Legislative Council

Wednesday, the 14th November, 1979

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

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Annual Report: Tabling

The PRESIDENT (the Hon. Clive Griffiths): I wish to lay upon the Table of the House the report of the Parliamentary Commissioner for Administrative Investigations for the year ended the 30th June, 1979.

The report was tabled (see paper No. 429).

QUESTIONS

Questions were taken at this stage.

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.45 p.m.]: I move—

> That during the remainder of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages at any one sitting, and all Messages from the Legislative Assembly to be taken into consideration forthwith.

THE HON. R. HETHERINGTON (East Metropolitan) [4.46 p.m.]: I gather from this motion that the session is about to end. I have been looking at the notice papers for this place and another place with some interest and it appears there may be a considerable amount of business to consider in the next few weeks. I hope the Government will not abuse the motion which has just been moved, but I am presuming it will not. I hope the Government will allow the Opposition adequate debate even though it does not have the numbers.

There is quite a number of Bills to appear and I would not like the debate to be aborted because we have run out of time. Of course I do not know when the Leader of the House thinks the House will rise, but I know he will tell us in his good time.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.48 p.m.]: I thank the honourable member for his comments and as always, we on this side of the House will be the soul of consideration and give as much time as is humanly possible for debate.

I am attempting to organise a few second readings today so that the Opposition will have the weekend at least to look at them. Of course allowance has been made for the efficiency which one expects here and many of the Bills on the Legislative Assembly notice paper are Bills which have moved from this House already. I am quite certain members will be able to cope with the work load.

Question put and passed.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 4)

Introduction and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.50 p.m.]: I move—

> That the Bill be now read a second time.

There are four matters the subject of this Bill.

The first concerns headworks provided by the Metropolitan Water Board, specifically the need to facilitate and clarify negotiations with land developers on contributions toward such headworks.

The next proposal relates also to headworks. It aims to overcome present anomalies, and ensure equitable treatment of developments, by providing for an appropriate contribution toward additional headworks that are required whenever a site is to be developed or redeveloped to other than single residential occupancy.

The third matter deals with minimum and maximum annual rates, providing for the setting of realistic lower limits and the determination of upper limits where appropriate.

Finally, it is intended that the Act provide for a supplemental rate during the year should extraordinary circumstances prevail.

The PRESIDENT: Order! I have had to remind members on numerous occasions of late that audible conversations when a member is on his feet addressing the House are out of order, and my patience has been tried to the limit. The Leader of the House.

The Hon. G. C. MacKINNON: With regard to headworks contributions, and by way of background information, members will recall the rapid increase in urban development in the Perth region in the late 1960s. This growth strained the Metropolitan Water Board's financial resources to the extent that the demand for water and sewerage services could not be fully met. This resulted in the formulation of a policy of subdividers being required to pay for water and sewerage reticulation within the areas of their subdivisions.

A subsequent extension of this policy was the requirement that subdividers contribute toward the cost of providing the board's headworks installations; that is, installations comprising source works such as dams, water treatment plants, and trunk mains, and regional facilities such as service reservoirs, pumping stations, and high level tanks. This component of capital funding was, and still is, essential to enable facilities to be provided to service new developments and so enable those developments to proceed.

In the early stages the contributions policy was applied under the powers of the Town Planning and Development Act, but the process of subdivision approvals did not fully meet requirements. For example, it did not cater for the anomalous situation, the subject of numerous complaints, in which the subdivider first on the scene contributed toward local headworks installations, but subsequent subdividers connecting to these installations did not contribute. They therefore were benefiting from the established market price of serviced lots without contributing their share of the costs of additions to the water and sewerage systems.

After considerable groundwork the Metropolitan Water Supply, Sewerage, and Drainage Act was amended in 1976 to empower the board directly to negotiate and set headworks contributions and, consequently, to rectify such anomalies.

As members will appreciate, the 1976 legislation dealt with a matter of some complexity. It aimed to establish an equitable method whereby developers contribute toward the cost of headworks installations serving them, including installations already constructed for earlier subdivisions. Experience in the application of those parts of the Act covering contributions reveals technical difficulties that were not apparent in the original drafting.

In brief the present Act refers to Town Planning Board conditions relating to water, sewerage, and drainage requirements applying to "that land". Legal opinion is that the term "that land" implies the supply of headworks only to the boundary of the land and therefore does not explicity cover reticulation within the land to the newly created lots.

Terminology is again a problem in another section. Reference to the board, in the context of work provided in compliance with a condition of subdivision approval, appears to preclude the existing and satisfactory practice of subdividers themselves providing reticulation and associated installations in lieu of payment to the water board for the board to carry out such work.

And, lastly, there is some ambiguity in the present Act as to the stage at which approval of a subdivision takes effect. It can be interpreted that approval follows merely from the time of entering an agreement rather than from the time the terms of an agreement are satisfied.

The Bill now before the House follows lines recommended by the Crown Law Department to remedy these technical problems.

As already indicated, this first proposal caters for contributions by land subdividers at the subdivision stage, when the capacity of the ultimate development is unknown.

The second proposal, which follows, is complementary in that it covers the situation after subdivision, catering for development which requires facilities beyond those of a single domestic dwelling and covering, as well, redevelopment requiring amplified services.

At present the board has no power to enter agreements on requirements for augmenting services to provide for development after subdivision. Certainly, less formal arrangements exist at present for developers to share the cost of necessary additional facilities, but, obviously, there is need for a formal commitment by the parties concerned.

This Bill therefore provides that, on application to the board for services beyond those already available, the developer may be required to enter into an agreement to contribute towards the cost of improved services required.

The amendment allows for the case where substantial redevelopment, such as the replacement of dwellings with flats, requires substantial improvements to water and sewerage facilities. It removes the existing anomaly where contributions are required in the green-field situation, but not in equivalent redevelopment. In other States, this anomaly does not exist, because appropriate contributions are required to equalise the position. This amendment will enable the

Metropolitan Water Board to maintain economic equity and efficiency by use of contributions as elsewhere.

An additional contribution will be required when the density of occupation makes greater demand on water and sewerage services than the equivalent of a single residence. For example, if a block of flats on a lot is assessed by the board to put a demand on water services equal to three additional single residences, then the contribution required could be three times the basic $463 applying—at December, 1979—for a single residence occupation.

Other types of higher density occupation, town houses, duplexes, caravan parks, or other commercial or industrial developments, would be likewise assessed and pay an amount to reflect their extra call upon water and sewerage installations.

The principles for assessment will be handled by the board so as to be as simple as possible, consistent with equity and good administration.

The amendment Bill moves next to the matter of rates charged for the board's services.

The board's enabling Act delegates the power to make and levy minimum rates for water, sewerage, and main drainage to the board itself. It prescribes a limit of $2 each for water and sewerage services and 50c for main drainage, and it states that the minimums shall not exceed these prescribed amounts.

The amounts were set in 1951 and are quite unrealistic in terms of today's values. It is proposed that reference to actual minimum amounts be removed from the Act and prescribed by subordinate legislation. This will also avoid the need for Parliament to deal with the relatively minor matter of adjustments that may be required at a future time.

Allied to this, and as a precautionary measure, is the further provision that a maximum rate may apply if it becomes necessary in the future to put an upper limit on annual payments.

Finally, the Bill sets out to amend the principal Act by establishing the power to impose supplemental rates for the unexpired portion of the year, along the lines available to local authorities under the Local Government Act. The reason for this is to give adequate scope to meet a situation of utmost emergency should such arise. The exercise of this provision is subject to proper control, being dependent upon the approval of the Governor.

An illustration of the sort of emergency catered for is the "prices and wages pause" of 1977 when taxes and charges were not to be increased during the period of the pause, as agreed at the Premiers' Conference in April of that year. Had the pause continued beyond the 1st July, 1977 the board would have had to declare the same rates as applied in the previous year and would not have been in a position to redetermine the rates subsequently during 1977-78. The result on the board's revenue may well have had a substantial and detrimental effect on its ability to maintain adequate services.

These, then, are the amendments proposed by this Bill.

In the area of subdividers' and developers' contributions toward the cost of providing headworks that serve their developments the objectives are—

> firstly, to remedy technical deficiencies that may otherwise impair negotiations and agreement by the parties concerned; and
>
> secondly, to enable the board to seek contributions from later developments requiring a capacity of services in excess of that provided at the time of subdivision.

With regard to the rating aspect of the Bill, the aim is to provide the means to apply a reasonable minimum rate and a maximum level where necessary, and at the same time to provide for the determination of rates supplemental to annual rates as a contingency in the circumstance of emergency.

I commend the Bill to the House.

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

CONSUMER AFFAIRS ACT AMENDMENT BILL

Second Reading

THE HON. TOM McNEIL (Upper West) [5.02 p.m.]: I move—

> That the Bill be now read a second time.

I have placed before members an outline of what the Bill proposes to do. However, I wish to give some background information.

The amendments in the Bill are intended to give the Consumer Affairs Bureau authority over insurance companies. It has been brought to my attention that two decisions made in the High Court of Australia have affected the legal situation in respect of insurance companies being brought under the jurisdiction of the Consumer Affairs Bureau. The decisions concerned were made in the cases of the Employers Mutual Indemnity Association Ltd. v the Federal

Commissioner of Taxation, 1943; and the Revesby Credit Union Co-operative Ltd. *v.* the Commissioner of Taxation for the Commonwealth of Australia, 1964-65. Those decisions deprived the Consumer Affairs Bureau of jurisdiction over insurance companies, because it was held that insurance policies are not contracts of service, but contracts of contingency.

I would remind members that when the Consumer Affairs Act was first proclaimed the term "service" was intended to include insurance companies.

I draw the attention of the House to this morning's issue of *The West Australian* which proved to be most interesting reading. It was stated that the number of complaints made to the Consumer Affairs Bureau in the past year was 4 502. Of that total, complaints about insurance and finance increased from 206, or 4.4 per cent, in 1977-78, to 343, or 7.6 per cent in the year 1978-79. So, 7.6 per cent of all complaints lodged with the bureau were related to insurance companies and finance; and those complaints excluded complaints about workers' compensation and accident insurance. Complaints about motor vehicle insurance numbered 77, and complaints about general insurance numbered 116, and included travel insurance. Eighteen complaints were made about life assurance, making a total of 211 complaints about insurance. The bureau received 132 complaints about extended warranty insurance.

I think it is wrong that a consumer can be protected against almost anything in this State except the actions of insurance companies. I have personal experience of this. I obtained insurance cover on a boat at Geraldton for a cost of $89. I lent the boat to some friends who took it out to sea where it was unfortunately holed, and it sank. My friends managed to salvage the vessel and had it towed to port. That happened 11 months ago.

A period of eight months elapsed between the time the boat went down and the time the insurance company advised me what it was prepared to do. To the present moment, I still have not received satisfaction from the insurance company. It was my intention to take the matter to the Consumer Affairs Bureau, because I hoped that would be a relatively simple manner in which to obtain a decision on the matter.

However, the situation has developed further. If I take the insurance company to court at this moment it will cost me $1 000 if I lose the case, and $300 if I win it. People will not take that risk. I point out that the ordinary man in the street today just cannot afford the time or the money to take such matters to court. Therefore, I consider the Act should be amended in order that the bureau may have jurisdiction over insurance contracts.

I now turn to the Bill itself. Its purpose is to strengthen the existing provisions of the Consumer Affairs Act.

In the first instance, it is proposed to amend section 4 of the Act specifically to include contracts of insurance.

Currently the Bureau of Consumer Affairs has no authority to investigate complaints against insurance companies, and the consumer has no redress unless he initiates legal proceedings, which can be both time-consuming and costly.

At present section 18 places a ceiling of $5 000 on the sum of money which may be in dispute. That figure has not been amended for four years, and I consider it should more satisfactorily be $10 000. Therefore, the Bill proposes to make that amendment.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. C. MacKinnon (Leader of the House).

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 13th November. The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clause 14: Section 97 amended—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. G. C. MacKINNON: Members will recall that last night I was not able to answer with absolute authority the questions raised by the Hon. H. W. Gayfer and the Hon. Neil McNeill. Before I answer their queries, I would like to make a few additional comments.

When a change was made to reflective number plates a number of alternatives were considered; for example, black on gold, red on white, and white on black. A white or yellow background was considered the most suitable as those colours are the most reflective. After considering the alternatives it was the decision of Cabinet that the number plates should be black lettering on a reflective white background. The reflective-type number plate was considered to contribute to road safety and all members who have travelled in

other States and countries would perhaps agree that the type of reflective plate used in Western Australia has considerable advantage over the non-reflective-type plates used in other States and countries.

The reason that reflective white letters on a black background were not used is that the total reflective area of the plate is less than the reflective area provided by a white background.

Consideration was given to the South Australian number plates which also are black on a white background, but it was considered that the reflective quality of the plate selected outweighed any disadvantages in this regard.

Mr Gayfer referred to the use of registration labels. I am advised that the use of registration labels is standard practice throughout Australia; and where there is no such requirement in overseas countries generally it will be found that number plates are issued annually, the registration certificate is displayed inside the car, or the driver is required to carry his registration documents at all times.

In West Germany it is known that adhesive discs are attached to the number plate to indicate the year and month of expiry of the registration, and these discs are, in fact, the same as those used in Western Australia on dealers' plates. As these are mounted externally they are subject to more rapid deterioration and damage by vandals. If they survive the period of licence they have to be scraped off and replaced. The main objection is that they do not contain information relating to the registration number of the vehicle, and the year and month of expiry is not easily distinguishable when the vehicle is moving.

The points raised by the Hon. H. W. Gayfer and the Hon. Neil McNeill will be considered; but they can be assured this legislation does not prevent them from transferring the number plates which they now hold to a new vehicle, and there is no intention of compelling a person who has a serviceable number plate with a white background to change it to one with a yellow background.

Any person who at present has a vehicle registered which bears number plates with a prefix representing the shire in which he resides is permitted to retain those number plates when he disposes of that vehicle and decides he would like to register his new vehicle with the same number.

With your permission, Mr Deputy Chairman (the Hon. R. J. L. Williams), while I am on my feet I would like to refer to a query raised by the Hon. Win Piesse. She referred to the matter of a person apprehended for an alleged drink-driving offence, being transported a distance of 40 kilometres for the purpose of conducting a breath test. The Minister for Police has undertaken to raise with the Commissioner of Police the matter of returning motorists to their vehicles after they have been submitted to a breath or blood test which has proved negative.

The Hon. W. M. Piesse: Thank you very much.

Clause put and passed.

Clauses 15 to 18 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

Debate resumed from the 13th November.

THE HON. TOM McNEIL (Upper West) [5.14 p.m.]: In taking note of tabled paper No. 337, Estimates of Revenue and Expenditure, I am grateful to have the opportunity to speak about some matters concerning my electorate.

On the 30th April, 1979, people in the northern part of the State received with great delight the announcement by the Federal Minister that concessional rates would apply to MMA from that date forward.

This was to be an Apex 30 per cent discount fare, which required 30 days' pre-booking and three nights and three days away from the original boarding point. I understand this would be of great benefit to the people in the north of the State. I can understand that the Hon. George Berry and the Hon. Bill Withers would find some benefit for their constituents in that plan. However, it did not have any benefits for the Geraldton region. The mere fact one had to book 30 days in advance was of no advantage; although certainly the 30 per cent discount would be an advantage. However, the fact that one had to stay away for three nights would rule out a weekend's travel. It would have to be something other than a pre-planned weekend away for a sporting fixture or to visit some of the art festivals around Perth.

The Apex scheme for MMA was quoted by the Minister in a Press release as follows—

> M.M.A.'s Apex scheme has a minimum travel duration of three nights instead of at

least one week, which is the usual period for special category fares.

The Minister continued to say—

> By not insisting that people take journeys of at least one week, M.M.A. are attempting to reduce the total cost of travel so that more people can take advantage of discount fares as associated costs for a week or more of travel can add up to be prohibitive to many people.

He continued—

> It is especially pleasing to see that M.M.A. has been able to take the initiative to reduce the minimum duration from seven days to three nights, which will give maximum convenience and usefulness to travellers in Western Australia.

That announcement was received with gratification by the people in the north and in the Geraldton area; but because of the time involved it was not found to be a very successful move. Subsequently an article appeared in the Geraldton newspaper which pointed out that the travel bureau had not sold one Apex fare since the idea was introduced in May. That article was dated the 9th August. In that article a representative of MMA was quoted as follows—

> "The low cost air fare was originally designed for the people living further north," he said. "People up there can plan ahead and get away at a much lower cost than normal.
>
> "The conditional fares are probably considered too restrictive by local travellers."

Avior Airlines, which operates to ports such as Eneabba, Kalbarri, Mullewa, and Geraldton entered the field and tried to obtain concessions for its travelling public. The manager of Avior Airlines (Mr Anderson) wrote to the Commissioner for Transport on the 22nd June. He proposed an onset fare, which would carry a 20 per cent discount. It would apply on four south-bound flights, on Monday, Wednesday, Friday, and Saturday; and four north-bound flights on Monday, Tuesday, Friday, and Saturday. The conditions of sale were to be as follows—

1. Reduced fare will only apply to return travel tickets for the days and flights mentioned above.
2. Payment must be in cash at the time of making reservation.
3. Once one section has been used no cancellation will apply and no refund will be made.
4. Normal cancellation fees will apply to all sales.
5. Once confirmed no variation of travel arrangements will be accepted for travel on a return ticket basis.

The discount of 20% will apply between all ports.

The proposed introduction date has been set at July 15th, 1979.

Your approval of the above is requested prior to this date.

I would emphasise that letter was sent on the 22nd June, 1979. The Commissioner of Transport replied on the 29th June, as follows—

> I acknowledge receipt of your letter of the 22nd June, 1979, seeking approval to introduce a discounted fare package—to be known as "Onset" Fares—available on specified flights and days of operation subject to certain booking conditions, and advise that your proposal has received consideration.
>
> The Deputy Commissioner has agreed to approve your proposed discounted fares provided that these are subject to a further condition requiring that the discount is only allowed where the return travel is booked 21 days prior to commencement of travel and full payment is made at this time of booking.

That was signed by Mr Macpherson. Avior felt it would be able to provide something for the people in the Geraldton region. However, before the plan could be put into operation, on the 31st August the Commissioner of Transport again wrote to Mr Anderson and informed him of the following—

> I refer to previous correspondence and discussions regarding your proposal to introduce 'Onset Fares' for application on the R.P.T. air service you operate over the route between Jandakot and Perth-Eneabba-Geraldton-Mullewa-Dongara and Kalbarri and advise that the Commissioner of Transport has given your proposal his further consideration.
>
> The Commissioner has directed me to advise you he is agreeable to the introduction of 'Onset Fares' for travel between Perth or Jandakot and the out ports of Eneabba, Mullewa, Dongara and Kalbarri in accordance with your original proposal, as detailed in your submission dated 22nd June, 1979, excepting however that a minimum pre-booking period of seven days be imposed.
>
> The Commissioner is not prepared to approve the implementation of 'Onset Fares' between Perth and Geraldton on your

service, except under the condition that for travel between these centres a minimum pre-booking period of 21 days be applied and that a similar minimum period of 21 days apply between the forward and return journey over this route for each booking.

That also was signed by Mr Macpherson.

The point I am trying to make is that, considering the letter received on the 29th June had recognised explicitly that the commissioner was prepared to accept the first proposal, he subsequently some six weeks later decided the proposal was not acceptable. Now there would be a 21-day pre-ticketing period, and a 21-day pre-paying period, and a 21-day staying-away period, which showed how ludicrous the whole situation was, when compared with the very concessional rates applying to MMA.

The people of Geraldton then did not receive the service they expected. The latest in a continuous barrage of letters between the parties indicated that there would be a seven-day pre-ticketing period for the outports, a 14-day pre-ticketing period for Geraldton, and a 14-day stop-away period for Geraldton. As far as I am concerned, that is contrary to the commissioner's original letter. That would certainly be inconvenient for the people in my area.

The second matter I would like to raise concerns Allied Aviation Pty. Ltd. That company was interested in taking over the route from Bunbury to Perth and from Perth to Rottnest when Stillwell Western Airlines withdrew from the licence late in July this year. The company was upset because it received little satisfaction from either the Federal Minister for Transport (Mr Nixon) or the Minister in this State.

The letters of complaint started on the 31st July when Allied Aviation Pty. Ltd. wrote to the Commonwealth Department of Transport advising that it would apply for the services that Stillwell Western Airlines had relinquished. On the 7th August the Commonwealth Department of Transport replied, asking Allied Aviation Pty. Ltd. to submit a formal application, and requesting that applications be lodged by the 15th August. Allied Aviation carried out this request and directed its application to the Director of Transport and to the Secretary of the State Transport Commission. Allied Aviation pointed out that it preferred to operate from Jandakot, for reasons of economy and efficiency. On the 20th August Allied Aviation received a message from the Department of Transport asking for its prices out of Perth. On the 21st August, when the query was placed before the Department of Transport, Allied Aviation was advised that the policy was not to allow any more commuter operations out of secondary airports such as Jandakot.

Allied Aviation then contacted Senator Andrew Thomas and Mr Drummond, MP, in Canberra, asking them to verify this policy. In addition, the Executive Director of the General Aviation Association in Sydney was contacted. The information was elicited that the policy was introduced in November, 1977, but that the industry had never been advised. Mr Nixon, the Federal Minister, indicated to Messrs. Thomas and Drummond that he rarely went against decisions of the Department of Transport, but that he would consider recommendations by the GAA.

On the 21st August Allied Aviation wrote to the Commonwealth Director of Transport in Perth advising prices for operating out of Perth. It put the case for operating out of Jandakot. On the 22nd August Allied Aviation telexed Mr Nixon, requesting his intervention as a matter of urgency. The telex was followed by full submissions. Allied Aviation telexed the Director of the Commonwealth Department of Transport, Perth, requesting him to delay his decision regarding operating rights pending further consultation. Allied Aviation received a telex from Mr Nixon's office, advising that he would reply shortly.

On the 24th August Allied Aviation telexed Mr Nixon urgently, requesting that he delay the decision pending consultation with the GAA on the use of secondary airports by commuter operators.

The Hon. G. W. Berry: Who is GAA?

The Hon. TOM McNEIL: That is General Aviation Association.

Allied Aviation telexed the Commissioner of State Transport on the 24th August, requesting delay pending consultation. On the same day, Allied Aviation received a telegram from the State Transport Commission advising a decision had been made and an announcement was expected later that afternoon.

The Minister for Transport in this State released a Press statement on the 27th August. I will not go into that in great detail, but it indicated that Skywest-Jet Charter Pty. Ltd. had been granted approval to operate the Perth-Bunbury and Perth-Rottnest Island air services.

Following that, I asked a question in this House, because I felt it was pertinent and that the people were entitled to an answer. I asked why the delay had not been granted while the submissions of Allied Aviation were considered by Mr Nixon,

and I asked on what criteria the decision had been made. I received a letter from the Minister for Transport (Mr Rushton) as follows—

> Dear Mr McNeil,
>
> On the 25th September, you wrote to me with regard to answers to questions you asked in the Legislative Council on Wednesday, 29th August, and which related to air services between Perth-Bunbury and Perth-Rottnest.
>
> The Commissioner of Transport has advised me that in dealing with an application of this nature, all factors are taken into consideration and coupled with the fact that Allied Aviation initially proposed a service from Jandakot and then subsequently altered this to operate from Perth, where they had no passenger facilities, he decided in favour of the present licensed operator.
>
> Furthermore, as far as his Department was concerned, both the Perth-Rottnest and Perth-Bunbury services were routes on one licence held by Stillwell Airlines and there was no reason to depart from this procedure.
>
> You would be aware, no doubt, that there were press announcements on the 29th July and the 1st August, of the intention of Stillwell Airlines to withdraw from the Bunbury and Rottnest services. In response to this announcement, applications to take over these services, dated the 14th August, were lodged with the Transport Commission by Allied Aviation and other operators lodged applications of a similar nature. In view of the press coverage given and the response by other operators, the Commissioner considered it was not necessary to call for tenders for either route.
>
> Therefore, in accordance with their separate responsibilities . . . .

The pertinent point I am trying to make is that a transport facility has been made available in this State, obviously to increase tourism. However, one of the unsuccessful applicants—Allied Aviation Pty. Ltd.—had offered not only eight additional services to Rottnest on the weekend, but also an additional four flights to Bunbury. Therefore that company would have provided by far the best service.

Here we have a Government instrumentality which considered it was not necessary to call tenders. A person had to be lucky enough to read the advertisement in the paper. Let us assume that if only one person applied, he would get the job.

My questions in the House were not answered satisfactorily. The people were given no guidelines or any indication of the type of aircraft which would be considered. Let us remember Stillwell had to use TAA facilities as he did not have his own. However, these other people were prepared to negotiate with TAA and according to the commissioner the reason was that as the other company did not have its own passenger facilities it was decided to give the licence to Skywest Air Charter. I have no axe to grind with regard to Skywest. However, I believe the department is open to suggestions of collusion and bias because obviously it was not a question of fare price, frequency, aircraft, or operating capabilities. It should certainly not have anything to do with passenger facilities. I consider the commissioner did the State a disservice.

To reiterate, I indicate that Allied Aviation offered 18 services to Rottnest compared with the 10 offered by the successful applicant; and 14 services to Bunbury compared with 10 offered by the successful applicant.

The Minister said that Stillwell held both those rights on the one licence. According to the Commonwealth Department of Transport "Regular Public Transport under Regulation 203—Exemption" states that each route will be separately approved. There are actually two licences for both those lines, but the Minister or the commissioner decided that because Stillwell held the licence it was considered to be one run and therefore the successful applicant was Skywest.

In *The Sunday Times* of the 29th July the *coup de grace* was given by Mr Stillwell himself. The report stated—

> On Friday, Stillwell gave notice to the Department of Transport that it planned to give up its rights to run Perth-Rottnest and Perth-Bunbury services . . .
>
> Small aircraft were needed for these services and Stillwell was disposing of all small aircraft.
>
> Bunbury and Rottnest would not be left without services.
>
> Stillwell would continue the services if other operators were not interested in them.

So why all the sudden panic to award it to someone who obviously was not as good an operator as one of the unsuccessful applicants? I am referring to only one unsuccessful applicant. There were six applicants for the Rottnest service and four for the Bunbury service. Obviously another two applicants, as well as Allied Aviation

considered that each route would be dealt with separately.

I suggest that the members for the area of Bunbury should have a look at what I consider is an anomaly in the system. Certainly the people of the State are being disadvantaged.

One last topic on which I wish to speak is one which is near and dear to me. I am referring to the lack of direct telecasting of sporting events to the country areas I represent and to areas represented by other members.

The Hon. N. F. Moore: All we want is television.

The Hon. TOM McNEIL: Right. I have said on many occasions—and I repeat now—that it is wrong that people in the country areas will be deprived of the opportunity to see telecasts of the Wimbledon and Davis Cup tennis, the Olympic games, and so on. We were lucky to get the Melbourne Cup telecast a week ago. However, we will not see any Packer cricket and Channel 9's World Pacing Championships. We were lucky enough last year to see last year's Perth Cup and it is hoped the television rights will be sold so that the ABC viewers will not miss out.

In reply to Mr Moore's interjection, I think it is great that in 1979-80 we will have four new earth stations, one each at Exmouth, Derby, Broome, and Salmon Gums. In 1980-81 it is hoped that stations will be provided at Wyndham, Kununurra, Halls Creek, Marble Bar, Onslow, Eneabba, Leeman, Jurien Bay, Meekatharra, Cue, Mt. Magnet, and Ravensthorpe. Eight more are to be approved in 1981-82 and hopefully one will be at Kalbarri, a place I consider to be a tourist drawcard in this State. Unfortunately, when anyone takes his children up there and it rains, there is nothing for the children to do because there is no television. Hopefully Kalbarri will be supplied with television in 1981-82.

From inquiries I have made of Telecom, I would say that obviously the far north will benefit from the intelsat earth stations. The northern residents will be able to be kept up to date with the latest news and other programmes we enjoy through the ABC. The programmes will go by coaxial cable to Morawa and Carnarvon and thence by satellite back to earth. It will be a tremendous boost to the north.

I am concerned that in 1984 when the domestic satellite is operating, a situation similar to the present one will apply; that is, we will not have sporting programmes televised. The people in the outback resent the present situation. The ABC is doing as well as can be expected. It is telecasting golf tournaments and whatever highlights it can of other sports.

The Hon. N. F. Moore: I think there will be more than one channel.

The Hon. TOM McNEIL: Yes, two from the domestic satellite.

The Hon. D. W. Cooley: Cricket and football are hardly worth watching on commercial channels due to constant advertising.

The Hon. TOM McNEIL: Who is talking about assurances?

The Hon. N. F. Moore: I am.

The Hon. TOM McNEIL: I understand there will be some problems. The costs of the antennas will be considerable as they must be stable in order to pick up a worth-while picture. However, I do agree with the honourable member that the satelite will be of great benefit to the people in the north.

I come back to the aspect which bugged me. I cannot see the benefit of our having to go to such lengths as we did last week to enable the people to view the Melbourne Cup, the Victorian Grand Final, etc. Leaving football out of the debate, I am concerned because the man in the street who goes into the TAB and puts his money on horses should have some consideration. Let us deal with the returns the clubs are getting. The situation is not right. The VRC received over $2 million in the last 12 months from the Victorian TAB. The WA TAB should study the situation and make certain that before handing on disbursements from their funds the racing clubs would be prepared to give the ABC any considerations they can before selling the commercial rights to the highest bidder. The man in the street who keeps the TAB going is entitled to see the biggest event in the Australian racing calendar.

The Trotting Association in this State received $3.311 million in the last 12 months and country trotting clubs received $827 000, making a total contribution of $4 million to trotting clubs. The WATA has sold Channel 9 the exlusive rights to the World Pacing Championships. I understand the cost was about $20 000. The people in the outback would have liked to see the trots on ABC television, but they did not have this opportunity.

With regard to the Perth Cup, $6 million poured into the racing clubs from the TAB—from the country as well as the city—and another $275 000 went to the greyhound association, making a total of over $10.618 million from the TAB and the normal punters. This is money which the people gave and some of it should go back to them.

The Hon. T. Knight: We cannot get even radio descriptions of races in our area.

The Hon. TOM McNEIL: The same situation applies in Geraldton. When the local station decided that mid-week racing broadcasts would not be made, it was left to the ABC to bring races to the country on the weekends. The people have come to rely on the ABC and I am hopeful that something can be done about the situation.

In closing I would like to say that I am not trying to hack down the ABC. It is in an invidious situation because of these great problems.

In the *Daily News* last Thursday the Federal Minister indicated he would approach the ABC to ascertain whether it would reconsider telecasting the cricket. What the Federal Minister did not say was that although Channel 9 certainly did offer the ABC the rights to test and shield cricket, free of charge, it was entitled only to country rights and definitely not to metropolitan rights. The ABC had no authority to telecast in the metropolitan area. Naturally the ABC got its back up because it takes quite a deal of technical organisation to run two programmes. The station has all sorts of commitments to the country and then when it must overshoot the usual programme with another programme, this causes concern. I hope the situation will be clarified.

With those remarks I support the motion.

Debate adjourned, on motion by the Hon. W. M. Piesse.

ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.41 p.m.]: I move—

That the House do now adjourn.

Pre-school Education: Wembley Kindergarten

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.42 p.m.]: I take the opportunity to raise a matter with the Attorney General. Actually it concerns an organisation in his own electorate and it concerns him as a Minister.

It deals with the Wembley Kindergarten Association which has operated for a considerable time, but recently desired to become incorporated. When it presented the papers to the Corporate Affairs Office for incorporation under the Associations Incorporation Act, 1895-1969, the association was told that its name was too similar to that of the Wembley Downs Kindergarten Association which was incorporated a number of years ago and with which I was involved. The matter was referred to me as the original secretary of that association.

It seems somewhat odd to ordinary people—and that includes me—that a community cannot use its locality name. This was the ruling by the Corporate Affairs Office because it considers the locality name is similar to that of another locality.

I am sure that all people living in Wembley and Wembley Downs are satisfied that the names of the two localities are quite distinct and each is associated with its own community. Actually I am sure that all people, whether they live in either of those localities or outside them would agree.

Let us consider, for example, the Wembley junior football team. It would not consider that it could be confused with the Wembley Downs junior football team. There would be no chance of mistaking the two organisations. Certainly no-one in the junior football world would be confused, and I doubt whether any other person in the community would be confused.

The persons currently involved with the Wembley Kindergarten Association are anxious that they be able to retain the name under which the kindergarten has been known for a period of 20 years.

That name is affixed to the wall of the kindergarten and the association has no wish for it to be removed. The association has been told that if it uses the word "pre-school" or some other name such as that it would be accepted. However, because it has been known by that name for such a long time, it is most anxious to retain it.

It is some weeks now since the matter was brought to my attention and I have been waiting for an opportunity to raise it with the Minister. Perhaps in that time it has been brought to his attention and he has given a decision in the association's favour. If not, I hope he will look at the matter and perhaps have it resolved in the association's favour.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.46 p.m.]: I would like to draw the attention of members to the fact that the Attorney General does not have any power of decision in relation to a matter such as the one to which the honourable member has just referred; that is, an application for a name under the Associations Incorporation Act for an unincorporated body known as the Wembley Kindergarten. That body has been carrying on for some years under that name, as the honourable member said, and that is permissible because it is not a business name or a company name. It is only when incorporation is sought under the Act that the name comes under question.

This is a decision of the Commissioner of Corporate Affairs and is not a matter in which I have any statutory right to interfere. Indeed, I am most careful not to interfere when I do not have the power to do so because I could be accused of acting beyond my powers and I would not wish to be accused of that.

I am aware of this matter because the honourable member has drawn it to my attention through some of the officers. The Hon. Roy Claughton raised the matter with them. The officers have pointed out to me—a fact of which I was aware—that it was not my prerogative to make the decision. The decision rests with the Commissioner of Corporate Affairs. There is no right of appeal to me. There is some right of appeal to me under some Statutes in relation to names, but not in relation to this particular matter.

That is one of the reasons that I have for many years, in this House—in spite of opposition from members from time to time—advocated that there should be a right of appeal from certain types of decisions. There must be some way in which some decisions may be subject to review.

I do not know whether any decision has been made by the commissioner, but I personally have a great deal of sympathy for the point which has been made by the honourable member. However, the decision is one for the commissioner and I would respect his decision because he will make it in accordance with the law and in accordance with the appropriate situation. I have no idea what his decision will be; it is a matter for the commissioner alone.

There is nothing I can do about the matter; it is not a matter in which I have any power to review.

Question put and passed.

House adjourned at 5.49 p.m.

QUESTIONS ON NOTICE

SMALL BUSINESS

Criteria for Definition

340. The Hon. G. W. BERRY, to the Leader of the House representing the Minister for Labour and Industry:

What criteria determine a small or large business?

The Hon. G. C. MacKINNON replied:

There is no statutory definition of small business. For a guide the National Small Business Bureau has reported—

Subject to some flexibility in interpretation the definition of a small business has been taken as:

'A business in which one or two persons are required to make all the critical management decisions: finance, accounting, personnel, purchasing, processing or servicing, marketing, selling, without the aid of internal specialists and with specific knowledge in only one or two functional areas.'

Normally the conditions defined will be found to exist in the majority of enterprises with less than 100 employees.

LAND

Karratha: Bungarra

341. The Hon. J. C. TOZER, to the Attorney General representing the Minister for Industrial Development:

(1) What was the total services premium raised on each allotment in the first residential cell—Bungarra—at Karratha?

(2) In what time span—year only will suffice—did such premiums apply?

(3) Noting that the premium is $10 100 per allotment in 1979—see answer provided to question 324 of Tuesday, the 6th November, 1979—can the relative cost of carrying out municipal engineering works—such as drainage, roads, power, water and sewerage reticulation, etc., and taking into account the cost of labour, materials and plant used—be compared with the costs of similar works over the period of Karratha townsite's development; in other words, how does the engineering works cost increase compare with the escalation of premiums?

The Hon. I. G. MEDCALF replied:

(1) $2 950 1969-72 four years.
$3 700 1972-76 four years.

(2) Answered by (1).

(3) If 1969 engineering works costs were escalated to 1979 values, present services premium per lot would be approximately $11 500.

TOWN PLANNING: METROPOLITAN REGION PLANNING AUTHORITY

Mr Uren: Payment

342. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Town Planning:

Referring to question 330 of Wednesday, the 7th November, 1979—

(1) Will the Minister advise the date on which the counter claim—Supreme Court action No. 1378—was lodged in the Supreme Court?

(2) Why has it taken so long for the matter to be proceeded with?

(3) When will it be proceeded with?

The Hon. I. G. MEDCALF replied:

(1) The 11th August, 1977.

(2) Until recently no steps had been taken to enter the counter claim for trial because the possibility of reaching a settlement was being explored.

(3) Possibly the counter claim will be heard by the Supreme Court during the February-March, 1980 session.

LAND AND RECREATION

Karratha: Development Costs

343. The Hon. J. C. TOZER, to the Attorney General representing the Minister for Industrial Development:

Included in the figures provided in answer to question 324 of Tuesday, the 6th November, 1979, what proportion of costs in—

(a) water supply reticulation;
(b) sewerage reticulation;
(c) electric power reticulation;
(d) roads;
(e) drainage works;
(f) reticulation of recreation support areas;

can be attributed, in each category, to—

(i) subdivisional reticulation alone;
(ii) local headworks solely related to such subdivision; and
(iii) major or external headworks?

The Hon. I. G. MEDCALF replied:

(a) to (f) For private residential land take-up—

(i) 100 per cent.
(ii) Nil.
(iii) Nil.

Local headworks costs were borne by the State and companies in the form of an additional premium on their residential lot take-up.

Major headworks costs were borne by the State and companies under agreements with the State.

RAILWAYS: PASSENGER SERVICES

Suburban: Cost

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

(1) What has been the cost to the Metropolitan Transport Trust for the operation of suburban passenger rail services for the months of September and October of—

(a) 1978; and
(b) 1979?

(2) What revenue from the service was obtained for the months of September and October of—

(a) 1978; and
(b) 1979?

The Hon. D. J. WORDSWORTH replied:

(1) Based on 1/12th of the yearly cost—

(a)	September	$1 074 100
	October	$1 074 100
(b)	September	$972 300
	October	$977 140
(2) (a)	September	$231 058
	October	$179 807
(b)	September	$136 370
	October	$141 133