers, legislation for registration was passed but subsequently was repealed. There does not appear to be anything forthcoming to take the place of the repealed legislation.

Whilst we in the Opposition support the Bill I am disappointed that in the second reading speech of the Minister we were not told about the origins of the Bill, or whether any problems had arisen in the industry which would necessitate the licensing of land valuers.

I hope that in future when second reading speeches are delivered in this House by Ministers, particularly on legislation dealing with something new, more comprehensive speeches will be presented so that members will be able to have a better idea of the reasons for and the origins of the legislation.

THE HON. R. THOMPSON (South Metropolitan) [5.20 p.m.]: I support this legislation. However, I want to direct some questions to the Minister. The first is: Will the land valuation section of the Public Works Department, in negotiating for the resumption of land and in respect of other operations which come under its scope, accept valuations carried out by the licensed valuers?

Firstly, I should explain what happens now. The Public Works Department values the land, and then makes an offer to the owner of the land indicating the value and the area to be resumed. If the offer is not accepted, the Public Works Department will allow the owner of the land to obtain an independent valuation. The only valuation that is now accepted is one undertaken by a member of the Australian Institute of Valuers. I take it that under this legislation there will be a general easing of the situation in respect of valuations; and that henceforth any person who is licensed under this new legislation will be allowed to carry out valuations.

There is good reason that they should be. When we are dealing with city properties I would say that any valuer—whether he be a practising land and estate agent, or whether he be a sworn valuer or a member of the institute—would make a valuation which is different from one made by another. They seem to come up with different figures; they do not arrive at the same figures in respect of valuations.

In the case of valuations of rural properties on the outer fringes of the metropolitan area, we find that generally these people do not have a clue of the valuations, but the local estate agent has knowledge of the values. In many cases the members of the institute have to rely a great deal on the land sales which have taken place. Furthermore they have to contact the local estate agent before they can form some opinion on the valuation of a property.

I would like a reply to my query as to whether or not the Public Works Department will accept the valuations of the people who will be licensed under this legislation.

The Hon. G. C. MacKinnon: Will you quote me the Public Works Department regulation or the section of the Act which specifies that the valuer must be a certain category of person, so that I can look into the matter?

The Hon. R THOMPSON: The two sections are 10B and 24B of the Public Works Act and the Metropolitan Region Town Planning Scheme Act respectively, but I am not sure. I might have the figures reversed.

I am speaking from personal experience on this matter, and I can produce many letters to indicate that the Public Works Department has specified that the valuations must be carried out by members of the Australian Institute of Valuers.

The Minister might agree that this can be done by regulation. In clause 36 of the Bill the provision states that the Governor may make such regulations as are contemplated to deal with a list

of matters. What appears to be remiss in the Bill is that no registration number will be allocated to each licensed valuer. I think that the provision in clause 19 should be amended by stating that the board may grant a licence and issue a registration number to any person who satisfies the board in certain respects.

The provision in clause 23(2) states—

Subsection (1) does not prevent a firm or corporation from carrying on business, or holding itself out, as a valuer of land so long as every valuation of land supplied by that firm or corporation is made by an officer of the firm or corporation who is licensed under this Act.

From my experience with the Builders' Registration Act, I am aware that registration numbers are allocated to firms, corporations, and individuals. It is necessary for a builder to display his registration number in full public view on any construction that he is undertaking.

It is much more important that a valuer, whoever he may be, should quote his registration number on each valuation prepared by him. Not so much in the case of a one-man operation, but in the case of a firm or corporation, the valuers could change, and one would not know who actually carried out a particular valuation.

We have seen this in the case of some construction companies which have a number of registered builders working for them, all operating under one registration number. It seems that one can never nail down the person who is in charge of the construction. I have had experience of this also.

I am putting this forward as a suggestion—whether it be put into operation by regulation or by amendment of the Act does not matter—that each licensed land valuer should be given a registration number which he must place on each valuation he carries out. In this way the person paying to have the valuation done will know who has carried out the work.

Under this legislation the names of licensed land valuers will be published in the *Government Gazette*. Without a registration number alongside the name, the licensing would not mean much at all. In the case of firms and corporations, what I have proposed will clear up any doubts that I have on the Bill.

The query that has been raised by Mr McKenzie is a valid one. I trust this legislation will not be the forerunner of what Mr Knight mentioned the other evening in respect of the Architects Board, and that it will become a closed shop exercise.

Some years ago I dealt with the legislation governing the Architects Board. For many years architects advocated a form of registration, but when they became registered they followed exactly the line taken by the chartered accountants; they wanted to keep everybody else out of the profession.

I trust that the purpose of the legislation before us is not the same; and that people working in the land and estate business and applying themselves diligently to their work will be able to prepare valuations which are acceptable to the Public Works Department and other Government departments that currently require valuations to be carried out by members of the Australian Institute of Valuers.

I support the legislation, but I would like the Minister to reply to the queries I have raised, particularly the one in respect of the allocation of registration numbers.

THE HON. V. J. FERRY (South-West) [5.30 p.m.]: This legislation has my support, and in expressing my support of it I am fortified by the knowledge of what happens in at least two other Australian States.

The main purpose of the Bill is to establish a system of licensing of land valuers. This is a highly technical and somewhat complex occupation, and as one who has had quite a number of dealings of this type in a commercial capacity for a commercial company I can speak from experience when I say that at times carrying out valuations can be very perplexing and worrying. This Bill is designed to bring a degree of uniformity into valuing generally, and I believe the public at large will applaud it.

Before touching on the measure itself, I would like to refer to the situation in Tasmania and Victoria. The Tasmanian Act provides for the setting up of a valuers' examination board comprising three members, and in that State, amongst other things, valuers are issued with a certificate of competency. Unless valuers are adjudged to be competent in all areas of the State, they are licensed to operate in certain areas only. That provision is included for very good reason. A valuer may be quite familiar with one part of the State and everything that occurs there, but the environment may be completely different in another part of the State. Therefore, a valuer who may be quite competent to make valuations in one part of the State may not be quite so *au fait* with the whole setup and the range of values in other territories.

As I said, the board comprises three members, one of whom shall be the valuer general—who

shall be the chairman—one shall be a person nominated by the Tasmanian division of the Australian Institute of Valuers, and there is provision for a third member. I assume this third member will be appointed by the Minister at his discretion.

The Victorian legislation also provides for the establishment of a valuers' qualification board comprising three members, and the composition of the board is very similar to that of the Tasmanian board. By comparison the board we are proposing to set up will be much more practical. Although I have not had an opportunity to thoroughly check the position in the other States, it seems to me that none of them has a system for the approval of valuers. That is the situation applying in Western Australia at the moment until this legislation is passed and proclaimed. Therefore, this Bill has my blessing as it will be an improvement on the Tasmanian and Victorian legislation.

Under the measure before us, a board comprising five members will be set up. Another difference is that the chairman of the Western Australian board will be a legal practitioner of not less than seven years' standing. Another member shall be a person experienced in the valuation of land and nominated by the Minister. Two members will be persons experienced in land valuations and members of the Australian Institute of Valuers, and another person who is experienced in land valuation and is a member of the Australian Institute of Valuers shall be nominated by the Real Estate Institute of Western Australia. The board proposed under this legislation is broader in concept than the boards set up in Tasmania and Victoria, and I believe it will be more practical in its application.

The term of office of each member will not exceed four years, and again this is a good provision as it will ensure continuity of experienced members. The Bill provides also for the reappointment of any member at the expiration of his term of office.

The Bill provides that the board may give reasons for its decisions in regard to the issuing of licences to valuers. This is a very important provision, because I believe it should be incumbent upon the board to give reasons for any decision, particularly in the case of adverse decisions.

It is commendable that such a provision has been included in the legislation, and it is commendable also that the Bill provides the machinery to enable an aggrieved person to appeal to a District Court against a decision of

the board. I can see certain circumstances in the future where it may be necessary for a person who has been unsuccessful in obtaining a licence to have his appeal heard by an independent body.

The board as proposed may grant a licence to a person who is of good character and repute, etc. Valuers may apply for a licence within two years after this legislation comes into operation. In other words, this legislation is not being thrust upon the valuers with undue haste. Sufficient time is allowed for its provisions to be complied with; valuers will be able to assess the situation and then make their applications to be licensed under the board system.

Another commendable provision is that the board may, from time to time by notice published in the *Government Gazette*, fix the maximum amount of remuneration for the various kinds of service rendered by licensed valuers. It is reasonable that the board should set out guidelines as to the charges for specific types of valuations. This will ensure a degree of uniformity across the State, and it can only be commended.

Of course, the code of conduct of licensed valuers will be scrutinised by the board, and if any valuer does not come up to expectations the legislation provides that the offending licensed valuer may explain his situation, and if necessary the board can take appropriate action.

The Bill will bring a degree of responsibility to the profession in this State. This is necessary, because valuations today can run into astronomical figures. According to the type of land or building involved in the valuation, an incorrect valuation could make the difference between the success and the failure of a venture. If one valuation is not acceptable to a company, it is possible to have another valuation undertaken. Hopefully the legislation will improve the commercial activities in this State, and also the lot of the private individual who wants a reasonable valuation at a reasonable price.

THE HON. G. W. BERRY (Lower North) [5.40 p.m.]: I rise to support the Bill. When introducing the Bill, the Leader of the House said—

Section 14 of the Transfer of Land Act provides that the Governor-in-Council may, on the recommendation of the Registrar of Titles, appoint sworn valuers, but it is not at present necessary to be a sworn valuator to practise as a valuer. In any event there is no guidance given in the section as to the standards required to be applied to sworn valuator applicants, nor is there any control over the behaviour of persons who have been appointed.

I find it passing strange that, after having operated under the Transfer of Land Act for so many years, we find suddenly that part of it has become unacceptable. It appears to me that the reasons given by the Leader of the House are not the true reasons as to why we have this Bill before us.

The Hon. R. Thompson: Can I explain it briefly to you? A sworn valuer is an unqualified valuer, and a member of the institute is a qualified valuer.

The Hon. G. W. BERRY: I am referring to the Minister's comments in regard to section 14 of the Transfer of Land Act; he said that no criteria have been laid down and that anyone can apply to be a sworn valuer.

I do not know when the Transfer of Land Act was first proclaimed, but I do know that land has been a cornerstone of our sociological structure for many years.

I have no doubt that the legislation will improve the situation of land valuers, but I would like the Minister to give us further reasons in regard to the necessity for it. I agree with Mr McKenzie when he said that it appears the true reason has not been given.

THE HON. G. C. MACKINNON (South-West—Leader of the House) [5.43 p.m.]: I thank members for their support of the Bill. This legislation has become necessary because of the complexity of modern life. Not so very long ago any person who set himself up as a valuer in the metropolitan area soon became well known to everyone engaged in the business of purchasing and selling land. Certainly such a situation applied in towns of the size of, say, Bunbury.

This legislation had its genesis in discussions held between the Minister and the President of the Western Australian division of the Australian Institute of Valuers. It was decided that there ought to be a system of licensing for valuers. Although I cannot find reference to it, the same provision appears in the Public Works Act, and the Public Works Department could well have nominated a person with particular qualifications.

The Hon. R. Thompson: I assure you it always does.

The Hon. G. C. MacKINNON: The Act has reference only to an assessor who can be engaged and appear before the court. There is no reference to a valuer. The legislation provides that an assessor must convince the board that he or she has the necessary qualifications and capacity to undertake valuation work. Nevertheless, I will pass on to the appropriate authorities the points raised by the Hon. Ron Thompson. I trust that has satisfied the wishes of members, because I understand everyone is happy with the Bill.

Mr President, if I may, I would like to touch very briefly on a matter raised by Mr McKenzie, although it really has little bearing on this piece of legislation. He referred to the matter of teachers' registration. This matter was examined by a small committee over a number of years, going back to when Mr J. T. Tonkin was Minister for Education through to when I was the Minister. We reached agreement and introduced a Bill.

It was not until that happened and teachers suddenly realised they would have to pay to become registered—there had to be a lot of exemptions written into the legislation—that the letters started to flood in from teachers pointing out that they did not really want to be registered, that they had not really been asked about it, and that the proposal was the brainchild of a small group in the Teachers' Union.

The Hon. R. F. Cloughton: The proposal had been discussed for years.

The Hon. G. C. MacKINNON: That is right; discussed. However, when the chips were down and it was pointed out to the teachers that it would cost them \$10 or \$15 a year to become registered, the correspondence started to come in. Such was the correspondence that I do not agree that the Teachers' Union or Harry Bennett sought the views of the teachers.

The Hon. F. E. McKenzie: Do they not represent the teachers?

The Hon. G. C. MacKINNON: Strangely enough, they do not; the terrific number of letters we received make it obvious they do not.

As another example of how they do not represent the teachers, the original idea to change the Royal Show holidays was brought to me by the teachers; it was the teachers themselves who recommended these holidays should be abolished.

The Hon. R. Hetherington: What do you mean by "the teachers"?

The Hon. G. C. MacKINNON: It was brought to me by a small group of teachers, and they were just as representative of the views of the teachers as is Mr Bennett or the Teachers' Union. Mr McKenzie did not know what he was talking about when he drew that red herring across the land valuers' trail.

I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

DEATH DUTY ASSESSMENT 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) [5.53 p.m.]: I move—

That the Bill be now read a second time.

This Bill and a Bill to amend the Death Duty Act complement each other and are designed to implement the Government's undertaking to completely phase out death duty.

Although the Bills are small in size, they are large in benefits, as they will eventually grant total relief from death duty to all taxpayers of Western Australia.

In the Budget Speech delivered on the 20th September, 1977, it was announced that death duty would be phased out in three steps, commencing with the abolition of duty on estates passing from spouse to spouse. The spouse-to-spouse exemption was subsequently approved by Parliament and the benefit of this concession applied from the 1st July, 1977.

The remaining two steps to finalise the Government's undertaking to abolish this tax are contained in the Bill now before the House.

Death duty will be phased out, and ultimately abolished, by a 50 per cent reduction in the rates of duty payable on the estate of a person who dies on, or after, the 1st January, 1979; and amending the legislation to ensure that no death duty will be payable on the estate of any person who dies on, or after, the 1st January, 1980.

I commend the Bill to the House.

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

DEATH DUTY 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) [5.56 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains the rates of duty that apply to the value of an estate assessed under the provisions of the Death Duty Assessment Act and is complementary to the provisions of the Bill to amend that Act.

As explained when presenting the Death Duty Assessment Act Amendment Bill, it is proposed that the rate of duty will be reduced by 50 per cent on the estate of a person who died on or after the 1st January, 1979. Furthermore it is proposed in that Bill that no duty will be payable on or after the 1st January, 1980.

The purpose of this Bill is to carry out those intentions. This is to be implemented by adding a further schedule to the principal Act halving the existing rates during the period from the 1st January, 1979, to the 31st December, 1979, inclusive. The combined proposals of the two Bills will complete the Government's programme to phase out and abolish death duty.

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

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.58 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to increase the membership of the Western Australian Meat Commission by two further persons representing the interests of producers of meat, to amend the provisions relating to the tenure of office and quorum requirements.

As a sequel to the results of the referendum on livestock marketing the Government approved the formation of a working party to investigate ways in which a weight and classification meat marketing system might be implemented in conjunction with price scheduling.

The working party made the following recommendations—

Active trading, export and domestic, should be implemented on a continuing basis by a statutory organisation, and that such trading should be independent of any processing functions;

the statutory organisation should publish weekly price schedules; and,

amending legislation should be introduced to ensure adequate producer representation on the statutory organisation.

Following discussions between the Minister for Agriculture and representatives of the producer organisations it was decided that the Western Australian Meat Commission would be a suitable vehicle for meat marketing change to be effected in accord with results of the referendum; also that there should be increased producer representation on the commission in view of the greater involvement in marketing sought by the producer organisations.

Section 12(2) of the Abattoirs Act provides that the Commission shall consist of six members appointed by the Governor of whom two shall be persons representing the interests of producers of meat. It was considered that the envisaged expansion of the commission's marketing role warranted the appointment of two additional producer members to the commission. This Bill seeks to implement that proposal.

It is considered opportune also to include two further amendments in this Bill. The first relates to the fact that members are appointed for a term of four years. In order to ensure continuity of experience amongst members of the commission it is desirable that their appointments be for a period of "not more than four years". This would enable appointments to be staggered and ensure continuity of experience within the commission.

The other amendment relates to the quorum within the commission, this being at present four out of six members. The proposed amendment requires that there shall be a quorum of five members.

The restructuring of the membership of the commission should enable marketing to be pursued in a more vigorous manner in the overall interests of the meat industry; and I commend the Bill to the House.

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

WATER BOARDS ACT AMENDMENT BILL

Assembly's Message

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

ACTS AMENDMENT (LAND VALUERS) BILL

Second Reading

Debate resumed from the 15th August.

THE HON. F. E. MCKENZIE (East Metropolitan) [6.01 p.m.]: The Opposition supports this Bill. The Land Valuers Licensing Bill has resulted in the necessity for the amendments covered in this Bill to be incorporated in the Act.

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.

House adjourned at 6.04 p.m.

QUESTIONS ON NOTICE

POLICE

Rape Cases

221. The Hon. LYLA ELLIOTT, to the Attorney General:

- (1) For the years 1976/77 and 1977/78, how many rape cases reached the Supreme Court in Western Australia?
- (2) Of these—
 - (a) what were the verdicts, i.e. rape, attempted rape, lesser offences;
 - (b) what were the lengths of the sentences;
 - (c) how many victims claimed compensation; and
 - (d) how many received compensation?
- (3) During the years 1976/77 and 1977/78, how many rapes or attempted rapes were reported to the police?

- (4) What is the recidivism rate of convicted rapists since 1960?

The Hon. G. C. MacKinnon (for the Hon. I. G. MEDCALF) replied:

(1) 1976/77—32.

1977/78—26.

(2) (a) 1976/77

Rape—18.

Attempted Rape—2.

Unlawful Carnal Knowledge—2.

Unlawful and Indecent Assault—0.

Not Guilty—8.

Discontinued—2.

Total—32.

1977/78

Rape—16.

Attempted Rape—2.

Unlawful Carnal Knowledge—0.

Unlawful and Indecent Assault—1.

Not Guilty—6.

Discontinued—1.

Total—26.

(b) 1976/77

Rape

Governor's Pleasure (2).

8½ years imprisonment—4 years minimum.

8 years imprisonment—5 years minimum (2).

7 years imprisonment—4½ years minimum.

6 years imprisonment—2 years minimum (2).

5 years 8 months imprisonment—2 years 2 months minimum.

5 years imprisonment (2).

4 years imprisonment—18 months minimum.

4 years imprisonment.

3 years imprisonment—15 months minimum.

2 years 11 months imprisonment.

2 years 9 months imprisonment.

1 year 11 months imprisonment.

1 year 9 months imprisonment.

1977/78

Rape

7 years imprisonment—4 years minimum.

7 years imprisonment—2½ years minimum.

5 years 10 months imprisonment.

5 years 9 months imprisonment.

5 years 8 months imprisonment—2 years 2 months minimum (2).

5 years imprisonment—2 years minimum.

5 years imprisonment.

4 years imprisonment—18 months minimum.

3 years imprisonment—18 months minimum.

3 years imprisonment—1 year minimum.

2 years imprisonment—1 year minimum.

2 years imprisonment—(4).

1976/77

Attempted Rape

5 years imprisonment—3 years minimum.

2 years imprisonment—8 months minimum.

1977/78

Attempted Rape

6 years imprisonment—4 years minimum.

18 months probation—Community Service 100 hours.

1976/77

Unlawful Carnal Knowledge

3 years imprisonment—2 years minimum.

2 years probation.

1977/78

Unlawful and Indecent Assault

12 months imprisonment—2 months minimum.

(c) 6.

(d) 5 (one still in process).

(3) 1976/77—93 (of these 4 were reports of attempted rape and a further 49 were reports without foundation).

1977/78—98 (of these 6 were reports of attempted rape and a further 42 were reports without foundation).

(4) Since 1960, seven persons have been convicted of rape on more than one occasion.

TRANSPORT

Air Fares

224. The Hon. R. F. CLAUGHTON, to the Minister for Tourism:

(1) Is the Minister aware of the substantial price differential that applies to air fares for overseas travellers on the Australian section between Perth and Sydney, which is available to overseas travellers flying to Perth through Sydney, but is not available to Western Australians commencing a journey from Perth?

(2) (a) Has the Minister taken any action to have these savings extended to citizens of this State; and

(b) if not, will he take whatever action is open to him to secure similar benefits for Western Australians travelling overseas on this route?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) (a) Yes. The anomaly was the subject of a strong protest made by the Government in its submission to the recent Review of International Civil Aviation Policy undertaken by the Commonwealth. It is hoped that remedial action may soon be initiated by the Commonwealth Government.

(b) Answered by (2) (a).

GOVERNMENT DEPARTMENTS

Employees

225. The Hon. F. E. McKENZIE, to the Minister for Transport representing the Minister for Labour and Industry:

(1) For each of the financial years ending 1975, 1976, 1977 and 1978, how many persons, excluding apprentices, under 18 years of age, have commenced employment in each of the following State Government Instrumentalities—

(a) Public Works Department;

(b) Metropolitan Water Supply, Sewerage and Drainage Department;

(c) State Energy Commission; and

(d) Westrail?

(2) For each of the years mentioned, how many have ceased employment prior to reaching 18 years of age?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The information to answer this question is not readily available. Because of the time and high cost involved in attempting to get an answer I am unable to supply this information.

RAILWAYS

Finances

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

What are the amounts, interest rates, the dates of negotiation, purpose of loan, and the terms of amortization of each loan which make up the total figure attracting interest of \$11 828 597 in 1976/77, and estimated to be \$12 799 000 in 1977/78, as per Part 17 Estimates of Revenue and Expenditure Minister for Transport, for the year ended the 30th June, 1978?

The Hon. D. J. WORDSWORTH replied:

The Western Australian Government Railways has not raised loans in its own name since the conclusion of the 1927 Financial Agreement.

Since that time, railways capital has been provided by the State from its pool of loan funds, raised by the Commonwealth on the State's behalf.

The State meets the interest and sinking fund payments on these borrowings and, in turn, levies interest and sinking fund contributions from the railways and other business undertakings which receive an allocation from the State General Loan Fund.

It is not practicable to assign specific loan raisings to individual authorities from the pool of funds in the General Loan Fund account.

Because the aggregate State debt is comprised of many loans at varying interest rates and periods of amortization, State authorities are charged an average rate of interest and a uniform sinking fund contribution which is calculated to amortize the debt over 53 years, the period over which the State debt is amortized.

In accordance with the averaging approach, the interest rate charged by the Treasury in 1977/78 on the railways loan indebtedness was 6.5 per cent.

RURAL RESEARCH AND EXTENSION

Commonwealth Council

227. The Hon. R. F. CLAUGHTON, to the Minister for Transport representing the Minister for Agriculture:

- (1) Was it announced at the meeting of the Australian Agricultural Council held in Sydney on the 7th August, 1978, that the Commonwealth Government would establish a Commonwealth Council for Rural Research and Extension?
- (2) Does the Minister agree that this is an extension of the centralist policies of the Liberal-Country Party Government?
- (3) Will he advise whether he has supported or opposed the establishment of this proposed Council?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) No.
- (3) The matter was not formally discussed at the meeting of Agricultural Council.

GOVERNMENT DEPARTMENTS

Apprentices

228. The Hon. F. E. McKENZIE, to the Minister for Transport representing the Minister for Labour and Industry:

- (1) What has been the number of apprentices engaged for each of the financial years ended 1975, 1976, 1977 and 1978, in each of the following State Government Instrumentalities—
 - (a) Public Works Department;
 - (b) Metropolitan Water Supply, Sewerage and Drainage Department;
 - (c) State Energy Commission; and
 - (d) Westrail?
- (2) For each of the years mentioned, how many apprentices have ceased employment prior to reaching tradesman status?

The Hon. D. J. WORDSWORTH replied:

	1975	1976	1977	1978
(a) Public Works Department.....	73	81	103	85
Metropolitan Water Supply, Sewerage and Drainage.....	39	38	55*	52
State Energy Commission.....	22	61	51	45
Westrail.....	134	127	132	148
(2) Public Works Department.....	6	11	11	6
Metropolitan Water Supply, Sewerage and Drainage.....	1	1	—	—
State Energy Commission.....	3	6	5	2
Westrail.....	15	14	22	21

* Includes several apprentices from other employers.