# Legislative Assembly

Tuesday, 4 May 1982

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

## GOVERNMENT BUSINESS: PRECEDENCE

*All Sitting Days*

**MR O'CONNOR** (Mt. Lawley—Premier) [4.34 p.m.]: I move, without notice—

That until 31 May 1982 from and including Wednesday 12 May 1982—

(1) Government business shall take precedence of all motions and orders of the day on Wednesdays as on all other days, and

(2) Standing Order 226 (Grievances) shall be suspended.

*Point of Order*

Mr BRIAN BURKE: I understand notice has not been given of this motion. I wonder whether it is permitted under Standing Orders that we proceed with it today.

The SPEAKER: In moving for the suspension of a Standing Order without notice there will need to be an absolute majority present for the motion to be carried.

*Debate Resumed*

**MR BRIAN BURKE** (Balcatta—Leader of the Opposition) [4.35 p.m.]: We do not have any objection to proceeding today to the consideration of the motion. It is a traditional one by which the Government exhibits its authority over the Parliament. I point out to the Premier and the Government that with only one week in addition to the present week of anticipated parliamentary life it does make it a little difficult for the Opposition properly to plan its programme. I hope the Premier will give us his assurance that, as far as possible, the private members' business which is already on the notice paper and of which notice has been given will be dealt with in the remaining week and two days of this session.

As I say, the Opposition acknowledges the Government's right to move in this manner. It is a little reluctant to concede to the Government the propriety in moving in this way for the suspension of a Standing Order, especially when the motion refers to next week's business. It seems to me there is no purpose in proceeding now in this way when we could have proceeded just as easily tomorrow with the same effect.

The Opposition does not oppose the Premier's intention, but does seek an assurance that private members' business of which notice has been given will be accorded proper consideration and that co-operation will be given so that both Government business and Opposition business can be attended to.

**MR DAVIES** (Victoria Park) [4.38 p.m.]: I am rather surprised that the Government should move this motion at this time, especially without giving notice and even more especially without, apparently, discussing it in the corridors with the Leader of the Opposition. That is not the way to run the House. If the Premier wants to suspend a Standing Order he is entitled to do so—he has the numbers and we cannot stop him. Nevertheless, as a matter of courtesy—

Mr Brian Burke: I was told that the motion would be moved, but that notice would be given. I was not told that the Standing Order would be suspended.

Mr DAVIES: I thank the Leader of the Opposition for that information. It had not drifted down to the general run of the House.

Nevertheless, it is surprising that in this session, when there are no definite restrictions on how long the House shall sit, the Government even should contemplate acting in this peremptory manner and not give members time to plan ahead for the speeches they might want to make and the Bills to which they might want to speak.

It is a matter of sheer courtesy that we are generally told that a certain course will be followed and the Government will attempt to set a date for the completion of business. However, there is no restriction on how long we shall sit. If the Premier wants to take himself off to Italy, I am certain the House can get along without him.

Mr O'Connor: Not Yugoslavia.

Mr DAVIES: If the Premier wants to be funny about it he can get up and attack me on it and I will tell him the truth of the situation. Does he want to say anything further about that?

Mr O'Connor: I have said all I need to at this stage. I will reply later.

Mr DAVIES: We see the attitude the Premier is adopting to the House and to the Parliament. I think it is an absolute disgrace that, having been here all these years, the Premier should take it upon himself to decide that, in this way with almost no notice, he should deal with, not only the Leader of the Opposition or the Opposition, but the whole of the House. From past records, I

would have thought he or his parliamentary colleague, the Deputy Premier, would try to collaborate wih the House.

The Premier usually leaves the running of the House to the Deputy Premier, as the former Premier left the running of the House to him when he was deputy. The least that we can expect, if Parliament is to run in the way we would like it to, is to be given some notice of the situation so we can plan ahead the speeches that we may have to make, and put off appointments that we might have so we can be here, because, after all, being here is what we are primarily paid for, I suppose, and we could make arrangements accordingly. When a motion like this comes out of the blue and suddenly it is desired to suspend a Standing Order to get us out of the House as quickly as possible, I do not think it does the Government very much credit at all.

**MR O'CONNOR** (Mt. Lawley—Premier) [4.42 p.m.]: I thank the Leader of the Opposition for his comments, and I will respond to the remarks of the member for Victoria Park. I did have my deputy leader notify the Opposition this afternoon of my intention and I briefly spoke with the Leader of the Opposition as to what I intended to do.

Mr Brian Burke: You did not mention to me that you were going to suspend a Standing Order.

Mr O'CONNOR: That is what I came over to speak about a while ago.

Mr Pearce: But you didn't happen to speak about it!

Mr O'CONNOR: I was speaking about it. I do not want a confrontation over something that is virtually nothing. The reason for our giving notice, obviously, was to give the Opposition the opportunity tomorrow to bring forward to the top of the notice paper any legislation it particularly wanted dealt with or that it thought was urgent. In discussion with the Leader of the Opposition this afternoon, I did give an indication that it was my intention to co-operate where possible.

Mr Brian Burke: Excuse me. I do not want to make a mountain out of a molehill, either. Your deputy leader rang through to indicate this motion would be coming up. At no time did he or did you mention that any Standing Order would be suspended to deal with it immediately. The point I am trying to make is: Had you given notice of it, we would have dealt with it tomorrow and it would have been effective from next week, as it will be now.

Mr O'CONNOR: The point we are arguing about is nothing because the same result applies. I just want to make the point that I conferred very briefly with the Leader of the Opposition and indicated, as he will confirm, that it was my intention to co-operate where possible. Now, the reason for my moving the motion is that if any urgent business does come up, the Government can complete it before the end of this session. I might point out to the member for Victoria Park that I gave notice that it was the intention of the House to rise on 13 May.

Mr Davies: You gave it several times because you knew you wanted to go away, apparently.

Mr O'CONNOR: That was not the reason.

Mr Davies: We are quite happy to sit for another week.

Mr O'CONNOR: Amongst other things, I believe we can finish the session by that time. It is normal for Parliament to rise during the school holidays and it will give the members of this Chamber the opportunity to make arrangements to have that time with their families. I thought the member would have supported that.

Mr Davies: It is usually the second week of the school holidays.

Mr O'CONNOR: I gave notice it would be the first week.

Mr Davies: That does not mean that is of prime importance.

Mr O'CONNOR: The comments of the member for Victoria Park are quite irrelevant; however, the motion was moved on the basis that if Government business is needed next week in relation to urgent matters, we can deal with them. I gave the Leader of the Opposition an undertaking that I would consider any such legislation and I will confer with him prior to next week to see what legislation he wants to get through and whether or not we can co-operate.

Question put.

The SPEAKER: To be carried, this motion requires an absolute majority. I have counted the House; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

## CONSUMER AFFAIRS AMENDMENT BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr Brian Burke (Leader of the Opposition), and read a first time.

## ACTS AMENDMENT (CRIMINAL PENALTIES AND PROCEDURE) BILL

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Rushton (Deputy Premier), read a first time.

## ACTS AMENDMENT (MISUSE OF DRUGS) AMENDMENT BILL

*Returned*

Bill returned from the Council without amendment.

## WESTERN AUSTRALIAN MARINE BILL

*Second Reading*

**MR RUSHTON** (Dale—Minister for Transport) [4.49 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a complete overhaul of the Western Australian Marine Act 1948-1980.

There are a number of objectives in the presentation of this Bill which I will explain in some detail later. The primary objective, however, is to update Western Australia's principle maritime Statute while, at the same time, reflecting the changes which have taken place in the maritime scene in Australia and, indeed, internationally. Before going into a detailed explanation of what this fairly complex and comparatively large Bill seeks to achieve, I would like briefly to trace the evolution of marine legislation in this State.

The Act which this Bill seeks to replace was passed in 1948 and although it has been amended on some 20-odd occasions since then the old Act still reflects the omnibus-type construction of the original. In introducing this Bill in 1948, the then Minister noted that matters relating to navigation and other marine matters were the subject of 12 separate Acts as well as the English Merchant Shipping Act.

At that time the consolidation of the necessary provisions of the 13 Acts into one Act obviously called for some skill and I believe it is fair comment to say that it was a job well done.

Prior to that action in 1948, the original State Act was the Navigation Act 1904 which covered foreign going and interstate shipping as well as intrastate voyages. The subsequent passing by the Commonwealth of the Commonwealth Navigation Act in practice left the State with control of intrastate shipping only and that is the situation today.

On reading the second reading speech upon the introduction of the 1948 Bill to this House, it is interesting to note that many of the topical issues of 1982 were of concern at that time.

As was mentioned earlier, this Bill is a complete overhaul of the Western Australian Marine Act 1948-1980. It includes a reorganisation of the content of that Act both to improve the ease of application and interpretation and to accommodate the adoption of uniform shipping laws codes. It also gives effect to the State and Commonwealth agreement on jurisdiction over shipping and navigation issues and to several international maritime conventions to which Australia is a party. In addition, the Bill removes the need for the certification of marine surveyors, provides realistic penalties for breaches of the Act, and introduces measures to ensure improved maritime safety.

Rather than attempt to explain in any detail the various parts of the Bill at this stage, I would prefer to deal with that aspect when in Committee.

Instead, it is my intention to outline to the House something of the nature of the seven basic objectives contained within the Bill now before us.

The first objective is to rewrite the Western Australian Marine Act 1948, which, owing to the passage of time, has become outdated and cumbersome in its application. Frequent amendment over more than 30 years has resulted in a patchwork Act in which related matters are dealt with in separate parts. Its present condition is the cause of difficulty in interpretation and application.

The second objective is to provide legislative power to adopt the uniform shipping laws—USL—code endorsed by Ministers in the Marine and Ports Council of Australia.

For a number of years there has been concern among Australian marine authorities and in the maritime industry generally, at the diversity of the disparity between laws and regulations relating to the survey, manning, and operation of commercial vessels in Australia. That concern found expression through the Association of Australian Port and Marine Authorities which represents all the Commonwealth and State authorities, including the Department of Marine and Harbours and the various port authorities of Western Australia.

As long ago as 1971 the association formed a uniform shipping laws—USL—committee which established working groups of Commonwealth and State technical officers. The working groups, on all of which WA was represented, drafted a series of codes dealing with a number of matters related to commercial vessels.

Examples of the type of matters covered include—

examinations and certificates of competency;
safety manning;
mercantile marine—crew engagement and discharge;
construction;
crew accommodation;
load line;
stability;
engineering;
life saving appliances;
fire appliances;
radio equipment;
miscellaneous equipment;
survey and certificates of survey;
emergency procedures and safety of navigation;
collision regulations; and
hire and drive vessels.

During drafting by the working groups the codes continually were referred to industry for comment and after any necessary amendment were adopted as codes by the council of the Association of Australian Port and Marine Authorities.

In 1979 the completed codes were placed before the Marine and Ports Council of Australia—MPCA—and in that year the consolidated uniform shipping laws code was adopted by Ministers as basis for uniform legislation for all States, the Commonwealth, and the Northern Territory.

It is considered necessary to legislate for the introduction of the uniform shipping laws in Western Australia to eliminate the disparity between different pieces of legislation throughout Australia which impose costs and impediments on operators of vessels moving from one jurisdiction to another.

Furthermore the code will implement the requirements of international conventions to which Australia is a party, such as the convention on training, certification, and watchkeeping for seafarers. Failure of the States to enact necessary legislation undoubtedly would encourage the Commonwealth to consider unilateral legislation.

The third objective is to give effect to Western Australia's part of the "package agreement" worked out between the States and the Commonwealth on jurisdiction over shipping navigation issues to which the Commonwealth gave effect with the Navigation Amendment Acts 1979 and 1980.

The "package agreement" applies jurisdiction by the voyage concept and replaces the old territorial basis for control of shipping. The Commonwealth has legislated for all trading ships on overseas and interstate voyages, for all fishing vessels on overseas voyages, and for some categories of off-shore industry vessels. The States have retained legislative power over all trading ships on intrastate voyages, fishing vessels on intrastate and interstate voyages, and private pleasure craft.

The fourth objective is to incorporate in State legislation certain international maritime conventions. Although the Federal Government is the party to the conventions, it is necessary for Western Australia to give effect to the conventions in its own jurisdiction, otherwise Commonwealth law would prevail within the State.

There are four such conventions and, to assist members in their appreciation of the Bill, I intend briefly to describe the purpose of each.

The first is the convention on the international regulations for preventing collisions at sea, 1972. This convention gives effect to the prevention of collisions at sea regulations which are already applied by the existing Act to coast trade, and harbour and river, fishing, and private vessels in the State's jurisdiction. The Bill seeks to apply the regulations to all vessels in the territorial sea, waters to landward of the territorial sea, and inland waters. The effect would be to apply the collision regulations to all vessels in Western Australian waters rather than only to vessels already under State control in those waters.

Commonwealth law will apply the collision regulations outside State jurisdiction. This is the only part of the Bill which ties jurisdiction to a territorial concept instead of a voyage concept.

A further convention which has been incorporated is the international convention for safe containers, 1976. This convention provides for approval of the structure and safety of all containers used in international transport, including the domestic section. Containers moving within the State which originated or were destined for overseas would be subject to the convention. The Bill provides power to make regulations to give effect to the requirements of the convention that all containers be periodically tested and inspected and be marked in a prescribed manner.

The third convention is the international convention relating to the limitation of liability of owners of seagoing ships, 1957. Previously the liability of shipowners in Western Australia was governed by part VIII of the UK Merchant Shipping Act 1894, which applied the 1924 liability convention. The 1924 convention limits the liability of the owner of a seagoing ship for compensation to third parties, claims for property

damage, compensation for death or bodily injury, etc. to an aggregate sum of £stg 8 per ton of the vessel's tonnage. The Bill has the effect of repealing part VIII of the Merchant Shipping Act and providing for the implementation of the 1957 convention which limits the shipowner's liability to the considerably higher figure of 1 000 francs, or $A60, per ton of the ship's tonnage for property claims; 3 100 francs, or $A186, per ton for personal claims; and, 3 100 francs, or $A186, per ton aggregate for personal and property claims. Three hundred tons is deemed to be the minimum tonnage of a ship under the convention. The franc referred to has a special gold value for conversion to other currencies. Owing to currency values fluctuating, the amounts quoted are approximations only.

The international convention does not apply to non-seagoing ships. Therefore, a special section is included in the Bill to limit the liability of owners of ferries—which are not seagoing ships.

A person suffering injury or loss aboard a ferry will have a common law remedy in negligence against the owner of the vessel. The Bill requires that any vessel licensed under the legislation must insure against such liability. To keep insurance needs within realistic bounds it is proposed that the owner should be allowed to set a limit to the extent of his liability.

Liability will be limited to $45 000 for each passenger, with no minimum overall sum specified. This figure is based on the limitation prescribed by the Civil Aviation (Carriers Liability) Act. Hence a person suffering injury or loss aboard a ferry will, if negligence is established, be assured of at least $45 000.

The last of the conventions is the international convention for the safety of life at sea, 1974, and the protocol of 1978 relating thereto. The Bill provides for regulations to be made giving effect to chapter V of the annex to the international convention for the safety of life at sea, 1974 and the 1978 protocol to that convention. Chapter V of the convention is concerned with various safety matters such as weather messages, distress calls, safe navigation practices, and pilot ladders. All other chapters of the convention apply the convention's regulations to ships on international voyages only. Chapter V applies to all ships; and the regulations will apply its provisions to vessels under State jurisdiction.

The fifth objective of the Bill is to repeal the provisions for certification of marine surveyors which were included in the 1948 Marine Act. The uniform shipping laws codes embrace all aspects of the regulatory function of a marine authority concerning commercial craft.

In recent times, Western Australia has been the only State which has had any legislative coverage of the certification of marine surveyors; and, because of irrelevance and difficulties in administration, such provision is considered to be unnecessary and unenforceable. This view is shared by the other States.

As marine surveyor certification provisions such as those present in the existing Act are not recognised as necessary in other States' legislation or in the formulation of the codes, such provisions do not appear in the uniform shipping laws codes. If the present marine surveyor certification provisions are retained in this State, the concept of uniformity or marine law between the States will be diminished. The marine legislation in all other States and the British legislation—the Merchant Shipping Act—from which most States originally inherited their legislation, no longer carry any reference to legislative supervision of the marine survey or marine consultancy industry. The Bill, in repealing the 1948 Marine Act, will remove the anomalous requirement for the certification of marine surveyors.

The sixth objective is to update the penalties for breaches of the Act. Following a review of the penalty provisions of the Western Australian Marine Act and regulations, it was considered necessary to increase penalties to a more realistic level, having regard to the erosion of the real level of penalty brought about by inflation and to avoid serious inconsistencies between penalties provided for under State and Commonwealth legislation for similar offences.

The seventh and last objective is to introduce provisions to cover specific deficiencies in the 1948 Act. These include three matters of significant importance to the regulatory work of the State's marine authorities, including the Department of Marine and Harbours, which will administer this legislation when it is enacted.

The first relates to the licensing of persons letting out boats for hire. The 1948 Marine Act previously required the licensing of all boats let for hire, but imposed no obligations on the proprietor of hire boats to hold a licence conditional on his meeting any or specific safety requirements. The Bill remedies this deficiency.

A second matter relates to the power to detain vessels. The 1948 Act does not enable an unseaworthy or inadequately equipped vessel to be stopped from proceeding into unprotected waters; and an offence is not committed until the vessel is actually operated in unprotected waters.

As members would appreciate, this may well prove too late. The Bill provides the marine authority with power to detain such a vessel in protected waters until the appropriate requirements are met. The Bill also provides a penalty for not complying with a detention order.

Another matter relates to the prohibition of particular vessels from certain waters. Circumstances arise where the operation of a particular vessel or a particular class of vessel is considered inappropriate for an area of water due to either the vessel's size, its lack of manoeuvrability, bridge clearances, depth of water, or similar problems. Under the 1948 Act powers exist to close certain waters to all vessels; and these powers are used to close areas such as the Mandurah bar for reasons of safety. However, it would be necessary to exempt every other vessel except the particular vessel or vessels which were unsuitable should only those powers be available. The Bill simply provides power to prohibit a certain vessel or class of vessels without affecting the accessibility of those waters to all other vessels.

By now, members will be aware that this Bill represents a major step forward in the tidying up of marine legislation in this State. It reflects more adequately the requirements of the marine authorities and the Government in their desire to provide a proper framework for the regulation and control of maritime matters. That such control is necessary has been clearly shown in the past, both in this State and throughout Australia and the maritime countries of the world.

The Bill is the result of a great deal of effort on the part of the Parliamentary Counsel and senior officers of the Department of Marine and Harbours. It will, I am sure, be of real benefit to those involved in its administration, should it be acceptable to the House. Of equal importance, is the fact that it will be understood more easily by shipping and boating interests. This Bill is a further step in the Government's plan to update the marine aspects of the transport scene in Western Australia.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

## IRON ORE (HAMERSLEY RANGE) AGREEMENT AMENDMENT BILL

*Second Reading*

**MR P. V. JONES** (Narrogin—Minister for Resources Development) [5.08 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to ratify a variation agreement between the State and Hamersley Iron Pty. Limited.

The Hamersley iron ore project has been developed progressively to a rated project capacity of in excess of 40 million tonnes per annum. Development of this project has involved the establishment by the company of the towns of Dampier, Tom Price, and Paraburdoo; and the company also has contributed towards the open town of Karratha, a State Government development.

The variation agreement scheduled to the Bill provides for home ownership and normalisation of the towns of Dampier, Tom Price, and Paraburdoo; certain minor adjustments to the company's mineral lease 4SA; and the setting of a royalty rate in respect of fine ore sold for coating the Woodside project undersea pipeline.

It has been recognised for some time that there is a growing need for the normalisation of company towns in the Pilbara; and this Bill places before the House the second variation agreement relating to this. In 1979 a variation to the iron ore (Mount Newman) agreement was ratified in Parliament to enable a home ownership scheme and normalisation of the town of Newman to proceed. An essential part of normalisation is to ensure land availability for private development and for Government, both State and local, to assume its normal responsiblities in respect of services and infrastructure.

The company has developed a home ownership plan whereby its employees will be given the opportunity to purchase company houses under favourable terms and conditions. The home ownership plan is seen as an important and necessary step in achieving normalisation of the towns established by the company. To enable the home ownership plan and normalisation to proceed, it is necessary to amend the Iron Ore (Hamersley Range) Agreement Act through the Bill before this House.

I turn now to the provisions of the variation agreement that relate to the company's home ownership plan and the normalisation of the three towns which are covered in clauses 4 and 5 of the document. Clause 4 relates to the towns of Dampier and Tom Price, which are the port townsite and deposits townsite established by the company under the 1963 Hamersley agreement; and clause 5 relates to Paraburdoo, which is the townsite established by the company under the 1968 agreement.

An important definition is added to the Hamersley agreements to provide an

interpretation of "housing scheme"; and a paragraph is added to the definitions clause to ensure that the obligations of the company under the agreement do not flow on to the employees participating in a housing scheme. There are also amendments to facilitate the acquisition by the State or the relevant local authority of the company's land for the purposes of normalisation.

The variation agreement permits the company to submit additional proposals to the State with respect to the three towns relating to—

> any housing scheme, which may also provide for the sale to employees of land in Karratha which was acquired by the company for housing for its employees;
>
> the sale of land in the three towns the subject of a sublease or agreement for sublease by the company for commercial, community, or welfare purposes, to the sublessee or any other person with the consent of the Minister;
>
> the transfer to or vesting in the State, appropriate instrumentality, or local authority of the ownership, care, control, and management, maintenance, or preservation of any service or facility owned and/or operated by the company;
>
> the vesting in, transfer, surrender, lease, or sublease to the State, appropriate instrumentality, or local authority of any land owned or leased by the company; or
>
> any other purpose concerning the use or operation of the company's services or facilities situated in or near the three towns as the Minister shall approve.

The agreement provides that proposals by the company relating to the transfer to or vesting in the State or the appropriate State instrumentality or local authority of any services, facilities, or land must be acceptable to the State.

The variation agreement provides for the grant in fee simple or lease to the company in accordance with an approved proposal of any part or parts of the land currently held by the company. The price to be paid by the company for any grant and the terms of any lease are to be determined by the Minister for Lands.

Authorisation for Ministers of the State, instrumentalities of the State, and local authorities to enter into and carry out agreements set out in the additional proposals is provided in the variation.

Provision is made for consultation between the Minister for Lands and the company to ensure future availability of land in the three towns for further town development.

In regard to the sale of lots in a housing scheme, the company is given the right to enter into agreements to sell lots to employees engaged in the company's operations; and, in this regard, it is provided that certain sections of the Sale of Land Act are not to apply to those agreements.

Before transfer of any service or facility occurs and while the company is responsible, as it now is, for the provision and/or maintenance of water, electricity, sewerage, or drainage services within the three towns, the company is to have the right to enter land for the purpose of maintenance of these services with the proviso that the company shall be responsible for any damage caused.

Provision for modification of the existing powers and authorities of the company with respect to water and power supplies to the three towns to accord with any approved additional proposals is made in the variation. Provision to ensure that the effect of any determination of the Hamersley agreement does not flow on to townsite lots disposed of by the company under a housing scheme is also included.

The undertaking not to rezone lands included in the Hamersley agreement is extended to lands which the company may have the right to purchase in accordance with a housing scheme.

With respect to the assignment clause of the agreement, an amendment by the addition of a new subclause has been provided for the purpose of simplifying land transactions under a housing scheme.

In clause 6 of the variation agreement, the State acknowledges that the company has, in accordance with its earlier approved proposals—

> laid out and developed these towns and provided therein adequate and suitable housing, and recreational and other facilities and services; and
>
> constructed and provided roads, housing, schools, water and power supplies, and other amenities and services therein.

It acknowledges also that the company shall have no further obligations to the State with regard to any of those matters that are the subject of proposals approved under this variation agreement except as provided in such proposals. However, if by reason of the expansion of the company's operations, additional services, facilities, or amenities are required, the company must negotiate with the State as to the provision of these matters.

Clause 7 deals with the preservation of subleases by the company to third parties. If any land within the three towns, which is surrendered by the company and granted back in fee simple pursuant to an approved proposal, is the subject of a sublease, that sublease shall remain in full force and effect as if the special lease out of which it was granted had not been surrendered.

To support the achievement of the normalisation of the three towns and the company's housing scheme, stamp duty exemptions have been introduced. The extent of these exemptions is limited to a period of 10 years and to transactions associated with a housing scheme.

I would now draw to the attention of members, the specific provisions of the variation agreement relating to adjustments to the company's Tom Price mineral lease 4SA. In its exploration programme on temporary reserves, the company has located additional ore bodies of high phosphorous iron ore in areas in the vicinity of its Tom Price and Paraburdoo mineral leases. These areas comprise temporary reserves over which rights of occupancy are held by the company, Hamersley Exploration Pty. Limited, or Mount Bruce Mining Pty. Limited, and include two small areas of vacant Crown land. The ore bodies located may be suitable for blending with low phosphorus ores in future years.

The variation agreement provides that the company may apply for inclusion in its mineral lease 4SA, subject to the same terms and conditions as apply to the mineral lease, those areas coloured red on the plan in exchange for those areas coloured green. The areas for inclusion and surrender both total approximately 115 square kilometres.

Authorisation and confirmation of the sale by the company of iron ore for use in coating the Woodside project undersea pipeline and the setting of a royalty rate of 7.5 per cent on the sale price of such from the Dampier stockpiles are also provided in the variation agreement.

Members will, I believe, see the move to provide freehold land ownership and achievement of "normalisation" of the three towns as a substantial further step towards stability and growth in the Pilbara region of the State. The company's efforts in this regard have been appreciated by the Government and deserve the full support of Parliament.

I commend the Bill to the House.

I seek leave to table a plan depicting the variations to the company's mineral lease 4SA referred to previously.

*The paper was tabled (see paper No. 188).*

Debate adjourned, on motion by Mr Harman.

## STAMP AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed from 8 April.

**MR BRIAN BURKE** (Balcatta—Leader of the Opposition) [5.18 p.m.]: The Opposition intends to support this Bill and acknowledges that it proposes two minor amendments to existing legislation. The first is the exclusion of brokerage fees from the definition of "interest" under the Act so that where a credit transaction involves an interest rate which exceeds 17.75 per cent, stamp duty is not payable on any sums lawfully agreed to by way of brokerage fees.

The second minor amendment proposed in the Bill is to ensure stamp duty is payable by local government superannuation schemes on the purchase of property or other commercial dealings. The same situation will apply to the State Government superannuation fund by way of revoking the declaration previously made under section 119 of the Act.

The Premier has given the Opposition notice of an amendment to clause 3 which he proposes to move during the Committee stage. The amendment aims to eliminate uncertainty about whether the proposed reference to "associated person" in the Bill could apply equally to the guarantor. Although the Opposition has not had much time to consider the further amendment sought by the Government, it indicates it has no objection to the proposal.

**MR O'CONNOR** (Mt. Lawley—Treasurer) [5.20 p.m.]: I thank the Leader of the Opposition for his support of the Bill and the comments he made in connection with it.

I have given a copy of the proposed amendment to clause 3 to you, Sir, and to the Leader of the Opposition. The Crown Law Department has indicated clarification is necessary and the new wording proposed is not very different from that which is in the Bill at present.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr O'Connor (Treasurer) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 112I amended—

Mr O'CONNOR: I move an amendment—

Page 3—Delete paragraph (b) and substitute the following—

(b) in paragraph (f) of the definition of the term "loan" by deleting "or any other person (not being the person making or receiving that loan)" and substituting the following—

who is an associated person or any other person who is an associated person;

This amendment has been requested by the Crown Law Department and the Taxation Office in an effort to eliminate any uncertainty in connection with the Bill. It is moved in order to make it absolutely clear that both the procurator fees and the guarantee fees referred to in paragraph (f) of the definition of "loan" must be paid by a person who is associated with the loan.

The wording is not clear at the present time and it is intended to put the question beyond doubt.

Mr BRIAN BURKE: As indicated previously, the Opposition will not oppose this amendment, but it points out that the moving of amendments at such short notice is not really the appropriate way to give considered and deliberate examination to changes in laws which affect the people of this State.

Nevertheless, following examination during the period of time—however short—allowed to the Opposition to consider the change, I wish to say, on behalf of the Opposition, that it takes no exception to the proposed amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Title put and passed.

Bill reported with an amendment.

## COMPANIES (ADMINISTRATION) BILL

*Second Reading*

Debate resumed from 8 April.

**MR TONKIN** (Morley) [5.26 p.m.]: This Bill is one of two which are part of the legislative package required in this State in accordance with the agreement of 22 December, 1978, which was arrived at between the Commonwealth and the States, to achieve co-operation amongst the various Governments of the country for co-operative companies and securities regulation.

We understand the Bill has been approved by the Ministerial Council for companies and securities and similar legislation has been introduced in other States. Therefore, the Opposition is quite happy to support the measure.

**MR RUSHTON** (Dale—Deputy Premier) [5.27 p.m.]: I thank the Opposition for its support of the legislation and commend it to the House.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Rushton (Deputy Premier), and transmitted to the Council.

## OFF-SHORE (APPLICATION OF LAWS) BILL

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Rushton (Deputy Premier), read a first time.

## COMPANIES (CONSEQUENTIAL AMENDMENTS) BILL

*Second Reading*

Debate resumed from 8 April.

**MR TONKIN** (Morley) [5.30 p.m.]: The comments I made with respect to the Companies (Administration) Bill apply to this Bill. The Opposition is quite happy to support the measure.

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*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Rushton (Deputy Premier), and transmitted to the Council.

## LOCAL GOVERNMENT AMENDMENT BILL

*Second Reading*

Debate resumed from 8 April.

**MR TONKIN** (Morley) [5.34 p.m.]: The Bill deals to some extent with street trading, but it does not give local government authorities the power to prohibit street trading absolutely. As the Opposition spokesman on local government matters, I wonder whether local government authorities should have the power to prohibit street trading absolutely. Local authorities do not have that power at the moment except in cases where they act pursuant to the provisions of the Public Health Act, and we should make a careful consideration of whether authorities should have this absolute power—at the moment no body has it.

Traders in shops and other fixed positions must pay rates and obey zoning regulations. It seems rather strange that although local government authorities can control that type of trading, they are not able to control street trading. It is clear that some body or authority should have control over street trading, and I believe local authorities are the obvious bodies to have it.

Having made those points, I indicate the Opposition's support of the Bill. It provides for local government authorities to seize goods displayed by a street trader not having a licence to street trade, or someone street trading under a licence but contravening the conditions under which the licence was issued. At present a local authority must charge the alleged offender before a court of competent jurisdiction, and if the offender is found guilty the court may order that the goods traded be confiscated. If no charge is preferred before a court of competent jurisdication any goods seized must be returned.

To allow a local authority to seize the goods of a street trader in the way provided by this legislation may seem Draconian, but I would say that if such a power did not exist, any street trader without a licence would be willing to contravene the law while he waits, and quite happily, for the local authority covering him to charge him before a court of competent jurisdiction. Street traders would be able to flout the law, and in such circumstances the seizure of goods would seem to be necessary; if we do not have such provisions there is no point in our having the law at all.

As a result of the requirement that a charge be made before a court of competent jurisdiction, the Opposition believes that the normal safeguards expected under the law are available, and, as long as such proper safeguards continue, the rights of individuals will be protected.

This Bill increases to $75 the maximum minimum rate allowed to be imposed by a local authority, and I do not intend to quarrel with the concept of that provision. However, I make it clear that in regard to this matter a great deal of misunderstanding exists. The legislation does not make provision for rates generally to be raised; it allows local authorities—after all, they are elected by ratepayers and occupiers, although not by a full democratic vote—to apply a minimum rate of $75. This increase will not affect the vast majority of ratepayers—people who pay greatly in excess of $75. By raising the minimum rate, pressure will be taken off that vast majority as a result of the increased amounts paid by people presently paying the minimum rate of $40 who escape a fair assessment of their rates, but who should take a fair share of the burden. By increasing the minimum rate we will have a more equitable distribution of the burden, and pressure will be taken off the great majority of ratepayers—people who pay three or four times the minimum presently allowable under the Act.

We are aware shire and city councils almost unanimously requested an increase to $150 in the rate, and we believe that by increasing the rate to $75 the Government has found a reasonable compromise.

To return to the matter of street trading, I indicate that the Opposition hopes the provision in this Bill will not interfere with the right of charitable organisations to conduct street stalls. We hope local government authorities will have due regard to the needs of parents and citizens' associations and other such organisations which conduct fund-raising street stalls. We would not like this legislation to circumscribe the legitimate activities of non-profit organisations essential to our community.

**MR STEPHENS** (Stirling) [5.42 p.m.]: Our party supports the concept of giving local government authorities the power to make and enforce regulations and by-laws for the control of street trading, but we do so with the proviso that, as stated by the member for Morley, this power will not affect charitable organisations conducting street stalls.

For some considerable time local authorities throughout the State have been concerned about the increase in the maximum minimum rate. In the five shires in my electorate division of opinion has occurred in regard to whether the minimum should be $100 or $150, although I think I would be correct in saying the majority of councils in my

electorate favour an increase to $150 in the minimum rate. I ask the Minister to indicate in her reply how the Government arrived at the figure of $75. The more autonomy we give to local authorities, the more we will encourage greater involvement by ratepayers in local authority acitivities, and thereby increase the number of people voting at local authority elections. At present between 15 per cent and 30 per cent of ratepayers and occupiers vote at these elections, and if local authorities were able to impose a minimum rate of $150 and did so, we may see greater ratepayer participation in local authority activities. Obviously the authorities must exercise a certain degree of restraint in imposing minimum rates, and should not abuse the legislation, but by not restricting authorities to $75 for minimum rates we may see greater public participation in local authority activities.

It is not right that we should be restrictive in setting these limits, particularly after realising that in New South Wales no minimum limit applies. Local authorities in New South Wales set their own limits, and of course ratepayers have the right to object, and to vote in or out any particular local authority.

We support the Bill, but would like the Minister to indicate how the figure of $75 was reached.

**MR DAVIES** (Victoria Park) [5.44 p.m.]: Mr Speaker—

*Leave to Continue Speech*

Mr DAVIES: In view of the time I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

## QUESTIONS

Questions were taken at this stage.

*Sitting suspended from 6.15 to 7.30 p.m.*

## LOCAL GOVERNMENT AMENDMENT BILL

*Second Reading*

Debate resumed from an earlier stage of the sitting.

**MR DAVIES** (Victoria Park) [7.30 p.m.]: I want to say a few words about this amending Bill and to express some concern as to how it may be applied. The member for Morley has told the Government of our attitude towards street trading and has acknowledged that some shopkeepers who pay rent and could be adversely affected by people who might set up shop outside their place of business could be anxious to see all street trading done away with. I can sympathise with that view and agree to a certain degree. But I think it is a rather negative and Scrooge-like attitude that seems to be emerging in local government and it does not do anything to add colour to the city. I have just taken a walk around the city block and there is nothing to interest, excite, or bring people to the city at this time of evening.

Mr Pearce: Unless you have nowhere to go.

Mr DAVIES: I said, "at this time of evening." If, as the new Lord Mayor says, we want to bring people back into the city we should do something to attract them. There may be some attraction for a person in looking at shop windows, but that is all that is offering at present. I do not know to what extent street trading has become a nuisance, but the Minister pointed out in her second reading speech that councils, or local authorities, already have control over stall holders. They now want to do something about people who are not stall holders, but who trade in the street. That seems to be covered by the definition of "trading" and the rest of the Bill, apart from that portion dealing with the confiscation of goods—which position has been adequately dealt with by the member for Morley—seems to give sweeping and wide powers to local authorities. They are far and beyond what I believe to be reasonable to control this activity, if indeed they want to adopt this Scrooge-like attitude.

The first amendment talks about prescribing additional fees. The Act already sets out fees which may be prescribed, but we are adding a clause which says that in addition to the fees which may be charged to stall holders on application and upon being granted a licence, additional fees can now be prescribed.

Section 242(h) gives the present prescribing power, but the new one we propose to add says—

> for prescribing charges to be paid, in addition to any fees payable in respect of licences . . .

And it goes on. What additional fees will local authorities be allowed to charge? Will there be discrimination against some stall holders? If councils have the right to prescribe licence fees, why are we giving them the opportunity to prescribe whatever additional fees they think are necessary? There is apparently a very good reason for it and if the Minister can tell us what it is when she replies my mind may be put at ease. We are saying to local authorities that although they can control stall holders, if anyone does not fall into that category, but trades under the new definition now to be put into the Act, they can

confiscate all his goods. I suppose one could confiscate a person's notebook and pad if he is taking orders because that is trading as far as the definition is concerned. In addition to that we are now saying councils can charge licence fees and whatever additional fees they might like. Some councils may say, "We are happy to let you trade under the tree. You do not fall within the definition of 'stall holder,' but pay a stall holder's licence fee and another $150 a week and you can trade there for as long as you like and be exempt from the rigours of the council's by-laws." It does not seem right to me, nor does it seem necessary.

We are giving councils a second bite at applying a charge and if the Minister can explain why that is so I may be able to accept her explanation.

Further on, under the proposed new section 678A we are giving councils the most sweeping powers I have seen in regard to the making of regulations. The section does not refer to the making of regulations as are necessary to apply the various provisions of this Act. It says it in four or five ways in each provision. They can make regulations generally—that is one way—or in a particular class of case, which is another way; or they can do it in particular classes of cases, which is yet another way. That is in the first paragraph. The proposed subsection then refers to "at all times" or "at specified times" or at "a specified time". Why is there any need to set it out like that?

Subparagraph (iii) reads—

> throughout the State, or in a specified part or specified parts of the State.

Why do we have to be so detailed in indicating how regulations may be made? Everyone who has sat in this House for any length of time will be aware that we are constantly writing into legislation the provision that the Governor-in-Council can make such regulations as are thought necessary for the enforcing of the provisions of the legislation; but we do not feel it necessary to spell it out as precisely as we are in this Bill.

The proposed section goes on—

> (b) so as to require a matter affected by them to be—
>
> (i) in accordance with a specified standard or specified requirement; or
>
> (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;

It is detailed there in four or five different ways. The Bill then goes on as follows—

> (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority; . . .

Are we going to make flesh of one and fish of another? Is there a discriminatory element creeping into legislation so it can be said that people who trade in handmade silver jewellery have one set of conditions applying to them, but another set of conditions applies to those who trade in prints? Why do we need to set out the right for regulations to be made in this way? It seems unnecessarily complicated. It appears we are using a bludgeon to squash a gnat. That is the tenor of the whole proposed new subsection.

I have a little sympathy with these street traders. They have never been a nuisance as far as I can see. They seem to get themselves into places that are set back from the pavement a little way, in the head of an alley or laneway, or where they do not impede the progress of pedestrians. I agree with what the Minister said in her introductory speech, and what the member for Morley said; that is, that after all, footpaths should be for pedestrians. I feel that because at least one city council failed initially in its prosecution, the Government is falling over backwards to write into legislation much wider conditions that in my opinion are not necessary to control a simple matter. Surely we can define street trading and say that the same conditions apply to it as apply to stall holders. What is the difference? If we define a "stall holder" or a "stall", as the Local Government Act does in section 242, we can define "trading". We can define "a trader" as well as "trading" just as we define "stall" and "stall holder". I think the matter could be overcome simply.

The Government seems to be eager to get rid of these street traders. I have some sympathy for them because they are not doing a great deal of harm and the goods they sell are mainly silver jewellery—generally fairly cheap—some leather work, and prints or posters. That appears to be the scope of their activities. It is true that, for Mother's Day, florists or nurserymen set up in the Hay Street Mall with huge bunches of flowers which they sell at some disadvantage to florists who look on that day as their one big day of the year. There needs to be some control of the activity.

As far as the vendors of other goods that I have mentioned are concerned, I do not think they take much trade away from the retail giants because I have not seen a great amount of leather goods or handmade silver and metal jewellery in those

stores to give them cause for complaint. This part of the Bill may have been inserted in a fit of pique at the request of the Perth City Council because it was unsuccessful initially in some prosecutions. While having a modicum of sympathy for the people I have mentioned, I believe we are legislating unnecessarily and the Bill could be handled in a far more simple manner than the detailed way in which it has been attacked. There is no need to write into a Bill, and eventually into an Act, the right for regulations to be made in the manner proposed in this Bill.

I will support it, as the member for Morley has said, because there are probably reasons for it; but I support it while expressing concern that we are going far beyond what is necessary. I recall the Premier's saying several weeks ago that he would not legislate for the sake of legislating, but this is an example where we are legislating because we feel it is necessary and the matter has not been researched properly.

**MR McPHARLIN** (Mt. Marshall) [7.45 p.m.]: The clause to which I refer repeals section 274 of the Act and relates to the calling of tenders for contracts. I interpret this clause as an attempt to tidy up this rather vexing problem which has caused concern among shires when tenders are called for goods and a councillor has a vested interest. I distinctly remember an occasion when the chairman of a council had a fuel agency and tenders were called for the supply of fuel. The chairman submitted a tender and had to declare his interest. He was required to leave the meeting while discussion on the tenders took place.

This does appear to be a sincere attempt to tidy up the provision surrounding council tenders, not just for the supply of fuel, but also for the execution of work, and so on. It is a good move which will make this area far more convenient for councillors when handling tenders.

The other clause to which I refer relates to the minimum rate. All the 11 shires in the Mt. Marshall electorate made submissions on this point and all were in favour of increasing the rate to $150, and that amount has been mentioned previously this evening. I have some reservations about agreeing to that figure. The amount provided in the Bill seems reasonable and acceptable.

With some blocks of land in small places, even a minimum rate of $40 was considered to be too high. I distinctly remember one occasion when an owner of such a block in a small area received his rate notice of $40. He objected and tried unsuccessfully to sell the block. The shire took over the block and now nothing is being done with it; it is of no use to anyone. That could happen frequently if the minimum rate were made too high. The adjusted figure is reasonable and the rejection of the $150 should meet with the approval of most shires.

**MRS CRAIG** (Wellington—Minister for Local Government) [7.48 p.m.]: I thank members for their general support of the proposals contained in this legislation. I will endeavour to answer seriatim the questions raised.

The member for Morley indicated the support of his party for the measure and questioned whether local authorities ought to be given power to prohibit entirely street trading; he wondered whether this legislation was too lenient. The matter of street trading and itinerant vendors and hawkers for a long time has been a problem to local authorities throughout Western Australia and not only to the City of Perth.

Two previous attempts have been made to rationalise the situation as it presently exists. The member for Victoria Park will remember that in the time of the Tonkin Government two attempts were made to tidy up this Act. The measures proposed then were far more draconian than those in this Bill.

I pointed out in my second reading speech that we had endeavoured to have regard for all parties. We agree that a certain colour is added to streets by some people being allowed to trade in them. We also agree that there are times when those persons who are trading from stores rather than stalls feel themselves to be seriously disadvantaged. This involves their having to meet the expenses involved with local rates, water rates, sewerage rates, and all the other imposts with which businesses are encumbered, while at the same time having people outside their doors not having to pay anything at all yet being able to compete actively with them.

We have attempted to find a median point. We have indicated that local authorities may prescribe by-laws which indicate the places in which and the times at which people may trade in the streets. We have indicated also that the general appeal right present in the Act will be available to those persons who apply to local authorities for a licence to trade in the streets and whose application is rejected. They will be given the opportunity to make an application to the courts to have that rejection overturned.

The member for Victoria Park asked whether it was proper for there to be a licence fee and for councils to be able to charge another fee. The problem is one that relates at present fairly specifically to the Perth City Council, although I

rather imagine it could relate to other regional shopping centres and probably the Fremantle City Council. In the Perth City Council area it was agreed that people could set up stalls in the mall and in Forrest Place. It was agreed by those people who became the stall holders and who were prescribed their specific places in which to trade that it would be appropriate for them to pay a fee to enable them to have that stall in that place. However, the Local Government Act did not allow the council to charge a fee. So, although the stall holders felt it was absolutely right and proper that they should pay something, the Act did not allow the council to levy such a charge. It is for that reason the provision appears in the Bill.

Mr Davies: That might be okay for the people who are happy about doing it, but if the councils start using the provision widely or capriciously it could have a detrimental effect.

Mrs CRAIG: The member for Victoria Park points up a problem we had in attempting to arrive at legislation which was acceptable to most people. On his side of the House he has argued that this is a power that should not be given to local authorities, yet the member for Morley said the Government, in fact, was not giving the councils sufficient power and that they ought to be able to prohibit entirely people setting up stalls in the streets. So, it has been a matter of our trying to find a fair balance. Generally, local authorities exercise their powers with discretion. They know that they are answerable to their ratepayers and that they have to face elections. Over and over again members from both sides of the House have said that councils ought to be given more autonomy. This legislation will allow councils to prescribe certain by-laws and it will be up to the councils to decide on the manner in which those by-laws will be policed.

That brings me to the point raised by the member for Morley when he said that he hoped this provision would not have any effect on a charitable organisation. I agree with his remarks entirely. In discussions I have had with local authorities, via the liaison committee I meet with regularly, it has been indicated to me that there is no intention on the part of any authority to interfere with charitable stalls which are set up from time to time at various venues. They have indicated that, in exercising their powers, should they determine to prescribe by-laws—and some may not wish to do so—they would handle the matter sensibly.

Mr Davies: Could I do as the Deputy Premier did and indicate that I will read your speech in *Hansard*, as I have now to absent myself for an hour or two?

Mrs CRAIG: Of course.

Another question raised dealt with the capacity of a council officer to seize goods when a person is trading in a street unlawfully; that is, when he is not a holder of a licence from that local authority. The need for such provision to be incorporated in the Bill has arisen because the present provisions in the Local Government Act that attempt to allow local authorities to control stalls do not give the authorities any power that could stop that person from trading.

The member for Morley indicated clearly that he supposed that a person could continue to trade until court action had been taken, and by that time he would have done all the trading he wanted to do, which meant that the council was, in effect, powerless to act. The member for Morley was right when he said that if the council seized the goods it would have to charge the person or return the goods to him.

A further point raised by the member for Morley dealt with the maximum permitted minimum rate, which this legislation raises to $75. He indicated it was a fair figure. The member for Stirling believed it could well have been higher and indicated that the councils in his area wished the figure to be higher. The member for Mt. Marshall stated that the councils in his electorate were in favour of increasing the figure to $150, but that in some cases he believed that $40 was too much.

It is true to say that I have been approached by almost every local authority in this State with a request that the maximum permitted minimum rate be raised to $150. In examining those requests I could not be satisfied that a rise to that amount would overcome the rating problem faced by many local authorities. I make no secret of that. Problems do exist with the present rating provisions in the Local Government Act. Reports prepared on this matter are presently under close examination.

The request I have received from the local government associations and the many local government authorities—that the rate be raised to $150 because they see it as a fairly general solution to their problems—has been handled in this way: 22 local authorities representing a fair average of those that exist in the State have been chosen to be part of a computer study. We are presently taking from their rate books those people to whom that rate could apply in an endeavour to get an understanding of the effect it would have on the rating structure of local authorities.

Mr Barnett: Are you referring to the rate you will allow them to charge?

Mrs CRAIG: No, the $150. Until such time as that study is completed—and it will not be before July or August this year—

Mr Bridge: Are these shires from throughout the State?

Mrs CRAIG: They are a good cross-section of shires throughout the State. We are studying 22 local authorities.

If that were the only basis on which we could determine the effect it would have—and in some areas it may have a bad effect—it would not be so difficult. None of them, I understand, had actually done such a study so we could not determine the effect of the suggested rise . The departmental study will give conclusive figures and the Government therefore will be in a better position to say that it could be a good idea to adopt $150, or on the other hand it could be most disadvantageous. In the interim, it was only fair to say that, although the maximum permitted minimum had been raised from $20 to $40 in 1978, there had been changes since that time, and inflation had had an effect. Therefore, unless there was a capacity for them to rate a higher maximum permitted minimum, other ratepayers could be suffering a disadvantage because they would be picking up the discrepancy with regard to the finance the councils wanted to raise. So the figure of $75 takes into account inflation since 1978 and, I admit, a little bit is added on.

The other matter I want the House to understand is that the maximum permitted minimum is not a mandatory figure for local authorities to charge; in fact, since 1961 the Act has provided that councils may differentiate between wards and portions of a ward. That overcomes the problem expressed by the member for Mt. Marshall that the councils must exercise the discretion which is not dependent—

Mr Barnett: Perhaps it overcomes only one of his problems. Could a council rightly charge the sum of $75 when perhaps it should levy only $5 on that lot? Does it have discretion to exercise that power?

Mr Parker: Do you know how many councils actually levy the full $40 now as their minimum charge?

Mrs CRAIG: I am aware that there are quite a lot, although I cannot tell the member precisely how many.

Mr Parker: Nearly all of them!

Mrs CRAIG: I am also aware that quite a lot of local authorities do not differentiate between wards and portions of wards and decide to levy the maximum permitted minimum overall. That is the prerogative of the council. The member for Fremantle asked if I knew whether any do differentiate; that is not a matter which comes to the notice of my department. We would need to go to each individual authority and ask them whether in fact that is what they do. They are given the power and they then make the decisions themselves in regard to that matter.

A very strong push has been made to raise the rate to $150; people have suggested such a move would overcome all our problems. However, from the amount of debate we have had in the House tonight, it is quite clear that to raise it too high without a valid reason for doing so in fact would put many people at a disadvantage. That is why I am hoping that the figure of $75 will overcome some of the problems that councils are experiencing, and that once I receive the results of the study about which I have spoken, we will be able to review the situation and see whether it is fair and equitable to raise that maximum permitted minimum to a higher level.

The member for Victoria Park looked at section 678A of the Act and tried to relate it to the powers of councils in relation to the by-laws that relate to street stalls. Of course, section 678 refers specifically to section 274 of the principal Act, which is to be amended by clause 9 of this Bill, and provides for regulations to be made to prescribe the circumstances in which council shall call tenders, etc.

The member for Mt. Marshall indicated that he thought this amendment was to tidy up a difficult situation which had existed for some time, and indeed he was quite right. Precise conditions have not been laid down or prescribed previously in so far as tender procedures for local authorities are concerned.

So, by virtue of the powers contained within sections 678 and 274 it is now proposed to be able to prescribe regulations that relate to the tender procedures with which local authorities must abide. That has not been the cause of any dissent; in fact, it is my feeling that local authorities are pleased that there will be a careful prescription for the manner in which they must proceed when calling tenders. It also allows for the regulations to prescribe the amount over which local authorities must call tenders. That has been a matter of concern for some time and, instead of one having to amend the Act from time to time to keep pace with the changes in inflationary trends, it will be more advantageous and will facilitate some of the activities of the councils to prescribe that amount by regulation.

I believe I have answered most of the questions raised by members who have spoken to date.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (Mr Trethowan) in the Chair; Mrs Craig (Minister for Local Government) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 552 amended—

Mr STEPHENS: In the second reading debate I asked the Minister to explain how she arrived at the figure of $75. Her explanation does not really satisfy me. The adoption of this attitude in relation to local government is far too paternalistic. It has been acknowledged that virtually every local government in Western Australia is seeking a maximum minimum of at least $100 and many want it to be $150. The Minister did point out that it is not obligatory to adopt the minimum rate and that there is discretion within councils to adopt a lesser figure than that suggested by the Minister.

Mr Tonkin: Are you in favour of $150?

Mr STEPHENS: Personally, I am in favour of $150, but I am also guided by the interests and wishes of the councils that I represent and which have made representations to me. We must take cognisance of the ability of those people in local government, who give their time and their services in the interests of their own local community and the State generally. Here we are freely acknowledging that all these people and the councils want a higher maximum minimum than that being offered to them now; I do not think this Parliament should ignore the wishes of those councils, particularly in view of the fact that we all recognise the excellent job which they do.

Mr Tonkin: Either this Parliament has the right to legislate or it has not!

Mr STEPHENS: Yes, I accept that, but we are legislating in the interests of the people whom we are supposed to represent.

Mr Tonkin: But not just councillors—the whole of them.

Mr STEPHENS: I acknowledge that. However, the councils represent the ratepayers and are answerable to them. If we give them an opportunity for a degree of flexibility, they will act responsibly and will not necessarily take advantage of the higher maximum minimum. If they are irresponsible in their actions, we can rest assured that when that council comes up for election, the ratepayers will pass judgment. This factor alone will ensure that the council continues to act responsibly and that it encourages ratepayers to become involved in local government elections.

We should support local government requests and acknowledge that they would be responsible in their actions.

I move an amendment—

> Page 8, line 30—Delete the passage "$75" and substitute the passage "$100".

I said earlier in answer to an interjection by the member for Morley that my personal view was that $150 had a consensus of the shires within my electorate and that $100 would be a reasonable compromise.

Mr TONKIN: The Opposition does not support this amendment. It is true that a figure of $75, $150, or anything else is quite arbitrary. Nevertheless, this Parliament does have a responsibility to make decisions in these matters. One could argue against the setting of a minimum rate at all and say that if there is a rating system, it should not be fiddled with, but that the valuation as determined by an independent authority should determine a level of rating. However, it has been found in practice that no matter what system is used, some anomalies are created which enable some people to escape their fair share of the burden of rates. We must try to meet the two conflicting demands of the need to have a system which is not arbitrary but is based on property value and, because that is imperfect, we therefore say that perhaps we should have some kind of minimum rating. All these decisions are fairly arbitrary and in trying to meet the two kinds of criteria—the one that says valuations should decide the level of rates, and the other that says people should not escape their fair share—I suppose one must come to some kind of compromise. It was not long ago when the maximum allowable minimum rate was $20; subsequently it was raised to $40. This new figure represents a fairly hefty increase of almost 100 per cent.

Mr Stephens: When the figure for the basic or minimum wage was equivalent to about $150, the rate was $20 and later $40.

Mr TONKIN: Yes, but during the time span between when it was $40 to when it was $75, wages would not have increased that much.

Mr Parker: In the last four years there has not been that increase.

Mr Stephens: In 1978 the minimum wage was $140.75 and later it increased.

Mr TONKIN: Since the $40 was introduced?

Mr Stephens: In 1972 the maximum minimum rate was $20. In 1978 the minimum wage was about $150, in round figures.

Mr TONKIN: The increase to $75 is almost a 100 per cent increase, which is a fairly hefty amount. It is up to the councils as to whether they adopt this figure.

The figure of $150 also is arbitrary. It is all very well to say that the councils want it. However, what has happened is that one council has decided that $150 is a fair thing, has adopted it, and has canvassed other local government authorities to that effect. I would have thought an increase of almost 100 per cent was a reasonable compromise by the Minister. For that reason, the Opposition cannot support the amendment.

Mrs CRAIG: I am completely opposed to the amendment moved by the member for Stirling, and I will indicate my reasons. I did not elaborate on the matter in my second reading speech because I felt we did not need to investigate the position so thoroughly. However, as the member for Stirling obviously does not know many of the difficulties which presently are before local authorities in relation to the rating system, perhaps I should inform him of the matters which are under consideration by my department.

Firstly, we have the McCusker committee report which, as members know, relates to valuations as a basis for rating. That committee's recommendations included among other things a suggestion that we should levy a separate service and property fee.

I also have a proposal from the local government associations that we should adopt a method of differential rating. They believe the solution to the problem could be that shires should be allowed to levy up to 10 differential rates; by that, I mean shires should be able to rate in up to 10 different categories.

The third proposal I received was to raise the minimum rate to $150; the further suggestion was made that that provision should apply provided the minimum rate did not bring in more than 50 per cent of the income of the local authority.

A further proposal I have under investigation is one put forward by the Shire of Northam.

All these aspects must be considered properly. This Government seeks to do only what local government seeks to do; namely, to determine the most fair and equitable system of rating which can be established. It would be foolish for us to grasp any one of the proposals before us and say, "There is the solution" unless we knew the application of that proposal in fact would be the solution to the problem facing local government councils and ratepayers in this State.

So, whether the member for Stirling agrees or disagrees with me, I believe that the proposal that the maximum permitted minimum rate be raised to $75 is a fair interim measure. It would be grossly unfair to increase the amount to $100 or $150 when we have no knowledge of the effect of the uniform application of such a figure on the local authorities in this State.

It is for that reason that I reject the amendment.

Mr STEPHENS: I assure the Minister I was aware of the reports to which she referred, in addition to which local government people have made me perfectly aware of their belief that the decision-making process in this instance has become rather drawn out. We have had two or three reports and now, virtually, a report on a report, and still we have no decision. Members should bear in mind these councils have informed me there is no way they would apply the maximum figure; they merely want flexibility, to take inflation into account, rather than have the Act come before Parliament for amendment every year or two.

We should recognise that local government is a responsible organisation; it will not abuse that responsibility. I find it passing strange that, in New South Wales, local government can act apparently quite reasonably without any maximum or minimum figure being fixed.

Mrs Craig: But that is a very different situation, because the rate in the dollar the local authorities in that State can levy is pegged.

Mr STEPHENS: I cannot argue with the Minister on that point. I think it is pegged at a level in Western Australia, is it not?

Mrs Craig: No, it is not.

Mr Parker: There is no logic in your saying they would be more responsible at $100 than at $75. The corollary to your argument is that there should be no maximum amount at all.

Mr STEPHENS: I would like to see that, but in view of the attitude of this Committee, that might be pushing it too far. One tries to achieve a situation which is acceptable to the majority, rather than try to attain the absolutely desirable situation. My view is that the amount should be increased to $150, but I have compromised by moving to amend the amount to $100.

Mrs Craig: Perhaps you can indicate to the Committee the effect such an increase will have on your local authorities, and the manner in

which they intend to apply such a figure, if it is passed by this Committee.

Mr STEPHENS: I have been assured by local authorities in my electorate that they would not immediately apply this figure. We must bear in mind the inflationary situation in this country, the fact that the position in one shire may vary from that in another, and the fact that rating factors as between the various shires must be taken into account. The shires are in a position to know this information and to make their judgments accordingly.

I have done my duty by my shires, and I commend my amendment to the Committee.

Mr BLAIKIE: I also have been approached by shires from within my electorate, as a result of which I have made representations to the Government through the Minister for an increase in the maximum amount local government is able to charge. This situation has come about due to the anomalies in the rating system. The Minister and the Government have been prepared to increase the minimum rate from $40 to $75, notwithstanding the fact that shires in my area wish the minimum to be increased to $150. Although I have great sympathy with their argument, I believe the interim increase proposed by the Minister—representing as it does an increase of almost 100 per cent—to be a fair compromise. The percentage increase provided for in the amendment is rather dramatic, and I am not prepared to support it.

What needs to be resolved is the anomalous rating situation which currently applies in Western Australia.

Mr Stephens: I agree with that, and so do the shires.

Mr BLAIKIE: I believe most members would support that premise. The Minister has informed the Committee that this is an interim measure, to apply while she is searching for an alternative system.

The Minister mentioned the McCusker report. Members who are interested in the system of rating which applies in Western Australia would be aware of the number of reports which have been commissioned over the last eight or 10 years; indeed, the work goes on in a search for an alternative system.

I realise the amount of $75 probably will not appease a lot of the shires in my area; however, it represents an interim measure while the Government seeks a new system. That being the case, I do not support the amendment.

Mr BRIDGE: Two or three weeks ago I would have been quite strong in my support of an increase in the amount from $40 to $150. While I do not support the amendment moved by the member for Stirling, I believe it has a lot of merit, principally because he is putting forward views which are the consensus of a large number of local authorities in Western Australia.

Many authorities in this State have made decisions within their own bodies, and have put forward at local shire council association meetings the proposition that there should be a substantial increase in the minimum rate figure currently applying in Western Australia. They believed that the figure of $40 was far below what was reasonable and practicable, and that a considerable increase needed to be approved.

However, over the last couple of weeks, I made a direct contact with four shires within my electorate. I received a response from three of them to the effect that they were happy with the proposed figure of $75; they saw no reason to increase that figure. Indeed, one of the shires was of the opinion that an increase to $150 was not in its interests. The shires asked me, as the local member for the area, to put forward their view in the Parliament. I have received a virtual directive from the shires within my electorate to support a figure of $75. Therefore, I am happy to go along with the Government's proposal, and to reject the amendment moved by the member for Stirling.

Mr NANOVICH: I do not support the amendment. I have made some inquiries of local authorities regarding the amendment and, in my opinion, they are quite happy with the figure of $75. It is not acceptable to impose a minimum of $150. As the member for Vasse has indicated, this probably is an interim measure.

Although we do change the Local Government Act from time to time—and recently, very frequently—it appears that we may be changing it only as a temporary measure. Whether we ever come down to a final conclusion—

Mr Parker: It is like a lot of demountable classrooms. They are supposed to be temporary, but they are there for decades.

Mr NANOVICH: It remains to be seen whether the local authorities will settle for a certain amount, and work from that. However, the imposition of $150 as a minimum is totally out of context.

I assume that the member for Stirling has never served on a council. If he had, and he tried to increase rates in this way, he would be in the hot seat.

Mr Stephens: I have regard for the responsible attitude shown by councillors.

Mr NANOVICH: I am quite happy with the figure of $75. Perhaps we could have settled on a round figure of $80, but the $75 is quite sufficient, and it will be accepted in local government circles. Therefore, I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 11 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Leave granted to proceed forthwith to the third reading.

**MRS CRAIG** (Wellington—Minister for Local Government) [8.33 p.m.]: I move—

That the Bill be now read a third time.

**MR NANOVICH** (Whitford) [8.34 p.m.]: The amendments to the legislation are not of any great significance if one looks at them singly; but if one has been involved in local government, one realises they go a fair way towards making the Local Government Act more workable. They give the local authorities more power, particularly in relation to street trading.

Members on this side of the House have indicated that they are in favour of giving that extra power to local authorities. The power is not to be abused, but it is being given to put the local authorities on a better basis. I am sure the local authorities welcome the opportunity to enforce the law, particularly in the area of street trading. It is a matter which has created problems in the past. The present legislation will go a long way towards clearing up that matter.

As the Minister indicated earlier in her explanation to other members who participated in the debate, there is always the possibility of the legislation being abused by the local authorities in respect of those wishing to operate as street traders; however, street traders will have the opportunity to appeal.

Another significant matter is the calling of tenders. The legislation gives councils a better system under which to operate. The calling of tenders has always been a sore point, and it has been criticised by many people who have not been successful in winning tenders when local authorities have called for them. Some of the criticism is unfair. Perhaps one could say that it is sour grapes. All sorts of abuse is given by the people who have not been successful.

I have been in local government, and I have been contacted by members of Parliament who have asked why the lowest tender was not accepted. The lowest tender should not necessarily be accepted. It is up to the council to make up its mind, when the tenders are received. It should accept the tender that will be of greatest benefit to the local authority.

One receives these attacks on councils, particularly from members of Parliament, because the tenderer who has not been successful has felt that he has not had a fair go. In the case of crushing rubble for local authorities, perhaps the tenderer in one region has been out-manoeuvred by other tenderers. Of course, the claim is made that the tender is given to somebody who has tendered at a higher rate; but if the overall price is taken into consideration, one finds that the council has made the right decision and given the tender to the lowest tenderer, and not the highest tenderer.

Another point relates to minimum rating. That has been a fairly controversial matter. It has probably generated more flak than it deserved. However, as I indicated earlier, the $75 minimum rate will be accepted by local authorities. It probably will be accepted by the ratepayers also. After all, they are the ones who will have to pay.

As I indicated earlier, those points do not appear to be very strong ones in the legislation; but the amendments will go a long way towards the more effective operation of local government.

Question put and passed.

Bill read a third time and transmitted to the Council.

## ORDERS OF THE DAY

*Postponement*

**MR O'CONNOR** (Mt. Lawley—Premier) [8.38 p.m.]: I move—

That Orders of the Day Nos. 7, 8, 11, and 12 be postponed.

**MR PARKER** (Fremantle) [8.39 p.m.]: In relation to the postponement of Order of the Day No. 11, I do not want to oppose the motion, but I wish to make a very brief point. The Government has brought a lot of legislation into the House towards the end of this part of the session. It is now seeking to delay matters until next week. In the case of Order of the Day No. 11, I understand

that the Minister for Police and Prisons is out of the State attending a conference—

Mr O'Connor: Yes, the Minister is absent at the moment.

Mr PARKER: Under normal circumstances, as he is the person in charge of the Bill, the Opposition would be happy to oblige. However, as the Opposition spokesman dealing with this Bill, I will be out of the city next week—

Mr O'Connor: All of the week?

Mr PARKER: Yes. I understand that the Minister will be away this week. That leads to an insoluble problem.

I make the point that while we are normally happy to oblige in the operation of this House, and we are happy to assist Ministers to fulfil their obligations to attend conferences, and what have you, it is causing us a considerable problem. It may be that some of the matters that are on the notice paper, primarily in the private members' area, may be dealt with the following week. We would be happy to meet—

Mr O'Connor: What we might be able to do is let you continue with your remarks on it, and give the Minister a copy.

Question put and passed.

## ACTS AMENDMENT (COUNTRY WATER AND SEWERAGE) BILL

*Second Reading*

Debate resumed from 20 April.

**MR PARKER** (Fremantle) [8.42 p.m.]: As the Minister said in his second reading speech, this Bill contains a number of matters which are intended basically to broaden the power of his department in the case of the Country Areas Water Supply Act and the Country Towns Sewerage Act, to ensure that development of water supplies and sewerage works can take place in the country in a businesslike manner, and without undue problems being encountered. In his second reading speech, the Minister indicated—and I am sure it is the case—that problems had arisen because of the increasing number of people in country towns, and because in some cases, the way in which the legislation had been drawn up originally meant that it was no longer adequate to ensure that catchment areas were appropriate to service the towns for waterworks and sewerage works.

This points to an anomaly to which we on this side of the House have been pointing for some time. I refer to the gross inefficiency which is caused by having a multiplicity of authorities providing water services, and two separate authorities providing sewerage services throughout the State. We have been arguing for a long time that we ought to have one water and sewerage authority for the whole State, which would make it possible to avoid costly duplication. This would ensure that any problems experienced in one part of the State could be overcome if a surplus in another part of the State could be used to meet the problem.

In Dalwallinu last year, in relation to the Agaton water supply, the Minister said that the Government agreed it would be a good idea to have one water authority; but the problem was that the country areas water supply was subsidised heavily by the taxpayer to the tune of somewhere between $30 million and $36 million. If we had a single statutory authority, replacing the country towns water supply, the Metropolitan Water Board, and so on, it could not be run on an economical basis. It would have to be self-supporting. However, our view is that it is quite possible to have a non self-supporting statutory authority.

There is no greater reason for the subsidising of the running of a Government department than there is for the subsidising of the running of a statutory authority. A large number of statutory authorities operate on a deficit basis. They are subsidised by the State for social reasons to ensure their customers are able to be serviced. The one which comes to mind most readily is the MTT. That is a statutory authority which is subsidised to a considerable extent—I think it was subsidised this year to the tune of $40 million—to ensure it is able to provide necessary services.

The country areas water supply is subsidised for valid social reasons. It would be impossible to provide water and sewerage services to a vast area such as the State of Western Australia if some general subsidy did not exist, and if every item of water supply had to be justified on the basis that it was economically viable, or even if the supply of water to country areas had to be justified on the basis that it was economically viable.

Therefore, one can justify the appropriation of money for such a single authority without requiring that it would thereby have to raise its charges significantly in country areas in order to be self-supporting. Indeed, it would be better for the Parliament to be appropriating money to meet the requirements of a single water supply authority—it may be less than the sum applicable to the country areas water supply, because savings could be made particularly in relation to the duplication of services—and make it quite clear

that was what it was for, because then it would be subject to public scrutiny.

Although, of course, the public continually see the amount of money appropriated for the country areas water supply at the moment, it really is hidden. I do not mean that it is done maliciously, but it happens to be difficult to find, because it is part of the general appropriations for the PWD under the Minister's appropriation. In the case of the MTT, every year the public is made fully aware of just how much it is costing the community as a whole to subsidise its operations which are conducted for the benefit of a section of the community. I do not object to that, but it is something which should be subject to full public scrutiny and debate. The public and the Parliament ought to have the opportunity to determine whether they feel the subsidy should be increased—obviously some members might want to say it should be—or decreased, as other members might want to say.

In my view, there is no justification for saying that, simply because the country water supply system is not self-supporting, we should not create a single authority. Nor do I say that, if one calls for the creation of a single authority, the clients of it should contribute sufficiently to meet its costs. We believe a social cost is involved in providing water supplies and sewerage services to the country and, for the benefit of the State as a whole—which benefits from the goods produced in country areas—that social cost ought to be paid out of general taxation revenue.

This Bill makes quite clear some anomalies which have occurred in that respect. We do not oppose the Bill, although I shall raise some questions in relation to it. However, it is proposed that country areas can be supplied from within the metropolitan area and, therefore, there is no need to distinguish completely between the two for the purpose of headworks, reservoirs, and other facilities which are necessary to provide the service. I do not disagree with that. It is eminently sensible that should be the case but, in my view, it is indicative of the need to move towards one Statewide authority providing these services.

The Bill provides also that, under the Country Areas Water Supply Act, the Minister shall have the power to pay for works which are used for the metropolitan water supply out of his appropriation for the country areas water supply. The Country Areas Water Supply Act, as amended, will not contain a provision preventing the Minister from constructing facilities which will be able to be used by the metropolitan water supply without incurring any cost against the budget of the metropolitan water supply. I could be wrong on that point—

Mr Mensaros: It is not intended.

Mr PARKER: It may not be intended, but, as I understand it, it is possible as a result of the amendments to the Act.

Give the Minister some of the budgetary problems of the Metropolitan Water Board, and he might think it just as well to do some of this construction work using other revenue, so that it does not become a claim on the revenue of the board.

I am pleased to hear the Minister say it is not intended, because that would be another way of "fudging" the books, so to speak, in respect of the true cost of providing these services.

I shall deal with a number of other matters in detail at the Committee stage. They relate to the powers the Minister proposes to give himself in two cases and the country water boards in one case to institute the discing system of reducing water supplies.

As the House would know, in the past the Opposition has taken a strong attitude against the use of these discs. Late last year the Minister introduced this power into the Metropolitan Water Supply, Sewerage, and Drainage Act on the basis that it had been done in the past and we had been claiming—quite justifiably as it turned out—that the practice was *ultra vires* the Act. That Bill was passed and it validated retrospectively all the collections made on that basis in the time the method had been operating.

In this Bill the Minister proposes to introduce the same method—that is, the discing method—or more generally the ability to reduce the flow of water to premises. We accept that while we do not like it at all, because we think the practice causes hardship to people, it is now a fact of life and we see little point in continuing our strong opposition to the matter—certainly not to the point of opposing the second reading of this Bill—but we simply wish to register our opposition to that particular method.

It would be more positive to insert in the Bill a provision that final notices shall be sent out prior to the reduction or cutting-off of water supplies. We debated this matter last year and from time to time the Minister has justified the failure of the Metropolitan Water Board to issue final notices on the basis that it was too expensive for it to do so. However, virtually every other Government instrumentality which provides a service to the public issues final notices before the service is cut off.

One has only to look at one of the areas for which the Minister was responsible previously—namely, the SEC—to see that it provides two final notices before the electricity supply is cut off. The initial final notice is sent by the authority itself—

Mr Mensaros: Have you or any of your colleagues received a single complaint about the lack of final notices?

Mr PARKER: I cannot speak on behalf of my colleagues, but I have not. This is a new provision which is being introduced in the Bill to give the Minister new powers. As will be seen from the amendments I propose to move—the Minister has a copy of them—we propose a final notice should be sent out before these measures are implemented. The SEC issues two final notices. One is sent out by the commission itself and the other is issued by the Crown Law Department as a collection agency on behalf of the SEC.

Telecom, a body about which we all know, sends out a final notice before it disconnects people's telephones. I am sure the same could be said for many other Government instrumentalities.

This Government is reputed to be a Government which supports the private enterprise method of going about matters, but private enterprise does not have the ability to do what the Government does; that is, to amend its legislation in this way. People in private enterprise are required to collect their money as best they can and, in most instances, that involves sending out final notices prior to entering into prosecutions or taking other methods, which could involve going through a debt collection agency in the intervening period, in order to collect their debts. The Minister is giving himself additional powers in this area. We are saying he should send out final notices advising the intention to cut off or reduce the flow of water, because of the non-payment of accounts.

We do not disagree with the right of the Minister to levy additional charges on people who have paid late. That attitude will be shown to be quite consistent when we debate the metropolitan water supply legislation, probably next week. We agree with the Minister that people who deliberately delay paying water rates are inconveniencing no-one but their co-recipients of the service and they are increasing the cost of providing the service, thereby pushing up the overall charge that must be levied each year. People who deliberately delay paying their accounts in this way should have a charge levied against them.

That brings me to another problem which I shall raise in more detail in Committee. I have not had time to study fully the legislation the Minister introduced last week, but in his second reading speech on the Metropolitan Water Supply, Sewerage, and Drainage Amendment Bill and also in an article which appeared in one of the newspapers, the Minister indicated that where, because of hardship, people make genuine arrangements with the board to pay their accounts over a period of time, no mandatory requirement is vested in the Metropolitan Water Board to charge the additional rate.

However, it appears to me from the way in which the Minister has framed the legislation we are debating at the moment, that the charging of an additional rate for late payment is mandatory. Once the Minister has prescribed a rate for late payment, it is then mandatory that anyone who pays after the appropriate period of time, must pay the additional rate.

While in the vast majority of cases that would be justified fully, inevitably exceptions will arise. I am aware of cases in which people have gone to the PWD saying they simple cannot afford to pay at a particular time and asking to be able to pay over a period. Such people are in difficult financial straits and they pay their accounts over a period of time. If they have this genuine arrangement—sometimes they have gone in in advance and said, "We will pay it off over a period of months"—it seems to me there should not be a mandatory requirement that they pay the extra charge. A discretion should exist and I do not believe such a discretion is contained in the legislation which has been presented to the House. We support the Bill, but we are a little concerned about that mandatory situation.

We are concerned also about one of the statements made by the Minister in his second reading speech. He indicated he wanted to have the power to institute discretionary rates and went on to say—

> This will enable a more realistic minimum rate to be applied to improved domestic or commercial properties which enjoy sewerage services, but which attract only a very low rate because of low or outdated valuations.

Last year we had a debate in relation to this matter when the Minister introduced a Bill which increased the maximum rate applicable in the country towns sewerage area from 15c to 20c in the dollar on unimproved value and from 2.5c to 3.5c in the dollar on gross rental value.

The Minister said then this was designed to enable the department to recover funds from

properties in country towns, in particular, which had not been revalued for many years by the Valuer General's Office. The Minister indicated such properties existed. At the time we opposed that provision on the basis that, if such areas existed where valuations were low, it would be more appropriate to get the independent statutory authority, whose job it was to ensure people's properties were valued properly for the rating system, to go and take the rating which was necessary, rather than to give the Minister that additional discretion to determine much greater penalties on the basis of the lower valuation.

If there are town areas that have not been revalued for many years it would be appropriate to increase the staff of the office of the Valuer General or change the operations of that office to ensure that all towns are regularly revalued. I imagine that a good many country towns would not take a considerable time to revalue using the methods presently used by the Valuer General. The revaluations could be realistic, and not dissimilar to the revaluations that have taken place elsewhere in recent times.

Last year we were most concerned about the increase in the maximum rate, and this year we are most concerned by the discretionary power of the Minister, a power to which he referred in his second reading speech. He wants to give himself the power to prescribe different classifications of rates on the basis of low or outdated valuations. When I actually read the legislation—I will refer to this during the Committee stage—it did not appear to be as practical as the Minister in his second reading speech indicated it would be. I ask the Minister whether he can explain now or will do so in the Committee stage how the legislation will work.

It seems to me that the possibility exists for the Minister to say, "In this particular town there hasn't been a revaluation, and therefore I will create or prescribe new classifications, new classes of ratable land, and increase the rate struck accordingly to take account of the fact that the valuations are outdated." Even more alarming than that possibility was the statement by the Minister that he might carry out such revaluations where the present valuations are too low. If the valuations are too low, presumably the Minister needs to take up that matter with the Valuer General; he does not need to have a discretionary power to decide that valuations are too low, and then prescribe rates to compensate.

If a problem can be found in a certain area it needs to be compensated by the Valuer General's carrying out a proper revaluation, not by the Minister's deciding in his discretionary power to set certain values to recoup money to supply services being provided. The basic concept must be laid down, after which the rates set must not only be fair, but also seen to be fair. It is already difficult for people in different areas to understand the difference in rates from one area to another, and that applies particularly to the rates set by local government authorities that have come about as a result of the quite different rating systems.

It would be better for the rating systems to be basically similar and the valuations therefore basically similar or at par over a reasonable period to allow for adjustments to be made which would not only be made, but also be seen to be made, but not as a result of the Minister's discretionary power.

However, I indicate the Oppoisition has no objection to the second reading of this Bill, and believes in general terms the Bill will add to the efficient administration of the departments and authorities it seeks to affect.

**MR McPHARLIN** (Mt. Marshall) [9.04 p.m.]: The Bill seeks to amend the Country Areas Water Supply Act, the Water Boards Act, and the Country Towns Sewerage Act, and no doubt a great deal of consideration has been given by the Government to the proposals before the House.

From my reading of the second reading speech it is obvious that favourable provisions are included. It is stated that the amendment proposed in clause 6 will widen the scope of section 10 of the Act to empower the Government to declare any land in the country water area to be exempt from rating, and proposes that the Minister be granted power to declare temporary exemptions from rating for periods not exceeding two years. This change will be accepted quite readily.

Further on the second reading speech refers to the proposed amendment of section 33 to permit reduction in the flow of water through a service by discing or other means as an alternative to disconnection. I remember that years ago in certain areas restrictions were imposed on water supplies of certain towns by the means of discing. I wonder why the present amendment is necessary when the procedure has been applied in previous years.

The speech also refers to a minor amendment to section 37 to remove the obligation of the Minister to raise charges against the appropriate fire control authority for the cost of installing or maintaining fire hydrants. This matter has been raised with me several times by various shire councils. If I interpret this legislation correctly, it

will assist quite considerably the subdividers and developers of land when installing the necessary facilities in regard to water supplies.

Another clause seeks to include a new section 80 to deal with the granting of realistic discounts to early payers, the provision of an option of payment of rates by instalments, and the power for a penalty to be charged for late payment. This provision will be quite welcome. Many people are willing to pay their rates early provided they receive some discount, but if no discount is offered they will wait for the deadline, and sometimes pay after that date. This provision will ensure that a number of payments will be made more quickly than is the case at present.

The second reading speech refers to a proposed new section 23A to give a power which exists already in the Country Areas Water Supply Act and the Metropolitan Water Supply, Sewerage, and Drainage Act. If we are to have discounts for early payments and penalties for late payments in regard to country water supplies, similar provisions should apply also to the rates charged for sewerage facilities, and provision has been made for that.

Generally the amendments to the Acts will be an improvement and I think will be regarded as a serious attempt by the Government to give country areas a benefit in the form of a more equitable and better administered Act. I give it my support.

**MR MENSAROS** (Floreat—Minister for Water Resources) [9.07 p.m.]: I thank the Opposition and the member for Mt. Marshall for their support of the Bill. I intend to respond briefly only to the points raised during the debate.

Firstly I refer to the so-called multiplicity of authorities. Really, only two water utilities exist, one for the metropolitan area, and the engineering division of the Public Works Department for country areas. Albeit, we know of the water boards that exist and the different sewerage agreements with various towns. This system evolved as a result of the vastness of this country. This is quite understandable as even in countries such as Britain with immensely denser populations those countries' boards and local authorities do handle water services.

In regard to the main point raised by the member for Fremantle, I will not argue that we cannot have a single authority only as a result of the subsidy system. It is theoretically possible for the Treasury to bear the subsidy from general tax revenue, as suggested by the member, but it is a non-practical solution, and would not last long.

The member referred to the SEC and its reorganisation. The advisory committee on energy matters—I forget its name—was established by Don May, the then Minister, and it was absorbed by the SEC. Indeed, it became a section of the SEC headed by a manager. The arrangement with the Treasury was that it bears the cost of that section, and provision was made in the Budget for the sustenance of that section. That system lasted one or two years, and then the consumers of the SEC took over responsibility for that section.

Mr Parker: It is okay to take over a few hundred thousand dollars, but it is different to take over $2 million or $3 million.

Mr MENSAROS: That is true, but it is a policy of this Government to incorporate such bodies so that consumers take on the financial responsibility for them. Nobody suggests that with one decision country subsidies will be abolished, but in years to come with improved transport and communications to remote areas the subsidy will be reduced as a result of decreasing cost elements in the various country areas. As a result it may be quite possible and feasible for metropolitan consumers, as is the case with the SEC, to subsidise country consumers. Most consumers of the SEC are on a grid system, and a similar system may well develop in regard to water supplies with a single water authority whose metropolitan consumers subsidise country consumers.

After all, when one considers the SEC and the Water Board as utilities, one realises that there is scarcely a person who does not use the services of both utilities. So, the difference between taxpayers and consumers is not large from the point of view of who subsides what. One difference that could be argued from a political philosophy point of view, is that if the taxpayers subsidise a utility—and of course these taxpayers pay income tax to the Commonwealth—a reimbursement exists and ultimately it could be claimed that the subsidy is being given on a progressive taxation basis. Generally State taxes are not progressive: land taxes are to some extent, but certainly stamp duty, pay-roll tax, and others are not. We could point to this philosophical difference. A simple subsidy through consumers is a direct and non-differentiating subsidy: people would pay the same, depending on the amount of the services they used. If the subsidy is a general subsidy from the Treasury, that subsidy comes at least to some extent from progressive taxation.

I assure the member that the ultimate aim of the Government is to have one water authority to enjoy the benefits of the scales of economy that

would be available with the utilisation of common services and increased efficiency. It would be difficult to say at what time such an authority would come into effect, but it would be fairly well into the future.

In regard to the interrelated services to which the member referred, the real consideration is that at times we want to pump back the water from a lower dam and therefore must have a provision to cover the transfer of that water from the metropolitan area, and there should not be any legal difficulties.

Mr Parker: I can see that, but you have to concede that the Act as it is to be amended will not prevent the Minister for Works spending money of the Metropolitan Water Board.

Mr MENSAROS: I expect one would find provisions in many pieces of legislation that could be interpreted in the extreme to mean that all sorts of funny things could be done. But one of the reasons that we have a Parliament is to expose such possible anomalies. The media reports on the activities of the Government, and through the parliamentary process, we have a democracy. Hence, in practice, these extremes are not implemented. However, it is important that these extremes are not the intention of the Government of the day. If someone were to run berserk and try to implement these extremes, he would find difficulty with the democratic system. It is not practical to allow such things to happen.

As for restricting supply through discing, the member for Mt. Marshall mentioned that it has been done and it is my understanding this is so. The argument submitted was that the amendment was necessary to make legally sure that the power was there. Personally I do not agree with the Crown Law Department which says it is not quite sure it was there. I do not agree with the member for Fremantle when he says the power of restricting is *ultra vires* the Act. "Ultra" means beyond, or over, or above.

Mr Tonkin: It means outside.

Mr MENSAROS: If we have a power which allows us to cut off all the water and we want to use less power, it cannot be *ultra vires* because one is acting below, or within the power given.

Mr Parker: We agree that view is not universal.

Mr MENSAROS: That is my view. I think it would stand up in any court. There are at present two members on the other side of the House who have been in a ministerial position and they would understand the Crown Law Department's attitude. The Crown Law Department delves into matters more than any other private lawyer does, and this is what we have to live with.

I refer to the final notices and also to the amendment the member for Fremantle was kind enough to give me—I expect further arguments with the Metropolitan Water Board in this regard. The situation of the Public Works Department compared with that of the Metropolitan Water Board is completely different. It is different because the numbers of consumers are significantly smaller in one case. I interjected during the member for Fremantle's speech to indicate that he could not have received any complaint because two notices are sent out in each case by the PWD.

Mr Parker: In that case, you have no objection to my amendment.

Mr MENSAROS: I would not accept the amendment because in principle the same thing applies in the Public Works Department as applies in the Metropolitan Water Board. When two notices were sent out some years ago from the MWB, people were inclined to wait until the receipt of the second notice before paying their account. The Public Works Department files come to me once a month and in the town areas there would not be more than 30 to 40 people who do not pay their accounts. A fellow from the local branch notifies the householder and advises him to pay his account or his water will be cut off in three days. The householder usually pays up and very few people have their water cut off. They never complain if the water is cut off. I do not know what they do, but I presume they obtain water from their neighbours.

Mr Parker: The member for Welshpool told me that when he was Minister he had to force the Public Works Department to cut off water because accounts had not been paid for years on end.

Mr MENSAROS: When the member for Fremantle compares it with the power of, or utility with, private enterprise to send out notices I suppose that is true. On the other hand, private enterprise can withdraw services from people who habitually do not pay; public utilities cannot do this. It would be convenient to do it, but it cannot be done.

Mr Parker: When accounts grow bigger, as in the metropolitan area, you will at some stage discontinue the practice currently used in sending out accounts.

Mr MENSAROS: Yes, but probably not in my lifetime.

The other comment I wish to make is in connection with late payments. I can assure the member for Fremantle that the proposal that has been announced in connection with the

metropolitan area will not go into operation in the country next year because the Public Works Department does not have the computer facilities to undertake the process in a proper manner. However, we hope the proposal will be in operation the following year. It will mean that, like the people in the metropolitan area, country people will be able to pay in one instalment, in which case they will be eligible for a rebate; in two equal instalments in which case they will be charged the amount on the Bill; or in four instalments, in which case they will be charged a penalty rate. I can assure the member for Fremantle that those people who are suffering hardship may have the additional charges waived. From my recollection of the entire country area there would be no more than two persons a year with problems of this nature. It does not represent the problem it does in the metropolitan area.

In relation to the minimum rate provision it is not supposed to be a varying rate from shire to shire, rather according to the kind of property, but universally. In other words, there will be a minimum rate for, say, vacant land and a minimum rate for occupied and serviced properties. It is not as simple as the member for Fremantle indicated. I do understand what he means. Instead of a town not having a revaluation carried out for several years it should be automatic that the Valuer General carries out a revaluation at regular periods. The Shire of Denmark has had a revaluation carried out this year and I think a period of 14 years had elapsed since the previous valuation. In order to retain equity the law states that a minimum rate can be charged. That usually applies if a town has not had a revaluation carried out for a period of time; for example, in the case of Denmark where a revaluation was not carried out for 14 years.

This does not happen when a reasonable minimum charge applies. Such a minimum rate would not result in a rate of more than the average; it may even be less than the average, of the normal rate. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Mensaros (Minister for Water Resources) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 33 amended—

Mr PARKER: I move an amendment—

Page 5—Add after proposed new subsection (3) the following new subsection to stand as subsection (4)—

(4) The Minister shall give the occupier not less than seven days' notice of his intention to turn or cut off or reduce the available rate of flow of the water supply to land and, where this action is intended under subsection (1) of this section, the Minister shall attach to the notice of final account setting out the rates, moneys, rent or charges due and payable.

I did speak to this provision briefly during the second reading debate, but I wish to amplify somewhat on it now. Every citizen in Western Australia should be provided with water and sewerage facilities; it is his right. We recognise the nature of the taxation system in force in this country, and in order that the States can limit taxation and other measures, it is necessary to charge for those services. In essence, although charged for, the services are no different from the services provided out of the general revenue for such things as roads, transport, and basic services. We believe the provision of water is as basic to the needs of the community and to the individual customer as is the provision of basic societal infrastructure.

It is necessary to safeguard to the maximum extent possible the right of everyone to have a water supply provided. In a more ideal society and one where responsibility is more equal between the States and the Commonwealth, it may be that these services should not be charged for at all, but, rather, provided from the general taxation revenue. As the Minister said in his second reading speech, that is a more progressive form of taxation.

Having said all that, we recognise also the need to raise the revenue, and the need to pay the costs. If it is known that the department concerned does not enforce the collection of this revenue, obviously people will not pay. If they know they can get away without paying, they will not pay. Therefore, it is necessary to have some ultimate weapon to ensure that people pay their accounts. As I said in my second reading speech, we asked whether the discing method was appropriate. I do not want to canvass that argument again now.

The Minister has said a great many things in this debate and in previous debates, but he still has not given us a rationalisation as to why the two authorities which are similar to this one—the

SEC and Telecom—are able to supply final notices before a service is cut off while the Metropolitan Water Board cannot. In fact, the Minister has indicated that the local country water boards do send out final notices. However, he is objecting to placing a statutory obligation on the water boards to do it because in the future they may increase to the size of the MWB and they may find it difficult to continue to do so. Exactly the same thing could be said of the SEC and Telecom. Probably Telecom has millions of accounts and the SEC has hundreds of thousands of them. The Minister may know the proportion of final notices that are required for the SEC. In that case, two final notices are sent out—one from the commission itself and one from the Crown Law Department acting as a debt collecting agent for the SEC.

The Minister said it would cost more to send out final notices, and of course it will cost more. The question of how much more is a moot point. However, people are entitled to a basic water service, and that means that final accounts should be sent out. All of us sometimes have overlooked an account which should be paid, and we have been grateful to receive a final notice.

Mr Tonkin: Letters can be taken from postboxes.

Mr PARKER: As the member for Morley says, for a variety of reasons letters can be lost.

I know the Metropolitan Water Board is not the subject of this legislation, but I would like to refer to one of the most ludicrous Press statements I have seen which has been issued by a public utility. Last year the Communications Manager of the MWB (Mr Lowe) said that if people had not received an account by the time it was expected, they ought to telephone the MWB to ask for it. That was laughable. Fortunately this statement appeared in the *Sunday Independent* only and we hope that it was not taken seriously by too many people. It is extraordinary that a statutory authority could expect people to do that. In my view it is incumbent on all statutory authorities—and other authorities also—to send out second accounts.

In the case of this legislation, the Minister believes that no extra cost would be involved because final notices are sent out already. Even if this were not the case, the cost would be minimal because only small numbers are involved. I do not agree with the Minister's statement that people inevitably will wait for a final account before paying it. I am sure that is not the case in regard to the SEC and Telecom, and I do not see why it should be any different in regard to the MWB.

With the new provisions, accounts for water supplies will be sent out quarterly, and no doubt the number of people who do not pay their accounts will be reduced. Indeed, this could be why in the past the MWB has been in a situation different from that of the SEC and Telecom. The SEC renders accounts bi-monthly, and Telecom renders accounts quarterly.

The Minister has not been able to justify his view that second accounts should not be issued, bearing in mind that the service which will be cut off is basic to the very survival of the people concerned, and to their quality of life. It is a very little thing to ask in order to safeguard the interests of those affected. People should be sent a reminder rather than have to run to the authority to rectify the matter after the service is restricted. In many cases, as soon as a disc is inserted, people pay their bills. The Minister said that that proves how valuable the provision is. The point is that had the non-payers known that action was imminent, probably they would have paid the account beforehand. This would obviate the need to send workmen out to insert a disc and in many cases the employees doing the work would be saved a great deal of abuse. So, although costs may be incurred, the sending out of final notices could mean the saving of a great deal of time and unpleasantness.

I commend the amendment to members. It will encourage a better attitude towards these authorities, and it deserves support.

Mr PEARCE: I rise briefly to support the amendment moved by the member for Fremantle who is seeking to save country people from the hassles suffered presently by metropolitan people. As the member for Morley said by way of interjection, even in the metropolitan area where the consumers are close to the supply authority, all sorts of strange things happen. Recently I dealt with a case where the occupancy of a residence changed. The water account had been sent to the previous resident, and until the disc was inserted, the people who moved into the house were totally ignorant of the fact that the account had not been paid.

In another case which came to my notice a few weeks ago, a cheque had been forwarded to the MWB, but there was a discrepancy between the figure and the written amount on it. The cheque was to be returned to the consumer, but it was lost either in the Water Board system or in the postal system. The person concerned thought that the account had been paid, and the MWB believed it had not been paid. The first thing the resident knew was that his water was restricted. It is very unfortunate when this happens and the

resident is quite unaware that the account has not been paid.

Mr Mensaros: Do you realise we are not dealing with the Water Board now? I ask the member for Fremantle to give one incident of someone in the country who has had some experience of this nature.

Mr PEARCE: As the Minister said, the people in the country now receive a second notice. We are talking about whether or not that courtesy should be taken away from them so that they are on the same basis as the people in the metropolitan area. We are discussing whether or not people who are currently not disadvantaged should be disadvantaged.

Mr Clarko: It will cost more money though.

Mr PEARCE: The Public Works Department can send out second notices now because not many people are involved. So the cost of sending out final notices is justifiable. However, suddenly the principle is lost—we can do it for a few, but we cannot do it for a lot.

Mr Clarko: You can buy drinks for a few, but you cannot buy drinks for all the residents of China.

Mr PEARCE: The Honorary Minister certainly has never bought me a drink. If he is offering to do so, that situation can be rectified when the Chamber rises.

The principle of final notices is excellent. The member for Fremantle made this point. Why is the Minister prepared to say what a good system we have currently—not only one, but two final notices go out to country people—but he is unable to include that provision in the legislation because he foresees the time when there will be more country subscribers and this opportunity will have to be taken away from them? Those are the reasons that the Opposition is strongly behind the amendment moved by the member for Fremantle.

Mr MENSAROS: I will reply very briefly. I have looked at the amendment, and I cannot agree with it. Very often the Government of the day is criticised in regard to the efficiency of providing a service in the cheapest possible way to large numbers of consumers. In reply to a question today, I pointed out a few of the efficiencies effected by the MWB.

The member for Fremantle said he could not understand why Telecom and the SEC could send out final notices and the MWB could not. Of course some of the reasons for this are historical ones.

There are many differences between the two large utilities the SEC and the MWB. For instance, did the member for Fremantle ever consider that every so-called non-rated service pays the same charge for electricity as he and I do? This means that our schools and hospitals pay for the electricity they use just as we do. However, such institutions do not pay for the water they use. Had the non-ratable system not existed, last year not only could we have afforded not to increase charges of the MWB, but also we would have been able to decrease them. The total revenue lost through the non-ratable services—services provided by a public utility—was $16.7 million.

Mr Parker: The Fremantle City Council would not agree because exactly the same situation applies to local government.

Mr MENSAROS: That is right. I want to come to that. There could be another reason—although I am not saying this is it—and that is the difference between the recovery methods of the SEC and Telecom, and the Public Works Department and the MWB. The latter two utilities can recover from the owner of the property, and the former two cannot; recovery can be made against the occupier only. In the case of the SEC or Telecom, these utilities are compelled to chase an occupier and if he cannot be found, they have no further recourse.

I understand that the procedure to be followed in regard to a disconnection in rural country areas is very cumbersome. There are many papers to fill in, and four people must sign them. Considering all these factors, I cannot support the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 11 to 16 put and passed.

Clause 17: Section 80 repealed and substituted—

Mr PARKER: I do not wish to move an amendment to this clause, but I would like to refer to an area of concern. In his reply to the second reading debate, the Minister indicated that in the case of a person who makes arrangements to pay off an account, he may not have to pay the additional charges at the discretion of the Public Works Department or the Minister. I suppose this depends on the bona fides of the arrangements made, and it seems to me to be an eminently sensible idea. I would like to refer the Minister to paragraph (c) of proposed section 80 (1). It seems to me that the wording prevents the discretion which the Minister has indicated he would like to be able to apply.

I suggest that the Minister could have the matter reviewed and ascertain whether any change is needed.

Mr MENSAROS: I see the member's point and I undertake to have it checked, mainly to the extent that it should not prevent the under secretary or the Minister from continuing the system which exists. It is very rare in the country—I can recall only two cases. If someone has real hardship he should be able to pay by instalments.

Clause put and passed.

Clauses 18 to 21 put and passed.

Clause 22: Section 59 repealed and substituted—

Mr PARKER: If the Minister looks at page 9, lines 31 to 34, he will see that if someone wants a meter tested, he pays the prescribed meter testing fee or such greater amount as in the opinion of the Water Board approximates the actual cost of testing the meter. That paragraph concerns me because I understand that, in the metropolitan area, people who ask to have their meter tested pay a prescribed amount and it may be changed by regulation by the Minister or the Governor-in-Council and I think it is currently $15 or $18. This provision in the Bill discriminates against country users because the situation differs from that in the metropolitan area where everyone pays $15 or $18. In some cases it costs the board more, and in some cases it costs it less. I would be surprised if there were many cases where it costs less and I imagine there will be many where it costs more. However, the client pays only $15 or $18. In the country, if it costs more than the prescribed meter fee—and I can imagine that in some areas it might be higher because of the length of travelling time which would be necessary—the Water Board fixes a discretionary amount.

For some users of the system in country areas it could be a great amount of money. It seems to be one of those swings and roundabouts—sometimes one makes a bit and sometimes one loses. Only three country towns are involved, so it does not apply to a big area: but it should be the authority that takes the swings and roundabouts and not the consumer at the bottom of the spectrum who is hit with a huge bill to have his meter tested.

Mr McPHARLIN: The member for Fremantle has raised a point that I had in mind. I want to refer to the matter of records and testing of meters. It frequently happens that an account comes in and the amount is far in excess of what the consumer thinks it should be, and he asks for the meter to be tested. That has been a practice for many years. The meter is tested and sometimes found to be accurate, and there is no charge to the consumer. Under this Bill the person who requests the test must pay the Water Board a prescribed meter testing fee. If the meter is found to be accurate and there is no fault, I suppose it could be said it is fair and reasonable that the consumer should pay. But if the meter is found to be faulty and inaccurate, will the consumer have to pay a testing fee? I am relating my remarks mainly to the farming community.

Mr MENSAROS: I hope the member for Fremantle and the member for Mt. Marshall will realise that this Bill has different parts, because it relates to three different Acts. The part with which we are dealing in clause 22 relates only to the water boards. It does not relate to Mt. Marshall. That provision already exists in the Country Areas Water Supply Act, and is proposed to apply also to Bunbury, Harvey, and Busselton. The reason this provision is being put into the water boards' area of operations is that the water boards were consulted and wanted the same provision as is in the Country Areas Water Supply Act.

To the best of my recollection the water boards in the areas to which I referred have not been subject to any criticism in their dealings with customers. It has not been suggested that they are unfair or unjust or are acting illegally. I have not seen any opposition to having the same provision as it exists *vis a vis* the Public Works Department in areas which are not under water boards. As far as meter checks are concerned, this clause does not relate to the member for Mt Marshall's electorate. In any event, he has not interpreted the provisions correctly because they say a person pays the meter checking charge only if the meter registers the right amount. Clause 22(3) explains that clearly. It implies that if the meter did not register the proper amount the person will not be charged.

Clause put and passed.

Clause 23: Section 60 repealed and substituted—

Mr PARKER: I move an amendment—

> Page 12—Add after proposed new subsection (3) the following new subsection to stand as subsection (4)—
>
> > (4) The Board shall give the occupier not less than seven days' notice of its intention to turn or cut off or reduce the available rate of flow of the water supply to land and, where this action is intended under paragraph (b) of subsection (1) of this section, the Board shall attach to the notice a final account setting out the rates, moneys, rent or charges due and payable.

The amendment standing in my name is virtually identical to the amendment I moved to that portion of this Bill which amended the Country Areas Water Supply Act; that is, to supply a final notice. The debate on this matter has taken place and I do not propose to add to it. I adopt the same points I made in respect of the previous Act. I commend my amendment to the Committee.

Amendment put and negatived.

Clause put and passed.

Clauses 24 to 31 put and passed.

Clause 32: Section 68 amended—

Mr PARKER: The assurances given by the Minister in his reply to the second reading debate have gone some way towards relieving some of the concerns I had and which I expressed during the second reading debate. I refer in particular to his assurance that it is not proposed to discriminate between towns and shires. I think that is an important point. The prescribed rate for different classes of land will be uniform throughout the area that is covered. On that basis, I do not intend to proceed with the amendment of which I gave notice to the Minister.

However, despite his assurance, I have to disagree with the Minister that in considering these matters one has to take some account of the Valuer General's office and his budget and priorities. I appreciate that he does have priorities, but it seems to me that they and the budget should be restructured so there is no part of the State that has been undervalued for 14 years, as was the case with Denmark. People who have not had their property valued for that length of time find there is a massive increase in valuation and in the amount of money they have to pay.

Mr Mensaros: It is phased in under the provisions in the Act.

Mr PARKER: It is very unfortunate and is not an appropriate way of running the situation. It indicates a malaise in the way this works, which may be caused by inadequate financing of the Valuer General's office or by lack of approvals by the Public Service Board for additional staff, or a wrong sense of priorities in that office. In either event, it is most important that the Government give attention to it. Perhaps it is not in the Minister's province, but the Treasurer's. If so, I hope the Minister will draw his attention to it. I believe very strongly that this sort of thing must not be allowed to continue and that the whole State must be revalued within a reasonable period of time. This would ensure that people got fair valuations as between different towns and different areas.

I accept the Minister's assurances and on reading the proposed amendment again, I find it is obvious it is not intended to discriminate in the way I initially thought. However, it is not the proper way for the Government to proceed and I suggest it give the matter serious consideration.

Clause put and passed.

Clauses 33 and 34 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Mensaros (Minister for Water Resources), and transmitted to the Council.

## BILLS (4): MESSAGES

*Appropriations*

Messages from the Deputy Governor received and read recommending appropriations for the purposes of the following Bills—

1. Western Australian Marine Bill.
2. Metropolitan Water Authority Bill.
3. Western Australian Water Resources Council Bill.
4. Iron Ore (Hamersley Range) Agreement Amendment Bill.

## BILLS (2): RETURNED

1. Companies (Administration) Bill.
2. Companies (Consequential Amendments) Bill.

Bills returned from the Council without amendment.

## LIQUOR AMENDMENT BILL (No. 2)

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr O'Connor (Premier), read a first time.

## PARLIAMENTARY COMMISSIONER AMENDMENT BILL

*Second Reading*

Debate resumed from 20 April.

**MR TONKIN** (Morley) [10.03 p.m.]: This Bill proposes three significant amendments: It

establishes the office of a deputy Parliamentary Commissioner for Administrative Investigations; it revises and expands the list of statutory authorities which come within the jurisdiction of the Parliamentary Commissioner; and, it excludes judges of the Family Court of Western Australia and certain officers of that court.

The workload of the Parliamentary Commissioner has increased greatly since the office was established by the Tonkin Government in 1971. I might add that the then Premier, Mr John Tonkin, had often advocated the appointment of a Parliamentary Commissioner and this had been refused time and time again by the conservatives in office before that time. Eventually a Parliamentary Commissioner was appointed as a result of legislation passed by the Tonkin Government in 1971.

In 1980-81 the commissioner's office received 1 220 written complaints in addition to innumerable telephone calls and visits. So, the workload has increased greatly.

The appointment of a deputy commissioner will provide for continuity in the work of the commissioner when the commissioner is on leave. It also will lighten the workload of the commissioner generally, which at the present time is too great.

It seems to the Opposition that it is appalling that it has taken so long for the Government to appoint a deputy commissioner. The commissioner had the following to say in his report ending June 1981—

> I am still concerned by the time required to complete some investigations. I confess that some delays in major cases are occasioned in my office, where there is a tendency, under pressure of a heavy workload, to give priority to complaints involving a degree of urgency, but my staff level renders such delays unavoidable, because I am satisfied that the staff work to capacity at all times. Indeed, if "overtime" were sought and paid, the cost of the office to the public purse would increase significantly. Further, it would not be right to skimp on investigations so as to expedite results, and any reduction in standards would adversely affect public acceptance of my findings.

Further on he states—

> No amendments to the Parliamentary Commissioner Act or Rules of Parliament have been made since the last Annual Report. This is a matter which concerns and disappoints me, because I made written submissions about amendments to the Act's Schedule (wherein are listed the statutory bodies and instrumentalities subject to my jurisdiction) in May 1980 and to other parts of the Act in November 1980.

The commissioner's report for 1981 noted that two separate submissions were made to the Government about expanding the list of authorities over which the commissioner had jurisdiction. The delay involved in bringing legislation to this House should warrant investigation in itself, but of course the commissioner cannot undertake that work. However, the proposed schedule contains over 95 Government boards, commissions, trusts, and other agencies in addition to all the departments of the Public Service and the local government authorities. That is a formidable schedule of bodies for the office of the Parliamentary Commissioner to investigate.

Once again, we emphasise that Government departments and instrumentalities are not running efficiently in many cases, and the commissioner investigates only upon complaint. Again we emphasise also the need for performance audits to highlight the efficiency or otherwise of Government departments and instrumentalities. This is the reason we should introduce legislation. The work of the commissioner is a vital part of the function of a democratic Government, so we place very high emphasis upon the importance of this office. That is why we are very critical of the Government for the delay in the introduction of this legislation.

No machinery exists within Government to supervise those in authority or to report to Parliament on the performances of an authority before complaints are made; in other words, no provision exists for prevention rather than cure. Numerous examples have become apparent recently where Parliament has been ignorant of the maladministration of departments and instrumentalities, and this has gone on and on until it has been too late for corrective action.

This Parliament itself is deficient in that it does not have a system of Standing Committees which could investigate the many departments and instrumentalities that may not be operating efficiently.

We believe the commissioner's function should continue, but in the context of a system of regular performance audits for all State Government departments and instrumentalities. Increasingly in the months ahead we will be emphasising the need for performance audits to try to get some kind of greater efficiency into the Government.

With those comments I indicate our support of the Bill.

**MR O'CONNOR** (Mt. Lawley—Premier) [10.10 p.m.]: I thank the member for Morley for his general support of the Bill. He made some brief comment about maladministration of Government departments and instrumentalities. We also have a number of very efficient departments in the Government. When problems break out involving inefficiency they usually come back to this Chamber very quickly. However, I thank the member for his general support of 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*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr O'Connor (Premier), and transmitted to the Council.

*House adjourned at 10.13 p.m.*

## QUESTIONS ON NOTICE

### FUEL AND ENERGY: ELECTRICITY

*Power Station: Kwinana*

702. Mr T. H. JONES, to the Minister for Fuel and Energy:

(1) Was he factually reported in *The West Australian* of Wednesday, 21 April as saying that the Government was considering using gas at the State Energy Commission Kwinana power station to generate electricity?

(2) If "Yes", what effect could this decision have on the coalmining industry of Western Australia?

(3) Is the Government considering using gas to generate power in other power stations?

(4) Is the Government considering the construction of a new power station using gas?

(5) Will not the use of gas increase the production cost of power due to the difference in price of coal and gas?

(6) If "Yes" to (5), could he indicate what the increased price could mean to consumers?

Mr P. V. JONES replied:

(1) and (2) The report referred to was substantially correct, and the statement also indicated that the proposal to use gas for power was a temporary measure to utilise gas, similar to the practice when Dongara gas became available. As markets for gas develop, its use for power generation would steadily diminish. In the long term, coal has a bright future for power generation, but the rate of expansion, yet to be quantified, may be slower in the 1985-1989 period than first estimated.

(3) and (4) No.

(5) No, not necessarily. It depends on the actual ratio of gas and coal prices and the proportions of each used.

(6) Not applicable.

709. *This question was again postponed.*

### DROUGHT AND EROSION

*Loan Money*

713. Mr EVANS, to the Minister for Agriculture:

(1) What was the total amount of loan money expended for relief from drought and erosion in agricultural areas in the south-east region of Western Australia for each of the following years—

(a) 1978-79;
(b) 1979-80;
(c) 1980-81;
(d) 1981-82—up to the present date?

(2) In each of the above years, what was the total amount loaned to farmers in the south-east region of Western Australia for—

(a) freight subsidies for transport of livestock;
(b) freight subsidies for transport of fodder;
(c) removal of wind-blown sand;
(d) rehabilitation of affected land?

(3) How many farms in the south-east region of Western Australia received loans in—

(a) 1978-79;
(b) 1979-80;
(c) 1980-81;
(d) 1981-82—up to the present date?

(4) For each of the above years how many new land releases were allocated in the south-east region of Western Australia?

(5) For each of the above years what was the total amount of loan money provided for drought and erosion aid in Western Australia by—

(a) State Government;

(b) Federal Government?

(6) What were the total Budget estimates for drought and erosion relief for each of the above years for Western Australia allocated by—

(a) State Government;

(b) Federal Government?

Mr OLD replied:

(1) Total amount of drought loans for South East agricultural region of Western Australia—Shires of Dundas, Esperance, Ravensthorpe, Lake Grace, Kent, and Gnowangerup—includes drought relief delegated agency and rural industries assistance scheme.

(a) 1978-79—nil;

(b) 1979-80—nil;

(c) 1980-81—$3 908 000—approvals to 14 May 1981;

(d) 1981-82—$2 300 000 to date — approximate.

(2) (a) to (d) None as loans; the following subsidies were provided—

1978-79—nil;

1979-80—nil;

1980-81—$401 700 for stock transport to 29 April 1981;

1980-81—$103 000 for fodder transport to 29 April 1981.

1980-81—$14 451 for sand drift removal by shires—funds advanced in 1980-81.

These figures refer to WA; portion provided to the south-east region not readily available:

1981-82—$590 611 for stock transport—claims processed to 5 April 1982;

1981-82—$134 661 for fodder transport—claims processed to 5 April 1982;

1981-82—$10 712 for sand drift removal by shires—funds advanced, carryover from 1980-81.

Figures refer to south-east region as the only area affected.

(3) (a) 1978-79—nil;

(b) 1979-80—nil;

(c) 1980-81—221 approvals to 14 May 1981;

(d) 1981-82—142 approvals to date.

(4) See table below.

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Details of Viable Farm Units and Farm Build Up Units released within the undermentioned Shires from 1 January 1978.

| Shire | 1978 | | 1979 | | 1980 | | 1981 | | 1982 (As at 29/4/82) | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Viable Farm Unit | Farm Build Up | Viable Farm Unit | Farm Build Up | Viable Farm Unit | Farm Build Up | Viable Farm Unit | Farm Build Up | Viable Farm Unit | Farm Build Up |
| Lake Grace | 23 | 6 | — | 3 | 2 | 1 | 5 | 1 | 3 | 2 |
| Kent | — | — | — | — | 8 | 1 | — | — | — | — |
| Gnowangerup | — | — | — | — | — | 1 | — | — | — | — |
| Esperance | 23 | 6 | — | 1 | 15 | 1 | — | — | — | — |
| Ravensthorpe | 15 | — | — | — | 1 | 1 | 3 | 1 | — | — |
| Dundas | — | — | — | 2 | — | 3 | — | — | | — |

Officer in Charge,
APPLICATIONS & INSPECTIONS BRANCH:
April 29, 1982.

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(5) (a) State Government
1978-79 —$3 454 449
1979-80 —$4 897 864
1980-81 —$6 503 238
1981-82 —$816 236—to 31 March 1982

(b) Federal Government
1978-79 —$4 381 847
1979-80 —$7 434 087
1980-81—$12 148 696
1981-82—Nil

Note:
Estimated breakdown into State and Federal contributions is based on the assumption that the State pays the first $3 million plus 25 per cent of the balance of total expenditure on all natural disasters.

(6) (a) 1978-79—$5.5 million;
1979-80—$5 million;
1980-81—$5 million;
1981-82—$3 million.
(b) Not available.

## MINING: MINERAL SANDS

*Capel and Eneabba: Thorium Dioxide*

719. Mr HODGE, to the Minister for Mines:

(1) Is he aware that monazite, mined at Capel and Eneabba, contains about seven per cent of thorium dioxide which is an important fuel for nuclear breeder reactors?

(2) Is the export from Western Australia of thorium ores, such as monazite and xenotime, governed by the nuclear safeguards policy?

(3) What is the annual Western Australian production of monazite and xenotime?

(4) (a) Where is the Western Australian monazite and xenotime sent; and
(b) for what purpose is it used?

Mr P. V. JONES replied:

(1) The member is correct in that monazite mined at Capel and Eneabba is estimated to contain about seven per cent of thorium dioxide. I am advised that it is incorrect to suggest thorium dioxide is a fuel in itself for nuclear breeder reactors. It has some potential for use in such a reactor to produce fuel material, but I understand there is no current use made of thorium for this purpose, and this is likely to be the case until well beyond the year 2000, if at all.

(2) This is an area of Commonwealth policy, but I understand that, to the extent the thorium values would be used for nuclear purposes, the export would be covered by the nuclear safeguards policy.

(3) During 1981 the realised production from Western Australia was 10 715 tonnes of monazite, and 58 tonnes of xenotime.

(4) (a) Monazite was exported to the United Kingdom, France, and the USA, whilst xenotime was exported to Japan and Malaysia.

(b) Most of the monazite and xenotime is used as a source of rare earth elements which have applications in metallurgy, chemical catalysts, ceramics and electronics. Only a small proportion of the thorium dioxide extracted as a by-product of rare earth production is actually used.

728. *This question was posponed.*

## LAND

*Clearing: Controls*

729. Mr COWAN, to the Minister for Agriculture:

(1) Have any local government authorities advised the Government they support some form of land clearing controls?

(2) If "Yes", can the authorities be named?

(3) Have local government authorities been invited to comment on the need to introduce land clearing controls?

(4) If "Yes" to (3), how many have forwarded some comment, and can they be named?

(5) What financial assistance will be given to local authorities who may wish to implement a scheme of reafforestation or rehabilitation of areas which have suffered soil degradation?

Mr OLD replied:

(1) Yes.

(2) The Merredin Shire Council has supported land clearing controls for its area.

The eastern district soil conservation group with representatives from 14 shires has asked that the area covered by these shires be proclaimed as a soil conservation district under the provisions of the Soil Conservation Act. The need for land clearing control regulations for the district would be considered as one objective. The shires involved are Bruce Rock, Corrigin, Kellerberrin, Kondinin, Koorda, Merredin, Mt Marshall, Mukinbudin, Narembeen, Nungarin, Trayning, Westonia, Wyalkatchem, and Yilgarn.

(3) and (4) The provisions of the Soil Conservation Act Amendment Bill have been discussed with the executive of the Country Shire Councils Association.

(5) There is provision under the Soil Conservation Act for financial assistance for soil conservation practices which could include reafforestation or rehabilitation of degraded areas. Projects can be considered on their merits and in the context of the responsibilities of landowners and authorities involved in such rehabilitation work.

730. *This question was postponed.*

## JUSTICES OF THE PEACE

*Appointments*

731. Mr TERRY BURKE, to the Minister representing the Attorney General—

(1) Would the Attorney General please advise who recommended the following appointments to the Commission of the Peace?

(2) What was the residential and/or business address of each appointee at the date of nomination—

Justices of the Peace appointed for the State residing in Western Australia and elsewhere—

Appointments—

Alessandrino, V. M. 4976.
Allen, W. 4678.
Allum, D. F. 4818.
Anderson, E. P. 5308.
Anderson, F. 1038.
Andrews, P. S. 4976.
Attenborough, B. D. 936.
Bellis, M. 1175.
Blechynden, M. S. 2290.
Bower, V. F. 2866.
Brooks, C. H. 4525.
Brown, F. C. 4976.
Brown, K. R. 5176.
Burton, E. C. 390.
Cant, K. A. 4525.
Cassidy, A. 4525.
Chadwick, J. S. H. 1372.
Cheetham, R. K. 3205.
Church, P. C. 4976.
Clarke, H. W. 532.
Coate, J. 22.
Collins, L. N. 532.
Cornish, M. L. 390.
Coventry, B. D. 4724.
Crimp, L. T. 4976.
Crooks, J. B. 22.
Davies, G. E. 4468.
Davies, L. S. V. 936, corrigendum 1039.
Davison, J. 1483.
Daws, D. C. 1038.
De Abreu, B. 4724.
Dickie, R. J. 4468.
Dilley, W. H. 2169.
Donaldson, T. E. 3152.
Douglas, E. S. A. 1555.
Drew, K. J. 4678.
Dundovic, J. 1038.
Dunkeld, C. B. 1282.
Dustan, G. R. 4724.
Eaves, G. S. 1372.
Edwards, G. F. 1555.
Elliott, D. J. 1555.
Elliott, S. J. L. 22.
Faithfull, W. J. 1372.
Farr, W. J. 4468.
Ferguson, D. C. 1038.
Fisher, D. R. 1112.
Fisher, E. 1555.
Fitzgerald, P. R. 3304.
Gayor, M. E. 22.
Gibbs, D. H. 1600.
Gibbs, G. D. 3061.
Green, E. J. U. 936.
Green, K. D. 4724.
Grierson, F. M. 1483.
Gupanis, N. 721.
Hair, R. I. 4468.
Hardwick, J. M. 992.
Hatwell, L. M. 1175.
Herbert, R. F. 4525.
Holman, H. S. 1483.
Hector, P. H. 721.
Henderson, N. G. 2771.
Hovenden, K. G. 2290.
Hunt, D. 532.
Jenkins, R. H. 1112.
Johnston, J. B. 4678.

Johnston, R. 798.
Kershaw, J. K. 936.
Kiddie, D. J. 4525.
King, F. G. 4724.
Krasenstein, L. 2567.
Kretchmar, P. E. 4818.
Ladyman, D. M. 3205.
Leeke, A. G. 1038.
Leitch, G. O. A. 2567.
Lethridge, J. H. 4034.
Lockyer, R. J. 721.
Lundy, J. M. 4525.
MacArthur, G. J. 1483.
MacLean, P. D. 4678.
MacMicking, B. D. 22.
Male, K. A. S. 4468.
Martin, D. W. 2567.
Martin, K. A. J. 532.
Mason, J. W. H. 936.
Matsumoto, P. J. 1600.
Matthews, M. C. 2771.
McCabe, J. 4818.
McDonald, D. K. 4034.
McIntyre, V. J. 4976.
McKay, J. 5054.
McKenzie, A. G. 5054.
McNamara, F. S. 390.
Miles, A. W. 390.
Miles, M. R. 22.
Mills, J. A. 5176.
Mooney, R. G. 798.
Morey, M. J. 4818.
Morris, B. H. 1483.
Morris, P. M. 798.
Mosedale, R. J. 532.
Mott, O. L. 5176.
Mottershead, C. A. 798.
Muller, S. G. 532.
Murphy, G. A. 3554.
Murray, A. 22.
Myers, A. J. 721.
Mytton-Watson, E. J. 4468.
Newton, R. 4724.
Oates, J. W. 1175.
O'Brien, T. F. 4724.
Osborne, F. A. 4468.
O'Sullivan, B. M. 3554.
Parker, L. J. 4468.
Parker, W. M. 721.
Puertollano, E. F. 992.
Purdice, B. R. 4525.
Reside, W. J. 2866.
Richardson, D. A. 3061.
Rodgers, W. 2290.
Rowe, S. D. 4678.
Sachse, B. V. J. 3061.
Shadforth, P. G. 4468.
Short, R. M. 1038.
Shotter, M. H. 1038.
Slinn, R. I. 4678.
Smith, E. 721.
Smith, K. R. 4724.
Stewart, C. T. 4525.
Stewart, P. A. 5308.
Stove, J. A. 4818.
Sudlow, I. K. 3152.
Taylor, P. A. 3304.
Telford, D. B. 22.
Thomas, A. A. J. 1483.
Thompson, J. 1600.
Thomson, J. R. 3061.
Tough, T. A. 4678.
Tuckey, B. F. 2290.
Turner, L. J. 532.
Tyler, P. J. 4818.
Venables, T. A. 1282.
Verhoogt, E. W. 4678.
Vlachou, P. 1372.
Waldron, W. E. 532.
Waterhouse, H. S. 4525.
Western, C. S. 2169.
Wheatley, W. K. 4724.
Wills, J. T. 2866.
Woodgate, A. I. 4678.
Zanetti, K. 1483.

Mr RUSHTON replied:

(1) All appointments are recommended to the Governor-in-Executive-Council by the Attorney General.
If the member is referring to the nominators, it is not usual to disclose this information. Nominations are made on a confidential basis and are treated as such by the Attorney General and the Crown Law Department.

(2) The residential and business addresses of each of the persons listed can be found in the 1981 issues of the *Government Gazette* at the page numbers which appear following the name of each person named in question.

## HEALTH

*Kidney Dialysis Machines*

732. Mr CARR, to the Minister for Health:

(1) How many patients use kidney dialysis machines in their homes—

(a) in the metropolitan area:
(b) in the country?

(2) What alterations to a typical home are required to enable the installation of a kidney dialysis machine in the home?

(3) What is the estimated cost involved in (2) above?

(4) Is any relief available under health insurance arrangements for expenses incurred by kidney patients for alterations to the home or for ongoing expenses such as excessive water bills?

Mr YOUNG replied:

(1) (a) 24;
(b) six.

(2) A suitably located water outlet, sink unit, and drainage. Separately wired electrical supply from fuse board to suitably located power point with separate earthwire. In certain areas a reverse osmosis water purification unit is required.

(3) Between $700 and $1 000 for conventional installation. If a reverse osmosis water purification unit is required, the additional cost is $3 000. If such a unit is required, it is loaned to the patient by Royal Perth Hospital.

(4) The patient incurs no expense for alterations to the home in connection with the installation of a home dialysis machine. The cost is borne by Royal Perth Hospital. The patient is responsible for the cost of water and electricity.

## LAND

*Agricultural: Release*

733. Mr EVANS, to the Minister for Agriculture:

(1) (a) Has the Department of Agriculture carried out drilling programmes to establish the water table levels in areas where it is proposed to release land for agricultural purposes, in the past seven years; and
(b) if so, in what areas?

(2) If "Yes"—
(a) will he table reports of such investigations, in particular of the Boyatup and Fitzgerald regions;
(b) do these investigations indicate that a risk of salinity is likely should any of these areas be cleared for agriculture;
(c) if so, which areas, and how severe is the risk?

Mr OLD replied:

(1) (a) Yes;
(b) North Boyatup, south-east Newdegate, and Lake Magenta—north of Fitzgerald.

(2) (a) The north Boyatup report is tabled. The Lake Magenta report contains details of individual properties which it is not policy to release. Summary information for Lake Magenta and south-east Newdegate areas is available if required.
(b) yes;
(c) the particular area at north Boyatup was not released because of the high proportion of deep sands underlain by saline groundwater. The investigations indicated that provision of farm water supplies would be a problem and that soil salinity could also develop if the area was developed for agriculture.
Investigations in an area of vacant Crown land south-east of Newdegate did not indicate that significant salinity problems could be anticipated following development for agriculture, with the exception of an area just to the west of Lake King. The problem portion has been held as reserve and the balance released for farming.
The study to date of the particular area of vacant Crown land east of Lake Magenta indicates that significant salinity problems could arise if the land were cleared for agriculture. It has not been released.

*The paper was tabled (see paper No. 187).*

## WASTE DISPOSAL: LIQUID AND SANITARY LAND FILL

*Sites*

734. Mr HODGE, to the Minister for Health:

(1) Further to my question 576 of 1982, on what date were—
(a) each of the seven liquid waste disposal sites commissioned;
(b) Each of the 19 sanitary landfill sites commissioned?

(2) What is the estimated operational life for—
(a) Each of the seven liquid waste disposal sites;
(b) each of the 19 sanitary landfill sites?

(3) What are the particular circumstances which determine groundwater monitoring adjacent to liquid waste disposal sites and sanitary landfill sites?

Mr YOUNG replied:

(1) and (2) The following table lists the information sought by the member. It will be noted that for some of the older sites the exact date of commissioning was not readily available.

(a) Liquid waste disposal sites—

| Location | Date | Estimated Life |
|---|---|---|
| Thomas Road, Kwinana | 1971 | 10 years |
| South Terrace, Fremantle | 3 October 1958 | 6 months |
| Johnston Road, Canning Vale | 29 October 1981 | 20 years |
| Beasley Road, Leeming | 21 September 1972 | 6 months |
| Newburn Road, Newburn | 17 July 1975 | 20 years |
| Gnangara Road, Gnangara | 24 February 1972 | 6 months |
| Kelvin Road, Wattle Grove | 10 March 1982 | 20 years |

(b) Sanitary landfill sites

| Location | Date | Estimated Life |
|---|---|---|
| Phoenix Road, Spearwood | 9 April 1980 | 3 years |
| South Terrace, Fremantle | 3 October 1958 | 2 years |
| Beasley Road, Leeming | 21 September 1972 | 20 years |
| Bannister Road, Canning Vale | 26 February 1979 | 20 years |
| Thomas Road, Kwinana | 1971 | 10 years |
| Ennis Road, Rockingham | 12 February 1975 | 2 years |
| Brockway Road, Graylands | October 1970 | 10 years |
| Toodyay Road, Red Hill | 5 August 1981 | 20 years |
| Daly Street, Belmont | Before 1959 | 2 years |
| First Avenue, Midland | 6 December 1971 | 2 years |
| Mathieson Road, Chidlow | 4 December 1979 | 20 years |
| Reservoir Road, Chidlow | 31 January 1978 | 20 years |
| Mayo Road, Wooroolоo | Before 1960 | 20 years |
| Coppin Road, Parkerville | 1968 | 20 years |
| Alexander Drive, Yirrigan | 22 February 1980 | 4 years |
| Pinjar Road, Wanneroo | 9 June 1971 | 2 years |
| Hopkinson Road, Armadale | 9 July 1974 | 10 years |
| Kelvin Road, Wattle Grove | 1957 | 20 years |
| Dawson Avenue, Forrestfield | 12 September 1979 | 20 years |

(3) Monitoring is determined by the need for information relating to local geological features, water resource assessment, or possible health hazards or environmental effects. Groundwater monitoring has become routine at all new sites in the metropolitan region.

735. *This question was postponed.*

## PUBLIC SERVANTS AND GOVERNMENT EMPLOYEES

*Number*

736. Mr BRIAN BURKE, to the Premier:

(1) What was the total number of persons employed by the State Government including semi-Government authorities, business undertakings, and all agencies at 30 June 1981?

(2) What was the number of persons employed as Government officers under and within the meaning of the Public Service Arbitration Act at 30 June 1981?

(3) Further to (2), what was the number of persons employed as Government officers at 30 June 1981—

(a) under and within the meaning of the Public Service Act;

(b) on the salaries staff of the—

(i) Commissioner of Main Roads;
(ii) Forests Department;
(iii) Commissioner of Transport;
(iv) Metropolitan Market Trust;
(v) public hospitals;
(vi) port authorities, harbour trusts, and harbour boards;

(c) declared to be Government officers pursuant to section 96(3) of the Industrial Arbitration Act?

(4) What is the number of persons employed by the State Government that are defined as not being "Government officers" within the meaning of the Public Service Arbitration Act?

(5) Further to (4), what was the number of persons employed by the State Government at 30 June 1981, that were non-Government officers with respect to the Public Service Arbitration Act in—

(a) both Houses of Parliament;
(b) the Governor's establishment;

(c) the Education Department or teaching staff;
(d) or within the meaning of the Railways Classification Board Act;
(e) the State Energy Commission?

Mr O'CONNOR replied:

Certain of the statistics requested are not readily available. Where such is the case, it is only possible to supply approximate figures. The answer is as follows—

(1) 95 052.
(2) Approximately 19 500.
(3) (a) 14 475;
(b) and (c) approximately 5 000.
(4) Approximately 75 500.
(5) (a) 159;
(b) 21;
(c) 19 941;
(d) 2 075;
(e) 5 285.

## FUEL AND ENERGY: GAS

*North-West Shelf: Sales*

737. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

(1) Referring to the North-West Shelf gas project, can he say whether the Japanese are now any closer to signing contracts for the purchase of liquid natural gas?
(2) What dangers are presented to the project by further delays?
(3) Has the State Energy Commission had any further success in selling surplus gas it is contracted to buy?
(4) How much remains unsold?
(5) Has Alcoa yet agreed on the price it is prepared to pay for gas it has indicated it will purchase?

Mr P. V. JONES replied:

(1) I am advised that negotiations between the joint venturers and the Japanese buyers are proceeding and continuing to make progress.
(2) The timing of the LNG phase has no direct bearing on the domestic gas phase commitment, which is to provide gas to the SECWA in 1984.
There has been no suggestion of any change to the target programme announced by the joint venturers on 1 March 1982 to supply LNG to the Japanese buyers by about April 1987.
(3) Yes.
(4) No North-West Shelf gas is yet subject to firm sales contracts with final users, but encouraging progress is being made.
(5) I am advised that agreement has been reached.

## GOVERNMENT ASSISTANCE

*Community Organisations*

738. Mr BRIAN BURKE, to the Treasurer:

(1) How many organisations have received letters from the Government in recent weeks advising them they will receive no further financial assistance from the State?
(2) What is the name of each organisation and the saving to the State in each case?

Mr O'CONNOR replied:

(1) 13.
(2) It is considered that the individual amounts and the names of the organisations are a matter of confidentiality between the Government and the organisation at this time.
I refer the member to the answer given by me in response to question 694 on 28 April 1982.

739. *This question was postponed.*

## WASTE DISPOSAL: LIQUID

*Biodegradable*

740. Mr GORDON HILL, to the Minister for Health:

What measures are taken to ensure that liquid waste from septic tanks and similar sources which is deposited at the Gnangara liquid waste disposal site, is biodegradable?

Mr YOUNG replied:

Gnangara liquid waste disposal site is administered by the Shire of Swan under the general supervision of the Public Health Department. It is a requirement of the shire that only biodegradable waste is allowed to be deposited at the site. The shire has a full-time site attendant who logs all incoming tankers and records the nature of their contents. Periodic checks and random sampling of contents will also be carried out by the Public Health Department.

## WASTE DISPOSAL: LIQUID

*Illegal Dumping*

741. Mr GORDON HILL, to the Minister for Health:

(1) Whose responsibility is it to control the illegal dumping of liquid waste in the metropolitan area?

(2) What are the penalties for the illegal dumping of liquid waste?

Mr YOUNG replied:

(1) Local authorities acting under the general supervision of the Public Health Department are responsible for controlling the illegal dumping of liquid waste within their boundaries. The Metropolitan Water Board also has responsibility in controlling the illegal dumping of liquid waste into its sewer lines.

(2) The Health Act provides a maximum penalty of $100 and a minimum of $10, with the alternative of a prison term not exceeding six months. The Metropolitan Water Supply, Sewerage, and Drainage Act provides a maximum penalty of $1 000, with a maximum of $100 a day for each day the offence continues.

## WATER RESOURCES: RATING SYSTEM

*Examination*

742. Mr GORDON HILL, to the Minister for Water Resources:

(1) Is it a fact that he has established a committee of business persons to examine the water rating system, as it affects small businesses?

(2) If "Yes"—

(a) how many people are on the committee;

(b) who are the members of the committee and what type of businesses are they engaged in;

(c) how many times has the committee met;

(d) has the committee sought submissions from other businesses?

Mr MENSAROS replied:

(1) In September 1981, I formed a special working party to examine alternatives to the existing valuation-based system of charges within the commercial-business-industrial sector.

(2) (a) and (b) The working party comprises seven members other than myself, including a member of the board, three board officers, and one representative from each of the following associations—

the Perth Chamber of Commerce;
the Confederation of Western Australian Industry; and
The Independentent Retailers' Association.

(c) The group has met on nine occasions to date.

(d) Because the working party includes representatives from a cross section of business associations, the need for submissions from individual businesses has not arisen. I had numerous approaches by various smaller groups for representation. However, it was felt that the existing membership would perform more efficiently if individual submissions were directed through them. The working party also helped to get full information from business-representative bodies from all over Australia.

## EDUCATION: KALGOORLIE AND KAMBALDA

*Travelling Costs*

743. Mr GRILL, to the Honorary Minister Assisting the Minister for Education:

(1) Who were the three children being transported by taxi from Kambalda to Kalgoorlie and return each school day until recently?

(2) What were their respective ages?

(3) Where are the children being presently educated?

(4) What special arrangements have been made to provide adequate education for these children in Kambalda or elsewhere?

(5) Is it a fact that at least one of the children still has to attend school in Kalgoorlie as the child cannot be educated adequately in Kambalda?

(6) What help is being given to the parents of that child to defray travel costs?

Mr CLARKO replied:

(1) To preserve each individual's rights to privacy I am not prepared to name the three children.

(2) The ages of the three children are:—

(a) 5 years 7 months;
(b) 15 years;
(c) 15 years 2 months.

(3) (a) West Kambalda special class;
(b) Kambalda Senior High School;
(c) continuance of previous programme at EGHS.

(4) (a) West Kambalda special class on special programme;
(b) has returned to Kambalda where he was a student in 1981; an internal arrangement has been made by the school;
(c) has declined to return to Kambalda where he was a student in 1981 and is continuing to attend the special class at Eastern Goldfields High School.

(5) The parents of one child have chosen to have their child continue at Eastern Goldfields High School. Suitable arrangements for this student could be made at Kambalda, but it is not the Education Department's practice to require students to attend their local school if a place is available at a preferred school. In such cases, however, the department accepts no responsibility for the provision of transport.

(6) Since it is the parents' decision to maintain their child in the class at Eastern Goldfields High School no assistance with the cost of transport is available.

744. *This question was postponed.*

## FIRES: STATION

### *Wangara*

745. Mr PARKER, to the Minister for Police and Prisons:

(1) Where is the proposed "Wangara" fire station to be sited?

(2) Is he aware that both the Wanneroo Shire Council and the Joondalup Development Corporation are anxious to have any new fire station serving the area sited at Joondalup?

(3) What is the reason for the currently planned siting?

(4) When is it intended to provide this fire station?

(5) Are people in the area already paying the fire services levy in any appropriate insurance?

(6) What is the average increase in premiums that results from this levy?

Mr HASSELL replied:

(1) The Wangara fire station is to be sited at the corner of Baretta and Mackie Streets, Wangara industrial area.

(2) In the exercise of its statutory authority, the Western Australian Fire Brigades Board selected the above site after consultation with both the Wanneroo Shire Council and the Joondalup Development Corporation.

(3) The weight of development both actual and planned is in the Wangara area, and Joondalup-planned development will be within the board's attendance standards from Wangara.

(4) As soon as practicable, taking into account overall priorities measured against available financial resources.

(5) Insurance levy is not applicable. The metropolitan fire district will be extended when the new fire station is completed. Until such time, the board does not levy either insurance companies or local authority in respect to this area.

(6) This information is not available. Insurance levies are determined by the industry from year to year based on a number of factors. Forecasts are not possible.

## QUESTIONS WITHOUT NOTICE

## STATE FINANCE

### *Claimant State Status: Withdrawal*

233. Mr BRIAN BURKE, to the Treasurer:

What advantages have accrued to Western Australia as a result of the 1967-68 decision to withdraw as a claimant State?

Mr O'CONNOR replied:

We could have had benefits in a number of areas. Members will recall that Sir David Brand was Premier at the time Western Australia relinquished its claim to be a claimant State. However, a lot of water has flowed under the bridge since that time and I have no more details than the Leader of the Opposition.

Mr Tonkin: Try him out; ask him a question.

Mr O'CONNOR: He could not issue them all, and the member would very well know that.

Mr Brian Burke: Just give us some of them.

Mr O'CONNOR: If the member places this question on notice I will give a considered answer.

## HOUSING

*Ms Marcia Chamberlain*

234. Mr SODEMAN, to the Honorary Minister Assisting the Minister for Housing:

(1) Has the Minister read the article in today's edition of the *Daily News* headed, "Marcia wants a home"?

(2) Has he taken any action to have assessed the matter as outlined?

Mr SHALDERS replied:

(1) and (2) I thank the member for notice of the question the answer to which is as follows—

Yes, I have read the article in today's issue of the *Daily News* and I have asked my department to give a full report on the lady's dealings with the department.

## FUEL AND ENERGY: PETROL

*Levy Increase*

235. Mr WATT, To the Minister for Transport:

I refer to page 1 of today's *The West Australian* and to the article headed, "Motorists face more increases" which relates to the decision to increase the fuel franchise levy on petrol by 0.25c per litre. Can the Minister give me an assurance that all the money being raised from the fuel levy is, in fact, being spent on roads?

Mr RUSHTON replied:

I assure him, very emphatically, that all the money raised from the fuel levy is spent on roads; what is more, the small cost relative to the raising of those funds is not deducted from those funds; the funds go totally to roads.

## GRANTS COMMISSION

*Review: Tariff Policies*

236. Mr BRIAN BURKE, to the Treasurer:

(1) Did the Grants Commission in its 1981 review take full account of the assistance given by way of tariff policies to Eastern States industries?

(2) If "Yes", in what way was this assistance taken into consideration?

Mr O'CONNOR replied:

(1) and (2) My understanding is that it did not take into account the full consideration of the tariff to Eastern States industries. Western Australia purchases annually about $2.8 million worth of goods from the Eastern States. Quite frankly, we believe we have been disadvantaged by the Grants Commission. I certainly will be taking up these issues with the Prime Minister at the appropriate time.

Mr Brian Burke: What we purchase from the Eastern States does not bear any tariff.

Mr O'CONNOR: They get the benefit from it.

## LAND: CROWN

*Release*

237. Mr GREWAR, to the Minister for Lands:

The Premier in mid-1980 assented to a policy of releasing up to 50 farm blocks a year from virgin Crown land. I ask—

(1) How many farm-size blocks have been released in the period from the date of the announcement?

(2) Is the Minister planning to release more blocks to ensure that the commitment is honoured?

Mr LAURENCE replied:

(1) The details relating to new land releases are as follows—

1980—15
1981—7
1/1/82 to 31/3/82—6.

I point out the considerable number of releases of new land, not for complete new farms but for farm build-up purposes, as follows—

1980—25
1981—25
1/1/82 to 31/3/82—3.

These were not complete farms but areas where farm land was made available for build-up purposes to increase the viability of existing properties.

(2) Yes. I have already announced that every effort will be made to review release procedures in an attempt to get closer to the target of up to 50 blocks a year. This review would include the problem posed by coal mining and other minerals tenements which had affected new land release proposals.

## CULTURAL AFFAIRS: FILMS

*Joint Venture*

238. Mr DAVIES, to the Minister for Industrial Development and Commerce:

(1) Would the Minister give us a report as to what stage has been reached regarding the joint venture between the Government, Channel 7 and the BBC?

(2) In particular, has a script yet been selected?

Mr MacKINNON replied:

(1) and (2) The latest information I received was about 10 days ago when I had a meeting with the Chairman of the Western Australian Film Council. He advised that he had had discussions with the joint venture parties to that agreement. Specifically, that involved TVW Channel 7, the Seven network and the BBC. I understand that the partners which have come to an agreement with people in the United Kingdom for development of a script which involved an Australian writer whom I understand now resides in the United Kingdom. The joint venturers will then consider a property which we hope will be accepted by the joint venture partners for a mini-series to be filmed on location in Western Australia.

## TRANSPORT

*Cost: Government Policy*

239. Mr HERZFELD, to the Minister for Transport:

I ask the Minister whether he noticed a letter published in *The Australian* last Wednesday, in which the New South Wales shadow Minister for Transport reveals for the first time the true cost of running the Wran Governments XPT passenger rail train: Can the Minister assure the House that such extravagance and financial irresponsibility will not become a part of transport decision-making in this State?

Mr Pearce: There won't be any change.

Mr RUSHTON replied:

I thank the member for the question and I take the opportunity to assure him and the House in the most catagoric terms that political grandstanding of the sort indulged in by the NSW Government with its XPT train will not occur in this State—

Mr Parker: You haven't got trains to grandstand about.

Mr Pearce: They break down all the time.

Mr RUSHTON: —so long as we have in office those who put the best interests of the taxpayer and the community at large ahead of vote-catching gimmickry. We on this side of the House believe many positive initiatives are available to give Western Australia the transport system it deserves without putting a financial millstone around our necks which will hold back development for generations to come. We are implementing these positive inititiatives at the moment, as reference to any sphere of our transport system will show only too clearly. In doing so, we are showing the steady hand of financial responsibility that is complete anathema to those who sit opposite. Nowhere is our case better illustrated than with Perth's urban public transport system.

Mr Brian Burke: This is "Dorothy Dix-ers" down to a fine art.

Mr RUSHTON: We recognise the difficulties of running the system in a way which appeals to commuter and taxpayer alike, but goodness knows, we are not alone in this respect.

Mr Brian Burke: Have you got "goodness knows" written down there?

The SPEAKER: Order!

Mr RUSHTON: Take a look at the deficits being run up in Sydney, a city far more suited to urban public transport than is our own. The point which must be recognised by all thinking people is that we simply cannot buy our way back into the black by investing in even bigger and brighter technology. That is purely a recipe for financial disaster and the sort of fiasco current in NSW. The answer lies in the approach of this Government,

which is one characterised by evenhandedness, flexibility and good common sense.

Several members interjected.

The SPEAKER: Order!

Mr RUSHTON: Let me assure the House that those qualities will prevail as long as this Government makes the transport decisions in this State. It is interesting to note that the British version of the XPT operates with only three staff, whereas NSW State railways body, with a sweetheart deal between it and the railways unions, has something like 10 staff running each XPT service, which clearly indicates the XPT project was a political stand.

## TOWN PLANNING: MRPA

*Servetus Street: Objections*

240. Mr PARKER, to the Minister for Town Planning:

I remind the Minister that objections to the western suburbs Servetus Street proposal were called by the MRPA during the Christmas break. Those people now have been asked to have their objections heard during the May holidays. I ask—

(1) Is it the deliberate intention of the MRPA to make life difficult for those people who are objecting?

(2) Does the same philosophy underlie the fact that the MRPA is giving people one week to indicate whether they will make a verbal submission to the special committee hearing the matter, which I understand commences on 20 May?

(3) Is the unco-operative attitude being pursued by the staff of the MRPA—in fact some people say they have taken an abusive attitude—also an attempt to discourage people from participating in public hearings?

(4) Will the MRPA schedule hearings when the people concerned are available?

Mrs CRAIG replied:

(1) I do not think it is anything of the nature the member suggests. Indeed, letters have gone out to something like 1922 people who made submissions. I remind the member that they made submissions, and neither he nor I know the contents of the submissions. The letters have informed those people that the authority would like to have some communication from them as to whether they would like to add to the written submissions they have already made. The letter simply asks them to notify the authority before the given date—which I cannot recall at present—after which the authority will examine the number of people who wish to make submissions and set aside a sufficient amount of time to hear them. The authority has indicated it will begin hearing the submissions on 20 May. If no people are available to make submissions on 20 May the hearing will not begin on that day. However, there must be a way in which the authority can communicate with those people who are concerned in order that it may establish a date and times during which the submissions will be heard.

(2) to (4) The fact that it happens to be during part of the May holidays is not of great importance because many people who wish to make submissions would not be affected in any way by the May holidays. If people are affected by the May holidays it is up to them to say so.

Mr Parker: Will not the MRPA schedule hearings for the time they are available?

Mrs CRAIG: The MRPA, in the letters it has sent out, has simply asked those concerned whether they wish to be heard; once they have indicated whether they wish to be heard, they will be given a definite time for the hearing.

If the time is not convenient—obviously, it cannot go on for months—the authority will make every effort to ensure that people are given an opportunity to elaborate on their cases.

I am very surprised at the suggestion of an unco-operative attitude. If that is so, I would like the member to give me a clear indication of the complaint he has received. Certainly no complaint of this nature has come to my ears.

Mr Parker: Several people have suggested to me that Mr Peters—one of the members of the MRPA—was quite abusive.

Mrs CRAIG: Mr Peters is the Secretary of the MRPA. I have never known him to behave in that way. However, if the member will give me details of any such complaint, I can assure him that I will follow it up. Many members of the public are interested in this matter, and I would not like to believe that a member of the public was dealt with in an offensive manner.

## WATER RESOURCES: MWB

*Reorganisation*

241. Mr TRETHOWAN, to the Minister for Water Resources:

Does the proposed legislation to reorganise the Metropolitan Water Board for the sake of more efficiency mean that during the last two years of his administration no results were achieved in the field of efficiency and cost saving?

Mr MENSAROS replied:

I do not think the proposed legislation implies this at all. We always strive for more and more efficiency, even if considerable advances has already been made in that direction. And indeed it has.

I will give a few examples. In 1980 a systems review committee was established, and this group's activities resulted in its undertaking 94 projects with the saving of about $700 000 per annum. It has resulted also in significant staff efficiencies.

In addition, a new in-house computer was acquired approximately two years ago. The net saving through this operation was about $300 000 per annum.

Mr Brian Burke: What about the Sirofloc system? You have not been able to put a litre of water through it.

Mr MENSAROS: That is not so. The Leader of the Opposition has not seen the plant. When the Federal Minister opened it, other members of Parliament attended and saw it in action.

Mr Brian Burke: Very shortly you will have an opportunity to explain it in detail.

Mr MENSAROS: From the point of view of efficiency, probably the biggest achievement in the last four years is that despite the increase in the number of new water and sewerage connections in the order of 13 and 25 per cent respectively, the total increase in staff has been only one per cent. Other measures could be enumerated.

## TRAFFIC: MOTOR VEHICLE INSURANCE TRUST

*Premiums: Increase*

242. Mr TONKIN, to the Treasurer:

(1) Does the State Treasury review and evaluate the increases in charges for services proposed by Government agencies prior to consideration by Cabinet?

(2) Is the Treasurer aware that since March 1974 the annual third party motor vehicle insurance premium on the average family car has increased from around $27.60 to $112.80—an increase of over 308 per cent?

(3) Is he also aware that since March 1974 the movement in the Consumer Price Index for Perth is 147.4 per cent?

(4) Does the Treasurer agree that this escalation in premium levels raises serious doubts about the financial operations of the Motor Vehicle Insurance Trust?

Mr O'CONNOR replied:

In view of the fact that I received no notice at all of this question, it is obvious that the Opposition has no interest in obtaining an answer. If notice of the question had been given by noon today, a complete answer could have been provided. However, I will answer it to the best of my ability as follows—

(1) to (4) When a charge is to be increased, the matter normally is brought to the Cabinet by the Minister in charge of the department concerned. The Treasurer considers any such increases, and usually they are discussed with Treasury officials. I cannot say whether the figures quoted by the member in relation to the Motor Vehicle Insurance Trust are accurate. If he places the question on notice, I will have the matter examined.

## RAILWAYS: FREIGHT

*Joint Venture: Accounts*

243. Mr STEPHENS, to the Minister for Transport:

(1) Can he give an assurance that the statement of accounts of the new company that will be formed as a result of the joint venture between Westrail and private enterprise will be tabled each year?

(2) If not, why not?

Mr RUSHTON replied:

(1) and (2) The member will know this is a limited liability company, and my understanding is that statements of accounts will be presented to the Corporate Affairs Office. If the member places his question on notice, I will provide him with a complete answer.

## MEMBERS OF PARLIAMENT

*Posture*

244. Mr PEARCE, to the Premier:

I will ask the Premier a question which he can answer easily. Did he see, in tonight's edition of the *Daily News*, a comment attributed to a 13-year-old schoolgirl that in this Parliament the Labor Party members sit up straighter than do the Liberal Party members who slouch in their seat?

Mr Young: Which Labor member was in the House?

The SPEAKER: The member for Gosnells will resume his seat. The question was frivolous—

Mr PEARCE: I have not finished.

The SPEAKER: Unless the member for Gosnells can give me an assurance that the balance of the question he proposes to ask is a little less frivolous than the part asked so far, I will not allow him to complete it.

Mr Pearce: I regret I cannot give you that assurance.

Mr Clarko: As you are all midgets over there, you have to sit up.

Mr Brian Burke: I would like to thank the Honorary Minister for Education—that is the first time I have been described as a midget!

## TRAFFIC: MOTOR VEHICLE INSURANCE TRUST

*Performance, and Financial Position*

245. Mr BRIAN BURKE, to the Premier:

My question is a relatively simple one. It is as follows—

(1) I ask the Premier whether he recalls giving me an assurance some weeks ago in this House that he would examine personally the performance and the financial position of the Motor Vehicle Insurance Trust?

(2) Has the Premier started that process?

(3) Is he able to give a report on the progress made so far?

Mr O'CONNOR replied:

(1) to (3) I recollect giving that undertaking to the Leader of the Opposition. I have commenced that process, but I have not yet received a report.

## EDUCATION: HIGH SCHOOL

*Como*

246. Mr WILLIAMS, to the Honorary Minister Assisting the Minister for Education:

Will the Minister arrange an inspection of that area of the Como High School reserve opposite Bruce Street, near its junction with Henley Street, with the view to its being maintained in a more satisfactory condition?

Mr CLARKO replied:

Yes, the situation will be examined.

## BANKS: INTEREST RATES

*Profits*

247. Mr WILSON, to the Premier:

(1) Is the Premier aware that Reserve Bank statistics indicate that the level of bank profits was somewhere in the vicinity of 240 per cent in the four years to 1981?

(2) Is he aware also that the recent one per cent rise in the bank interest rates allowed the banks to earn an estimated $70 million in after-tax profits?

(3) In view of these profits being earned by the banks as a result of spiralling interest rates, is he prepared to take a strong stand against any further advice by the Commonwealth Government to allow banks to further increase their interest rates?

Mr O'CONNOR replied:

(1) and (2) Yes.

(3) I read these articles in the Press, as the member obviously did. The matter will be considered on its merit when it arises.

## INDUSTRIAL AWARDS

*38-hour Week*

248. Mr HERZFELD, to the Premier:

I have given the Premier some notice of this question. It is as follows—

(1) Has the Premier received any advice from the industry about the effects of the decision of the Western Australian Industrial Commission to introduce a 38-hour week?

(2) Will he tell the House what advice he has received?

Mr O'CONNOR replied:

I thank the member for some notice of this question, the answer to which is as follows—

(1) and (2) I have had a number of indications from industry of extreme concern about the effects of the decision. One person has specifically advised me that he has sacked 35 people as a direct result of the decision because it has made his operations uncompetitive.

Mr Parker: Why would he say a thing like that? It is totally untrue.

Mr O'CONNOR: To continue—

Others have indicated that further sackings could follow. I sincerely hope that those who are involved in applying for or granting these award variations will take into account the problems of those who do not have jobs and those who will lose jobs.

To qualify my answer, following the interjection from the member for Fremantle, it is quite obvious that where industries are competing with overseas organisations and their profits are running close to the borderline, in some cases a 38-hour week would make them uneconomic by increasing their costs.

Mr Parker: That is not correct. Look at the international evidence relating to the 38-hour week.

Mr Brian Burke: I am concerned with these constant attacks on the arbitration system. If you keep this up, you will destroy the system.

## TRAFFIC: MOTOR VEHICLE INSURANCE TRUST

*Premiums: Increase*

249. Mr TONKIN, to the Treasurer:

(1) Is the Treasurer aware that following Cabinet approval of the increase of 10 per cent in third party motor vehicle insurance premiums proposed by the premiums committee, the annual premium for the average family's motor vehicle will have more than doubled since the last State election?

(2) Is the Treasurer also aware that the severe escalation in premiums since the last State election partly results from Government interference and manipulation of the MVIT's financial charges by rejecting a premiums committee recommendation in 1979-80 for a small rise?

(3) Does the Treasurer agree that the community is more likely to cope better with small annual rises in charges where necessary than with massive periodic rises?

(4) If "Yes" to (3) why was the premium committee's proposal for a small rise in 1979-80 rejected by the Government prior to the last State election?

Mr O'CONNOR replied:

(1) to (4) One of the reasons for the substantial increase in MVIT charges is the number of claims, and the substantial awards made in connection

with those claims. We have listened to the MVIT; it has its own organisation, which makes recommendations regarding increases. The member for Morley describes the recommended increase in 1979 as a "small" increase. In fact, it was a substantial increase and, had we implemented the recommendation, he would have criticised us for the amount involved.

We are concerned at the increase in MVIT premiums and we are doing all we can to keep such increases to a minimum. However, the trust must operate within its available finances. If it sustains losses, as has been the situation in the past, it gives rise to a certain amount of insecurity in the insurance industry, which has resulted in many insurance companies pulling out of this type of insurance.

As a matter of fact, in recent times I held discussions with officials of a number of insurance companies to express our concern that about 90 per cent of this type of insurance business now is controlled and run by the SGIO. We are concerned at the number of companies which have pulled out of this insurance and we held discussions with them in the hope of convincing some of them to recommence operations in this area. The trust is run by a group within the insurance field, which makes recommendations to the Government. The Government will take those recommendations into account at the appropriate time.

## GRAIN: BARLEY

*Export*

250. Mr WATT, to the Minister for Agriculture:

(1) Is the Minister aware of the highly successful bagged grain export operation recently carried out through the Port of Albany, particularly in respect of its providing employment for waterside workers, and revenue for the Albany Port Authority?

(2) If so, is he aware that, because of limited quantities of barley to meet existing commitments, the Grain Pool of WA has not been prepared to release any more barley for further shipment this year?

(3) Would he endeavour to persuade the Grain Pool if possible to release sufficient barley for a further bagged grain shipment?

(4) As the great southern is a principal barley-producing area in Western Australia, is there any means at his disposal by which he could encourage an increase in barley production as a means of assisting employment in the region, the Albany Port Authority's financial position, and the food requirements of the third world countries to which the bagged grain is sold?

Mr OLD replied:

(1) to (4) I am aware of the importance of bagged barley to the Port of Albany. I am also aware of the fact that the Grain Pool of WA has been not unwilling but unable to allocate any more barley to Albany because it has sold the barley crop, and was able to let the Albany merchant have only that barley which was surplus to the Grain Pool's requirements. Once the contract for the barley has been signed, it no longer belongs to the Grain Pool; it is then in the hands of Co-operative Bulk Handling Ltd. for shipment at the time required by the purchaser.

The Grain Pool and the Department of Agriculture are well aware of the importance of barley to Western Australian agriculture. In fact, in the last couple of years two new varieties of barley have been released; namely, "Forrest", which is a feed or barley, and has proved to be a very high yielding

barley, and "Stirling" which currently is a feed barley but which shows good indications of becoming a top quality malting barley. In the last three months the Grain Pool has taken the initiative by forming a committee to which it has invited certain organisations to nominate members to encourage barley growing, particularly in the southern part of Western Australia. Naturally, the growing of barley is a commercial decision of the farmers. However, the Grain Pool has asked the Primary Industry Association of WA, The Pastoralists and Graziers Association of WA, the Department of Agriculture, and Co-operative Bulk Handling Ltd. to join the Grain Pool representative on this committee. I was asked to chair the committee, but as time does not always permit my attending these meetings, I reluctantly declined; however, the Government has nominated a senior officer to serve on the committee.