

Can the Minister tell us what this provision is intended to mean? I can understand a person being exempt from the provisions of an Act of Parliament on certain grounds, but I cannot understand a thing being exempt from the operation of a law. I cannot see how a thing can be subject to the law. It has no capacity to obey or disobey, and therefore it cannot be subject to a Statute.

Mr O'Neill: Is an event a thing?

Mr HARTREY: An event is an imaginary thing, and so is this provision in clause 50! Will the Minister tell us what it is supposed to mean? If he does not know—and for that I do not blame him—I would ask him to refer the provision to the responsible officers to find out what it does mean.

Mr RUSHTON: I appreciate the remarks of the honourable member. The explanation I have is that this provision is repeated in other places. If it is found wanting then we will also have to come to grips with the other provisions. This provision is similar to the by-law provision in the Local Government Act under which particular groups may be exempted from the provisions of the by-laws, but not the Act.

In this case, recognising the argument of the member for Boulder-Dundas, I will give this clause the same consideration as I will to the one just dealt with. If necessary an amendment will be effected in another place.

Clause put and passed.

Clauses 51 to 54 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 11th May.

MR DAVIES (Victoria Park) [5.56 p.m.]: This minor Bill is consequential on the Dog Bill with which we have just dealt. Even the newest member of this House will be aware that this Bill proposes to delete from the Local Government Act any references to dogs, because dogs will in future be covered by the Dog Bill after it is passed.

The Bill proposes to delete the term "dogs" from the Local Government Act, and where reference is made to the word "animal" the words "other than a dog" are added.

We on this side have no objection to the Bill, and are happy to support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.59 p.m.

Legislative Council

Tuesday, the 17th August, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

PROSECUTION OF MR. W. A. WILSON
Yupupu: Court Attendance

The Hon. J. C. TOZER, to the Attorney-General:

- (1) Why did the Crown Law Department not issue a subpoena to bring Yupupu to the recent Court proceedings in Wyndham?
- (2) Would the issue of a subpoena have guaranteed Yupupu's attendance?
- (3) Could Yupupu have been arrested in order to ensure his attendance at the trial?
- (4) Why did the Crown not adjourn the proceedings when Yupupu failed to appear?
- (5) Why were the other aboriginal witnesses not called?

The Hon. I. G. MEDCALF replied:

- (1) As part of its preparation for trial the Crown naturally considered the best means of securing the attendance of Yupupu who, whilst he was not an essential witness, was clearly a material witness. Knowing the nature of the witness—his fear and reluctance to testify—it was determined that the best chance of securing his attendance lay not in having a subpoena served upon him by a police officer but in endeavouring to secure his co-operation to attend by making the arrangements through people who it was supposed might have his confidence. Air transport was arranged and arrangements were made to have him placed on the plane in the Northern Territory accompanied for part of the way by a police officer and met on his arrival at Kununurra again by a person he knew and might be expected to trust. As we know, those efforts ultimately proved unsuccessful but it must be emphasised that the efforts made

to secure his attendance were strenuous and the Crown went as far as it legitimately could short of actual physical compulsion.

- (2) No, a subpoena is merely a summons requiring a person to attend the court. If he does not comply with the summons he cannot be forced to do so unless a warrant is issued by the Court for his arrest.
- (3) No, not unless a warrant had been issued.
- (4) Yupupu was a reluctant and unwilling witness. It must be understood that an adjournment would have meant aborting the trial, discharging the jury and starting again from scratch at the next sittings of the court. What is being suggested is that the Crown should have sought an adjournment which would have had those results in circumstances where a jury had been empanelled and had heard the rest of the Crown case without the Crown being able to offer any guarantee that it would be more successful in obtaining the witness for the next trial and without its being able to present to the court as a ground for the adjournment the fact that it had been substantially prejudiced in the presentation of its case by the absence of the witness. For these reasons an adjournment was considered to be out of the question.
- (5) Because they did not in fact witness the events the subject of the proceedings against Wilson.

QUESTIONS (13): ON NOTICE

1. "POLICY AND PERFORMANCE" PUBLICATION

Cost and Distribution

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

- (1) How many copies of the publication "Policy and Performance" have been printed?
- (2) What was the total cost of production?
- (3) At what establishment was the publication printed?
- (4) How many copies have been distributed at public expense?
- (5) To what government or semi-government institutions has it been distributed?
- (6) On what previous occasion has a political party had published at the taxpayers' expense, the whole of its election policy statement in this manner?

The Hon. N. McNEILL replied:

- (1) 1 010 copies.
- (2) The final printing cost amounted to \$11 292.
- (3) Imperial Printing Co.
- (4) All but 128.
- (5) Copies of the document have been made available to the Premier and the Leader of the Opposition, members of Cabinet, members of Parliament, all local authorities, libraries, media, Government departments, and a substantial number of business and private inquirers, including political organisations seeking copies for their own use.

Because the initial number printed cannot meet demand, consideration is being given to the printing of a smaller version for general public information. If it is decided to proceed with such a document, copies of these will be made available at the Government Information Centre, on request.

- (6) For many years successive Governments in Western Australia have periodically published accounts of their terms of office. The only difference in this case—and it is an important one—is that the Government has gone to commendable lengths to comment on all its policy items, as distinct from commenting on selected items only.

2.

ALBANY SCHOOL

Classrooms

The Hon. R. J. L. Williams for the Hon. T. KNIGHT, to the Minister for Education:

- (1) In this financial year does the Education Department envisage replacing the old "Bristol" type classrooms at the Albany primary school with new accommodation, as indicated to parents at the time of vacating the Serpentine Road premises?
- (2) If not, when will the accommodation be completed?
- (3) What is the estimated cost of the proposed accommodation at this stage?

The Hon. G. C. MacKINNON replied:

- (1) The promise regarding new buildings has already been honoured and it is not planned to replace the old Bristol type classrooms this financial year.
- (2) and (3) The programme for replacement of Bristol classrooms is currently under review by the Education Department.

3. LOCAL GOVERNMENT

North-west: Grants and Revenue

The Hon. J. C. TOZER, to the Attorney General representing the Minister for Local Government:

- (1) What grants have been allocated to the eight shire councils in North Province under Element "A" of the Grants Commission disbursement of income tax funds in 1976-1977?
- (2) What amounts were paid by the Commonwealth Grants Commission directly to the same local authorities in 1975-1976?
- (3) Having in mind that other revenue sources, such as rates, income from property, and Main Road recoups, are not normally available in volume in the early part of the financial year, when will the shire councils actually receive their Element "A" cheques?
- (4) When is it anticipated that the apportionment of Element "B" will be determined and funds disbursed?
- (5) Will the Local Authorities Assistance Fund be disbursed on a formula basis to all municipalities, or will "special needs" be taken into account?
- (6) When will assistance from this fund be available?

The Hon. I. G. MEDCALF replied:

- (1) The formula distributions for 1976-77 under Element "A" of the Federal/State Financial Assistance Scheme for Local Government for the eight shire councils in the North Province are—

	\$
Broome	100 132
East Pilbara	234 636
Halls Creek	64 264
Port Hedland	187 880
Roebourne	185 318
West Kimberley	167 384
West Pilbara	230 153
Wyndham-East Kimberley	133 010

- (2) The grants recommended by the Commonwealth Grants Commission for distribution through the State to these same shire Councils in 1975-76 were:

	\$
Broome	70 000
East Pilbara	150 000
Halls Creek	75 000
Port Hedland	175 000
Roebourne	170 000
West Kimberley	130 000
West Pilbara	170 000
Wyndham-East Kimberley	100 000

(3) Payments by the State of grants under this scheme will be made to the individual councils once the Commonwealth Government distributes the funds to the State.

(4) It is anticipated that the recommendations of the W.A. Local Government Grants Committee in respect of the distribution of Element "B" of this Scheme will be known before the end of this calendar year.

(5) The Local Authorities Assistance Fund for the 1976-77 financial year will be disbursed in the same manner as applied in the previous year, that is, a proportion on a formula basis and the balance on a "special needs" basis.

(6) After the State Budget has been finalised.

4. EXMOUTH DISTRICT HIGH SCHOOL

Upgrading

The Hon. R. F. CLAUGHTON for the Hon. S. J. DELLAR, to the Minister for Education:

With reference to the newspaper report in the *News of the West Australian* on the 13th November, 1974, in which the Minister is reported as saying that 4th year classes would be introduced at the Exmouth District High School in 1976, and 5th year classes in 1977, will he advise—

- (a) why these facilities have not been provided; and
- (b) when is it expected that they will be made available?

The Hon. G. C. MacKINNON replied:

- (a) and (b) The honourable member must walk around his electorate with his eyes closed! In 1975 the Minister for Education visited Exmouth to determine whether the parents were still in favour of fourth year classes in 1976 and fifth year classes in 1977. As a result of that meeting the parents decided that they did not want fourth year classes in 1976.

5. PAY-ROLL TAX

Exemptions

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Treasurer:

- (1) What is the estimated loss to the State Treasury of lifting the exemption from pay-roll tax from \$20 800 to \$41 600 in the 1975-1976 financial year?

- (2) (a) In the same financial year, how many businesses sought relief from pay-roll tax for decentralised industry;
- (b) how many of these businesses were granted relief; and
- (c) what has been the cost of these payments to the Treasury?
- (3) What has been the cost of administration of this scheme?

The Hon. N. McNEILL replied:

- (1) It is not practicable to accurately assess the loss of revenue for the year 1975-76 as a result of increasing the pay-roll tax deduction from \$20 800 to \$41 600, coupled with the tapered deduction system for payrolls exceeding \$41 600.

There are many variables that brought about a fall of \$1.76 million of pay-roll tax collections in 1975-76 as against the estimate of \$112 103 000.

- (2) (a) 185
(b) 22 .
(c) \$97 114.72
- (3) As the duties are part of the normal function of the Department of Industrial Development, separate and additional administrative costs were not necessary.

6. RAILWAYS

Mullewa-Meekatharra Line

The Hon. R. F. Claughton for the Hon. S. J. DELLAR, to the Minister for Health representing the Minister for Transport:

Further to the reply to my question on the 9th October, 1975, in which I was advised "Under the present traffic levels it is estimated the line can continue to be maintained to provide a safe and adequate service for the next three years. Complete rehabilitation of the Mullewa-Meekatharra Railway is an extremely costly proposition. The Railway Department is currently examining all options available to it to assist in determining the most suitable course of action."—will the Minister advise if the Government has made any decision in regard to the future retention or upgrading of this railway service?

The Hon. N. E. BAXTER replied:

No. The Government is waiting on the results of the study referred to in my answer to the honourable member's previous question.

7. "POLICY AND PERFORMANCE" PUBLICATION

Uniform Company Legislation

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Premier:

In respect of the following paragraph that occurs on page 27 of the publication 'Policy and Performance'—"The States have fought for their belief that the application of Government authority should be as close to the people as possible. This means Federal involvement should be resisted to areas where it is clearly desirable or unavoidable."—will the Minister—

- (a) specify in explanation of the last sentence, the areas concerned;
- (b) agree that, in view of the intention of the present Australian Government to introduce uniform companies legislation, the action of his Government and of other State Liberal Governments in forming an Interstate Corporate Affairs Commission, was unsound and against the best interests of our citizens, and that Federal Government involvement is clearly desirable and unavoidable?

The Hon. N. McNEILL replied:

- (a) The areas in the Constitution where it was intended—both in the spirit and in the letter—that the Commonwealth should act.
- (b) No.

8. STATE SHIPPING SERVICE

Government Departments: Tonnages

The Hon. R. F. Claughton for the Hon. S. J. DELLAR, to the Minister for Health representing the Minister for Transport:

For the financial years ended the 30th June, 1975, and the 30th June, 1976, what tonnage on each north bound voyage by the State Shipping Service vessels—

- (a) Nyanda;
(b) Beroona;
(c) Boogalla; and
(d) Wambiri;

was carried for State Government departments and instrumentalities for off-loading at the following ports—

- (i) Broome;
(ii) Derby; and
(iii) Wyndham?

The Hon. N. E. BAXTER replied:
The information is shown below—

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION
(State Shipping Service)

SUMMARY OF TONNAGES
(State Government Departments and Instrumentalities)

Vessel	Year Ended 30/6/1975		
	Broome	Derby	Wyndham
(a) M.V. "Nyanda"	308	783	1 312
(b) M.V. "Beroona"	314	1 172	1 647
(c) M.V. "Boogalla"	292	1 146	1 479
(d) M.V. "Wambiri"	297	1 291	1 123
Total	1 211	4 392	5 559

Vessel	Year Ended 30/6/1976		
	Broome	Derby	Wyndham
(a) M.V. "Nyanda"	268	1 154	1 122
(b) M.V. "Beroona"	214	632	714
(c) M.V. "Boogalla"	230	644	1 010
(d) M.V. "Wambiri"	485	612	1 188
Total	1 197	3 042	4 034

Tonnages carried by State Shipping Service vessels for State Government Departments and Instrumentalities to the following ports—Year Ended 30th June, 1975.

Vessel	Voyage	Departed Fremantle	Broome	Derby	Wyndham	
(a) M.V. "Nyanda"	13	15/7/74	26	Omitted	Omitted	
	14	2/8/74	Omitted	Omitted	Omitted	
	15	24/8/74	42	69	114	
	16	20/9/74	4	77	245	
	17	18/10/74	17	104	119	
	18	15/11/74	48	106	102	
	19	13/12/74	17	67	103	
	20	10/1/75	12	69	98	
	21	7/2/75	26	60	174	
	22	10/3/75	12	37	100	
	23	4/4/75	19	37	53	
	24	6/5/75	14	66	82	
	25	30/5/75	71	91	122	
	Total			308	783	1 312
	(b) M.V. "Beroona"	36	5/7/74	Omitted	90	447
37		6/8/74	16	132	250	
38		2/9/74	42	24	114	
39		27/9/74	18	150	152	
40		25/10/74	31	29	61	
41		22/11/74	66	57	188	
42		23/12/74	11	32	71	
43		1/2/75	Eastern States Docking Voyage			
44		1/3/75	4	42	21	
45		27/3/75	28	307	76	
46		24/4/75	49	109	61	
47		23/5/75	40	128	163	
48		20/6/75	9	72	43	
Total				314	1 172	1 647

Vessel	Voyage	Departed Fremantle	Broome	Derby	Wyndham	
(c) M.V. "Boogalla"....	16	17/7/74	42	30	137	
	17	15/8/74	13	42	197	
	18	11/9/74	16	92	131	
	19	5/10/74	26	64	56	
	20	2/11/74	24	56	107	
	21	29/11/74	28	53	54	
	22	30/12/74	10	33	13	
	23	24/1/75	31	77	165	
	24	27/2/75	Omitted	223	222	
	25	21/3/75	26	290	63	
	26	18/4/75	30	71	94	
	27	16/5/75	40	46	179	
	28	13/6/75	6	69	59	
	Total			292	1 146	1 477
(d) M.V. "Wambiri"....	37	23/7/74	17	116	101	
	38	20/8/74	9	12	129	
	39	16/9/74	36	84	128	
	40	12/10/74	41	71	186	
	41	9/11/74	15	109	54	
	42	6/12/74	16	225	95	
	43	22/1/75	Eastern States Docking Voyage			
	44	21/2/75	26	Omitted	Omitted	
	45	15/3/75	21	86	57	
	46	11/4/75	22	282	29	
	47	9/5/75	16	182	95	
	48	6/6/75	62	88	96	
	49	30/6/75	16	36	153	
	Total			297	1 291	1 123

Year Ended 30th June, 1976

Vessel	Voyage	Departed Fremantle	Broome	Derby	Wyndham	
(a) M.V. "Nyanda"	26	25/7/75	11	41	161	
	27	22/8/75	29	17	152	
	28	19/9/75	38	40	246	
	29	17/10/75	37	98	54	
	30	15/11/75	21	107	86	
	31	17/12/75	13	30	50	
	32	9/1/76	11	25	46	
	33	5/3/76	10	36	74	
	34	2/4/76	15	28	35	
	35	4/5/76	18	171	24	
	36	1/6/76	31	394	87	
	37	29/6/76	34	167	107	
	Total			268	1 154	1 122
	(b) M.V. "Beroona"....	49	19/7/75	31	75	63
50		15/8/75	13	140	131	
51		12/9/75	29	98	83	
52		10/10/75	21	64	139	
53		21/11/75	12	32	46	
54		19/12/75	32	24	47	
55		16/1/76	14	22	60	
56		13/2/76	24	74	64	
57		12/3/76	24	53	55	
58		9/4/76	14	50	26	
59		13/5/76	Eastern States Voyage			
60		8/6/76	Eastern States Voyage			
Total				214	632	714

Vessel	Voyage	Departed Fremantle	Broome	Derby	Wyndham
M.V. "Boogalla"	29	12/7/75	37	88	222
	30	8/8/75	18	43	75
	31	5/9/75	36	32	75
	32	3/10/75	7	74	219
	33	31/10/75	28	62	49
	34	28/11/75	11	89	38
	35	26/12/75	5	18	34
	36	20/2/76	13	42	29
	37	19/3/76	20	38	66
	38	15/4/76	12	41	47
	39	15/5/76	12	42	86
	40	12/6/76	31	75	70
	Total			230	644
(d) M.V. "Wambiri"	50	1/8/75	53	137	392
	51	29/8/75	90	51	55
	52	26/9/75	32	60	89
	53	25/10/75	30	55	117
	54	5/12/75	15	60	55
	55	2/1/76	7	27	29
	56	31/1/76	33	68	73
	57	28/2/76	12	36	66
	58	26/3/76	33	23	98
	59	23/4/76	12	26	29
	60	21/5/76	13	19	29
	61	18/6/76	155	50	156
	Total			485	612

9. "POLICY AND PERFORMANCE" PUBLICATION

Decisions Concerning Local Matters

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

Will the Minister table a copy of the directives 'clearly defining delegated responsibilities for on-the-spot decision making concerning local matters' as stated in policy item 13 appearing on page 34 of the publication "Policy and Performance"?

The Hon. N. McNEILL replied:

The absorption of local responsibility is a continuing process and not something that can be completely embodied in a series of directives.

Also, it is tied in with the requirement for all Government Departments to so organise their administration as to progressively assist in achieving the Government's policy.—e.g. The State Housing Commission has passed all responsibility for tenancy matters to regional offices. It has also been able to abolish some 20 positions in Perth, and place these in the field offices.

The Education Department is another example where positive action has already been taken in Pilbara and Kimberley, in conjunction with the Regional Administrator appointments, to achieve greater local responsibility as part of the Government's policy.

The Premier personally addressed Heads of Departments in August, 1975 detailing requirements, and the result of progress to date is being studied.

Each region has its own special needs, and the programme is designed to allow the organisation to develop in a logical and sensible way in each region.

10. ROAD TRANSPORT

Government Departments: Tonnages to North-west

The Hon. R. F. Claughton for the Hon. S. J. DELLAR, to the Minister for Health representing the Minister for Transport:

For the financial years ended the—

(a) 30th June, 1975; and

(b) 30th June, 1976;

what tonnage of materials was carted by road transport for Government departments and instrumentalities for off-loading at the following towns—

- (i) Broome;
- (ii) Derby;
- (iii) Wyndham; and
- (iv) Kununurra?

The Hon. N. E. BAXTER replied:

This information is not readily available and will take some time to collate. The Hon. Minister for Transport will forward the details to the Hon. Member as soon as possible.

11. "POLICY AND PERFORMANCE" PUBLICATION

Local Government Responsibilities

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

In respect of policy item (7) on page 32 of the publication "Policy and Performance" dealing with responsibilities of local authorities, will the Minister advise—

- (a) which specific responsibilities have been substantially increased; and
- (b) what other responsibilities are to be so increased?

The Hon. I. G. MEDCALF replied:

- (a) Amendments have been made to the Local Government Act in each session and the amount of the funds available to municipal councils through the Local Authorities' Assistance Fund has been increased substantially.
- (b) Future legislative changes will depend upon the desires and submissions by the associations connected with local government. The establishment of the Local Government Liaison Committee has provided a valuable medium for the communication to the Government of the needs of municipal councils.

12. "POLICY AND PERFORMANCE" PUBLICATION

Commonwealth-State Relations

The Hon. R. F. CLAUGHTON, to the Minister for Federal Affairs:

- (1) Does the Minister regard as a specific promise the statement appearing on page 28 of the publication "Policy and Performance" which reads—"We will staff the special Commonwealth-State Relations Section with officers skilled in Constitutional Affairs,

in economics, in finance, in administration, in many professional services of Government, and in the social concern directly related to the human needs of the people."?

- (2) (a) Will he advise how many officers are employed in his department; and
- (b) will he list the members of his staff who are skilled in—
 - (i) Constitutional Affairs;
 - (ii) economics;
 - (iii) finance;
 - (iv) administration;
 - (v) professional services of government; and
 - (vi) social concern;
 and for each individual, advise his qualifications and experience in these fields?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The setting up of a section within the Premier's Department to deal with Commonwealth-State Relations was a specific promise which the Government has carried out. There was never any intention or undertaking to form a department.

The policy followed in creating the section has been to draw on the expertise available in all Government departments. The section is under direct Ministerial supervision and control and apart from the usual secretarial and stenographic assistance consists of a Senior Administrative Officer and a Research Assistant.

It has been found more economical and effective to call upon the experts available in other departments in relation to specific matters and inquiries of a Commonwealth-State nature than to establish a large permanent staff, especially where the requirements for special skills vary from time to time. The taking on of permanent staff in such circumstances would result in unnecessary redundancies if additional full-time specialists were recruited along with those already available.

The results obtained to date fully justify the creation of the section and the policy adopted.

13. ALCOHOL AND DRUG AUTHORITY

Mr G. J. Murphy: Inquiry into Death

The Hon. LYLA ELLIOTT, to the Minister for Health:

- (1) Will the Minister confirm that there was a longer than normal delay between when the Matron at Quo Vadis Centre, Byford, first

attempted to obtain medical attention for Mr G. J. Murphy, a patient at that centre, and when medical attention was eventually given?

- (2) Was Mr Murphy certified dead immediately after being given medical attention at the Armadale-Kelmscott Memorial Hospital?
- (3) What was the time lapse between the Matron's first attempt to contact a medical practitioner and the arrival of a medical practitioner to give medical attention to Mr Murphy?
- (4) Was the delay in obtaining medical attention the result of—
 - (a) the Quo Vadis Centre being unable to contact medical practitioners by telephone; or
 - (b) did the medical practitioners (if contacted), refuse to provide medical attention to Mr Murphy?
- (5) What action has the Minister taken to ensure that such events cannot occur again?

The Hon. N. E. BAXTER replied:

- (1) No. I don't know what would be regarded as a "longer than normal" delay in the early hours of Sunday morning. Doctors are usually difficult to contact in the early hours of the day.
- (2) Yes.
- (3) Approximately 2½ hours, however a doctor was consulted earlier than this and he advised admission to hospital where he would see the patient.
- (4) (a) Yes.
(b) No.
- (5) The Authority has arranged to have one of its own doctors called in the event that local medical attention is not available.

HOSPITALS ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [5.02 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to eliminate any reference to the Teaching Hospitals Advisory Council from the Hospitals Act.

When the Hospitals Act was amended in 1972 provision was made for the establishment of the Teaching Hospitals Advisory Council to advise the Minister for Health on matters relating to the provision, co-ordination, and utilisation of the

clinical and teaching facilities, services and resources that are—or ought to be—available in the teaching hospitals for clinical teaching and research, and upon such other matters referred to the council by the Minister.

Several matters have been dealt with by the council, but generally most of the persons on the council represent sectional interests, and the ability of the council members to be impartial is affected as a result.

When the Teaching Hospitals Advisory Council was established in 1972, the then Minister for Health indicated that if it did not prove effective he would take steps to eliminate it.

During the past two years the role of the Medical and Public Health Departments has been strengthened in several ways.

The State Health Services Executive, composed of the most senior officers of the Medical and Public Health Departments and the Mental Health Services, advises the Ministers on policy.

The Hospitals Development Programme Committee, the Community Health Committee, and the Health Services Planning and Research Committee advise the State Health Services Executive, and the Royal Perth-Sir Charles Gairdner Hospitals Resources Co-ordination Committee, which comprises senior departmental officers and representatives from each hospital, is doing effective work, particularly in regard to recommendations whereby duplication of staff, facilities and costly equipment is avoided.

The establishment of the Commonwealth-State Joint Hospital Works Advisory Council is a further avenue of review of hospital development programmes.

In 1975, the firm of hospital consultants, Llewelyn-Davies Kinhill Pty. Ltd., reviewed the development plans of the teaching hospitals having regard to the total metropolitan hospitals planned programme, and also examined the requirements for the Lakes hospital. The consultants have also completed a review of the outline brief for the Wanneroo hospital.

It is considered, therefore, that any matter upon which the Minister requires advice can and is being more appropriately handled without reference to the Teaching Hospitals Advisory Council.

Debate adjourned, on motion by the Hon. Lyla Elliott.

DOG BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

BUILDING SOCIETIES BILL*Second Reading*

THE HON. G. C. MACKINNON (South-West—Minister for Education) {5.07 p.m.}: I move—

That the Bill be now read a second time.

For some time now, the need to update the legislation relating to building societies has been recognised, and the Western Australian Permanent Building Societies Association submitted its first plain language draft of new legislation in March, 1973.

This Bill now before the House repeals the present Building Societies Act, with the intention of consolidating and amending the law with respect to the formation, regulation, and control of building societies.

With the full support of the societies in Western Australia, and the co-operation of other associated organisations, and as a result of extensive research into building societies legislation in other parts of Australia, the Bill provides greater protection, and introduces modern-day practices adopted generally by financial institutions.

In presenting the Bill, the Government gives due recognition to the important role of permanent and terminating building societies in our community.

With assets exceeding \$900 million, these societies represent the major suppliers of home finance in this State, and particularly in the last decade have developed into a significant force in the economy.

The "no fixed term" type of investment introduced by permanent building societies in fairly recent years has proved a great attraction to the small investor and, with mortgage insurance available, the societies have been able to utilise the additional income that is forthcoming.

This is highlighted by figures which show that permanent building societies assisted 14 376 home buyers in 1975, with approved advances totalling \$289 million, while terminating societies assisted 1 430 home buyers with advances approximating \$24 million.

The figures for the first four months of this year reveal a further upward trend which will no doubt be continued.

The Bill provides that, with ministerial approval, societies will be able to make loans by way of mortgage for land development purposes. Societies will also be permitted to make loans secured by debentures to local authorities implementing town planning schemes.

Mortgage insurance will apply on all loans for single residential units, where the amount of the loan exceeds 75 per cent of the value of house and land. A lesser percentage may be prescribed for

loans for other purposes such as rental flat units and land development schemes.

For the first time, providing the mortgage insurance requirement is met, or a guarantee given by the State as is proposed in the Rural Housing (Assistance) Bill, 1976, it will be lawful for a society to loan on second and subsequent mortgages, irrespective of whether a prior mortgage or mortgages are held by the society.

Societies will be permitted to buy and sell mortgages to and from other societies in Western Australia, and this will enable the introduction of a mortgage market when required.

The savings on a *per capita* basis in the Western Australian 10 permanent societies is far greater than that in all other States, and because of this the contribution by building societies to the home purchase market is far greater than other States.

Building societies themselves act responsibly, being conversant with the operations of the volatile money market, and they are aware of the need to maintain a continuity of finance to match the demands of the building and real estate industries, and home purchasers' requirements.

Western Australia is the only State in which societies are compelled to advise purchasers, in writing, of details of various loan charges, and particulars regarding the interest rate to be charged, prior to the execution of mortgage documents.

It will be unlawful for any person to receive or request a commission, fee, or reward of any kind as a consideration for obtaining a loan from any building society.

The liquidity requirement, presently 7.5 per cent of withdrawable funds, will be increased to 10 per cent, or such other percentage as prescribed, and liquid funds shall only be invested in defined securities that are due to mature within a period of two years.

Other funds, not required immediately for the objects or purposes of a society, shall be invested also in defined securities, and returns setting out details of liquid funds and other investments must be submitted to the registrar monthly.

A permanent society may purchase, build, or lease any building necessary for carrying on its business, but at no time shall the amount expended on such property exceed 5 per cent of its withdrawable funds.

With the registrar's approval, a society may invest funds with another building society inside or outside of Western Australia.

To ensure the retention of the primary object of a building society to make advances to owner occupiers, a society will not be permitted in any one year to advance more than 10 per cent, or such other percentage as is prescribed of its total advances, on special advances.

Special advances as defined in the Bill include advances to corporate bodies, all advances exceeding \$50 000, advances over vacant land in excess of \$15 000, and advances for land development schemes and rental flat units.

Even though permanent building societies in this State have voluntarily accumulated reserves, the importance is so recognised by the Government that a provision has been included requiring them to maintain funds in a reserve account totalling 1 per cent of the aggregate liabilities, including shareholders' funds.

Officers appointed under the Public Service Act, 1904, may hold the position of Registrar of Building Societies, his deputy and assistants, and provision is made for the delegation of the powers of the registrar.

The registrar is empowered to inspect and make copies of any books of, or relating to the business of a society. His inspectorial duties are similar to those provided for in the Securities and Industries Act, 1975. The registrar and his officers will be subject to secrecy.

A reconstituted building societies advisory committee will consist of three persons experienced in the conduct of, and management of building societies, a person with extensive knowledge of financial matters, the Commissioner for Consumer Affairs, or one of his officers, and the registrar.

The functions of the advisory committee will be to advise the Minister and registrar on various matters pertaining to the effective operation of societies, the provision of funds for home finance, and submit proposals with respect to regulations under the Act.

The accounting and auditing provisions in the present Act which, throughout Australia, have been acclaimed as being of a high standard have been retained with minor adjustments.

However, the appointment provisions of auditors for a permanent society have been strengthened. Based on provisions of the Securities and Industries Act, 1975, the registrar will approve of registered company auditors. Such auditors will not be able to disqualify themselves as auditors of a society, nor will a society be able to dispense with an auditor of a society without the consent of the registrar.

An auditor will be required to report to the registrar any matters that, in his opinion, adversely affect the ability of a society to meet its obligations, and any material irregularities or material breaches of the Act or rules of a society.

The registrar, with ministerial approval, is empowered to prohibit forthwith the raising of funds by a society if he considers it expedient to do so in the public interest. Presently he is required to give two months' previous notice in writing.

The minimum formation requirement for registration of a permanent society of \$1 000 000 of paid up share capital, of which \$500 000 must be retained for 10 years, is far more stringent than the present \$200 000 requirement. This new requirement provides a strong foundation of protection for the investing public.

As at present the management and control of each society is vested in a board of directors subject to regulations by a general meeting of members. The duties, responsibilities, eligibilities and appointment of directors are provided for.

It will not be possible for a director to be appointed for a longer term than for five years. He will, however, be eligible for reappointment. A dealing with a proprietary company, in which a director of a society is also a director, is deemed to have been done by the director.

Penalties for breaches of the Act will be increased in line with penalties prescribed in other recently proclaimed Acts.

The Bill strengthens monetary policies dealing with home purchase advances, liquidity and investments, and introduces statutory reserves. The registrar's inspectorial role and powers have been increased, and various additional proposals give added protection to the investing public and the borrower.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [5.16 p.m.]: I move—

That the Bill be now read a second time.

Under our present law, a person who is convicted of an offence and receives a penalty involving disqualification from holding or obtaining a motor driver's licence, may make immediate application to the court for an order directing the Road Traffic Authority to issue an extraordinary licence to him.

In normal circumstances, the hearing of such an application can take place after a period of ten days, although in special cases an earlier hearing may be arranged.

During the nine month period from July, 1975 to February, 1976 a total of 4 636 persons were convicted on charges of driving under the influence of alcohol, or exceeding the 0.08 per cent blood alcohol

limit, and incurred appropriate disqualification, ranging from three months to permanent disqualification.

Approximately 73 per cent of the persons so convicted are obtaining special extraordinary licences, issued on instructions received from the court, and subject to such conditions as the courts see fit to impose. This is a rise of 273 per cent since the deletion of the provisions of the Act which prevented applications by ordinary licence holders being considered within one month of the commencing date of the disqualification, and completely debarred probationary drivers and persons using their licences under the demerit point system.

Research indicates that only about 5 per cent of the applications received for extraordinary licences are refused. On this point, in one country centre, of 39 applications made for extraordinary licences up to early March of this year, no application had been refused.

Although present monetary penalties for drink driving offences may not be considered extremely severe, the disqualification from driving a vehicle is looked upon as being a serious consequence, and the more effective deterrent.

When considering that the major causes of fatal road accidents occurring throughout the State can be attributed to excessive speed and alcohol, it is firmly believed that the relatively easy access to the provision of an extraordinary licence by such offenders can only have a harmful effect on efforts to quell the drinking driver problem.

Stern measures are therefore considered necessary to achieve the desirable objective of road safety, and this Bill proposes certain amendments to the Road Traffic Act to bring the deterrent effect of licence disqualification for driving misbehaviour into proper perspective.

The Bill provides that, in cases of driving under the influence of alcohol, an extraordinary licence should not be able to be issued until a period of two months has expired in the case of a first conviction, and a period of four months has expired in the case of a second or subsequent conviction.

In cases of driving with, or in excess of, the 0.08 per cent blood alcohol limit, an extraordinary licence should not be able to be issued until a period of one month has expired in the case of a first conviction; a period of two months for a second conviction, and a period of three months for a third or subsequent conviction.

The circumstances under which a person may make special application for an extraordinary licence have been defined, and are restricted to areas of extreme hardship. These include medical grounds, being deprived of principal means of obtaining an income, and the only practicable means of travelling to and from work.

Certainly, if nothing else, a person should not be able to overcome the deterrent of disqualification on grounds of inconvenience, as is currently the case. He should have to prove some real hardship, and this should be clearly indicated in the law, so that the courts may be aware of Parliament's intentions.

To support the deterrent effect of any penalties, there must be a firm conviction in the minds of the offenders that a licence disqualification is, in fact, an order of the court, and failure to observe the order is both a contempt of court and of Parliament.

The present penalty for driving while under suspension is one of not less than \$100, or more than \$500, or imprisonment for a period not exceeding 12 months.

It is proposed to provide that the minimum penalty for such an offence should include a term of one month imprisonment.

Provision is also made for impounding vehicles for a period of up to 14 days, at the discretion of the court, in cases of second or subsequent offences for driving under the influence, 0.08 per cent offences, or driving while under suspension.

Before making an application for an order impounding a vehicle, the Road Traffic Authority will be required to inform the court that notice of such action has been given to any other person it is believed may have a legal or equitable interest in that vehicle.

This proposed legislation reflects the Government's recognition of the problem created by drinking drivers—a problem which has been most evident in the regular examination of road deaths over the past two years, and the measures contained in this Bill to combat the carnage on our roads are commended to the House.

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

LAW REFORM COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th August.

THE HON. D. W. COOLEY (North-East Metropolitan) [5.23 p.m.]: The Bill contains a simple amendment to provide for the appointment to the Law Reform Commission of a person of the status of senior lecturer.

In his second reading speech the Attorney-General indicated that the purpose of the amendment is to accommodate the wishes of the Dean of the Law School, because of the difficulty he has experienced in obtaining people of the academic status of associate professor or professor to serve on the commission.

I am authorised to indicate to the House that the Opposition supports the measure.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.24 p.m.]: I thank the Hon. D. W. Cooley for the support he has indicated on behalf of the Opposition and 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.

ADJOURNMENT OF THE HOUSE

THE HON. N. McNEILL (Lower-West—Minister for Justice) [5.26 p.m.]: I move—

That the House do now adjourn.

Legislative Council: Hours of Sittings

THE HON. G. E. MASTERS (West) [5.27 p.m.]: I do not wish to delay the House at any great length but there are some points I would, very briefly, like to raise.

There have been a number of remarks made—and these seem to be increasingly made—by some members of the Labor Party and others to the effect that this House is not performing a useful duty. The remarks made, and which were reported in the Press, were that this House had sat for only 22 minutes in a particular week.

The person who made that remark, indeed members themselves, know full well that the reason for our having sat for only 22 minutes is that no legislation had come forward from the Legislative Assembly to be dealt with in this House. Accordingly we had no choice but to adjourn the House immediately after we commenced this particular part of the session.

It seems to me that this is just another example of the smear tactics that are being used against the Legislative Council.

The Hon. D. W. Cooley: You would know all about that.

THE HON. G. E. MASTERS: The insidious remarks and the suggestions made by some members of the Labor Party were intended to indicate, I believe, that we are not working particularly hard, are costing the taxpayers an enormous amount of money, and therefore our presence here is not justified. Indeed the honourable member who has just interjected asked a question in this House which, although it appeared to be fairly straightforward, was placed on the notice paper for the simple purpose of suggesting that perhaps the members of the Legislative Council were not attending the House for the same number of hours as those attended by members of the Legislative Assembly.

I think the question could have been better asked as to how many hours do the members of this House spend in their electorates to carry out work on behalf of

their electors. This would have been a much more sensible question to ask, and perhaps some indication could have been gained of who was giving true value.

I do not think the answer to such a question would have pleased some members of the Labor Party; certainly it would not have pleased the member who asked the question. It could have embarrassed him.

There is no doubt members of the Liberal Party and of the National Country Party work very hard in their electorates as, no doubt, do a few members of the Labor Party.

The Hon. D. K. Dans: All of them do.

THE HON. G. E. MASTERS: Not all of them, by any means. The very wording of the question asked indicates that the honourable member considers his parliamentary duties consist merely of attending this House and once that has been done his parliamentary duties cease.

I do not wish to prolong the sitting any more than I need, but I would point out that in my own case I spent 74 hours in that particular week in my electorate attending to matters on behalf of my electors. I do not complain; indeed, I would spend 85 hours a week if that were necessary. Possibly many members of the Liberal and National Country Parties spend more time in or on behalf of the electorates.

The suggestion was made in another place that during the recess members were practising their golf swings. What a ridiculous statement! We know that any conscientious member of any party in either House would be required to spend plenty of time in his electorate if he wished to retain his seat. For this reason, and in view of that kind of question, I suppose it is not surprising that the Labor Party has only nine members in this House. We know perfectly well that the Hon. Clive Griffiths, for instance, works very long hours, and as a result he is rewarded by being elected to this House. The same can be said of many other members.

I resent the attempt to belittle this House and its operations. I represent the West Province with a great deal of pride, and I do not treat it at all as a joke. Many members of the Liberal, National Country, and Labor Parties have served this House with great distinction, and I therefore think it ill behoves any member of either House to denigrate the Legislative Council or our parliamentary system.

Question put and passed.

House adjourned at 5.31 p.m.

Legislative Assembly

Tuesday, the 17th August, 1976

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