

Legislative Council

Tuesday, 21 September 1982

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

TRAFFIC: ACCIDENT

Merredin: Condolence Motion

THE HON. J. M. BROWN (South-East) [4.32 p.m.]: I seek leave to move, without notice, a condolence motion in relation to the deaths of the warden and nine students of Merredin Senior High School.

Leave granted.

The Hon. J. M. BROWN: I move—

That this House—

1. Records its profound regret at the deaths of the warden and nine students of Merredin Senior High School on Saturday, 18 September 1982.

The PRESIDENT: Order! If the Hon. J. M. Brown wishes, I am prepared to postpone this motion to a later stage of the proceedings, until he feels in a better position to move his motion. It is up to the honourable member.

The Hon. J. M. BROWN: Thank you, Mr President; I will continue. My motion continues—

2. Expresses its deepest sympathy to the parents and the families of the deceased.

3. Extends its sincere desire for an early recovery of those students injured in the accident.

4. Sincerely thanks those organisations and persons who assisted in the aftermath of the accident.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.34 p.m.]: On behalf of the Government, I would like to be associated with the condolence motion moved by the Hon. Jim Brown. I can well understand the honourable member's emotion on this occasion; indeed, it is a cause for emotion on the part of us all. It was an unspeakable tragedy and I know that all members would wish to express their utmost sympathy to the relatives and friends of those young boys, and the driver, in this terrible calamity which has befallen them.

I do not propose to say very much, because words are inadequate, and the Hon. Jim Brown's motion expresses sufficiently and adequately the feelings of us all.

It has been truly said that no man is an island and the relatives and friends in the Merredin district, and in all the little towns around which are affected by this terrible tragedy, should know

their grief is shared by all of us here and, indeed, by the whole community of Western Australia.

I hope only that time will help to heal these dreadful wounds. I support the motion.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [4.35 p.m.]: I support the condolence motion moved by the Hon. J. M. Brown, and so ably supported by the Leader of the House. I extend our sympathy to the parents and next of kin of those boys, and of the driver, who lost their lives and also wish a speedy recovery to those who were injured.

It is indeed a sobering thought to us all that death is our constant companion. It is only when tragedies of this nature occur that we realise the terrible personal loss which is occasioned due to death and maiming. In a world in which murder and mayhem seem to be the order of the day, it is only when a tragedy of this nature occurs that we can truly identify with the deep feeling such events arouse.

I conclude by saying once again that our personal condolences go to all those people affected by this very tragic accident.

THE HON. J. M. BROWN (South-East) [4.37 p.m.]: The tragic accident occurred west of Merredin and just outside the Nangeenan townsite on Saturday, 18 September 1982 when the hostel school bus left the road, blazed a tree, rolled onto its side, and burst into flames.

Merredin is a stunned town. Indeed, the eastern wheatbelt is in mourning.

Let us cherish this moment, and extend our condolences to the following valuable Western Australians, nine students of Merredin Senior High School, seven of whom were hostel students, together with their beloved warden. I refer to—

Victor Charles Davis, hostel warden of St. Michael's House, Merredin

John Hereygers, year 11 hostel student, of Koolyanobbing

Hugh Eiffler, year 9 hostel student, Southern Cross.

Peter Radford, year 10 hostel student, of Hyden

Bruce Masson, year 9 hostel student, of Tammin

Danny Steel, year 10 hostel student, of Southern Cross

Gavin Sprigg, year 10 hostel student, of Narembeen

Newell Murray, year 11 hostel student, of Nungarin

Trevor Hayden, year 9 student, of Merredin

Rocco Cutri, year 9 student, of Merredin.

The warden, Vic Davis, a strong, resolute person, and a kindly gentleman, devoted his life to the welfare and benefit of others. He was not interested in alcoholic beverages, and was ideally

sued to the position of warden of the Merredin hostel, known as St. Michael's House, which cares for some 30 girls and 28 boys who attend Merredin Senior High School. Vic was treasurer and a valued member of the Lions Club of Merredin. To Mrs Davis, we extend our deepest sympathy.

We join with others from all over Australia in extending our deepest sympathy to the families of our students and warden.

The messages of sympathy that have poured into the district make us realise that the families, friends, the school, and staff are not alone in their sorrow.

To the Principal (Mr Bob Chambers) and the staff of Merredin Senior High School, we express our condolences. However, we share in the expressed view that from the sadness there will generate thoughtfulness and an acknowledgment that we are greater in sorrow and humble in success.

To the students of Merredin Senior High School, we express our sorrow and, on behalf of their dearly departed classmates, a timely reminder—we will remember them.

To the board members and staff of St. Michael's House, the hostel that cared for seven of our cherished students, let us share their trial, never forgetting their responsibility for the future.

From a very saddened community comes a tear of hope. Let our condolences be shared with the very real knowledge of how a community, a town, a district, and a State will rally for support when needed. The Premier of Western Australia (the Hon. R. J. O'Connor, MLA) and the Leader of the Opposition (Mr Brian Burke, MLA) have led that support.

A special memorial service was held at the school yesterday, 20 September 1982, at 9.00 a.m., for the staff and students of the school. His Grace, the Anglican Archbishop of Perth (the Most Reverend Dr Peter Carnley) participated. On Friday, 1 October 1982, at 2.30 p.m., a memorial service will be conducted at St. Michael's House.

At the Eastern Districts Football League finals which were held on Sunday, 19 September at Narembeen, the colts match was cancelled because of the accident. As a mark of respect, players and officials in the reserve match stood in silence before the game commenced. Players wore black arm bands in respect for their departed friends. In the "A"-grade match, again the procedure was followed; and I was invited, together with the president of the league (Mr David Bolt), the secretary of the league (Mr Kevin Duffy), officials, and players to stand in the centre of the oval as a tribute and mark of respect to our young citizens.

The students who suffered injuries from the accident are as follows—

Peter Eames, year 9 hostel student, of Koolyanobbing
 Gavin Walsh, year 11 hostel student, of Muckinbudin
 Brett Ludlow, year 11 hostel student, of Muckinbudin
 Shaun Baker, year 11 hostel student, of Narembeen
 Ricky Donaldson, year 9 hostel student, of Wyalkatchem
 Murray Goodhill, year 8 hostel student, of Moorine Rock
 Paul Edwards, year 11 hostel student, of Hyden
 Matthew Fegan, former student, of Hyden.

Peter Eames is in a rather serious condition; and Shaun Baker was operated on today. However, I am happy to advise that Gavin Walsh and Brett Ludlow, who are in Royal Perth Hospital, are making satisfactory progress. Murray Goodhill has just returned home; and I understand Ricky Donaldson has gone to the hospital at Wyalkatchem. Paul Edwards has also gone home, and Matthew Fegan was able to attend a memorial service at St Mary's Catholic Church this morning in a wheelchair.

An early recovery from their accident is the fervent wish from us all in this Parliament assembled.

I wish to make known the wonderful efforts of the following people on the evening of the tragedy—

the Merredin police under Sergeant Jack Willers, ably assisted by Sergeant Brian Grey, Senior Constable Ashcroft, Constable Sadlier, Constable Mike Henderson, and Constable Baskerville, as well as Constable Wilson from Muckinbudin;
 the Merredin Fire Brigade under Captain Ron Morton, with brigade members Bill Madigan, Terry Green, Micky Allen, Shaun Morton, and Michael Wilson;
 the State Emergency Service under the direction of the Co-ordinator (Stan Galwey) and his members, Mario Discenza, Colin Caughey, Ivan Debaugy, Lindsay Smith, and Dave Anderson;
 the members of the St. John Ambulance under the superintendence of John Roberts, with Jack Neale, Charlie Sexton, and Ruth Johnson; and
 the Royal Flying Doctor Service; and
 doctors and hospital staff at Perth and Merredin, including a local nurse who was at the scene of the accident, and who does not want her name published.

The dedication of these people means more to the welfare and well-being of this State than any words can express.

Finally, Mr President, in this sad time, let me conclude by saying to the Parliament that our warden and nine of our sons are gone. We are better for knowing them; and we are stronger for sharing the sorrow of the families, teachers, students, and friends.

THE PRESIDENT (the Hon. Clive Griffiths): Honourable members before I ask you to pass this motion in the normal manner, I should like to extend to the parents and relatives of the deceased my personal sympathy in their sad loss. It is a matter for deep regret that the lives of these young people and the warden were taken under such tragic circumstances.

I now ask honourable members to pass this motion by standing and observing one minute's silence.

Question passed, members standing.

QUESTIONS

Questions were taken at this stage.

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [5.17 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains proposals designed to improve road safety and is aimed principally at the areas of proven danger; namely, inexperienced drivers, drivers with a drink problem and the habitual offender.

To a large extent, the Bill is the result of recommendations by an interdepartmental committee which was set up by the Government last year to investigate road safety measures. Certain other recommendations, which I shall detail later, are to be implemented through administrative changes and some have been rejected through considerations of fairness and practicability. The Government has been guided by those considerations and the need to follow a fine line between strong and effective legislation and that which may work unfairly against a particular part of the community.

For example, the Government has not agreed to propose legislation for the impounding of a motor vehicle being used by a driver whose motor driver's licence is disqualified. This is because of the many obvious anomalies and injustices which would occur, such as the hardship it would place on other members of the family who may be dependent on the vehicle as their only means of

transportation. Also, in many cases the offending driver is not the owner of the vehicle in which the offence is committed.

A recommendation that extraordinary motor drivers' licences should not be available during disqualification periods associated with second or subsequent drink driving offences was not agreed to. This proposal was seen to be too severe when other measures contained in this Bill, such as cancellation of licences and increased penalties, were taken into consideration, especially as it could seriously affect a person's employment and would unduly penalise people in the country where public transport is not available.

The Government believes that magistrates exercise their discretion to grant extraordinary licences very carefully and no doubt they will continue to do so. It is not proposed that the discretion should be taken away.

Other important issues that were considered and rejected were the reduction of the present 0.08 limit to 0.05 and random breath testing.

Accident statistics indicate that among persons with two or more years' driving experience, those involved in most accidents had blood alcohol levels well above the current legal limit. In view of this, there is no reason to believe a lowering of that limit to 0.05 will have any effect on this type of driver.

In relation to random testing, existing legislation provides power for a member of the Police Force to test any driver who has been involved in a traffic accident or committed a breach of the traffic laws, or whom he reasonably suspects of having alcohol in his body. Using this legislation in conjunction with their existing powers to stop vehicles for inspection, or carry out drivers' licence checks, police in this State have legislation believed to be more effective than that in those States with random breath testing. It is considered that the present system provides for more effective deployment of enforcement personnel and a more efficient use of their time, thereby creating a greater deterrent effect than random breath testing.

The Government intends to achieve its objectives through two courses of action, one by the administrative process, and the other by legislation. As indicated certain measures will be implemented by administrative change.

The written test for a driver's licence will be made more difficult and the practical driving test will be extended in time. However, the practical aspect will be dependent upon whether extra examining staff can be made available.

It was proposed that persons convicted of second or subsequent drink-driving offences incurred within a three-year period, be referred to the Alcohol and Drug Authority and not be eligible for a

motor driver's licence until cleared by that organisation. This would place an unfair burden on offenders residing in the country, particularly those from remote areas who would have to attend at the Alcohol and Drug Authority in Perth.

At present the Traffic Board has power under the Act to refuse to issue, or may cancel or suspend, a driver's licence, where it has reason to believe that the applicant is addicted to alcohol or drugs. It is proposed that the board will exercise this power administratively in the case of second or subsequent offences within a five-year period, and will require acceptable written confirmation from the Alcohol and Drug Authority or a medical practitioner that the applicant is not addicted to alcohol or drugs, before reissuing a licence.

Provision is made in the Bill for a court to impose a community service order, by way of a penalty, on a first or second drink-driving offender. The Probation and Parole Service will administer that aspect of the penalty and, as a condition of that community service order, a requirement will be placed on the person to attend five two-hour educational lectures on alcohol and its effects before the order is discharged.

The Probation and Parole Service has, with the assistance of the Alcohol and Drug Authority, developed a programme to cater for the needs of this particular aspect.

Other educational measures include a requirement for persons who have had their drivers' licence cancelled for a second or subsequent prescribed offence, in accordance with the proposed amendment contained in this Bill, to pass a special written or oral test which concentrates on alcohol, its effects, and related legislation, prior to the reissue of a licence. Literature covering the subject matter will be provided to the person concerned who will have to demonstrate a sound knowledge of the material to successfully pass the test.

To be introduced in conjunction with the measures contained in this Bill is a requirement for bicycles to be fitted with approved types of reflectors; that is, in accordance with the Australian standards. These reflectors are to be attached to both sides of the pedals and within the spokes of both wheels, if the bicycle is being used during the hours of darkness.

With the increasing use of bicycles by people of all ages, it is considered that reflectors will assist motorists to see cyclists when approaching from any direction.

Turning now to the legislative measures contained in this Bill, alcohol-affected drivers are a major problem on our roads and they are involved in or cause many fatal or serious accidents. The Government in its endeavour to improve road safety proposes in this Bill to introduce measures aimed at reducing this problem.

One of the key proposals is the introduction of legislation to prohibit persons in their first year of driving from driving a motor vehicle whilst having any detectable amount of alcohol in their bodies. This group has been found to have a high accident involvement and it is believed the driving task itself is sufficiently complex during the first year without the added complication of coping with alcohol.

As a corrective and educational measure, it is proposed that conviction for this offence will attract a fine of up to \$100 which, by operation of the Act, will result in cancellation of the probationary licence. It is not intended that the measure will, of itself, create a new drink-driving offence. It is a particular measure relating to the probationary period of driving and not to drink-driving offences, which are dealt with in other places in the Act.

Since 17-year-olds comprise the bulk of probationary drivers, who cannot legally drink in hotels, it is hoped that these persons will be encouraged at an early age to refrain from drinking and driving. Then, if even only a small percentage continue to abstain in the following years, a beneficial result will have been achieved. At the very least, every new driver will have drawn to his attention, in a way he cannot overlook, that there is a relationship to be considered between drinking and driving.

Basically, the intent of this legislation is no drinking and driving in the first year of holding a driver's licence. A detectable amount of alcohol is defined as 0.02, this being considered to be a fair means of defining the word "detectable".

Similar legislation has been in operation in Tasmania since 1970, and although the authorities there have not made an in-depth evaluation of its effectiveness, a significant over-all decrease in the fatal accident rate has occurred. Since 1971 the number of road deaths a year in that State has fallen from 130 to a figure of 100 in 1980.

The increasing use of drugs in our society has led to the need for specific legislation to enable samples to be obtained for analysis from drivers reasonably suspected of driving whilst affected by drugs. As some drugs are readily detectable only in blood samples and others in urine, it is necessary to provide for samples of both blood and urine to be taken and to prescribe the method of taking and dealing with such samples.

Provision is made for samples to be obtained where a person's driving ability is obviously affected, but the presence of alcohol is not detected by the breathalyser, or is not detected in sufficient quantity to explain his condition or conduct. This provision will apply only where a member of the Police Force has reasonable grounds to believe the person is affected by drugs.

Since there may be occasions when a person is unable to supply a sample of urine, provision has been made for it to be a defence if the person satisfies the court that he attempted to give the sample.

I point out that these conditions will apply as a subsequent action only after the tests for alcohol have been taken; they will not be parallel with it, they will be subsequent to it if the alcohol does not explain the conduct of the person.

The monetary penalties for driving under the influence and 0.08 offences are to be increased, and although these increases appear large they are necessary to retain an adequate deterrent effect and keep in touch with inflation. The proposed increases, which virtually double existing penalties, are far from excessive when it is considered that the minimum penalties for driving under the influence offences have not been increased since 1965. In the period since 1965 the Perth Consumer Price Index has shown an increase factor of 3.82, or has almost quadrupled.

While monetary penalties are to be increased, it is proposed to remove the optional imprisonment provisions for a first driving under the influence offence as the rare use of this punitive measure by the courts now doubt reflects the community attitude and therefore shows it to be inappropriate. In the 12 months ended 30 June 1982, there were 4 068 first offence driving under the influence convictions, and of those only 22 received a gaol sentence.

The offence of refusing to supply a sample of breath, blood, or urine for analysis is to be made the equivalent of a driving under the influence offence. This has become necessary as many persons, believing that their blood alcohol level would greatly exceed the 0.08 limit, refuse to have a test in the hope that they will be charged only with the lesser offence of refusing to supply a sample and thus attract the lesser penalty equivalent to the 0.08 offence. In many such cases, it is believed the offender would, but for his own refusal of a test, have been subjected to the penalties of a driving under the influence offence.

Penalties for offences of refusing a preliminary test and refusing to accompany a member of the Police Force for the purpose of providing a sample for analysis are not increased. These offences are considered of lesser importance and have therefore been incorporated in a new section to enable the penalties for refusing to supply a sample of breath, blood, or urine, to be increased independently.

The option is to be given to courts to replace fines with community service orders for drink-driving offences, except where the offence is a third or subsequent offence of driving under the influence or refusing to supply a sample for analysis.

A community service order will have an educative effect as it is proposed that the recipient will be required by the Probation and Parole Service, which will administer the order, to attend five two-hour lectures on alcohol and its effects.

Since the offender also will have to give up his own time to perform unpaid work in the community, he will not escape the punitive effect of the penalty. In any event, he will be disqualified from holding or obtaining a driver's licence for the mandatory period prescribed for the particular offence.

To add weight to the campaign against the drink-driver, it is proposed to make provision for the cancellation of motor drivers' licences for certain offences.

In order to implement this, it is necessary to define these offences as "prescribed offences". The offences to come within this category will be 0.08, driving under the influence, and refusing a sample of breath, blood, or urine for analysis.

Where a person is convicted of two or more "prescribed offences" his licence will, by operation of the Act, be cancelled. However, where the "prescribed offence" is an 0.08 offence, if that conviction is more than five years after the last "prescribed offence" it shall not be considered as a second or subsequent offence.

Instances are occurring where a vehicle involved in an accident has more than one occupant, and, when police attend, they are unable, without further inquiry, to determine who was driving the vehicle. Where the driver cannot be identified within the four-hour statutory limit for taking a sample of breath, blood, or urine from a person, no charge can be preferred.

Situations have occurred where the occupants of the vehicle were unconscious or stated they could not remember who was driving. It is now intended to provide legislation to give a member of the Police Force power to require samples from all persons in the vehicle reasonably suspected of being the driver. This will enable samples to be taken from more than one person in the vehicle, and to allow further time to establish who was the driver.

Provision is contained already in the Act which gives the Traffic Board authority to refuse to issue, cancel, suspend, or renew a driver's licence, where the applicant, by reason of the number or nature of his convictions, should not be the holder of a licence. Offences for which demerit points have been allocated cannot at present be taken into consideration.

It is proposed to allow more serious offences—such as dangerous driving—which are now excluded when demerit points are allocated, to be taken into account.

Although a number of offences in the Road Traffic Act carry a mandatory driver's licence disqualification, dangerous driving causing death or grievous bodily harm, which is considered the most serious offence in the Act, does not include such a disqualification. It is now intended to provide mandatory minimum disqualification of two years.

Situations have occurred where persons who were disqualified from holding or obtaining a driver's licence have obtained a learner's permit and driven under the provisions of that permit without committing an offence. To overcome this problem, it is proposed to provide for a learner's permit, which is obtained by any person who is disqualified from holding or obtaining a licence, to be of no effect.

Visitors from other States or overseas are permitted to drive in Western Australia under the provisions of a driver's licence issued in their own State or country, but there is no power to require them to comply with any conditions which may be endorsed on their licence. It is proposed to provide for this requirement and create an offence of failing to comply with such conditions, if they can be legally complied with in this State.

The air patrol section of the Police Department uses aircraft to check the speeds of vehicles over measured distances. Currently the required distances are surveyed and marked on roads by the Main Roads Department. Unfortunately, this method of surveying and marking roads is both expensive and time consuming, especially in remote country areas. A machine that will measure distances accurately is now available and it is proposed to provide for the use of this type of machine in the same manner as is currently the case with radar and other types of speed measuring devices.

The equipment will need ministerial approval before it may be used and to obtain this approval it will be necessary for it to be scientifically evaluated and its accuracy confirmed by an expert in this field, as in the case of other equipment now in use.

Under present legislation, complaints for offences against this Act must be made within six months from the date of the offence, except where the particular sections have had the limit extended. Instances are occurring where drivers of vehicles commit offences and, knowing they do not hold a driver's licence, give a false name and/or address.

In many cases the six months Statute of limitation elapses before the offence is discovered and the offender is located. Appropriate action is then not possible, even though the offender may have been driving under disqualification at the time.

It is proposed to extend the Statute of limitation to two years for the offences of driving while not the holder of a motor driver's licence and giving a false name and address.

Where a person commits an offence against this Act for which no other penalty is provided, he is liable to a penalty of up to \$200. To keep in touch with inflation, it is proposed to increase this maximum penalty to \$400.

The Act limits the penalties which may be imposed under the regulations to \$200 for a first offence and \$400 for a second or subsequent offence. It is proposed to amend the Act to allow for these limits to be increased to \$400 and \$800 respectively. This will have no immediate effect, but will make provision for any future increase in penalties as necessary under the regulations.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

PRISONS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [5.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes changes to the Prisons Act 1981 in relation to the appointment of staff, the restraint of prisoners, and the award of medallions.

Since the enactment of the Prisons Act 1981, considerable work has been undertaken in the preparation of new regulations, rules, and standing orders to apply under the Act. In addition, substantial changes have been necessary to the practices, procedures, and policies of the department to ensure that in all cases they conform with the new law.

In the course of the work on these details, a number of deficiencies in the legislation have been identified, and as the Act became operational as from 1 August this year, it is desirable to correct these matters without undue delay.

Section 6(2) of the principal Act provides for the appointment of a person to be acting director during the absence of the director. As the office of an acting director is not defined in the Act, it is proposed to amend that section to provide that a person act as director on such occasions as is necessary.

The Bill provides also for the inclusion of an additional category of employees. At present, the Act details the appointment of the director, public servants, prison officers, and medical officers, but

is silent in regard to other staff. The amendment makes clear the responsibilities of such employees under the Act.

The Act recognises that a prisoner may be removed from a prison to a court, hospital, or other place provided for by the Act in the interests of justice or the welfare of the prisoner. The restraint of a prisoner to prevent his escape during his movement to or from a prison is provided for by the Act. In the interests of the security of the public and the continued custody of the prisoner, the Bill includes measures which would allow for the restraint of a prisoner at any time during his absence from the prison in order to prevent his escape.

The Prisons Act 1981 includes an important new provision which permits the striking and awarding of medallions for bravery, good conduct, and long service of prison officers. The exclusion of officers other than prison officers from this provision creates an anomalous situation which the Bill seeks to rectify.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Fred McKenzie.

MINE WORKERS' RELIEF AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.39 p.m.]: I move—

That the Bill be now read a second time.

This Bill is for the purpose of assisting in the early wind-up of the mine workers' relief fund.

The Mine Workers' Relief Board reported to the Government in 1978 that the mine workers' relief fund had outlived its original purpose and the Mine Workers' Relief Amendment Bill 1980 set in train a three-year wind down process.

In that time it was intended to pay out a large number of existing beneficiaries by way of lump sums and, at the end of the wind down period, to transfer to the State Government Insurance Office sufficient reserves to meet the entitlements of those persons who did not want a lump sum, and others who were barred from receiving benefits because they were in receipt of workers' compensation payments.

This Bill aims at removing the workers' compensation bar for persons over 65 years and will therefore allow these aged persons to receive their small lump sum entitlement before they become too old to derive any benefit from it.

The maximum amounts due to these people range down from \$1 290.58 for a man at 65 years, and \$1 874.39 for a woman of the same age, to \$239.44 and \$424 respectively at the highest age level—that is, 100 years.

This Bill also deletes contributions by prospectors and thereby brings them into line with others within the industry.

As stated previously, the main aim of this Bill is to allow a more effective disbursement of benefits within the three-year wind down period.

In the first 12 months of the wind down, 86 per cent of existing beneficiaries were paid out under existing legislation, and the provisions of this Bill will enable the Mine Workers' Relief Board to finalise the majority of claims now held up because of workers' compensation. The result should be a smooth handover to the SGIO in 1984.

I commend the Bill to the House.

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

ACTS AMENDMENT (METROPOLITAN REGION TOWN PLANNING SCHEME) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. R. G. Pike (Chief Secretary), read a first time.

Second Reading

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [5.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Metropolitan Region Town Planning Scheme Act and the Town Planning and Development Act to provide for necessary changes to give effect to—

- the description of the metropolitan region;
- the delegation of routine functions to committees;
- the management and maintenance of land reserved for parks and recreation;
- increased penalties for breaches of regulations;
- the tabling in Parliament of amendments to the scheme; and
- the renaming of district planning committees.

The metropolitan region is defined currently in the Town Planning and Development Act and includes the land comprised within the limits of the districts of 26 local authorities. The area is difficult to ascertain with certainty. For example, foreshore boundaries are variously described as foreshore, shoreline, high water mark, low water mark, and mean sea level.

Also, amendments to local authority boundaries on the perimeter have the effect of altering the boundary of the metropolitan region scheme. This can create difficulties in respect of land reserved for a public purpose.

To overcome these difficulties, it is proposed to define the region in the Metropolitan Region Town Planning Scheme Act by a metes and bounds description of boundaries. For practical purposes, the geographical limits of the region will then be able to be ascertained by reference to the maps which form part of the metropolitan region scheme.

Consequential amendments are made to the Town Planning and Development Act.

The Metropolitan Region Town Planning Scheme Act provides that a committee of the authority shall not enter into a contract or undertaking without the express authorisation of the authority. This precludes delegation to a committee of ongoing functions such as day-to-day land dealings and management. The intention of setting up committees with delegated powers is to enable routine business to be dealt with expeditiously. The provisions of the Act presently defeat this objective to the mutual disadvantage of the authority, landowners, and other parties with whom the authority has day-to-day business.

The Bill therefore seeks to repeal this restriction on the powers of committees.

The problem of management and maintenance of land held for parks and recreation is causing considerable concern to the authority, local authorities, and potential user groups.

Pending a decision on a future management structure for regional parks, the authority has interim management and maintenance responsibilities. Consultations with the Crown Law Department indicate that whether or not the authority subsequently has any direct role in managing parks and recreation reserves, these interim responsibilities should be recognised.

The Bill, therefore, proposes to provide for contingency and short-term management requirements.

The functions of the authority are enlarged to include the maintenance and management of land reserved for parks and recreation and, with ministerial approval, the carrying out of such works as may be incidental to such maintenance or management or otherwise conducive to the planned use of the land for recreational purposes.

Furthermore, to facilitate management and maintenance, the authority may, with ministerial approval, enter into an agreement with any person under which that person may acquire a lease or licence or other estate or interest in any such land.

Also, the authority is authorised to apply metropolitan region improvement fund moneys to

payment of expenditure incurred in the maintenance and management of land reserved under the scheme for parks and recreation or works incidental thereto.

Under the principal Act, the authority may make regulations for carrying out the general objects of the metropolitan region scheme. The authority has used that power once to make regulations for the preservation and maintenance of land reserved under the scheme that is owned by the authority. Under these regulations, wardens are empowered to take action to prevent vandalism, dumping of rubbish, damage to fences and gates, cutting down of trees, and so on. The current maximum penalties are, however, inadequate as a deterrent and it is proposed that they be increased from \$100 to \$500 with the daily penalty for a continuing offence increased from \$10 to \$50.

At present the Act contains no provision for the authority to obtain damages. In recent prosecutions, the Crown Law Department has advised that it has been unable to move to obtain damages in the absence of statutory powers.

Instances include damage to fences and gates and dumping of car bodies. Repairs and removals are a heavy charge on public funds. The Bill, therefore, seeks to include provisions similar to those contained in the State Energy Commission Act 1979 to the extent applicable.

These in effect provide that a court may order a person convicted to pay compensation to the authority for the costs of repairs and loss of property incurred by means of the offence.

Section 33 of the Act provides that after the Governor has approved an amendment to the scheme the amendment, but not including any maps, shall be published in the *Government Gazette* and the maps and plans shall be open for public inspection. It further provides that the amendment, together with the report of the authority on the submission, shall be laid before each House of Parliament.

It is proposed to amend that section to provide that a copy of the amendment, together with a copy of the report, be laid before each House. The purpose is simply to reflect the actual procedure because, in practice, four copies of the amendment documents are made, signed, sealed, and executed so that a copy is available to be tabled simultaneously in each House.

The Act currently provides for the setting up of five district planning committees, one being the planning committee of the City of Perth and the other four being groups of councils referred to as group "A", group "B", group "C", and group "D". The Bill seeks to amend the first schedule to the Act to refer to the groups on a geographic basis as "south-west", "north-west", "south-east",

and "eastern". This change is supported by the group committees.

On the advice of Parliamentary Counsel, section 4 of the principal Act, which sets out the parts into which the Act is divided, is repealed. Such sections are not now included in new Acts and upon a reprint of an existing Act an arrangement is printed before the Act setting out its contents. Also, a typographical error where reference is to "regional" rather than "region" is corrected.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Fred McKenzie.

ACT AMENDMENT (AGRICULTURAL PRODUCTS) AND REPEAL BILL

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), and passed.

LOCAL GOVERNMENT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from 18 August.

THE HON. J. M. BROWN (South-East) [5.50 p.m.]: The first amendment in the Bill seeks to authorise local councils to lease land to sporting organisations and State Government agencies without the need to seek approval. The second amendment relates to transactions between councils and the State Government. The Opposition believes those amendments will be very satisfactory to local authorities.

The Bill refers to approvals for loans raised by local authorities for work to be carried out by Government departments such as the SEC and the Public Works Department. That system has been in operation for many years and, as long as the Government has undertaken to recoup the council for the cost of servicing the loan, it is not necessary for Government approval to be obtained for such loans and the Opposition sees this as a streamlining provision.

The Bill seeks also to prescribe by regulation the amount of assets which may be sold by a council by private treaty. Previously the limit was \$500. It is common sense that the amount should be prescribed by regulation and the Opposition does not object to that amendment.

Clause 3 seeks to tidy up the electoral provisions which were repealed and re-enacted last year and that is purely an administrative matter. The Bill seeks also to correct a minor matter in relation to parking control to which the Opposition does not object.

The Opposition supports the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. R. G. Pike (Chief Secretary), and passed.

House adjourned at 5.55 p.m.

QUESTIONS ON NOTICE

FUEL AND ENERGY: GAS

Natural: Dongara

461. The Hon. N. E. BAXTER, to the Leader of the House representing the Minister for Fuel and Energy:

- (1) What quantity of natural gas from the Dongara field has been made available for sale for each month from 1 January to 1 August 1982?
- (2) What was the price charged to domestic consumers per unit during this period?
- (3) What was the price charged to industrial consumers over the same period?
- (4) Is the price per unit charged to Alcoa of Australia Ltd., the same as that of other industrial users?
- (5) Is the Dongara field capable of supplying all the present demand?
- (6) Has any proposal been made to link the North-West Shelf gas line to the present pipeline?
- (7) If so, when is it proposed the link will be made?
- (8) If not, why not?
- (9) What is the present assessed estimate of cost of gas—
 - (a) to domestic consumers in the metropolitan area when gas from the North-West Shelf supply is available; and
 - (b) to industrial or commercial consumers when gas from the North-West Shelf supply is available?

The Hon. I. G. MEDCALF replied:

- (1) The commission purchases approximately 15 million cubic feet per day of gas from the Dongara field. Other large customers supplied direct by the producers take approximately 62 million cubic feet per day.
- (2) From 1 January to 30 June 1982, the domestic gas tariff consisted of—

A fixed charge of \$1.23 per month, plus all metered consumption at the rate of—

- 2.96c per unit for the first 3 000 units per month
- 1.98c per unit for the next 67 000 units per month
- 1.66c per unit for the next 70 000 units per month
- 1.32c per unit for all over 140 000 units per month.

An optional home tariff was also available.

From 1 July 1982 the domestic gas tariff was—

- No fixed charge
- 3.87c per unit for the first 300 units per month
- 2.20c per unit for the next 800 units per month
- 1.52c per unit for all over 1 100 units per month.

- (3) From 1 January to 30 June 1982, the light industrial gas tariff was the same as the domestic tariff indicated in (2).

From 1 July 1982 the light industrial gas tariff was—

- Fixed charge—\$1.39 per month, plus all metered consumption at the rate of—
- 3.34c per unit for the first 3 000 units per month
- 2.24c per unit for the next 67 000 units per month
- 1.88c per unit for the next 70 000 units per month
- 1.49c per unit for all over 140 000 units per month.

- (4) Alcoa is supplied direct by the Dongara producers, and the pricing arrangements between them is not known.
- (5) No. The commission has not supplied gas to new industrial and large commercial customers since 1975, because of the limited supply available from Dongara.
- (6) It is proposed to link the Dampier to Perth pipeline to the Dongara pipeline in the Perth metropolitan area.
- (7) The link will be made in 1984-85, subject to satisfactory commercial arrangements being agreed to between the commission and the WAPET partners.
- (8) Not applicable.

- (9) (a) and (b) Gas tariffs are determined annually from an assessment of the costs involved in making gas supply available. Tariffs for North-West Shelf gas are expected to be consistent with existing tariffs and escalation between now and the time North-West Shelf gas becomes available in 1984-85.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Employees: 38-hour Week

466. The Hon. FRED MCKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to a statement reported in *The West Australian* of Tuesday, 7 September 1982, made by Westrail in relation to the 38 hour week applying to railway unions—

“The main points of the policy were that the 38 hour week should cost no more and there should be no reduction in productivity.”

will the Minister advise—

- (1) How many employees, all classifications, of Government bodies or bodies related thereto—including statutory authorities—now have a week of 38 hours or less?
- (2) How many now have a working week of over 38 hours?
- (3) In granting the hours in (1) were they conditional on any trade-off?
- (4) If “Yes” to (3)—
 - (a) what were the trade-offs; and
 - (b) to which sections did they apply?

The Hon. G. E. MASTERS replied:

- (1) Current statistics relating to the hours worked by Government employees are not readily available. However, from figures provided by the Australian Bureau of Statistics as at 31 March 1981, approximately 0.1 per cent of Government employees were employed on a 38 hour week, approximately 32 per cent were on a 37½ hour week and approximately 1.5 per cent were on a 35 hour week.
- (2) Using the same figures as at 31 March 1981, approximately 51.4 per cent were on a 40 hour week and the remaining 15 per cent being school teachers have no specific award provision for hours.
- (3) and (4) All recent reductions in working hours of Government employees to a 38 hour week have been by arbitration and have not been conditional on trade-offs.

These are—

- (a) 1 336 employees of the Public Works Department under the Federal AWU construction and maintenance award and the Federal building trades award, as a result of Full Bench decisions of the Australian Conciliation and Arbitration Commission, despite strong opposition on behalf of the Minister for Works; and
- (b) 101 employees of the Public Works Department under the Government water supply (Kalgoorlie pipeline) award as a result of a Western Australian Industrial Commission decision. This decision is presently subject to appeal.

FUEL AND ENERGY: SEC

Contingent Liabilities

468. The Hon. FRED McKENZIE, to the Leader of the House representing the Minister for Fuel and Energy:

Referring to question 401 of Tuesday, 24 August 1982, wherein energy purchase commitments were quoted as \$9 170.7 million, will the Minister advise—

- (1) How much of this sum in each case and over what period of years in each case, does it apply to—
 - (a) North-West Shelf gas;
 - (b) North-West Shelf oil;
 - (c) North-West Shelf LPG;
 - (d) oil from other sources; and
 - (e) Collie coal?
- (2) Are North-West Shelf prices at the well head or at shore delivery?
- (3) If well head, what increase is expected to be paid for shore delivery?
- (4) What is the total yearly commitment for fuel for energy purchases in each of the next 20 years?
- (5) What will the various escalation clauses add to these figures?

The Hon. I. G. MEDCALF replied:

- (1) to (5) The sum referred to includes both gas and coal over 21 years, but does not include oil from North-West Shelf or other sources, or North-West Shelf LPG.

Contract price for North-West Shelf gas is based upon delivery into the natural gas pipeline, and any escalation in cost involved will vary from contract to contract. It would be impossible to precisely define the escalation factor covering the full period.

TRAFFIC: MVIT

Participating Insurers

470. The Hon. J. M. BERINSON, to the Chief Secretary representing the Minister for Local Government:

In respect of the Motor Vehicle Insurance Trust which companies have withdrawn as participating insurers since 1970, and in each case, when?

The Hon. R. G. PIKE replied:

As at 1 July 1970, the following companies were participants in the trust—

- Ajax Insurance Company Limited
- Alliance Assurance Company Limited
- Associated General Contractors Insurance Co. Ltd.
- Australian & International Insurances Ltd.
- Australian Alliance Assurance Co.
- Bankers & Traders' Insurance Co. Ltd.
- Bell Insurance Co. Pty. Ltd. (now Western Underwriters Pty. Ltd.)
- British Traders' Insurance Co. Ltd.
- Caledonian Insurance Company
- Century Insurance Co. Ltd.
- Chamber of Manufactures Insurance Limited
- Colonial Mutual Fire Insurance Co. Ltd.
- Commercial Union Assurance Company of Australia Ltd.
- Consolidated Insurances of Australia Limited
- Guardian Assurance Co. Ltd.
- Insurance Office of Australia Limited
- Lancashire Insurance Company
- Legal & General Assurance Society Ltd.
- Liverpool & London & Globe Insurance Co. Ltd.
- London Assurance
- London & Lancashire Insurance Co. Ltd.
- Mercantile Mutual Insurance Co. Ltd.
- New Zealand Insurance Company Ltd.
- North British & Mercantile Insurance Company of Australia Limited
- Northern Assurance Company of Australia Limited
- Northumberland Insurance Company Limited

Norwich Union Fire Insurance Society Ltd.
 Ocean Accident & Guarantee Corporation of Australia Limited
 Palatine Insurance Company of Australia Limited
 Pearl Assurance Company Limited
 Phoenix Assurance Company of Australia Ltd (taken over percentage of Southern Union Insurance Company of Australia Ltd.)
 Prudential Assurance Company Limited
 Queensland Insurance Company Ltd.
 RAC Insurance Pty Ltd.
 Royal Insurance Company Ltd.
 Scottish Union & National Insurance Co.
 Sea Insurance Company Limited
 South Australian Insurance Company Ltd.
 State Government Insurance Office
 Stewart, Smith & Co. (WA) Pty. Ltd. (formerly Forsaith, Bucknell & Liggins (WA) Pty. Ltd.)
 Sun Insurance Office Limited
 T & G Fire & General Insurance Co. Ltd.
 Transport & General Insurance Co. Ltd.
 Union Assurance Society of Australia Limited
 Vanguard Insurance Company Limited
 Victoria Insurance Company Limited
 Western Assurance Company
 Western Australian Insurance Co. (Canberra) Ltd.
 Westralian Farmers Co-Operative Limited.

As at 30 June, 1971

No companies withdrew; however the following amalgamations occurred—

Sun Insurance Office Ltd.
 Alliance Assurance Co. Ltd.
 The London Assurance
 The Sea Insurance Co. Ltd.

New name: Sun Alliance Insurance Ltd.

As at 30 June 1972

No companies withdrew; however the Palatine Insurance Co of Australia Ltd. was absorbed by the Commercial Union Assurance Co. of Australia.

As at 30 June, 1973

The following companies withdrew—

The New Zealand Insurance Co. Ltd.

The Victoria Insurance Co. Ltd.

Amalgamation:

The Pearl Assurance Co. Ltd. amalgamated with the Eagle Star Insurance Co. and became the Australian Eagle Insurance Co. Ltd.

As at 30 June 1974

The following companies withdrew—

The Ajax Insurance Co.

The Australian Eagle Insurance Co. Ltd.

Amalgamations:

The Guardian Royal Exchange Assurance Group

The Caledonian Insurance Co.

The British Traders Insurance Co. Ltd.

New name: GRE Insurance Ltd.

Insurance Office of Australia Ltd.

The North British & Mercantile Insurance Co.

The Ocean Accident & Guarantee Corp. of Aust. Ltd.

These companies were absorbed into The Commercial Union Assurance Co. of Australia Ltd.

The Norwich Union Fire Insurance Society Ltd.

The Scottish Union & National Insurance Co.

These companies amalgamated to become The Norwich Union Fire Insurance Society Ltd.

As at 30 June, 1975

The following companies withdrew—

The Western Australian Insurance Co. (Canberra) Ltd.

The Vanguard Insurance Co. Ltd.

The Phoenix Assurance Co. of Australia Ltd.

GRE Insurance Ltd.

Century Insurance Co. Ltd.

Northumberland Insurance Co. Ltd.

Stewart Wrightson (WA) Pty. Ltd.

The Royal Insurance Co.

The Lancashire Insurance Co.

The Colonial Mutual Fire Insurance Co. Ltd.

The Australian Alliance Assurance Co. Ltd.

The Western Assurance Co.
The London and Lancashire Insurance Co.

The Liverpool London & Globe Insurance Co. Ltd.

Amalgamations:

The Northern Assurance Co. of Australia Ltd.

The Union Assurance Society of Aust. Ltd.

The Commercial Union Assurance Co. of Aust. Ltd.

New name: Commercial Union Group.

As at 30 June 1976

The following companies withdrew—

The South Australian Insurance Co.

Bankers & Traders Insurance Co. Ltd.

Queensland Insurance Co. Ltd.

Chamber of Manufacturers Insurance Ltd.

Prudential Assurance Co. Ltd.

As at 30 June 1977

The following companies withdrew—

Consolidated Insurances of Aust. Ltd.

Norwich Union Fire Insurance Society Ltd.

As at 30 June 1978

No withdrawals.

As at 30 June 1979

No withdrawals.

As at 30 June 1980

The following companies withdrew—

AGC Insurance Ltd.

Palmdale AGCI.

As at 30 June 1981

The following companies withdrew—

Commercial Union Group

RAC Insurance Pty. Ltd.

As at 30 June 1982

The following companies withdrew—

Legal & General Assurance Society Ltd.

Mercantile Mutual Insurance Co. Ltd.

Sun Alliance Insurance Ltd.

T & G Fire & General Insurance Co. Ltd.

Western Underwriters Pty. Ltd.

Westralian Farmers Co-Operative Ltd.

Remaining Participants as at 1 July 1982

FAI Insurance Group
State Government Insurance Office.

TRAFFIC: MVIT

Participating Insurers

471. The Hon. J. M. BERINSON, to the Chief Secretary representing the Minister for Local Government:

(1) In what years since 1965 has the Motor Vehicle Insurance Trust made payments to or received payments from participating insurers?

(2) In each case, what amount was involved?

The Hon. R. G. PIKE replied:

(1) and (2) Receipts from participants since 1965—

Financial Year Ending	\$
June 1967	208 087.21
June 1968	5 287.64
June 1969	389.22
June 1970	14 169.45
June 1972	156.00
June 1973	518.97
June 1974	32 432.29
June 1975	129.74

Amounts paid by trust to participants since 1965—

Financial Year Ending	\$
30-6-1968	242 506.65
30-6-1971	167 107.03
30-6-1973	169 877.34
30-6-1974	323 149.68
30-6-1976	305 030.64
30-6-1978	1 093 339.45
30-6-1979	716 112.30
30-6-1981	761 096.25
30-6-1982	2 262 679.00

TRAFFIC: MOTOR VEHICLES

Licence Fees: Concessions

477. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Police and Prisons:

Referring to the Road Traffic Act, will the Minister advise why the licence fee concession applicable to diesel-engined vehicles is not applied to those using LPG?

The Hon. G. E. MASTERS replied:

The concessions applicable to diesel powered engines goes back to the time when road maintenance tax was abol-

ished and the 3c per litre levy on diesel fuel was imposed.

With the introduction of the diesel fuel levy all diesel vehicles were meeting the cost whereas previously only heavy trucks were meeting road maintenance charges. It was therefore decided to grant a concession to the lighter diesel vehicles which had not previously paid road maintenance charges.

As there had not been any levy imposed on vehicles powered by LP gas the circumstance that brought about the concession on diesel vehicles did not apply and hence no action was taken to incorporate LP gas powered vehicles in the concession provisions of the Road Traffic Act.

HEALTH: MENTAL

Elwyn Morey Child Care Centre

478. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Health:

- (1) Does Mental Health Services have any intention of moving the Elwyn Morey Child Care Centre from its present situation?
- (2) Can the Minister advise—
 - (a) what areas children come from who attend the Elwyn Morey Child Care Centre;
 - (b) what amount of time is spent on transport by children attending the Elwyn Morey Child Care Centre; and
 - (c) what amount of time is spent by paramedical staff who attend children in their homes in travelling from the Elwyn Morey Centre to their homes?

The Hon. R. G. PIKE replied:

- (1) Mental Health Services is considering the relocation of its northern region pre-school team based at the Elwyn Morey Centre, Dianella.
- (2) (a) Since the opening of Elwyn Morey in May, 1973, there has been a gradual shift in the geographic distribution of the families being serviced from this facility.

The trend in referrals to pre-school services of the Division for the Intellectually Handicapped has been one of a reduction in the older suburbs of Yokine, Tuart Hill, Joondanna and a marked increase from suburbs such as Padbury, Hillarys and Duncraig.

As many families receiving services are resident within the suburbs of Greenwood, Padbury and Duncraig, a facility located near these suburbs would be advantageous to the families concerned.

- (b) The Slow Learning Children's Group bus provides a transport service to families unable to take their children to the Elwyn Morey Centre. At present the daily service has an average travelling time of one hour on each of the inward and return journeys.
- (c) The precise amount of time spent by paramedical staff attending to children in their homes is not known as travelling by staff to the homes varies greatly. However, staff are allocated families on a geographic basis and are instructed to plan visits in a manner which minimises travelling time.

EDUCATION: DEPARTMENT

Budget: Expenditure

479. The Hon. TOM McNEIL, to the Chief Secretary representing the Minister for Education:

- (1) Has the Government completed its investigation into the expenditure by the Education Department shortly before the end of the financial year?
- (2) If "Yes", what were the findings?
- (3) Who carried out the investigation?
- (4) Why was it considered necessary to carry out such an investigation?

The Hon. R. G. PIKE replied:

- (1) to (4) A comprehensive evaluation of Education Department expenditure pat-

terns was undertaken by the Director General of Education and his senior officers and the Under Treasurer and his senior officers. The report was undertaken at the request of the Premier because the final month's expenditure of the department for the year 1981-82 was higher than had been expected. The investigation indicated that the major cause of increased expenditure at the end of the year had been the payment of a 7.5 per cent salary increase to teachers retrospective to 28 May 1982. Other minor variations from previous expenditure patterns were fully explained.

The report was conveyed to the Premier and Treasurer and was available for his consideration during the process of framing the Budget for 1982-83 and in his response to question 344 the Premier indicated that the matter had been clarified.

PUBLIC WORKS: DEPARTMENT

Camballin Project: Grain Terminal

480. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Works:

- (1) Has the Public Works Department carried out or paid for action to repair damage to the sand dune at the site of the Camballin grain terminal near the Broome Jetty at Broome?
- (2) What expenditure was incurred during the year ended 30 June 1982 on this activity, and how was the money spent?
- (3) What money, if any, is allocated in the current year for this topic, and what work specifically will be done to repair the damage?
- (4) Is the department satisfied that repair work is successfully combatting the damage which was incurred by the erection of the terminal?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) \$26 635 was expended during 1981-82. Over 700 seedlings were planted and 15 kilograms of seed were distributed. Brush was laid and fences erected. Erosion damage was repaired. The Broome Nursery is heavily involved in the watering and care of the plants which have been planted.

- (3) \$20 000 for restoration of erosion damage, repairs and improvements to drainage outlets and for the continuing care of the plants established on the dunes.
- (4) Yes.

TRANSPORT: AIR

Airports: Karratha and Port Hedland

481. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Transport:

- (1) Is the Government consulting or has it consulted with the Commonwealth Government on the issue of whether there will be a decision taken as to which of the Port Hedland airport or the Karratha airport, is to be the major airport in the Pilbara?
- (2) If not, is the Government aware whether such question is or has been under consideration by the Commonwealth?
- (3) What is the State Government's position on this question, and has it been communicated to the Commonwealth Government?
- (4) If so, when?

The Hon. G. E. MASTERS replied:

- (1) The future of the Pilbara airport system, including the two airports mentioned in the question, is about to be examined by a consultant appointed by the Commonwealth Government. During the course of the study, the consultant will liaise with the WA airfields committee, one of whose members is the Co-ordinator General of Transport, and through the committee, with appropriate bodies in Western Australia, State Government, local government and private sector.
- (2) Answered by (1).
- (3) The views of the State Government on the question will be put to the consultant during the course of his examination.
- (4) Answered by (3) above.

FUEL AND ENERGY: ELECTRICITY

Supplies: Wittencoom

482. The Hon. PETER DOWDING, to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Have SEC officers recently removed electricity supplies and meters to houses in the Wittencoom township?
- (2) On whose authority were these meters removed?
- (3) Was any permission received or sought from the owners of the premises?

- (4) Was any notice given to the owners of the premises?
- (5) Under what authority were such meters removed?

The Hon. I. G. MEDCALF replied:

- (1) to (5) The commission recently carried out a systematic change of meters in the Wittenoom township. Where a long-standing disconnection existed, the meter was removed and returned to the commission's meter department. This was carried out in the interests of safety, as in many instances the existing installations had deteriorated to a potentially dangerous state.

The provision of an electricity service within the Wittenoom township will still be made in accordance with Government policy.

WORKERS' COMPENSATION

Disabled Persons

483. The Hon. FRED McKENZIE, to the Minister for Labour and Industry:

- (1) Do workers who are disabled and employed in sheltered workshops, come under the provisions of the Workers' Compensation Act?
- (2) If the insurers refuse to accept coverage for these workers, what other alternatives are available?

The Hon. G. E. MASTERS replied:

- (1) Any worker who comes within the definition of "Worker" as provided by section 5(1) of the Workers' Compensation and Assistance Act 1981 must be covered for workers' compensation by his employer.
- (2) Under section 160(3) of the Workers' Compensation and Assistance Act 1981 an insurer must, unless permitted by the commission, issue a policy of insurance.

QUESTIONS WITHOUT NOTICE

CORPORATE AFFAIRS OFFICE

Annual Returns

120. The Hon. J. M. BERINSON, to the Attorney General:

- (1) Since 1974 has he, or his predecessor, the then Minister for Justice, received

any advice or had concern expressed to them by the Corporate Affairs Office or the commissioner at the growing number of companies which were not submitting annual returns or holding meetings as required by the Companies (Western Australia) Code?

- (2) If so, what action was taken?

The Hon. I. G. MEDCALF replied:

- (1) No.

The commissioner has informed me that although no statistics are readily available, any increase in the number of companies failing to submit annual returns, would not, in his opinion, be out of proportion to the increase in the number of companies locally incorporated during the period.

In addition, the commissioner advises that the provisions governing the offence of failing to lodge an annual return have been strengthened in the new Companies Code.

- (2) Not applicable.

LOCAL GOVERNMENT

Leonora Shire Council

121. The Hon. NORMAN MOORE, to the Chief Secretary representing the Minister for Local Government:

- (1) Is the Shire of Leonora prohibited under the terms of any Statute to raise a loan to construct a building in the Town of Leinster, currently a closed town?
- (2) If "Yes", will the Minister please give details of relevant Statutes?
- (3) If "No", will the Minister advise as to whether or not the Shire of Leonora is permitted to raise a further loan in addition to its 1982-83 loan programme?

The Hon. R. G. PIKE replied:

I am indebted to the member for giving me details of this question without notice, the answer to which is as follows—

- (1) and (2) Without precise details of such a building proposal it is not possible to provide a definite answer. However, the Minister considers that the main problem would be the need for the shire to obtain an appropriate tenure over land for this purpose. In a so-called "closed" town, that may not be possible.
- (3) Any question of the shire varying its 1982-83 loan programme would have to be considered by Treasury.

INDUSTRIAL AWARDS

Federal

122. The Hon. PETER DOWDING, to the Minister for Labour and Industry:

- (1) Has the Minister received legal advice that even though a Federal award may apply to an industrial situation it does not mean that State law would not operate in some circumstances?
- (2) If so, from whom was the advice received and when was it obtained?
- (3) What are the circumstances in which State law would operate?
- (4) What State laws could operate?
- (5) Will the Minister table the advice?
- (6) If not, why not?

The Hon. G. E. MASTERS replied:

- (1) to (6) It is assumed the member is referring to the statement made in my second reading speech concerning the Industrial Arbitration Amendment Bill (No. 2) 1982, when I said: "We have received legal advice that even though a Federal award may apply, it does not mean that the State law would not operate in some circumstances".

As the questions raised refer to a Bill before this House, an answer at this stage would be in breach of Standing Order No. 154.

