

Legislative Council

Wednesday, the 6th September, 1978

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

QUESTIONS

Questions were taken at this stage.

QUESTIONS: RULES APPLICABLE

Ministerial Statement

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.01 p.m.]: I seek leave of the House to make a statement.

Leave granted.

The Hon. G. C. MacKINNON: Arising out of a question asked by the Hon. Lyla Elliott yesterday, and her apparent concern and dissatisfaction with the answer given, I have here a couple of sheets headed "Inadmissibility of Questions" extracted from Erskine May's *Parliamentary Practice*, 18th edition. The extracts refer to questions to Ministers which are not in order. I would like to give one copy to the Hon. R. F. Cloughton and one to the Hon. G. E. Masters as Whips for the respective sides, in order that members may study them. These sheets are a little easier to follow than going through Erskine May's book itself, and members may find them of some assistance.

The Hon. Lyla Elliott: My question was not out of order.

The Hon. G. C. MacKINNON: I did not say it was out of order; I said the honourable member had some concern about it.

The Hon. Lyla Elliott: You were implying it was out of order.

BILLS (7): ASSENT

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

1. Parks and Reserves Act Amendment Bill.
2. Water Boards Act Amendment Bill.
3. Plant Diseases Act Amendment Bill.
4. Wheat Marketing Act Amendment and Continuance Bill.
5. Firearms Act Amendment Bill.
6. Land Valuers Licensing Bill.
7. Acts Amendment (Land Valuers) Bill.

ACTS AMENDMENT (CONSTITUTION) BILL

Third Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.04 p.m.]: I move—

That the Bill be now read a third time.

The PRESIDENT: This Bill requires the concurrence of an absolute majority, and in accordance with Standing Order No. 308 a division must be taken.

Division taken with the following result—

Ayes 20

Hon. G. W. Berry	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. Margaret McAleer	Hon. R. J. L. Williams
Hon. T. McNeil	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters

(Teller)

Noes 7

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. R. F. Cloughton
Hon. R. T. Leeson	

(Teller)

The PRESIDENT: I declare the motion carried with the concurrence of an absolute majority of the whole number of members.

Question thus passed.

Bill read a third time and passed.

REAL ESTATE AND BUSINESS AGENTS BILL

Second Reading

Debate resumed from the 5th September.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.08 p.m.]: The Opposition welcomes this Bill, mainly because the present Land Agents Act is such a shambles. I am sure many people in this State will be relieved to see that the Government has undertaken to toss that Act aside and to present us with another one. Perhaps we may have a go at it periodically and say it is not working too well, but nevertheless this is a massive undertaking and we are pleased to see the Bill before the House.

Having had a cursory glance at the Law Reform Commission's review of the Land Agents Act, I feel some things which should have been included in this Bill have been omitted. I refer particularly to the power of the proposed board to remove licences, rather than that power being given to a court, something about which the Law Reform Commission was quite adamant.

It is pleasing to see that a fidelity fund is to be established. This is most important, and I hope we see interest from that fund being used for a public service as is the case with lawyers' trust funds where the interest is used for the benefit of people who cannot afford legal aid.

We would rather discuss this Bill in Committee, because there are some things we want to criticise. However, we are very pleased to see that some of the amendments suggested in another place have been placed on the notice paper of this Chamber by the Government. Of course, some suggestions made in the other place have not been acted upon, but it is pleasing to see that some of the points made have been taken up.

One point which I will make here and now, and I will bring it up again later, is that the proposed board will have no consumer representative. That is a very sad omission and one that reflects on the Government. I believe the consumers should be considered, and it would be quite simple to amend the Bill to have on the board a person who is at least a token representative of consumers.

The Hon. G. C. MacKinnon: Can one really consume land?

The Hon. GRACE VAUGHAN: Of course one can; if one does not it gobbles one up. One has to be the master of land instead of letting it be the master of oneself; which is what happens, I am afraid. The matter of land and housing in Australia is an all-consuming worry in respect of increasing our cost of living. Therefore, it is most important that people who buy land, a business, or a house probably only once in their lives, should be represented on the board. However, that is not a matter for debate during the second reading.

We support the Bill.

THE HON. R. G. PIKE (North Metropolitan) [5.11 p.m.]: I rise to support the Bill, and I thank the Hon. Grace Vaughan for her comments. I inform the House that the initial Act was first passed in this Parliament 57 years ago. I am pleased that the Labor Party, the Liberal Party, and the National Country Party have adopted the attitude they have expressed in respect of this measure.

The Hon. Grace Vaughan has already made mention of the report of the Law Reform Commission and, indeed, this Bill is substantially based upon that report. It provides better protection for the vendor, for the purchaser, and for the sales representative.

I commend the Government in respect of the procedure used in the introduction of the Bill. The Hon. Grace Vaughan would be aware, of course, that the Bill was introduced in the Assembly in the first part of the session, and the Government waited until the second part of the session before proceeding with it in order that all interested parties would have a reasonable time within which to make submissions in respect of the Bill. Indeed, the amendments already made in the Bill and those proposed to be made in this Chamber are indicative of the amount of thought and representation that has taken place in respect of it.

I would point out very briefly that the present Land Agents Supervisory Committee does not have any real teeth and is almost only a recommendatory authority. The new board proposed to be established will have teeth. However, I am pleased to see the Government has included in the Bill a provision for an appeal to the courts from the determinations of the board. I go on record as saying I am very much opposed to any authority which can make determinations and there is no ultimate recourse to the courts.

Over 28 organisations were approached and sent copies of the Law Reform Commission's working paper. Copies of the commission's report were sent to 198 individuals and organisations, and I understand well over 200 submissions were made to the Government on that matter and on the Bill itself.

Similarly, I understand that the Real Estate Institute of Western Australia unanimously carried a resolution in which it declared its support for the Bill, and I understand the institute has indicated its support to the Minister.

It is significant to note that whilst the Bill provides for a prescribed fee, there is nothing to prevent a fee being charged which is a lesser amount than that prescribed.

I would like to go on record as expressing my concern that the Bill contains no provision for the control of settlement agents or of their trust accounts. I understand from comments made by authorities in another place that very shortly a Bill will be introduced to control settlement agents. I point out to the House an anomaly that exists at the present time; that is, that whilst this Bill contains scrupulous and proper controls in

respect of the supervision, control, and proper audit of funds which go through real estate agents' trust accounts, there is nothing to prevent an estate agent from transferring such funds to the account of a settlement agent, and there is no control over settlement agents' trust accounts.

I understand the various legal representative bodies have expressed concern about this. I also express my concern and I hope that the appropriate Minister, at a very early date, will introduce legislation for the control of these organisations and, in particular, of their funds.

I support the Bill.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.16 p.m.]: I thank the honourable members for their support of the Bill. Of course, the words that have been uttered in this debate will be conveyed to the appropriate Minister for his further consideration.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation, and construction—

The Hon. G. C. MacKINNON: I move an amendment—

Page 3, lines 14 and 15—Delete the passage "or in the interpretation "small business"".

An amendment to the Bill in another place deleted the requirement of a statement on the sale of a small business. As small business is no longer a requirement of the Bill, this is a consequential amendment to delete any such amendment in the interpretation clause. It is a logical follow-on from the other amendment.

Amendment put and passed.

The clause was further amended, on motion by the Hon. G. C. MacKinnon, as follows—

Page 8, lines 24 to 30 inclusive—Delete the whole of the interpretation "small business".

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Composition of Board—

The Hon. GRACE VAUGHAN: First of all, I would like to ask the Minister why he has not included a consumers' representative on the board. I am sure that in his interjection he was joking when he referred to the meaning of the

word "consume". Here is an opportunity for the Government to demonstrate its integrity and honesty, when it says that it is concerned about the consumer being represented in a meaningful way.

There are to be two representatives of the agents on the board; there is to be one legal practitioner on the board whose time will be taken up with dealing with legal matters coming before the board. He will not have very much time to act as the consumers' representative. We do not have any assurance that the chairman of the board, who is supposed to be impartial and not to come down on the side of the consumer or the agent, will represent consumers.

In addition, there is to be on the board a person who is experienced in commercial practice; and this person will not be thinking so much about the consumer as the overall commercial implications of matters to be dealt with by the board. I ask the Leader of the House to give one good reason as to why there should not be a consumers' representative on the board.

Furthermore, why cannot we have the legal practitioner acting as chairman? I am not one who comes down on the side of designating and circumscribing the aptitude of the chairman of any board; but in this case most of the matters coming before the board will deal with the unravelling of legal tangles. Anybody who has bought a block of land or a business will be aware there is a fair amount of legal ramifications. I would have thought it would have been sensible for the chairman of the board to be a legal practitioner. However, I am not so concerned about that aspect as the appointment of a consumers' representative on the board.

The Hon. G. C. MacKINNON: I was not being facetious when I made reference as to who was a consumer. We tend to appoint representatives of consumers on boards, such as the Egg Marketing Board, where the product is of a general character. It does not matter whether the product is purchased in Dalkeith, Bunbury, or Fremantle. It is much the same sort of article. If one receives satisfaction in the purchase of the product in one place, then one tends to receive satisfaction in the other places.

The same cannot be said of real estate. If a person has sufficient money he buys a waterfront block in South Perth. The possibility is that the satisfaction to the purchaser will be greater than in the case of a purchaser who has sufficient money only to buy a cheaper block.

In this case what the Government has done is to elect two persons to the board—two who are

associated with the buying of real estate; that is, the chairman and the person who is not a licensed agent but is a legal practitioner.

With regard to the latter board member I am a little surprised at the awe in which Mrs Vaughan holds members of the legal fraternity. I do not know why she wants a legal practitioner to be chairman of the board, rather than the person who is to be chosen as chairman. There is nothing special about the appointment of a legal practitioner as chairman, except that legal practitioners are trained in legal matters. It is much better to select as chairman someone who is not a licensed agent, and who is really the occupier of a house. The lawyer is on the board to advise on the matters mentioned by the honourable member.

One could argue that every member of the board is a user of land, in the sense that he owns the block and the house in which he lives. Would the honourable member suggest that someone would have to be elected to the board to represent the consumers—I suppose by that the honourable member meant the purchasers of land—who habitually buys new houses and lives in them? I know one person in Bunbury who moved into 17 new houses in his lifetime. He is also a real estate agent. He found he was buying so many of them that he might as well take out a ticket.

The board is a very well-balanced one. It is to comprise three members who are not agents. One of them will be the chairman; one is to be a person who is not licensed as an agent, and is experienced in commercial practice; and one is to be a lawyer. The other two comprise agents, and one of them shall be a person nominated by the Real Estate Institute of Western Australia, and the other shall be a person who is elected for appointment by the licensed agents. I think it is a well-balanced board, and I trust the Committee will leave the composition as it is.

The Hon. GRACE VAUGHAN: I am not satisfied with the answer given by the Minister. He has been asked how we will choose the consumers' representative; and he referred to the consumer who buys a waterfront block at South Perth or Dalkeith, and who would not be representing the person who buys a block of land in a less prestigious area. The Leader of the House ought to be able to give a better answer than that for the omission of a representative of the consumers on the board.

If we follow through the logic of that argument we would say that in choosing two people who are licensed agents, we need those who specifically deal with land in certain areas or with certain

types of businesses, and who deal with land or businesses at certain prices. I cannot follow that logic. It is an airy-fairy answer to say that we cannot have a consumers' representative on the board, just because everybody does not desire to buy land in the one locality.

If there is to be a consumers' representative we should choose one from the Australian Consumers Association. If we want the largest body to be represented, in respect of land being purchased, we would look at choosing a representative from the Trades and Labor Council; however, I am not pushing for that. Personally I would like to see someone from the Australian Consumers' Association, who understands the concept of the consumers' needs, appointed to the board. That is preferable to representation by somebody who is a Mr Average, who buys the average block of land, who faces the average problems in the average transaction with the average agent. I say we will not be able to find such an average person.

This is a case in which the Government could say that the consumers ought to be in on the decisions of the board in respect of the granting of licences and other things.

I find the Minister's answer to be most unsatisfactory; and probably he cannot add anything to it. I want to register my disapproval on behalf of the consumers of this State.

The Hon. G. C. MacKINNON: I think the honourable member is being most intractable. I think I have given her a reasonable explanation. Whilst I have been reasonable, she has been totally lacking in conviction in presenting her arguments. I do not see any reason to recommend any change.

Clause put and passed.

Clauses 8 to 60 put and passed.

Clause 61: Remuneration of agents—

The Hon. G. C. MacKINNON: I move an amendment—

Page 43—Insert after subclause (3) in lines 1 to 5 the following new subclause to stand as subclause (4)—

(4) The remuneration of an agent for services rendered by him in his capacity as agent in respect of a transaction he has negotiated is payable only on settlement of the transaction unless there is a failure to settle the transaction and that failure is due to the fault of the agent's principal.

This amendment is the result of an undertaking given in another place to consider further a

proposal put forward by the Opposition. The suggestion has been considered and it is accepted that the addition of this proposal would clarify the law as to the time at which remuneration will be payable to an agent and it will remove problems and confusion which has occurred in this area in the past. I suggest, therefore, that we accept the amendment.

The Hon. GRACE VAUGHAN: I should like to thank the Leader of the House for including this amendment, because it was one which was suggested by the Opposition in the Legislative Assembly and it is almost a direct recommendation from the Law Reform Commission's review of the Land Agents Act. It is good to see that it has been included.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 62: Advertisements by agents and developers—

The Hon. G. C. MacKINNON: I move an amendment—

Page 43—Insert after subclause (3) in lines 22 to 25 the following new subclause to stand as subclause (4)—

(4) In a proceeding under this Act for a contravention of subsection (1) or (2) it is a defence if the defendant establishes that he is a person whose business is to publish or arrange for the publication of advertisements and that he received the advertisement in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to such a contravention.

This clause has been reviewed and an amendment is considered to be desirable to provide protection in law for people who publish advertisements in good faith and who would have no reason to expect that such publication would amount to a contravention of the Act. The amendment is an adaptation of the Commonwealth Trade Practices Act. I request that members agree to this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 63 to 100 put and passed.

Clause 101: Codes of conduct—

The Hon. F. E. McKENZIE: One of the problems I have experienced in my short time in Parliament relates to disputes that take place when auctions are conducted by auctioneers in the course of real estate sales. One of the weaknesses

in the old Land Agents Supervisory Committee regulations was that they did not have the power to deal with problems relating to disputes taking place at auctions. I took a case to the Land Agents Supervisory Committee and was advised that that was the situation.

The committee could not investigate matters relating to sales which took place under the auctioneering system, because the agent was acting in his capacity as an auctioneer. Can the Minister inform me whether or not disputes relating to auctions in respect of real estate transactions was a matter which was considered when the Act was drawn up? In clauses 13 and 14 of the schedule provisions are made in relation to auctions and the licences applicable. However, the new Bill does not appear to provide measures different from those in the old system. In my opinion it is desirable that the board which is to be set up as a result of this Bill should have the power to investigate such matters.

The Hon. G. C. MacKINNON: Two conflicting matters are involved in this situation. One is the real estate transaction which takes place and the other is the method used. When it is decided to use the auction system, the sale comes under the Auction Sales Act and that is why it is mentioned here. The problem mentioned by the honourable member should be referred for administrative purposes to that Act. If the real estate agent or licensed auctioneer disobeys the rules and codes of conduct for auctioneering, action should be taken under the Auction Sales Act.

As far as the land transaction itself is concerned—the amount of deposit, the way the contract is signed, etc.—any transgressions on the part of the estate agent would be dealt with under this Act. It is set out here that the agents must abide by the Auction Sales Act. I hope I have made the situation clear.

The Hon. F. E. McKENZIE: The Minister has made the situation clear to me, but the two matters generally relate to each other. When an auction is conducted, it is generally conducted by a land agent. The same recourse of being able to go to a board with a dispute does exist under the Auction Sales Act, as I understand the position. A disputed bid would probably have to be taken to a court for jurisdiction. I raised the point because I thought it would be more appropriate to have something inserted in the Bill, as generally a person auctioneering land will also be a land agent.

The Hon. G. C. MacKINNON: In actual fact, I think the real estate salesman will be subject to

two disciplines. He will be subject to discipline under the provisions of this Bill when it becomes an Act, and he will be subject to discipline under the Auction Sales Act. He will be caught in the crossfire.

Clause put and passed.

Clauses 102 to 147 put and passed.

Schedule—

The Hon. G. C. MacKINNON: I move an amendment—

Page 97, line 26—Delete the word “five” in clause 16 of the schedule and substitute the word “three”.

This amendment is also as a result of an undertaking given in another place. It is agreed that the time requirement of this clause would erode its intention. It is proposed to reduce the time to a more realistic level.

Amendment put and passed.

The Hon. G. C. MacKINNON: I move an amendment—

Page 97, line 30—Delete the words “two years” in clause 16 of the schedule and substitute the words “one year”.

Amendment put and passed.

The Hon. G. C. MacKINNON: I move an amendment—

Page 101, line 25—Insert after the word “but” in clause 21 of the schedule the passage “, subject to paragraph (c) of this subclause.”

Again, this amendment is in agreement with the view that the time provided in the Bill for a business agent to achieve the necessary qualifications to obtain a licence is insufficient. The amendment will increase the period from three years to five years. However, it will be obligatory on the holder to make significant progress towards achieving his qualification.

Amendment put and passed.

The Hon. G. C. MacKINNON: I move an amendment—

Page 101, line 32—Insert after the word “day” in clause 21 of the schedule the passage “unless the holder establishes to the satisfaction of the Board that he has made significant progress towards qualifying himself for a licence, in which case a renewal may be effective until a date five years from and including the appointed day”.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 5.56 p.m.

QUESTIONS ON NOTICE

MINISTER FOR FEDERAL AFFAIRS

Scope of Responsibilities

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

- (1) Will the Minister advise the scope of his responsibilities as Minister for Federal Affairs?
- (2) Has he been involved in consultations leading to the formulation of the Australian Government's proposed Companies and Securities legislation?

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

- (1) Constitutional administrative and legal aspects of matters of Commonwealth/State or Federal significance.
- (2) If the honourable member is referring to the joint Commonwealth/State co-operative proposals, the answer is Yes.

MEAT: BEEF

Transport and Export

251. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Transport:

With reference to the statement made on the 23rd August, 1978, by the then Minister for Transport when, *inter alia*, he said that “the Derby, Broome and Katherine beef output will be centralised by road to Wyndham”—

- (1) Do the plans of the Government and the Australian Meat and Livestock Corporation preclude the movement of beef in refrigerated containers from Broome to—
 - (a) Wyndham by State Shipping Service vessels for on-shipment to particular destinations, notably ports on the east coast of North America;
 - (b) Fremantle by State Shipping Service ships for either domestic consumption or further shipment to interstate or overseas markets; or
 - (c) overseas destinations direct?
- (2) If a commitment has, in fact, been made to move Broome beef 1100 kms by road to Wyndham, will the

Minister make urgent representations to the Commonwealth for a special Export Road allocation of funds to seal the 300 km section between Fitzroy Crossing and Halls Creek, as this State has been markedly unsuccessful in obtaining road funds in this category?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) No.
 - (b) No.
 - (c) No.
- (2) No commitment has been made. The shipping company designated for each particular trade by the Australian Meat and Livestock Corporation will determine the extent to which cargo is centralised and the method by which it is centralised. The location of centralisation, if any, and the method of centralisation may vary from call to call. The State Government is, however, mindful of the value to State ships if they can be used to centralise cargo at Wyndham or transport it to Fremantle.

EDUCATION

Teachers: Forfeiture of Holiday Pay

252. The Hon. R. F. Claughton (for the Hon. R. HETHERINGTON), to the Minister for Lands representing the Minister for Education:

In the last 10 years has the regulation been enforced which provides that a teacher who is not back at school on the first day of first term forfeits all holiday pay from the 1st January?

The Hon. D. J. WORDSWORTH replied:
Yes.

ROAD

Canning Highway

253. The Hon. D. K. DANS, to the Minister for Lands representing the Minister for Transport:

- (1) Who were the contractors responsible for re-surfacing Canning Highway between Riseley Street and Stock Road?
- (2) Is the Minister aware of the state of the surface of the Fremantle bound lane of Canning Highway between Riseley Street and Stock Road?

- (3) Is the Minister aware of the cause of the break-up of the hot-mix surface in the Fremantle bound lane of Canning Highway between Riseley Street and Stock Road?
- (4) Who will be held responsible for the repair of this section of Canning Highway?

The Hon. D. J. WORDSWORTH replied:

- (1) Pioneer Asphalts Pty Limited (WA Branch).
- (2) Yes.
- (3) Yes.
- (4) The contractor.

WATER SUPPLIES

Rate Rebates: Pensioners

254. The Hon. LYLA ELLIOTT, to the Minister for Water Supplies:

Further to my question without notice on Wednesday, the 23rd August, 1978, concerning pensioners' rates rebates—

- (a) as many pensioners are unaware of their rights in respect to the 25 per cent rebate on water, sewerage and drainage rates, and therefore fail to register, thereby losing the concession, will the Minister arrange for a short statement to appear on the rate notice similar to that being included on local government rate notices concerning pensioner rebates; and
- (b) if not, why not?

The Hon. G. C. MacKINNON replied:

- (a) and (b) All rate notices sent by the Metropolitan Water Board for the 1978-79 year were accompanied by a pamphlet highlighting to pensioners the availability of the 25 per cent discount on rates or deferment of rates.

EDUCATION

Schools: Library Resource Centres

255. The Hon. R. F. Claughton (for the Hon. R. HETHERINGTON), to the Minister for Lands representing the Minister for Education:

- (1) How many class 1A primary schools are there in Western Australia?
- (2) How many of these do not have library resource centres?

- (3) When is it hoped that all class 1A primary schools will be equipped with resource centres?

The Hon. D. J. WORDSWORTH replied:

- (1) 77.
 (2) and (3) All class 1A schools have a library facility, whether purpose built, provided by the parents and citizens' association under subsidy, or utilising a vacant classroom.

HOUSES—VACANT				
Particulars	2 B/r	3 B/r	4 B/r	Total
Under offer	11	42	2	55
Under maintenance	29	76	1	106
Vacant
Total	40	118	3	161

SHIPPING

State Shipping Service: New Vessel

256. The Hon. D. K. DANS, to the Minister for Lands representing the Minister for Transport:

- (1) Will the new vessel proposed for the State Shipping Service be chartered on a bare bottom charter or will it be on time charter?
 (2) What will the total cost of the charter be to the State?

The Hon. D. J. WORDSWORTH replied:

- (1) Bare boat charter.
 (2) \$9 million over five years if terminated at the end of that period.

HOUSING

Rental: Units Vacant

257. The Hon. LYLA ELLIOTT, to the Attorney General representing the Minister for Housing:

With reference to a statement on television recently by the former Minister for Housing concerning the large number of State Housing Commission units vacant at the moment, will the Minister advise the number of units vacant in the following categories—

- (a) (i) one bedroom flats;
 (ii) two bedroom flats;
 (iii) three bedroom flats; and
 (b) (i) two bedroom houses;
 (ii) three bedroom houses;
 (iii) four bedroom houses?

The Hon. I. G. MEDCALF replied:

FLATS—VACANT as at the 6th September, 1978

Particulars	1 B/r	2 B/r	3 B/r	Total
Under offer	2	7	5	14
Under maintenance	24	39	41	104
Vacant	3	77	98	178
Total	29	123	144	296

TRAFFIC

Accidents: Abernethy Road-Great Eastern Highway Intersection

258. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) How many road deaths have there been in the Shire of Belmont during each of the last three years?
 (2) Have any of the fatalities in each of those years been as a result of accidents at the intersection of Abernethy Road and Great Eastern Highway, Belmont?
 (3) If so, how many in each year?

The Hon. D. J. WORDSWORTH replied:

- (1) This information is not readily available.
 (2) One.
 (3) 1976 Nil.
 1977 Nil.
 1978 One.

EDUCATION

Schools: Remedial Teaching

259. The Hon. R. F. Cloughton (for the Hon. R. HETHERINGTON), to the Minister for Lands representing the Minister for Education:

What plans does the Minister have for the expansion of remedial teaching in primary schools in Western Australia?

The Hon. D. J. WORDSWORTH replied:
 Apart from the continued development of existing programmes of remediation by specialist teachers, support teachers and teachers attached to regional clinics, the major thrust is to improve, by expanded inservice education, the capacity of class teachers generally to handle the range of individual differences in primary school classrooms.

RESEARCH STATION

Laurel Downs

260. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Agriculture:

- (1) Has any decision been made on the future of the Laurel Downs Pastoral Research Station in the Fitzroy valley in the Kimberley?
- (2) If so, what is the decision?
- (3) If any change in status is contemplated, has there been any consultation with—
 - (a) the Kimberley Regional Development Committee;
 - (b) the Pastoralists and Graziers Association;
 - (c) the West Kimberley Shire Council; or
 - (d) other local organisations and pastoralists in the area?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) To close the station on the 30th September, 1978.
- (3) The decision to close was based on the recommendation of the Pastoralists and Graziers Association on behalf of the local pastoralists. There were no specific consultations with the Kimberley Regional Development Committee or the West Kimberley Shire Council.

TRAFFIC

Accidents and Lights: Abernethy Road-Great Eastern Highway Intersection

261. The Hon. F. E. MCKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) How many accidents have occurred where persons have been injured at the intersection of Abernethy Road and Great Eastern Highway, Belmont, during each of the last three years?
- (2) When will traffic lights be installed at the intersection of Abernethy Road and Great Eastern Highway, Belmont?

The Hon. D. J. WORDSWORTH replied:

(1)	Injury Fatal	
1976	2
1977	2
1978 till 31st August	2 1

- (2) The priority for treatment of this intersection will be re-assessed following the completion of the adjustments to the road network at present being carried out by the Shire of Belmont.

EDUCATION

Handicapped Children

262. The Hon. R. F. CLAUGHTON (for the Hon. R. HETHERINGTON), to the Minister for Lands representing the Minister for Education:

What is the Minister's current policy in regard to integrating physically handicapped children into normal schools?

The Hon. D. J. WORDSWORTH replied:

The policy for the integration of physically handicapped children into normal schools is one of "maximum beneficial association", bearing in mind the needs and rights of handicapped and other children.

TROPICAL RESEARCH AND TRAINING INSTITUTE

Establishment

263. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Agriculture:

- (1) In December 1977, did the Minister receive a submission from the Hon. W. R. Withers, M.L.C., which urged the early establishment of a Western Australian Tropical Research and Training Institute in the Kimberley?
- (2) Arising from consideration of this submission, what action is contemplated?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) The Hon. W. R. Withers' submission was referred to Sir Norman Young, Chairman of Joint Commonwealth/State Review Committee appointed to study the Ord River irrigation area. The review committee's report is expected within the next two months.

CULTURAL AFFAIRS

Art Gallery: Employees

264. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

Will the Minister provide a list of the number of employees at the Art Gallery of Western Australia showing only the classification of the position/s and the number of employees in each?

The Hon. D. J. WORDSWORTH replied:

The Art Gallery of Western Australia Staff Classifications as at 6th September, 1978.

Position	Classification
Director	Level 6
Deputy Director	Level 5
Curator of Paintings (Vacant)	Level 3
Curator of Prints and Drawings	Level 3
Curator of Craft	Level 3
Assistant Curator	Level 2
Acting Registrar	Level 2
Exhibitions Officer	Level 2
Administrative Officer	C-II-3/5
Education Officers, 3	Level 1
Senior Education Officer (position to be filled in January 1979)	Level 3
Conservator	Level 2
Conservation Officers (2)	G-II-1/2
Library Assistant	
Research Assistant (temporary position)	Level 1
Photographer	G-II-1/2
Secretary to Director	C-III-2/3
Secretary to Deputy Director	C-III-3
Assistant to Administrative Officer	C-IV
Stenographer to Curatorial Dept.	C-V
Stenographer to Education Section (Vacant)	C-V
Typist/Telephonist	C-V
Clerk/Typists (2)	
Gallery Assistant (Mount Cutter)	G-X
Head Attendant	

Attendant/Cleaners

(10)

Carpenters (2)

Total: 37 employees, plus 3 positions to be filled, plus 1 temporary position.

EDUCATION

School: Spencer Park

265. The Hon. Lyla Elliott (for the Hon. R. HETHERINGTON), to the Minister for Lands representing the Minister for Education:

Has the Education Department plans for enclosing the verandah at Spencer Park primary school in Albany, or for taking any other steps physically to upgrade the school?

The Hon. D. J. WORDSWORTH replied:

The matter of verandah enclosure and possible upgrading of Spencer Park is currently being investigated with a view to possibly providing funds for such works in a future programme. No firm commitment for this project has been given.

EDUCATION

School: Belmont

266. The Hon. F. E. MCKENZIE, to the Minister for Lands representing the Minister for Education:

- (1) Is the Minister aware that portion of the Belmont primary school grounds (facing Belgravia Street) is being lost to road works?
- (2) What was the distance from the boundary fence to the school building—
 - (a) prior to resumption of land; and
 - (b) after the resumption of the land?
- (3) Did the Education Department object to the resumption?
- (4) If not, why not?
- (5) Because of the buildings' closer location to Belgravia Street and increasing traffic flow, has the Minister or his Department considered the noise problem that will result and what effects it is likely to have on the pupils and teachers located in those rooms nearest Belgravia Street?
- (6) If so, what steps have been taken to overcome the problem; and if none, why?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) (a) 17.5 metres at nearest point.
(b) 13.5 metres at nearest point.
- (3) and (4) No. The town planning scheme which dealt in part with the rationalisation of roads in the vicinity of the school, was approved approximately seven years ago. However, the original request for land for road widening from the Belgravia Street portion of the Belmont Primary School site made by the Belmont Shire Council, was refused after on site discussions between officers of the Education Department and the local authority. Plans were amended so that the well established trees along the Belgravia Street frontage of the school site would be retained.
- (5) and (6) The two classrooms which are located closest to Belgravia Street have had sound proofing treatment. If traffic noise proves to be a problem in other areas of the school, due consideration, dependent upon the availability of funds, will be given to providing the appropriate sound proofing treatment.

CULTURAL AFFAIRS

Art Gallery: New Appointments

267. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Cultural Affairs:

- (1) Has the Government made the two new appointments to the Art Gallery Board as provided for in the recent legislation?
- (2) If not, when is it expected these appointments will be made?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) No. The amending Act has not yet been proclaimed.

EDUCATION

Schools: Belmont and Redcliffe

268. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Education:

As both the Belmont and Redcliffe primary schools will face unbearable traffic noise hazards when future development of Beechboro-Gosnells and Great Eastern Highways takes place, would the Minister advise what action has been taken by his

department to ensure suitable re-location of these schools away from the hazards mentioned?

The Hon. D. J. WORDSWORTH replied:

Over a period of years the Education Department has endeavoured, without success, to find an alternative site for the relocation of Belmont Primary School. No plans exist for the relocation of the Redcliffe Primary School.

FUEL TAX AND ROADS

Western Australia's Proportion

269. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Transport:

- (1) In 1977/78, what was the income received by the Commonwealth Government from fuel tax paid by Western Australian road users?
- (2) For the same year, what was the total amount received from the Commonwealth for expenditure on road works in Western Australia?
- (3) From information available to his department in 1977/78, what was—
 - (a) the total fuel tax income to the Commonwealth Government;
 - (b) the total amount disbursed to the States and Territories for road works; and
 - (c) the comparative income and disbursement for each of the States and Territories?

The Hon. D. J. WORDSWORTH replied:

- (1) Preliminary statistics from the Australian Bureau of Statistics (WA) indicate \$77 247 318 from customs duty and excise.
- (2) \$63 263 712.
- (3) This information is not available in Western Australia.

GOVERNMENT BOARDS AND AUTHORITIES

ALP Proposal: Premier's Statement

270. The Hon. R. F. CLAUGHTON, to the Leader of the House representing the Premier:

- (1) Would the Premier advise the authority for his information in claiming that the Australian Labor Party proposed to establish 40 new government boards or authorities?

- (2) As his statement is factually not true; will he issue a statement withdrawing this claim?

The Hon. G. C. MacKINNON replied:

- (1) The Premier's statement referred to: "commissions, boards, committees and statutory authorities as well as new government departments".

If the honourable member goes through the published reports and other information released in respect of the conference, he will see that the number slightly exceeds 40, even counting an unspecified number of State-owned corporations as one unit.

- (2) Not applicable.

QUESTIONS WITHOUT NOTICE

WATER SUPPLIES

Rate Rebates: Pensioners

1. The Hon. LYLA ELLIOTT, to the Minister for Water Supplies:

Further to my question 254 concerning rebates on water rates for pensioners, I again ask the Minister: In view of the fact that pensioners either do not notice the pamphlet that is sent with their water rates or they mislay it, will he please ask his department to include a short note on the bottom of the rate notice itself along the lines of that included on the local government rate notice issued, for example, by the Stirling City Council? It happens only once a year and surely it would not cost very much to have the computer mention on the bottom of the rate notice the fact that pensioners are eligible for a 25 per cent rebate and what 25 per cent of the rates represents.

The Hon. G. C. MacKINNON replied:

I will make inquiries to see whether it can be done.

RESEARCH STATION

Laurel Downs

2. The Hon. J. C. TOZER, to the Minister for Lands:

As the Laurel Downs Pastoral Research Station is to be closed down on the 30th September, 1978, and presumably the land will then be vacant, will it be offered for selection as a pastoral lease?

The Hon. D. J. WORDSWORTH replied:

I am unable to give an exact answer but I assume it will be open for selection in the normal manner.

PROBATE DUTY

New South Wales

3. The Hon. H. W. GAYFER, to the Leader of the House:

- (1) In view of the remarks made by the Opposition during the passage of the death duty legislation last night, was he surprised to read in this morning's newspaper of the intention of the New South Wales Labor Government to phase out probate duty in that State over the next three years?

- (2) Would he think the Labor Government in New South Wales is genuine in its endeavour to free people of this iniquitous tax or that it is using this proposition as a pre-election gimmick?

The Hon. G. C. MacKINNON replied:

- (1) Yes, I was surprised, the more so because we have come to regard the Leader of the Opposition in this House as being very well informed on matters pertaining to Governments of his colour, not only in Australia but also overseas. That added to my amazement when I read the Press report.

- (2) From the information I have received about the situation in New South Wales, I believe Mr Wran must have come in all seriousness to the same conclusion as that arrived at by the Government of Western Australia; that is, the abolition of death duties was a fair and proper thing. The information I have received—and I do not know how accurate it is until the election is held—is that Mr Wran is not really

expecting to face any serious problem with regard to his election. So I would think he does not see himself as being in the position of needing to put out bait to attract votes. I therefore see his reason for bringing in the abolition of death duties as being that it is a fair and proper step, as we on the Government side argued; and the honourable member was very helpful in that argument.

Point of Order

The Hon. D. W. COOLEY: Mr President, I raise a point of order under Standing Order 154.

The PRESIDENT: What is the point of order?

The Hon. D. W. COOLEY: Standing Order 154 says: "In answering any such question, a Member shall not debate the matter to which the same refers." My point of order is that the Minister is debating the matter to which the question refers.

The PRESIDENT: I do not think so. The Minister was giving a very long answer but I believe he was answering the question.

Question without Notice Resumed

The Hon. G. C. MacKINNON: Questions without notice often take longer to answer, because one does not have time to edit a written answer.

The PRESIDENT: If the Minister has not completed his answer to the question he has the authority to complete it, but he certainly has no authority other than that.

The Hon. G. C. MacKINNON: Your point is well made, Sir. I think I have made the position abundantly clear in answering the question.

CHARGES

New South Wales

4. The Hon. F. E. MCKENZIE, to the Leader of the House:

Is he aware there has been relatively little increase in State Government charges in New South Wales over the last three years?

The Hon. G. C. MacKINNON replied:

No. I do not follow New South Wales politics.

GOVERNMENT DEPARTMENTS

Reduction of Spending

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

Would he indicate the extent to which Government departments have been asked to reduce their spending in the current financial year in order to overcome the budgeting problems the State Government is facing?

The Hon. G. C. MacKINNON replied:

I must ask that the question be placed on notice because it is a very technical one.

GOVERNMENT BOARDS AND AUTHORITIES

ALP Proposal: Premier's Statement

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

Further to the question answered on behalf of the Premier, would he indicate the source of the published reports and other information to which the Premier referred, in order that we may make the study the Premier suggested to see that the number slightly exceeds 40?

The Hon. G. C. MacKINNON replied:

I cannot say with authority, but I would guess it came from the local newspaper, radio, and television releases made during the period of the conference.

GOVERNMENT BOARDS AND AUTHORITIES

ALP Proposal: Premier's Statement

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

Since we must assume that the Premier is being factual in the statement he has made in answer to my question, and that statement is in sharp conflict with the items passed by the recent Australian Labor Party State Conference, would the Leader of the House secure from the Premier a list of the reports and information released, to which he referred in his answer, in order that his answer may be verified?

The Hon. G. C. MacKINNON replied:

I will forward a *Hansard* copy of the question to the Premier, and leave it up to him.