

Legislative Council

Tuesday, 8 May 1984

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

QUESTIONS

Questions were taken at this stage.

CLOSING DAYS OF SESSION

Standing Orders Suspension

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.59 p.m.]: I move, without notice—

That commencing with this day's sitting and until 1 July 1984, Standing Orders be suspended so far as to enable any Bill to be introduced and passed through any or all of its stages in one sitting.

Question put.

The PRESIDENT: I advise honourable members that the motion requires the concurrence of an absolute majority. I have counted the House; and, there being no dissentient voice, I declare the motion carried with an absolute majority.

Question thus passed.

LEGAL AID COMMISSION AMENDMENT BILL 1984

Introduction and First Reading

Bill introduced, on motion by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.01 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Legal Aid Commission Act.

In 1956 the United Nations conference on maintenance obligations adopted the final Act and convention on the recovery abroad of maintenance. The purpose of the convention is to facilitate the recovery of maintenance by enabling a claimant who lives in a country which is a party to the convention to institute recovery proceedings against a respondent who lives in another country, also party to the convention.

To overcome difficulties created by differences between the laws of member countries, the convention provides for claims to be processed under

the law of the country in which the respondent is found.

The convention provides that each member country, upon ratification of the convention, shall designate one or more bodies to act as transmitting and receiving agencies. The functions of the agencies are to transmit claims overseas on behalf of applicants resident in the transmitting country, and prosecute claims for overseas residents.

To make a claim, a claimant applies to the transmitting agency in his country for the recovery of maintenance from the respondent. The transmitting agency transmits the necessary documentation to the receiving agency in the respondent's country, which is then bound to take such action, including proceedings, as is necessary to recover the maintenance claimed.

The Commonwealth Government now wishes to implement the convention in Australia and has proposed that for the purposes of the convention, the Commonwealth will establish the transmitting and receiving agency, to be known as the Controller of Overseas Maintenance Claims. The controller will be an officer of the Australian Public Service and the Commonwealth has recently promulgated regulations under the Family Law Act (Commonwealth) 1975 to provide for this appointment.

It is proposed that an agent of the controller be appointed in each State and Territory to provide assistance in the prosecuting and transmitting of claims and it has been agreed between the Commonwealth and the State that the appropriate body in this State is the Legal Aid Commission. In addition, the collector of maintenance of the Family Court of Western Australia will undertake enforcement action where orders are made against persons residing in this State for the payment of maintenance.

The Commonwealth will reimburse the commission for all administrative and legal costs in accordance with agreed financial arrangements. Accordingly, it is proposed that the director of the commission act for parties without the need for a grant of aid.

The Commonwealth intends to bring the convention into operation in Australia as soon as possible and this Bill will allow the commission to act as agent in the manner outlined.

It is proposed that a separate account be kept of moneys received by the commission from the Commonwealth for the purposes of the convention. This is achieved by clauses 3, 4, and 5 of the Bill.

Clause 6 of the Bill inserts a new part IXA into the Act, which authorises the commission to perform its new obligations.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

SOUTH WEST DEVELOPMENT AUTHORITY BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [5.05 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to establish the South West Development Authority to plan, co-ordinate, and promote the economic and social development of the south-western region of Western Australia, and the South West Development Authority Advisory Committee to advise that authority in the exercise and performance of its powers, functions, and duties.

The State Government, as part of its regional development policies, conceived "Bunbury 2000", which is a development strategy directed towards creating an alternative urban capital in Western Australia and accelerating the social and economic development of the entire south-west region.

The Government recognises the need for encouraging regional development and perceives the need for local community input into decision making. It is only through co-operation between Governments at all levels, private enterprise and the local communities, that development in the regions can be maximised.

This approach is unique to Western Australia as it focuses substantial resources into a specific region rather than the broad "scatter gun" approach adopted previously. If this approach succeeds, it will provide the basis for similar developments in other regions as part of the Government's regional development policies.

To facilitate economic and social development in the south-west region, an authority—the South West Development Authority—located in Bunbury, is proposed. The authority will consist of a board, a directorate, and executive support staff. In addition a 12-man advisory committee to the authority is proposed.

The three-man board will have the director as its chairman and will be supported by executive staff employed under the Public Service Act.

The advisory committee will consist of a chairman and 12 members. It is intended that the membership will reflect a substantial representation of people from all areas of the south-west. Their expertise and interest will provide a significant contribution to the development of effective policies and initiatives.

It will be noted that this legislation will enable the authority to establish committees for the purpose of assisting it to carry out its functions. Such committees will be able to examine specific areas of economic and social development and provide additional expertise and community input.

The Government is confident that through the proposed structure, the authority will integrate local community expectations into its decision-making processes.

The major functions of the authority are to plan, co-ordinate, and promote the economic and social development of the south-west region. Consultation with Government departments, authorities, local government, community groups, and representatives of industry and commerce is an important part of the authority's role in implementing its objectives.

A major role is to undertake economic and other studies of the south-west region as a basis for formulating policy. The results of such studies will be provided to all interested organisations in the region and elsewhere.

The authority will, in co-operation with the Minister for Planning, facilitate the planning process in the Bunbury region.

To implement its objectives, the authority will have the power to purchase and sell land and provide services. It will be able to finance such developments through loan funds obtained with the Treasurer's approval.

Funds to enable the proposed authority to operate have been provided in the current Budget Estimates from the Consolidated Revenue Fund. In future years the Consolidated Revenue Fund is expected to provide the major operational funds.

It is intended that the authority will be responsible to the Minister for Regional Development and the North West. In addition, the authority will be required to present to Parliament an annual report relating to its activities. Furthermore, the authority will be subject to review in seven years' time.

The advisory committee to the South West Development Authority has the important role of advising the authority on the exercise of funds. The membership will reflect subregional and community interests and provide considerable ad-

ditional expertise for the authority in developing policy initiatives.

The Government gave a commitment, prior to the last election, to the development of Bunbury and the south-west region, and the South West Development Authority provides the mechanism for implementing this policy.

The Government believes that the South West Development Authority will prove to be a catalyst for rapid social and economic development in the south-west of Western Australia.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. V. J. Ferry.

RURAL RECONSTRUCTION AND RURAL ADJUSTMENT SCHEMES AMENDMENT BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.11 p.m.]: I move—

That the Bill be now read a second time.

The Bill amends the Rural Reconstruction and Rural Adjustment Schemes Act 1971-1984. The amendments provides for the use of reserve funds held under the rural reconstruction and the rural adjustment schemes for other assistance measures to farmers.

The reserves held by these two schemes have grown over the years. This has occurred because the funds provided by the Commonwealth for the schemes are part loan and part grant money. In addition, farmers have repaid loans at a faster rate than that required for repayments to the Commonwealth.

Under the terms of the present Rural Reconstruction and Rural Adjustment Schemes Act, these reserves of moneys can only be used to provide loans to farmers who are eligible under the conditions specified for the rural adjustment scheme. One of these conditions is that farmers must have sound prospects of long-term commercial viability.

This year, many farmers in the State are in serious financial difficulties. These difficulties are a result of a series of poor seasons in the outer wheatbelt, coupled with increased costs and reduced margins for cereal production. As a result of these factors, a substantial number of farmers in the wheatbelt now face an uncertain economic

future. The Government is most concerned at this erosion of farm profitability and is determined to ensure that, wherever possible, farmers are given the chance to demonstrate that they can re-attain viability.

The Bill provides for seasonal carry-on loans to be offered to farmers in situations of financial emergency. These loans will be available only to farmers who still have an adequate equity in their farm and whose financial problems are a result of adverse seasons.

While this new scheme of assistance is consistent with the general aims of the rural adjustment scheme, it could not be funded from moneys held in the reserves of that scheme and the rural reconstruction scheme, because the farmers to be assisted cannot be judged to have sound long-term prospects.

The need to utilise these funds for this particular purpose has initiated the proposed amendments to the Rural Reconstruction and Rural Adjustment Schemes Act. However, the amendments are general in nature and will provide flexibility in the future for similar schemes of assistance to farmers to be funded from reserves held by the rural reconstruction and rural adjustment schemes.

The Bill also amends certain provisions of the Act which need to be clarified or brought up to date.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. W. G. Atkinson.

SUPREME COURT AMENDMENT BILL 1984

Third Reading

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and returned to the Assembly with an amendment.

LAND VALUERS LICENSING AMENDMENT BILL 1984

Second Reading

Debate resumed from 1 May.

HON. P. H. WELLS (North Metropolitan) [5.15 p.m.]: This Bill follows the Bill introduced last year into which the Government went headlong without consulting the industry concerned. The change in Ministers responsible for the legislation is reflected by the courtesy of the present Minister in consulting industry representatives before proceeding with this legislation. I remind members that in November last year the introduction of the previous Bill caused an outcry from the then President of the Australian Institute of Valuers (Mr Kevin Johnson), and the President of

the Real Estate Institute of WA Inc.) (Mr Frank Woodmore). They were quoted at the time as saying that the proposed changes were unnecessary and inefficient and that they had not previously been notified of them.

We have a completely new approach in this present Bill and many of those things to which the industry objected have been overcome.

I refer to the composition of the board, which is very much the same as it was except that the Minister may, if he so desires, introduce a consumer representative. The Government does not propose to change the requirement that the chairman be a legal practitioner with seven years' experience, although it had originally proposed to do so. However, as a result of strong representation from the people affected, particularly the Real Estate Institute of WA and the Australian Institute of Valuers, it has recognised the need for the chairman to be a legal practitioner.

The Minister pointed out that provision is made in the Bill for the Government, if it so desires, to appoint the consumer representative. Although in other cases that may sound reasonable, I am not certain that it is called for in this area. The board has heard only four submissions from consumers since 1978. It is not generally a board with which consumers are involved. It is hoped that the Minister will see the sense of the board being composed of members who are qualified and have some knowledge of valuation procedures.

I now compare the board with those in other States of Australia. The WA board has the same number of members as the South Australian board, which also has a legal practitioner at its head. Other States have a varying number; New South Wales has five, Victoria and Queensland have three each, and the chairman of each of those boards is the Valuer General.

A change in the Bill regarding appointment of members indicates that the Government is taking increased control of this board—as it is of many boards in other areas. I refer to the system where previously the members of the board were appointed by nomination but now the Minister appoints the members from a panel of names submitted by various groups involved, in this case the Australian Institute of Valuers and the Real Estate Institute of WA.

I ask that the Government give consideration to the number of people who should be appointed to the board and to their qualifications. I put it to the Minister that he give consideration to this.

The board is to be composed of five people. It will have a chairman and the other appointees will

come from two groups; the Real Estate Institute of WA and the Australian Institute of Valuers, and, as indicated to me, the member to be nominated by the Minister may be a consumer. There is nothing in the present Act that requires valuers to be people other than those who are experienced in the valuation of land. One of the requirements of the Victorian Act is that at this stage each of the groups has two appointees who must not only be qualified in the valuation of land, but also have experience in valuation in country areas.

Hon. H. W. Gayfer: Quite a sensible proposition.

Hon. P. H. WELLS: I am not an experienced valuer. I can well imagine that a person experienced in valuation and who spends his total life in the country may well have some specialised experience in his profession that is unlike the experience of a person in the city. I am not saying that there is no basic training for that valuer. At least the Victorian Government has seen the wisdom of the suggestion that a person with country experience should have some involvement on the board, and I point out that Victoria is a very small State compared to Western Australia.

I commend that proposition to the Minister. I hope he will give it some consideration and hold discussions with the Real Estate Institute of WA and the Australian Institute of Valuers. It concerns me from time to time that we prepare legislation from a city base. Western Australia is a great State, but the city makes up only a small percentage of it. We have a great responsibility to ensure that the members of these boards are aware of the needs of those in country areas, at the same time ensuring that there are city-based people on those boards.

The previous Minister included provisions in his Bills because suggestions were put to him. I am not asking the Minister to do that. If he holds these discussions, the people concerned could be aware of what is happening in Victoria where one member of the board has had country experience.

Ministerial involvement or the tightening up of the Government's responsibility is included in other parts of this Bill. One provision will bring about a situation which is actually happening. Clause 6 of the Bill is to amend section 25 of the Act and it will add the words, "with the approval of the Minister" in a provision dealing with the remuneration of licensed valuers. I am told that in practice the board does not make a decision on remuneration without consultation with the Minister. In practice the figure is presented to the Minister, and the Minister then tends to hold the matter up for some time before approving it. So the

inclusion of these words is simply following what actually happens in practice.

Another area in which the Government intends to increase its involvement is in respect of the publication of the code of conduct for licensed valuers. There is a code but it has not been published. The licensing board would like the code to be published so it will have more strength when implementing the Act. This means that the Government, at almost every point, has an opportunity to influence the board's decision.

Apparently a problem arose under the existing Act in respect of a real estate person who makes occasional valuations. An amendment was requested by the people involved because such occasional valuations could not be stopped, despite the fact that they were not within the intent of section 23 of the Act. That section states that only licensed valuers may conduct valuations, and the amendment to section 23 of the Act will tidy up that section so that it is spelt out that only people licensed under the Act may conduct valuations. The amendments to subsections (1) and (2) of that section are to enable the board to enforce the intent of the legislation.

Currently it is possible for a person to carry out a valuation and say that he is not carrying out the "business of valuation" which are the words used in section 23 of the original Act. The current Minister is unlike the previous Minister. At least he has the courtesy to listen to the industry and consult with it rather than using the method which this Government has employed of introducing legislation before any consultation. In the main the Minister has accepted most of the proposals put forward. The appointment of a consumer representative to the board is one the Government will live with. I realise this is an area involving consumers, but what would a consumer do in an area that is professional and requires people with experience?

Finally, I leave with the Minister the suggestion that he give consideration to country people and let them have, as a representative, a valuer with country experience. I support the Bill.

HON. PETER DOWDING (North—Minister for Planning) [5.27 p.m.]: I thank the member for his support. I make the point that there has been a great deal of consultation with the previous Minister. I have held meetings with members of the executive of the Australian Institute of Valuers at which I specifically told them exactly what had been agreed to by the Government in regard to their proposals. They were then made fully aware of the Government's intentions without a heated dispute. The relationship between the Government and the majority of the industry groups is ex-

tremely cordial and will continue to be so as long as we are able to continue this relationship.

The member asked what was the point of having a consumer on the board. It is open to the Minister to make that judgment. It is in line with our broad policy that consumers should be represented. It is a policy that his party, when in Government, started to pursue, and it is one which we feel appropriate to adopt as a policy because there are consumers involved, and for these professional organisations to exclude consumers from having any voice on these boards is not appropriate. Each will be looked at on its merits and a judgment made about it.

I remind the honourable member that the qualification for appointment to this board is not that one should have qualifications in valuation, but that one is experienced in valuation. That suggests an experience of the industry.

I remind him also that these nominations will come from the professional bodies concerned, and one would expect them to select a number of people with a variety of expertise.

Finally, it is a fact that the industry groups have broadly welcomed the decision taken and that the Bill is entirely an appropriate one.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Planning), and transmitted to the Assembly.

HEALTH LEGISLATION ADMINISTRATION BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [5.33 p.m.]: I move—

That the Bill be now read a second time.

The importance of health services to the people of Western Australia is reflected in the fact that this vital area of State Government operation accounts for nearly one-quarter of the total State Budget. It is obviously crucial that the Government makes

the very best use of our health resources, and this is one of two Bills to achieve that objective.

Since assuming office, it has become apparent to the Government that substantial structural re-organisation of our departmental health services is needed to achieve effective co-ordination and cohesiveness in the provision of health services.

The Government intends to abolish the three existing health departments—namely, Hospital and Allied Services, Mental Health Services, and Public Health Department—and create one Health Department.

The new Health Department will place strong emphasis on developing and maintaining a process of corporate planning. Its mission will be to promote, maintain, and improve the health and well-being of the people of Western Australia through the provision of an effective and efficient health care system.

The major goals of the new integrated department will be—

- to develop and implement a corporate plan for the organisation and delivery of co-ordinated health care that is responsive, comprehensive and accessible;

- to achieve efficiency, effectiveness, economy, and avoidance of duplication in the organisation and delivery of health care services;

- to identify the health expectations and needs of the community and the health professions through advisory and consultative mechanisms; and

- to promote public awareness of and positive interest in the requirements for prevention of ill-health and the maintenance and improvement of health.

As previously mentioned, the State Government spends almost one-quarter of its annual Budget on health, but we have to be aware that public expectation is changing and that today prevention is perceived as being just as important as cure. The new Health Department will be committed to developing new programmes with a strong emphasis on prevention of illness and disease.

At present, some 86 per cent of our health dollar is spent on institutionalised care. This has to be changed so that prevention and early intervention are given higher priority.

A consolidated Health Department promises the flexibility needed to move resources to meet changing priorities in the provision of health services.

Added impetus will be given to the on-going process of developing and improving community-based health services. The creation of a single,

unified Health Department will greatly facilitate this move.

The Government has decided that positive action is demanded to ensure the people of this State enjoy an effective and efficient health care system.

The legislation to achieve the effect I have just referred to has been drafted in the form of two distinct but interrelated Bills—

- (1) This Health Legislation Administration Bill; and

- (2) the Health Legislation Amendment Bill.

The latter is concerned mainly with effecting changes in name and titles and certain provisions in existing legislation and will be the subject of a separate and concise second reading speech.

I draw members' attention to the statement of objects in clause 5 of the Health Legislation Administration Bill. The twin objects of the Bill are, firstly—

- the co-ordination of the administration of the Acts to which this Act applies; and, secondly, the effective and efficient provision of health and related services to the people of the State.

These objects are the motivation for this legislation and the departmental reorganisation that it embraces.

Existing provisions in the three main health Acts—Health, Hospitals, and Mental Health—relating to appointment of staff have been consolidated in this Bill. This provision recognises the existing situation in which some departmental staff are employed by the Public Service Board, and others on the authority of the Minister.

The Bill seeks to standardise the Minister's power in this regard and to qualify that power by requiring the Minister to consult with the Public Service Board. This will ensure that appointments which should be made under the Public Service Act are not allowed to become part of a "shadow Public Service" and that conditions of employment are maintained on a consistent basis.

The permanent head of the new department is designated as "Commissioner of Health". This position will not involve a legislative requirement that the appointee hold medical qualifications.

However, as might be expected in health departments, many of the powers and duties do strongly imply a medical knowledge. Such functions have been reserved for appointees required, as outlined in the Bill, to have specific medical qualifications.

The senior officers will be administratively responsible, either directly or ultimately, to the permanent head for the proper performance of their duties.

This Bill is intended to replace section 11 of the Health Act. Section 11 has been used to extend the powers and responsibilities of a public health official to a large number of officials engaged in administering the Health Act. The present provision is unwieldy, mainly because the provision as it stands does not allow for these powers to be given in a selective way. A public health official at the moment may have all, or none, of the powers scattered throughout the Health Act.

The new provision will enable the Minister to approve of officials being vested with only those powers relevant to the discharge of their specific duties. The new provision will also avoid the necessity to make frequent reference to the Governor-in-Executive-Council, caused by routine changes in staff.

A new mechanism to facilitate delegation is contained in the Bill. The inclusion of the Minister in this context is possibly not needed, as a convention exists for Ministers to delegate to their departments. However, the Minister has been nominated to avoid any confusion.

It is intended to foster and encourage responsible delegation in the new organisation so that duties are performed at the lowest effective level.

Provision is made in the Bill for the permanent head to furnish an annual report. Naturally, the Health Act, Hospitals Act, and Mental Health Act have provisions of this kind, and it is appropriate for a consolidation to reflect the existence of one consolidated department replacing the three existing departments.

A further provision is made in the Bill for a process of consultation with the very considerable number of organisations representing health care consumers and health care providers. There is at present no formal structure to support a consultative process, and a provision in the Bill introduces measures to overcome this deficiency. In an environment as complex as health, Ministers need the benefit of advice from groups and organisations outside the traditional departmental structure. It is intended to implement the consultative arrangements implied in the Bill over the next several months.

Finally, the Bill makes provision for the Governor to make regulations.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Pratt.

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL 1984

Ministerial Statement

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.40 p.m.]: I seek leave to make a statement.

Leave granted.

HON. D. K. DANS: I promised the Hon. Bill Stretch an extract from an internal report. Unfortunately I cannot table the file relating to it, because it could disappear into the system and never be seen again.

I have some extracts from *Hansard* for the Hon. Bill Stretch and the Hon. Sandy Lewis, which extracts I will table for their information. I have used all reasonable endeavours to obtain the information requested.

The papers were tabled (see paper No. 783).

HEALTH LEGISLATION AMENDMENT BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.42 p.m.]: I move—

That the Bill be now read a second time.

The Health Legislation Amendment Bill is devoted mainly to changing reference to existing departments and titles of office holders to reflect the new names and titles represented in the planned Health Department. Some 23 Acts will need to be amended in this way and it is intended to amend others by way of Order-in-Council.

The Government has carefully reviewed the relevant legislation leading to an appropriate distribution of powers and duties, having regard for the structure of the new department.

Proper regard has been had for the assignment of those powers and duties requiring qualifications in medicine and psychiatry.

This Bill also allows for the repeal of certain provisions in the three main Acts—the Health Act, the Hospitals Act, and the Mental Health Act—where these powers have been consolidated and introduced in the Health Legislation Administration Bill.

A savings and transitional clause has been included to facilitate the process of integrating the existing three health departments, which will emerge on 1 July 1984 as the new Health Department.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Pratt.

COUNTRY AREAS WATER SUPPLY AMENDMENT BILL 1984

Second Reading

Debate resumed from 3 May.

HON. V. J. FERRY (South-West) [5.44 p.m.]: I support the Bill; as its name implies, it deals with country areas water supply, and for the sake of the record, according to section 5 of the Act, the definition of "country water area" is as follows—

"country water area" means any part of the State other than the Metropolitan Area for which part a scheme for a reticulated supply of water is prepared and which part is constituted a country water area under the provisions of this Act;

So, we are amending part of that Act which has State-wide application. I would like to make some comments about the country areas water supply and the funding thereof. I am particularly concerned about the provision of adequate water supplies in country areas. I have mentioned that fact on several occasions, and I think it is pertinent to reiterate it in the course of this debate.

Funding is all important, therefore I am concerned about the abandonment of the \$640 million bicentennial water resource programme by the Hawke Federal Government. The Federal Government has abandoned some water resource projects and Western Australia will be the loser. This saddens me.

I wonder what is the reason the Federal Government has taken this step—bearing in mind the fact that Australia is one of the driest continents on this earth and that its development relates to the availability of water.

As the population grew in certain areas throughout Western Australia, and where the natural water resources of those localities became inadequate, local government authorities, engineers and statesmen representative of the areas, turned their minds to providing adequate water by means other than from the local supplies.

Accordingly, we can point to a number of schemes in Australia where water has been piped from resource areas to dry areas. We have the example of the Snowy River scheme on the eastern seaboard, and the Kalgoorlie scheme in this State where water is piped from the Mundaring Weir. Those are classics in Australia's history of water supply. We have also the development of the Ord River project and the dams constructed there. A precedent has been set for providing water to those regions and previous Federal Governments have funded such works. Therefore, I am disappointed that the Hawke Federal Government has not seen

fit to continue the five-year bicentennial water resources programme.

That decision will disadvantage the State. I will quote a few facts. The extent to which the scheme benefited the country areas was that between 1978-79 and 1982-83, a total of \$147.8 million was disbursed to the States in this way. This was because the then Federal Government recognised that regional development depended upon water supplies. The Federal Government also recognised the constitutional responsibility of States to supply water to their own regions. Therefore, this was a worthwhile scheme and the States recognised its worth.

The fund was in two forms: an extension of the national water resources programme for another four years, committing a total of \$210 million, and \$70 million a year for five years from the bicentennial fund. That was a firm commitment made by the previous Government.

We understand the Federal Government has provided funds for roads under the bicentennial programme and that is a worthy cause. However, one wonders what is the reason that funds are not being provided for water resources, especially in country areas. I am a little concerned, and perhaps suspicious that the Federal funding under this bicentennial programme may have been terminated because of the weight of voting power in the two populous States of Victoria and New South Wales.

I would suggest that those two States do not have the same problem in providing water resources which other States such as Western Australia, Queensland, South Australia, and maybe the Northern Territory, have. It is unfortunate that this decision will go against Western Australia.

I link that action with the Bill, especially because one of the areas programmed to receive the benefit of bicentennial water resources funding from the Federal sphere was in the south-west of the State. Those funds were to help deal with the problem of salinity.

This Bill certainly touches on measures to improve the salinity of land and water resources in the south-west. Because funding to the States has ceased under the Federal programme, a resource on the Harris River to augment the water supplies into the Wellington Dam at Collie will not be built for some time.

The Wellington Dam is affected by salinity and it is hoped that a good supply of water, with a lower level of salinity, will be fed into the dam for consumption by the people serviced by that comprehensive water supply scheme.

This Bill is affected by Federal funding to some extent. Had Federal funding been available, it was expected money would be forthcoming to upgrade the Mundaring-goldfields pipeline which is in need of maintenance and, in some areas, replacement. I understand that 10 per cent of that pipeline will need to be upgraded in the next five years to increase its capacity from approximately 40 million litres per day to 44 million litres per day. An increased water supply is needed for Kalgoorlie and the goldfields region to meet the needs of not only the domestic population, but also the increased industrial activity which has resulted from the resurgence of the goldmining industry.

Kalgoorlie has been written off many times over the past few decades, but it always seems to bounce back and I look forward to greater productivity in that region in the future. I wish it well. It is a fact of life that that area needs water and I am disappointed for those members who represent the region that funding will not be forthcoming to upgrade the pipeline.

I support the provisions in the Bill.

Debate adjourned, on motion by the Hon. Margaret McAleer.

LOCAL GOVERNMENT AMENDMENT BILL (No. 2) 1984

Second Reading

Debate resumed from 1 May.

HON. W. G. ATKINSON (Central) [5.54 p.m.]: I agree with the general thrust of the proposals contained in the Bill. However, a number of aspects give me cause for concern.

In his second reading speech the Minister said the Bill generally reflected changes sought by local government covering interim rating, loans to sporting and recreational organisations, the power to raise loans on behalf of statutory bodies and land transactions with these bodies, regulation of street trading, allowances to council members, and compliance with a notice issued by council in respect of a building. Most of these aspects have been sought by local governing authorities, although the decisions in respect of such changes have not been unanimous.

The aspect which I would like to draw to the attention of members of this House concerns allowances to council members. This matter is contained in the State platform of the Labor Party and I question the Government's sincerity in including it in the Bill. I quote from page 88 of the ALP platform which relates to local government, as follows—

Labor believes that people with a genuine interest in meeting the needs of their com-

munities are essential to local government; the dominance of local government by the conservative Liberal and Country Parties has denied many sectors of the community the opportunity to develop the services and amenities to which they are entitled; accordingly a Labor Government will ensure that the Minister for Local Government exercises the power to intervene in local decisions in the interests of the community and local democracy.

Further on it reads—

7. local government councillors will be paid an honorarium or salary;

8. the remuneration of local government councillors will be determined by the tribunal established under the Salaries and Allowances Tribunal Act 1975;

It is apparent from the above that the Bill, although offering councils the option of payment to councillors, clearly indicates the Government's ultimate policy is the payment of councillors.

For many years local government has been made up of people who were prepared to put their time into the community without expecting remuneration or salary. Under the Local Government Act councillors are able to recoup expenses involved in carrying out their duties as a councillor. The relevant section of the Act was designed to assist those councillors in a wage earning capacity who felt that the time spent on council duties was a drain on their financial resources. I understand this option has been available to councillors for many years, but very few councillors actually exercise it. I believe that if this option were exercised by any councils, particularly those in country areas, it would spread quickly to neighbouring councils.

In my electorate, for example, the south ward of the Dalwallinu Shire Council borders on the north ward of the Wongan-Ballidu Shire Council and I would find it difficult to accept that if the Dalwallinu Shire Council exercised the option to pay its councillors, that would not spread to the Wongan-Ballidu Shire Council. Ultimately, it would spread to all local authorities throughout the State.

The payment of councillors would be a further imposition on ratepayers and rates would be increased to meet this additional expenditure. I am concerned about that aspect.

Should payment be extended for voluntary services by local government councillors, where will it stop? For example, if the Red Cross Society had a shortfall in its funding for worthwhile projects, would the Government step in to meet the pay-

ment of salaries for voluntary workers involved in that organisation? If this occurred it could also extend to other voluntary bodies.

Hon. G. C. MacKinnon: It has occurred with the Country Women's Association. A women's advisory committee has been established and members on that committee are paid to undertake work for the CWA.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. W. G. ATKINSON: Prior to the tea suspension I was interrupted by the Hon. Graham MacKinnon, who made a very good point. I remind the Government that very good advice is available to it in the community. On the whole, that advice is freely given. It is a pity that the Government had to form a women's advisory committee when a number of women's organisations, only one of which is the Country Women's Association of WA (Inc.), would have been only too pleased to put their views to the Government had they been approached.

Hon. J. M. Brown: I thought they had put their views to the Government.

Hon. W. G. ATKINSON: They may have, but certainly they declined the offer to be represented on the advisory committee. In many ways, the Government has not followed the advice that it has been given.

I return to the provision of payment to councillors. I expressed the opinion that adequate provisions in the Local Government Act already cover the expenses of councillors who wish to claim them for no other reason than that they could not afford to meet them. I recognise that many people in local government offer their services freely and voluntarily, and are in a financial position to do so. I recognise also that a number of people are not in the financial position to offer their services, and they would like to have some means of recovering those expenses. I refer to section 513(g)(ii) and (iii) which provide for—

- (ii) reasonable expenses necessarily incurred by a member in carrying out a duty or performing an act under express authority of the council;
- (iii) rental charges incurred by a member in relation to a telephone at his place of residence;

Those provisions are adequate, except for the fact that the amount of \$20 was originally written into the Act as £10 in 1960, so it needs to be updated.

Hon. Peter Dowding: There was an Acts amendment Act which dealt effectively with that.

Hon. W. G. ATKINSON: During my research on the Bill, I chased the legislation back as far as I could, and prior to the reprint being approved, the

words "ten pounds" appear. I could make a very rough comparison and say that in those days £10 probably represented something close to one per cent of the value of a motor car. When that is compared with \$20 today, it represents a very low percentage, and consideration should be given to increasing that amount. Based on the cost of an average car these days, it would probably mean that we should consider an amount of not less than \$150. Obviously there is a discrepancy in that amount.

I express the sentiment that local government councillors do not seek payment, but some of them may wish to avail themselves of the ability to claim expenses. By far, this is the best way for them to operate because, in doing so, they must produce receipts to the shire clerk and justify the expenditure, rather than having a wage granted to them.

I remind the House of the passage I read from the State platform of the Australian Labor Party, indicating that councillors would be paid an honorarium. Admittedly the Bill provides that this is to be an option, but how long will it remain an option? I suggest that sooner or later the Government will move to follow its platform and make the payments compulsory.

Hon. Peter Dowding: You could debate it then, could you not?

Hon. W. G. ATKINSON: I will take great delight in debating it with the Minister then.

I have already commented briefly on interim rating, which has been sought by some councils but not by all. It may suit some and it may not suit others. Possibly the move towards interim rating is quite a good one, but other members of my party may think otherwise. However, it is a pity that the Government has seen fit to include the word "shall" rather than the word "may". It should have enabled the councils to have the option of interim rating.

I am pleased that the Bill contains amendments to enable the councils to make loans to sporting bodies. That was an anomaly, and I am pleased it is being corrected. The Bill also enables council borrowings on behalf of the State Energy Commission. I have already had occasion in the House to express, by way of a question, my disappointment at the fact that the SEC has the power to act outside the intention of its Act.

I turn now to the provisions authorising councils to regulate street trading. These provisions have been requested by councils but, in my opinion, they do not go far enough. I believe this provision will affect the Perth City Council more than any other local authority in this State.

Shopkeepers are forced or compelled to pay very heavy rates, and that applies particularly to shopkeepers in prime positions. Then itinerant street traders come onto the scene and have the ability to blot out the front of a shop on the choice trading days of the year, and then pack up and go. They may incur a fine in the meantime but they regard that fine as very cheap rates for trading in the area. I am disappointed that the Government did not consider seriously the amendment moved in this direction in the other place, so that impounding powers could be given to councils, or at least the councils could be given the power to create appropriate by-laws. In that way, the councils could catch up with some of the fly-by-nighters who laugh at the fines imposed.

I trust that the Government will review the situation after a trial period and consider an extension into this field, if the provision does not prove to be adequate.

In relation to the payment of councillors, I note from the debates in the other place that the Minister promised to give some sort of indication of what the payment to a president would be. The wording of the Minister's speech in this place was as follows—

Although the annual amounts proposed have yet to be settled, it is envisaged that they be in the order of \$500 for a councillor, \$3 000 for a deputy mayor or deputy president, and in the vicinity of \$7 000 to \$10 000 for a mayor or president.

I am disappointed that the Minister has not seen fit to include a figure more concrete than one between \$7 000 and \$10 000.

In the Act, the limit for expenses is set at \$20. Members will note that my amendment on the Notice Paper recognises that today's values should be kept in mind. I suggest that rather than going to the \$40 envisaged by the Government, it should be \$50.

I agree with the amendments in the Bill which enable a council to give written notice to the owner of an unsatisfactory building requiring him to pull down or alter the building. That is a necessary provision, and its inclusion is generally appreciated.

At the beginning of my speech, I said I agreed with the general thrust of the Bill. However, I differ from the Minister in respect of the payment of councillors. We have a long tradition of people serving in an honorary capacity in local government in this State.

The Western Australian system of local government is well respected in the rest of Australia, even though we have a number of different pro-

visions. I remind honourable members that recently the Appealathon was held on television and some of the interviewees commented on the amount of money raised by Western Australians. The comment was made that Western Australians are different from the people in other States. The service given to local government by councillors bears out that sort of feeling.

While I believe that local government service should be in an honorary capacity, I firmly believe that councillors who cannot afford to provide their services freely and who need to claim expenses should have the ability to do so. By justifying their expenses and not having a mere salary or remuneration, the whole of local government will be kept much more honest and will stay outside of politics.

HON. P. H. LOCKYER (Lower North) [7.43 p.m.]: I too support the second reading of this Bill for almost precisely the same reasons as my honourable colleague who has just resumed his seat. The Bill contains some good alterations to the Local Government Act, but by and large it is a nuts and bolts piece of legislation.

As the previous speaker said, the clause dealing with interim rating is not agreed with by all councils. During my research, I wrote to 139 local authorities, and I learnt that a majority of them were in favour of the provision. Some authorities did not express an opinion one way or the other. Of course, the only people who may be disadvantaged are the ratepayers. However, councils must function, and perhaps this provision is a step in the right direction.

The provision that councils may make loans to sporting bodies is one that does not exist now. Local authorities have to make outright grants to sporting bodies. By this provision, they will be authorised to make loans, which seems to be a very good move. On some occasions, it would be better if the councils had the opportunity to make sporting bodies work for what they received.

Sometimes sporting bodies become a little lazy unless they have to make some repayments themselves, because they tend to rely on local authorities, the Government, or charities to keep them afloat.

The part of the Bill dealing with the borrowing power of councils is merely a tidying up of the Act.

I, too, am critical that the Bill does not go far enough in the regulation of street trading. Although this is not a great problem in the bush, it is in the city, and members who have walked down Murray Street or Hay Street cannot fail to have noticed regular traders becoming annoyed because

of the number of street traders taking advantage of the present Act. I hope the Minister here gives an undertaking that if anomalies are found to exist within the next six to 18 months, the Government will do something about them. I accept that it is hard to get an Act correct the first time.

Hon. Peter Dowding: That undertaking has been unequivocally given by the Minister and I repeat it here in this place.

Hon. P. H. LOCKYER: I appreciate that, because it is something that must be watched closely. The people concerned in street trading can be sharp as a tack and they love to find loopholes in the legislation because of the advantages they can gain. I just wonder what they contribute to the running of the State. Although everyone is entitled to try to make a living for himself, this should not be done to the detriment of those who pay rates and taxes and who employ many people.

I cannot agree with the provision to pay councillors. I have done a lot of homework on this subject, and having been a local councillor myself, I am fearful that this provision will enable the wrong type of person to become involved in local government, the sort of person who is more interested in making a few dollars than in representing the ratepayers. I notice there is an amendment on the Notice Paper, so I will leave any further remarks until the Committee stage.

One provision in which I am most interested is that which provides that a council may give written notice to the builder or owner of a building which is unsafe, or unsatisfactory for other specified reasons, requiring him to pull down or alter the building. This will provide a needed power to councils to allow them to deal with errant builders or owners of the sort of property indicated.

Some years ago, when I was President of the Shire of Port Hedland, a serious cyclone went through the area and did extreme damage to many buildings. We were left with many half-demolished structures which were in a very unsafe condition. The possibility of another cyclone reared its ugly head a little later, and as councillors we had no legal way of forcing the owners of these unsafe buildings to pull them down. We wanted to do this because the half-demolished buildings posed an extreme danger to other buildings. The Act clearly provided that the owners of the buildings had the right of appeal, so we had no legal ground on which to proceed. If this provision in the Bill tightens up this aspect of the Act, I welcome it. It is important, because some people in country towns allow buildings to deteriorate to a dangerous state. Local authorities must have a way to deal with the problem.

Other provisions in the Bill bring into line the borrowing powers of councils, and others relate to municipal elections and minor matters that came to light during the preparation of the recent reprint of the Act.

By and large I support the Bill, although I record my reservations about the provision dealing with the payment of councillors. I will reserve my decision on that aspect until the Committee stage.

HON. H. W. GAYFER (Central) [7.51 p.m.]: I have studied this Bill in depth, and this is reflected in my attitude towards its contents. The Minister said that the Bill generally reflects changes sought by local government, covering matters such as interim rating, loans to sporting and recreational organisations, the power to raise loans on behalf of statutory bodies and land transactions with these bodies, the regulation of street trading, the allowance to council members, the compliance with a notice issued by a council in respect of a building, and the prohibition on the use of unlicensed premises for the purposes of a polling booth.

The classic word in that sentence is where the Minister said that the Bill "generally" reflects the changes sought by local government. Some years ago I was a local councillor, and through my continued association with local government people, I can say that I am unable to see any change in attitude towards the payment of retainers or salaries to local councillors; such an idea is far from the wishes of local government. If the Bill generally does reflect certain changes sought by local government, the payment of councillors is not one of those changes.

I am quite alarmed at the thought that the third arm of government is to have the will of a Government foisted upon it by that Government's declaring that local government needs certain things.

Hon. Garry Kelly: The payment is optional.

Hon. H. W. GAYFER: Yes, but I have seen these optional things before—and even the member got married eventually. Sometimes these optional matters become the norm, and I would not like to see the payment of councillors become the norm.

Councillors generally do not wish to be seen as mercenary in their providing services for ratepayers. This legislation is a retrograde step, and opinions on this matter should have been sought from local government. Such opinion has not been sought from local councillors I know, despite the Minister saying that these payments have been sought by councillors. It is acceptable that councillors should be able to recoup expenses, and some two years ago a provision for an allowance made it possible for a councillor to take his wife

along to "Local Government Week". The payment of these expenses has been recognised as acceptable.

I firmly believe that, generally, councillors would not want to be embarrassed by being seen to receive payment for their services. In a very short time this payment would to some will become the norm throughout the State.

I am prepared to go along with most of the provisions contained in the Bill, although I have some doubts about that provision which relates to street trading. We in the country are somewhat embarrassed by street traders who come to our towns on market day and inconvenience shopkeepers who pay rates and taxes. Perhaps the Bill does not go far enough in this respect, and perhaps provision for impounding goods should have been included, as was speculated in another place. I will not go further into this area because the Government has already expressed its attitude. We in the country do not like to see these fly-by-nighters usurping trade built up by local businessmen.

While generally in support of the Bill, I believe that far too much is being foisted upon local government by the Government and Parliament. Payment of councillors will only lead to discontent among ratepayers, and I certainly see no advantage in the provision. Every time we attend a country shire council function, whether it be the opening of a new building, the celebration of a councillor's long period of service, or whatever, every man and woman councillor expresses satisfaction with the fact that they are proud to provide their service voluntarily. They provide a service in the same way as members of the Red Cross and the St. John Ambulance Brigade provide a service. I see no reason for that pride to be taken from them by paying them for services rendered.

The Hon. Gordon Atkinson referred to the snowballing effect that would be seen if one council started paying its councillors and a council in a neighbouring shire did not. It would not be long before the practice was established throughout all shires.

The Minister said that he did not believe that a person who served his community as a member of a council should have to bear a financial cost as a consequence, and accordingly the Bill proposed that a council may pay an annual allowance to its members. He went on to say, and note the use of the word "I", "I wish to emphasise that we are not proposing a payment in the nature of a remuneration". It is time for local councillors to confront the Minister and tell him what they want before he takes it upon himself—remember his use of the first person—to institute the changes he wants made.

HON. G. C. MacKINNON (South-West) [8.00 p.m.]: Naturally, I am not prepared to let this matter go by. I think I must be the last remaining Liberal in captivity—the last remaining believer in any degree of private enterprise.

My main regret is that the Hon. Peter Dowding has seen fit to join the other side and is not here to help me as he did so ably in 1982. On that occasion he was of great assistance when he read the Hon. Bob Pike a lesson, from which I have no doubt he has learnt well.

Hon. G. E. Masters: It happens to everyone.

HON. G. C. MacKINNON: On that occasion the Hon. Peter Dowding said, "I commend the Government on its good sense in withdrawing these provisions, but I wish to make a couple of points so that when the matter next comes up for consideration someone will have the wit to understand the breadth of the power that was being suggested as appropriate for the Local Government Act".

In those days he showed a magnificent choice of language. His phraseology obviously indicated he was destined for better things than a backbench career in the Labor Party. History has proved that prognostication correct. He said also, "I make the point that in its working paper on the survey of 'privacy and statutory powers of inclusion', project 65, the Law Reform Commission was dealing with the principles upon which the power of entry could be appropriately provided in legislation". That followed the introduction of the Local Government Amendment Bill on 4 May 1982 and is found on page 1264 of *Hansard*, Vol. 2, 1982. It included the heinous provision which my usually good friend Mr Gayfer just extolled, concerning appropriation of hawkers' goods.

For nigh on 30 years I have been speaking about this provision in this House, when successive Governments have tried to squash, crush or otherwise destroy the slightest sign of individual effort put forward by people who wanted to make a living rather than go on the dole. In the first days we were able to stop it because many members had good friends who knew about the Rawley people; the Watkins people; a lot of the health food people who used to travel door to door in those days; the Singer sewing machine people, of whom I happened to be one, vacuum cleaner salesmen; Elder Smith representatives; and stock and station agent representatives, etc., who sold goods from the back of their vehicles. They went door to door. Some individuals went out and caught a few fish and took them to country areas, much to the pleasure of the local housewife. Many people, in this advanced progressive State, were absolutely hellbent on stopping that.

I once went into the middle of New York and the first Western Australians I met were two young people pushing a barrow out to sell a delicacy—doughnuts and coffee—on the sidewalks of New York. They were getting paid to do it. One could walk anywhere and deal with a hawker. One argument put forward was that hawkers do not pay rates and taxes commensurate with those paid by people who have shops. That is a simple problem to overcome: Set the licence fee at the reasonable cost of rates and taxes for a comparable shop. It is simple to do. For example, rates might be \$2 000 for a shop, and I am sure they will say "All right". I have asked them. I will bet I have done more than most other people in this place have about this matter.

As I said in 1982, there are two hawkers down the street one cannot stop because they are operating in rights of way—laneways. They have rented the laneways and they have set up their stalls there, which are perfectly legal.

The other argument put forward on this matter is that hawkers do not abide by health regulations. The health authority ought to be made the licensing authority, not the local government authorities. The health authority should make provisions to satisfy health needs.

Not just this Government, but other Governments have allowed weekend markets. Do they abide by the health regulations? I have been to see them, too. Some other members should go, then they can answer the questions. It seems that fish is made of one and flesh is made of the other all the time.

Hon. Mark Nevill: Both come under the Local Government Act.

Hon. G. C. MacKINNON: Why should they?

Hon. Mark Nevill: The weekend markets do, and the hawkers.

Hon. G. C. MacKINNON: The point I am making is perfectly balanced. The other problems are that they might not comply with the health regulations, and they do not pay the same rates and taxes as shops. I say, "Make them do it". One cannot open a fish shop in a suburb without a clearance from the Health Department. The health authority authorises the local authority. The Minister for Health signs a little slip and the local health inspector draws on his authority. The Minister for Health signs each individual identification paper.

The pity of it all is that more people do not ask a few questions. The local authority health inspector draws his authority from the Minister, and the Minister authorises a fish shop to open. If it does not abide by the regulations, he closes it. That

ought to apply also to the fellow selling fish on the street. The man who runs the fish shop pays his rates, on valuation. We could strike a figure somewhere along the line and say that a hawker ought to pay an equivalent amount of rates based on his turnover, the size of his operation, or whatever one likes.

Hon. H. W. Gayfer: For 365 days? Those rates are divided by 365.

Hon. G. C. MacKINNON: Why?

Hon. H. W. Gayfer: He would only have to pay one day.

Hon. G. C. MacKINNON: All right, make him pay for the 365 days. No Government worries whether there is real justice. The money will be paid into Consolidated Revenue.

Several members interjected.

Hon. G. C. MacKINNON: Do members think that is funny? Of course it is not, because a lot of the money local authorities spend today comes from the taxpayer, either Federal or State, in the form of grants. So we should pay those licence fees into Consolidated Revenue and if we want to do a bit of complicated bookkeeping the money could be set aside and paid to local authorities. By all means do that.

My argument is, and has been for many years, that nobody asks the right questions, or gets the right answers. It is said that a fellow comes around selling fruit, fish, or whatever, and upsets the local shopkeeper. The local shopkeeper says that the hawker does not abide by the regulations which he must abide by and he does not have to pay the same rates. Those are the only valid arguments.

I say, "Make him get a licence from the Public Health Department and make him pay a reasonable amount, by way of licence, into Consolidated Revenue".

Hon. H. W. Gayfer: Don't forget the shopkeeper is paying 12 months' rates, and the hawker will pay only one day.

Hon. G. C. MacKINNON: No, he will not. If the annual rate paid by, say, a fellow working in Corrigin, in the wheatbelt area—

Hon. H. W. Gayfer: You must have had a hard time selling Singer sewing machines.

Hon. G. C. MacKINNON: I did not; I was the most successful in the State. At least I know what I am talking about in selling. We can all get rude to one another and make cracks about how we got things.

Hon. Mark Nevill: I bet you never demonstrated.

Hon. G. C. MacKINNON: I was as good a demonstrator at any of my jobs as Mark Nevill

was at any of his jobs. I have never done anything in my life at which I was not capable. If that sounds conceited, it is because it is a statement of fact.

Several members interjected.

Hon. G. C. MacKINNON: And 30 years after the event I can still do it, just as I can still handle a rifle or a machine gun, or anything else; that is part and parcel of it. This business of snide cracks about what one did for a living, does not matter; at least, unlike the academic socialists, I am extremely proud of any job I have done; and I have done it always to the best of my ability. In this job I have not been prepared to sit on my tail and take someone else's word; I have been out and had a look. I suggest that going out and having a look at the way the hawkers handle their job is more than most of the present Government members have done, and they are supposed to stick up for the battler.

They would not know what a battler is, because they have come from occupations where they have not had to battle, with the possible exception of my old friend, Fred McKenzie, who had to battle with unions, and that was about the hardest. That is a fact. The workers are on this side of the House now, because at least they have had experience on both sides of business. They have worked for a living and have managed a business.

Hon. Peter Dowding: Many of us on this side of the House have done that, too.

Hon. G. C. MacKINNON: The member has not had to work for a living. All he did was leave school and go into a lawyer's place. I did not start this personal stuff.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): The Hon. Graham MacKinnon should get back to the Bill. I ask members to cease interjecting.

Hon. G. C. MacKINNON: I will. We are talking about hawkers, and this constant warfare against them. I must admit that my side of the argument has had a good run. I think it first arose when I first came to this place, when Sir Ross McLarty gave way to David Brand as leader of the coalition. It was not long after that when we were in Opposition, that there was talk about controlling hawkers. In those days with the assistance of the late Sir Arthur Griffith, and subsequently the Hon. Clive Griffiths, who was a most enthusiastic supporter, we fought this battle year after year. Up to date we have won. We have been able to keep the doorway open, and the people who really want to be street vendors—and

lately perhaps there is a slightly increasing number of them—have been able to do it.

In my electorate there are a lot of people, particularly down in Mr Blaikie's country of Vasse who have opted out of the urban lifestyle. They are right down through Bridgetown to Northcliffe which is in Mr Lewis' and Mr Stretch's area. They do handicraft works: pottery; leatherwork, jewellery, and all sorts of things. Some go out and sit on the sidewalk and sell their wares.

I think it is perfectly reasonable to charge them something. If the product is jewellery, the seller should pay the amount equivalent to that which a shopkeeper selling a similar amount of jewellery would pay in rates. There would be no health requirements for them.

In my observation they tuck themselves into back corners, and other kids come along without a lot of money to spend and buy a trinket or two, or a pair of cheap earrings. My granddaughters have done that. I have seen them buying this stuff, little presents and things, and it seems to me to be of reasonable value. These people work with their hands and make these articles, in lieu of taking the dole.

Members cannot tell me they do not know it goes on. They would have to be walking down the street blindfolded not to see it. The young people doing this perhaps are not dressed the way members might like to see their children dressed, but they are clean and tidy most of the time. Yet we will allow a local fellow to hire an open shed, put a label on the front and call himself "Grower's Market" or "Market to you" and buy fruit and vegetables by the truckload from the markets in Perth, take the goods to the country areas, and sell them at a weekend market.

He is a hawker and he gets away with it. I know, because I have carried out investigations, that the local shopkeepers have shown a marked drop in trading when such markets are open.

I must admit that after having listened to Mr Dowding in 1982 I thought we would have a voice for justice and fair play—

Hon. Peter Dowding: I think I should have amended my figures after you have been so polite.

Hon. G. C. MacKINNON: —and someone in Cabinet who thought it would be a political embarrassment to bring a Bill of this nature to this House. I understand that he is handling the Bill for his colleague.

Hon. Peter Dowding: I am.

Hon. G. C. MacKINNON: Nevertheless, the Hon. Peter Dowding should have said something about this Bill even though he is not directly responsible for it.

As I am running out of friends on this side of the House I thought that the Hon. Peter Dowding would have at least helped me from the inside. As I am no longer on the inside I thought that at least he would have assisted me. Here we have a man who spoke with such brilliance when this matter was previously before the House, and members will agree that the quotations I have already read to the House were first class. At the time those words were spoken in this House, Mr Pike was the person Mr Dowding was after. Now Mr Dowding has let me down. He took a bit of goading into saying what he said on that occasion and received a great amount of help from Mr Hetherington. Mr Hetherington was appreciative because he understands the plight of the underdog and the problems experienced by young people. I could not look to Mr Hetherington for assistance on this occasion because he is not on the inside. However, with a little goading here and there, we certainly got Mr Dowding to assist us.

I want to make sure that on this occasion when I have to spike my guns that it is appreciated by the battlers who will be kept away from this oppressive behaviour. At least they appreciate I am going down with the ship and that I am trying to persuade members to my way of thinking.

I do not think I can ask Mr Dowding to withdraw the Bill. When the previous Bill was before the House Mr Pike reported progress and the Bill was not further considered. I know that Mr Dowding is acting on behalf of Mr Berinson and he is unable to do that.

It is a pity I cannot persuade my own party to stand with me on this issue and that I have to spike my guns on this occasion and go down with the ship.

I repeat that the proper questions to ask about hawkers are how they have transgressed and how we should stop that transgression. We should not ask who they harm in a slight and modest way and then wipe them off with cruel brutality in the mistaken belief that by so doing we will help in some modest way some other shopkeepers.

In 1982 I was told about people who were operating a market in a car park to the detriment of shopkeepers in Bunbury. I rang some shopkeepers and on investigation I found that the complaints were a figment of their imagination. Today, however, the lighthouse market operates in Bunbury and it is taking business from legitimate shopkeepers. Some of the produce is coming from the metropolitan area and is being sold to the detriment of the locals. However, that is not a matter for concern in respect of this Bill. The people about whom I am concerned are the young people who make articles with their own hands in

preference to taking unemployment relief, and this Bill will prevent them from continuing cottage industries. I hope the Government will feel proud of itself.

HON. PETER DOWDING (North—Minister for Planning) [8.21 p.m.]: I thank members for the comments they have made in relation to this Bill and I particularly thank the Hon. Graham MacKinnon for his comments. I ask him to note that there has been a substantial modification of the proposals.

Hon. G. C. MacKinnon: My word, I noted it.

Hon. PETER DOWDING: I can assure the Hon. Graham MacKinnon that the views expressed by him on this matter have been considered by the Government and, as a result, resulted in some modification to what otherwise might be the case.

I would like to read to members a quote to which they should give careful consideration to ascertain whether it reflects their view. It concerns the services of elected members of councils being provided on a purely voluntary basis. The writer believes that principle is well understood and supports it. The letter reads—

However, I do think there is some merit in the quite separate proposal

Perhaps the Hon. W. G. Atkinson should pay attention to this letter and tell the House in due course whether he thinks the Bill represents the creeping hand of socialism, or the Labor Party's policy being expressed.

Hon. W. G. Atkinson: What is the document from which you are reading?

Hon. PETER DOWDING: I will tell the honourable member in due course.

Hon. G. E. Masters: He has the right to ask now.

Hon. PETER DOWDING: The Hon. Gordon Masters will recall that Standing Orders were amended. The letter continues—

that the Local Government Act be amended to confer councils with the discretion to pay an annual sum to each member up to a limit of \$500 to cover incidental, out of pocket expenses associated with his council membership.

I can well understand that during a year a councillor could be required to meet a whole variety of

I hope the Hon. Mick Gayfer is listening, because it will answer one of his questions.

Hon. H. W. Gayfer: I am listening.

Hon. PETER DOWDING: The letter continues—

.... his ordinary duties as a member of the council. In this connection I refer to expenses which could not be recouped under the existing provisions of the Local Government Act because they were not associated with a specific duty authorised by the council.

The type of expenses which come to mind include such things as dry cleaning, telephone calls, travelling expenses connected with inquiries by constituents, small donations to local events and so on.

Although I subscribe to the principle that a person should not reap any financial reward through his membership of a council, I think it is also reasonable to say that members should not be financially disadvantaged by that membership.

I, therefore, have in mind submitting the proposal referred to above for consideration by Cabinet, but before doing so I would appreciate knowing whether your association would find it satisfactory if an amendment for that purpose were introduced.

Yours sincerely,

June Craig,

Minister for Local Government.

Hon. A. A. Lewis: What happened to her?

Hon. PETER DOWDING: What happened to her? Was it not the honourable member who tossed her out?

Honourable members are entitled to poetic licence to make a point in this House and I am glad that the Hon. W. G. Atkinson paid the Labor Party some money for a copy of its platform.

Hon. W. G. Atkinson: They do not give them away.

Hon. PETER DOWDING: No, we do not.

This Bill is not the result of a position taken simply as a result of a policy document to which the honourable member referred. It is a position that is taken in response to long-standing discussions between previous Ministers for Local Government and local authorities, extending back prior to 6 April 1981 when the Hon. June Craig wrote this correspondence, and to 9 February 1981 when a gentleman, who was then Secretary of the Local Government Association, raised the matter with her. I table a copy of the letter.

The letter was tabled (see paper No. 784).

Hon. PETER DOWDING: What this letter does is put the slide under the Opposition's proposition—it has been raised by a number of members—as to why there is something in this Bill which constitutes the remuneration of councillors and that it is in the Labor Party's policy.

Hon. H. W. Gayfer: Read out your other arguments.

Hon. PETER DOWDING: All right, I will. I read another letter dated 11 September 1981 and addressed to the Hon. M. J. Craig, MLA, as follows—

Your enquiry about the possibility of amending the Local Government Act to confer Councils with a discretion to pay an annual sum to each member up to a limit of \$500.00 to cover incidental out of pocket expenses was circulated to member Councils of both Associations.

The Executive Committee of the Local Government Association has received nineteen (19) replies in favour of the proposed amendment and seven (7) replies which are opposed.

Hon. H. W. Gayfer: Out of 138.

Hon. PETER DOWDING: This was in 1981, Mr Gayfer. It continues—

One Council preferred to make no comment and four (4) replies are still outstanding. The Executive Committee therefore believes that members of the L.G.A. are in general support of the proposed amendment.

A copy of the questionnaire as circulated is attached for your information.

Yours sincerely,

R. L. Leggo,

SECRETARY

LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA (INC.)

Hon. H. W. Gayfer: That is why June Craig did not go any further.

Hon. PETER DOWDING: All I am saying is that it is wrong to say that this Bill is the result of the Labor Party's policy document and that it is somehow a Machiavellian plan by the Government to take over local government. It is also wrong to say that this proposition has been brought to this House without consultation between the Government and the local government sector of the community.

Several members interjected.

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order! I remind the Hon. Mick Gayfer that he has already had the opportunity to speak tonight. I did not hear the Minister interject on him and he should give the Minister the same courtesy.

Hon. PETER DOWDING: I do not propose to read further correspondence, but I ask honourable members not to view this as a point-scoring exer-

cise because the Government is simply trying to inform members opposite who may not have been in Government when these matters were debated in the party rooms. The fears that have been expressed do not have any substance because in 1981 June Craig was giving consideration to providing remuneration for councillors, as she said in a letter—I could not put it better—“To meet some of the expenses which are not covered within the specific terms of the Local Government Act”.

Hon. H. W. Gayfer: It is the thin end of the wedge.

Hon. PETER DOWDING: This is neither remuneration nor salary, it is not a benefit nor a reward, it is simply a payment if councils wish to provide their members with an allowance to meet expenses which are not already covered under the Local Government Act, of which, as any member opposite who has served in local authorities knows, there are many.

The second proposition, which we will come to again in Committee, is covered by the Decimal Currency Act of 1965. In fact the amount reads, “\$20”.

Hon. W. G. Atkinson: That is correct. I did not say otherwise.

Hon. PETER DOWDING: The member said “£10”.

Hon. W. G. Atkinson: That was in 1960.

Hon. PETER DOWDING: The Local Government Act now says “\$20”.

Hon. W. G. Atkinson: Yes.

Hon. PETER DOWDING: That is all I was pointing out.

In relation to the position of mayor or president, some mayors and presidents receive substantially more by way of entertainment allowance than is proposed in this Bill. We are suggesting a limit on the amount of entertainment allowance which can be paid to people in those positions. It is up to the councils to decide whether they wish to reimburse them. That will, of course, depend on the nature of the local authority, but those powers are already available under the Act. This is to formalise them and to put a limit on them.

I think the other comments made by honourable members will come up in the Committee debate and I will deal with them then.

Hon. H. W. Gayfer: You will read that correspondence out, I hope.

Hon. PETER DOWDING: If it is relevant.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. John Williams) in the Chair; the Hon. Peter Dowding (Minister for Planning) in charge of the Bill.

Clause 1: Short title and citation—

Hon. H. W. GAYFER: I am not particularly happy with some of the clauses in this Bill. As we go through it I hope we will make some progress. I take this opportunity, as is my right, to inform the Minister handling this Bill that I do not believe his arguments are correct in any way, certainly not in the manner in which he endeavoured to use them.

To quote from a ministerial letter written in 1981 by a previous Minister for Local Government on a matter which received scant attention from local government councils—I think something like 29 out of the 138 or 139 which would have then been in existence responded to her letter—does not provide sufficient evidence for me to believe that the Minister should carry this proposition further than draw it to the attention of the Opposition.

I believe that local government authorities have not been contacted by this Government; the Government has not had an overwhelming decision by local government authorities to allow it to bring in certain parts of the Bill which we are now to review clause by clause, and certainly those clauses dealing with remuneration. The ministerial letter did not even go through the party rooms.

Hon. Peter Dowding: Do not blame me.

Hon. H. W. GAYFER: I do not recall it going through the Opposition party rooms. Judging from the reply to that letter, there would be no encouragement to put it through the party rooms because only some 29 councils out of 138 replied to it. Possibly the Bill should hang on the point we are discussing now, but the relevant clauses can be dealt with. Certainly when we come to the clause which was emphasised in the first instance by the Hon. Gordon Atkinson, greater consideration will have to be given to what happens at that particular time.

Hon. PETER DOWDING: Let us look at this in more detail so that the Hon. Mick Gayfer has a little more information. The letter to the then Local Government Association I read from was dated 6 April 1981. On 9 August 1982 the incumbent of that high office again wrote, this time to Mr R. L. Leggo, Secretary of the Local Government Association and the Country Shire Councils Association. Mr Gayfer will recall there were two associations. This letter reads in part—

Having given preliminary consideration to these proposals—

That includes a reference to amend the Act to authorise a council to pay each member an allowance for out-of-pocket expenses up to a maximum of \$500 in any one financial year.

It continues—

—I would welcome the views of your association on possible amendments to the Act which would result in compensation provisions relating to payment of members as follows: To authorise a council to pay to each member an allowance for out-of-pocket expenses to a maximum of \$500 in any one financial year.

Mr Atkinson will be interested to know that. This was 9 August 1982; this proposal has obviously been on the boil for 14 months.

Hon. W. G. Atkinson: How many replies were there to that?

Hon. PETER DOWDING: We will get to that. Then on 1 March 1983 the combined organisation of local government associations and country shire councils wrote to the Hon. J. P. Carr in these terms—

The LGA executive has given careful consideration to your predecessor's letter of 9 August 1982 and has resolved to reply to the various questions asked in the following way.

Then it refers to clause (d) of the earlier letter, which is the one I have read relating to the payment of \$500. It says—

Support for this proposal is reaffirmed.

That says the LGA has given careful consideration to the issue. I do not know whether it has; I assume it has. Then on 20 April 1983, a month and a half later, it again wrote to the Hon. J. P. Carr.

Hon. H. W. Gayfer: Who wrote?

Hon. PETER DOWDING: The Local Government Association and the Country Shires Council Association.

Hon. H. W. Gayfer: It must be one or the other, it cannot be both together.

Hon. PETER DOWDING: The member is quite right, the letter of 3 March 1983 is signed by Mr Leggo, the Secretary of the Local Government Association, and the letter of 6 April 1983 is signed by the Acting Secretary of the Country Shire Councils Association. It reads—

The Minister's proposal to authorise council to pay to each member an allowance for out-of-pocket expenses up to a maximum of \$500 in any one financial year.

That is the Association. It continues—

This Association supports the proposed amendment so that council may pay an allowance of up to \$500 per annum.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! There is far too much audible conversation behind the Chair. Both *Hansard* and myself are having great difficulty in listening to the Minister.

Hon. PETER DOWDING: If the Hon. Gordon Atkinson is representing the views of the people most affected by this amendment, all I can say is that there appears to be documentary evidence which he is at liberty to look to, which supports very strongly the proposition that over a period from 1981 to 1983 this matter was canvassed with all the representative bodies of local authorities which have repeatedly reaffirmed their support for the amendment. I cannot go further than that.

Hon. A. A. LEWIS: It is very interesting and fascinating to hear the Minister quoting from these letters. It is fascinating that he has not answered Mr Gayfer's first question, which was: Did this Government circularise all shires to find out the attitude of individual shires? It is obvious that the answer is, "No".

Surely we have had an example recently in respect of the present Government regarding the wishes of an outside body, where the Labor Party State Executive was rolled in the Labor Party Caucus room. I will not reveal what happened in the Opposition's party meeting rooms. I can guess, as somebody with a fair amount of experience. In most cases I know what has happened to the Minister, whoever he or she may be, if the matter was brought into the party room.

It is obvious that the Minister gave bad advice, or he was trying to be smart. He has set a precedent which might be used in the future. If ministerial communications with bodies associated with that ministry are to be quoted in this House, and if Ministers are trying to ascertain views one way or the other, and they are to be quoted by successive Governments, this State will not be in for a very rosy future.

I do not mind if the Minister wants to set that precedent. He has already done it tonight. But if the Minister, in fulfilling his duty, has correspondence with various people, and he decides to quote the contents of those letters—in other words to make them public three or four years later—government as we know it is going down the gurgler very fast.

The Government wants to tell us the position from the Government's point of view, not from the point of view of previous Governments; not using the supposition that the Opposition when it was in Government had approval for this sort of amendment.

Hon. Peter Dowding: I did not say that. I said the associations were in support of it, not that your party room said anything.

Hon. A. A. LEWIS: This again is where this Government gets itself into trouble. This is probably where the Hon. June Craig was a lot smarter than the Minister handling this Bill and the Minister for Local Government in another place.

The Hon. June Craig had this correspondence and did not introduce it in the form of a Bill. We know how popular this Minister for Local Government is with local authorities by the number of ward conferences and the like that we attend at which the Minister is condemned for his actions and for not consulting local government. He is condemned all around the country. Government members can wag their heads as much as they like; this is the worst Minister for Local Government this State has ever had. He is so unpopular—

Several members interjected.

Hon. A. A. LEWIS: I am getting under a few skins. I can understand, after what happened last Saturday, how touchy Government members are.

Several members interjected.

The DEPUTY CHAIRMAN (Hon. John Williams): Order!

Hon. A. A. LEWIS: I do not know whether the Premier helped anyone, but if he did, he was not much help; it would be more like having a lead weight around one's neck. We must consider two points: Firstly, the Minister has not done a survey of local government at grass roots. The Minister has a tendency to quote the association; he is not prepared to wait until he can get the full information. The Government deals with every piece of legislation like a bull in a china shop.

Mr Gayfer has asked whether a survey of local government was carried out on this question.

Hon. Garry Kelly: What is the association for then?

Hon. A. A. LEWIS: Is the member trying to tell me, for instance, that the Teachers' Union represents the views of all teachers?

The Local Government Association of WA does not necessarily reflect the views of all local government. This is where the Government falls into the trap every time. It just takes peak council views and then goes ahead with its legislation. It does not go into the background in detail.

Surely the Minister does not believe that Mrs Craig was so silly that she did not introduce the legislation when she thought she could get support for it. However, the Minister comes in here and foolishly quotes letters which have been written

over a period of two years. Was there some reason the legislation was not introduced previously?

These are the sorts of things I should like the Minister to answer. Was everything going so slowly because everybody was slack and lax, or was it going slowly because the matter had to be researched thoroughly?

I want to know what research this Government has done, when the research was carried out, and when individual shires were approached on this matter. The only survey the Minister has quoted referred to answers from less than a quarter of the shires. I just do not believe that is a reasonable survey.

Hon. PETER DOWDING: I do not intend to launch into vituperative comment about Mrs June Craig to balance the Hon. Sandy Lewis' quite exaggerated comments about the Hon. Jeff Carr, nor do I intend to digress from this piece of legislation as he chose to do for about 15 minutes.

Hon. A. A. Lewis: That is a reflection on the Chair.

Hon. PETER DOWDING: I wish to draw him back to the point under discussion; that is, whether there is any evidence to suggest that local authorities have had an opportunity to comment on this issue, and the facts I have given the Chair are these: From early 1981 until April 1983 correspondence took place between the office of the Minister for Local Government and the associations representing local government throughout this State. I do not share the lack of confidence in the Local Government Association of WA and the Country Shire Councils Association of WA that the Hon. Sandy Lewis has expressed. I am sorry he does not have any confidence in those organisations, but when they, in correspondence over a period from 1981 to 1983, repeatedly confirmed they were in support of this proposition and reaffirmed that their executive had considered it and supported it, in my view, there is evidence of consultation and widespread support from local government. If members opposite wish to disagree with that, that is their wish. If they wish to amend this Bill or do what they wish to do with it, no doubt they will use their numbers to do so.

I simply warn members opposite, in terms of the perception of this issue in respect of local authorities, that from 1981 to 1983 there has been good support for this proposition from a variety of sources, and that is evidenced in the correspondence.

If Mr Lewis wishes to express a lack of confidence in the veracity of the Country Shire Councils Association to properly represent its membership and the executive of the Local Government Association to properly represent its membership,

that is a lack of confidence that neither I nor the Government share.

Hon. P. H. LOCKYER: From the outset, I tell the Minister that I have tried to be very fair. I want him to realise this is a genuine statement, because when the Bill was first introduced on 15 November last year in the other place I, in my capacity as secretary to the Opposition parties' committee on local government, took the Minister's second reading speech, copied the proposed legislation, and sent it to 139 local authorities in Western Australia with a covering letter indicating that we, the Opposition parties, would appreciate comments on six items as brought forward tonight.

There was no political bias. We just asked them for their comments. Broadly speaking, most councils agreed with every item except item 5 which related to remuneration to councillors.

Hon. Peter Dowding: Can I ask you how you expressed that in a letter to them?

Hon. P. H. LOCKYER: I am not prepared to lay the whole file on the Table of the Chamber.

Hon. Peter Dowding: If you could find the letter in due course, I would appreciate it.

Hon. P. H. LOCKYER: I would be very happy to do that. No doubt I shall do that when we debate the clause which deals with that issue.

However, the Town of Armadale agreed with all items except items 5 and 7. I do not intend to deal with any item other than item 5, because I accept all the other amendments in the Bill. The only issue about which we argue is that which relates to remuneration of councillors.

The Shire of Boyup Brook agreed with all items except item 5. The Brookton Shire Council agreed with all items listed. The Shire of Busselton agreed with all items except items 5 and 7. The Town of Claremont did not object to anything. Cunderdin Shire Council agreed with all items except item 5. The Shire of Dandaragan agreed with all items except item 5.

The Shire of Donnybrook agreed with all items listed. The Shire of Kojonup agreed with all items except item 5. The Shire of Kondinin agreed with all items. The Shire of Koorda agreed with all items except item 5. The Shire of Manjimup agreed with all items. The Shire of Mullewa agreed with all items except item 5, as did the Shires of Wagin and Pingelly. The Shire of Port Hedland agreed with all items except item 6. Ravensthorpe Shire Council agreed with all items except item 5. Sandstone Shire Council agreed with all items except item 5; and so it goes on. That is how I formed my opinion.

I have no doubt the Minister consulted with the associations concerned, but the Country Shire Councils Association does not agree with remuneration of councillors. We did not take this lightly. We have been to see these people. I refer to discussions I had with them personally and, as recently as last Friday week, I had discussions at a board conference at Cue where Mr Ward, the president of the association, made it abundantly clear that the association did not agree with remuneration of councillors.

We agree with most of the Bill. I just put it to the Minister that we differ slightly on this aspect and as soon as I find a copy of the letter I assure him I shall deal with it. I do not disagree with any clause other than that one.

Hon. Peter Dowding: I am asking for the letter, because I wonder if you used the same expression you keep using to the Chamber; that is the remuneration of councillors. The Minister has made it clear that the provision does not seek to remunerate councillors and that is what all the councils have listed in their correspondence.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I just wonder, in view of the arguments across the Chamber, whether this matter could be more adequately dealt with under clause 22.

Hon. P. H. LOCKYER: I agree, Sir; certainly I shall refer to it then. I make the point that all we did was send to councils copies of the Minister for Local Government's second reading speech and the Bill, listing the subheadings as he listed them in his speech, and asked councils to comment. I went to great lengths to be very fair, because I thought it was a subject that deserved fairness. I am just pointing out that overwhelmingly the councils did not agree with item 5, which concerned payment to councillors.

I shall deal with the matter further when we debate the appropriate clause later.

Hon. W. G. ATKINSON: The Minister quoted letters from the previous Minister (Mrs June Craig) sounding out councils' opinions. It has been brought to the attention of the Chamber already how old those letters are and the Minister referred to the fact that very few councils actually responded to them. Since that date the Local Government Association of WA and the Country Shire Councils Association of WA, in reaffirming support, have done so on the basis of approximately 30 replies.

Hon. Peter Dowding: No, they did not. They were placed before the association's executive on 14 March 1983.

Hon. W. G. ATKINSON: On the basis of 30 replies.

Hon. Peter Dowding: No. The issue was placed before the executive of the association and the LGA executive had given careful consideration to the issue. You must have a funny attitude.

Hon. W. G. ATKINSON: The Minister seems to be unaware of the current position of local government because the Hon. Phil Lockyer has already drawn the attention of the Chamber to the survey that has been conducted. I draw the Chamber's attention to three conferences on local government within the Central Province during the last two months. That would be about as current as we could get; it is even better than the number of replies to the letters that the Hon. Phil Lockyer mentioned. All three of those ward conferences, the central ward, the great eastern ward and the Avon-Midland ward expressed complete opposition to this legislation.

Hon. Peter Dowding: Did you say the great southern ward?

Hon. W. G. ATKINSON: No.

Hon. Peter Dowding: Not the great southern on Monday 16 April 1984?

Hon. W. G. ATKINSON: I was not at the great southern ward. In fact, the Wickopin conference in the central ward went so far as to express no confidence in the Minister.

Hon. Peter Dowding: Were you there?

Hon. W. G. ATKINSON: Yes, I was there and so was the Hon. Mick Gayfer.

Hon. Peter Dowding: Did you speak?

Hon. W. G. ATKINSON: The Minister may read the words in the minutes.

Hon. Peter Dowding: Did you speak?

Hon. W. G. ATKINSON: I did not have to. The Hon. Mick Gayfer spoke.

Hon. Peter Dowding: He spoke, did he? I just wanted to have the facts about the meeting.

Hon. W. G. ATKINSON: The meeting did not require the Hon. Mick Gayfer to speak so eloquently—

Hon. Peter Dowding: You did a bit of lobbying first, did you?

Hon. W. G. ATKINSON: —because those present knew the effect the Minister is having on local government. They expressed their concern. It was not the Hon. Mick Gayfer's expression of concern—

Hon. Peter Dowding: Of course not. No politics in local government; quite right.

Hon. A. A. Lewis: They were dumped down at Fremantle.

Hon. W. G. ATKINSON: The Avon-Midland ward, while not being quite so heavily handed on the Minister, did pass a motion expressing disappointment in the actions of the Minister.

Hon. Peter Dowding: On what issue was that?

Hon. W. G. ATKINSON: It was on the action of the Minister for Local Government.

Hon. Peter Dowding: On what issue?

Hon. W. G. ATKINSON: On the adult franchise issue.

Hon. Peter Dowding: Not this issue?

Hon. W. G. ATKINSON: I am trying to abide by the Chair and to not speak on another Bill.

Hon. Peter Dowding: Quite right.

Hon. W. G. ATKINSON: The local government conference which was held at Dowerin was that of the great eastern ward and it also expressed similar sentiments. At each of these conferences I had the opportunity of speaking individually with many shire presidents, deputy presidents, shire clerks, and councillors who attended, to sound out their opinions on this issue to present to the Chamber tonight.

Hon. Peter Dowding: You were conducting this sort of independent inquiry in a non-party way?

Hon. W. G. ATKINSON: These were legitimate local government gatherings or ward conferences of the Country Shire Councils Association. If the Minister wishes to refer to them as political meetings, that is his prerogative.

Hon. Peter Dowding: Your prerogative, not theirs.

Hon. W. G. ATKINSON: I also add that the Minister was invited to these meetings. In fact, the Minister has attended a number of meetings since he took office and he has expressed his opinion on the direction in which local government should be heading, and of course he has by now become aware that local government will not become the whipping boy of the Government.

The situation is the same with every shire and the one town council within the Central Province. Those 29 local authorities, almost as many as the Minister claims replied to the Hon. June Craig's letter of several years ago, have each expressed opposition to the payment of councillors.

Hon. Peter Dowding: By remuneration?

Hon. W. G. ATKINSON: By remuneration to councillors, whatever the Minister likes to call it.

Hon. Peter Dowding: That is what you have called it.

Hon. W. G. ATKINSON: In my mind they are one and the same thing.

Hon. P. H. Lockyer: We call it allowances to councillors.

Hon. W. G. ATKINSON: Earlier the Minister again quoted a letter from June Craig which, if I have the drift of it correctly, said that up to \$500 in allowances would be provided for expenses, and I have no quibble with that if those expenses can be justified.

Hon. Peter Dowding: An allowance for out-of-pocket expenses up to a maximum of \$500 in any one year. The payment of an allowance.

Hon. W. G. ATKINSON: Now we have the payment of an allowance.

Hon. Peter Dowding: That is what June Craig said.

Hon. W. G. ATKINSON: The Minister says we have the payment of an allowance. This is the clause to which we object because we feel that under the Local Government Act there is sufficient scope for councillors to obtain reimbursement of legitimate expenses and hopefully the amendment that I foreshadow to bring the allowance up to date, will take care of that. I believe from the conferences that I have attended, and the expression of concern of all local authorities within my electorate, that I have very good ground for rising in this Chamber and moving such an amendment.

Hon. G. C. MacKINNON: I really rise to help the Minister, if I may, because he was very kind and helpful to me in 1982. He is probably a little short on experience and perhaps I can give him a little anecdotal assistance. Some years ago it was the desire of the Government to change the law relating to the Swan River Conservation Council.

Mr Peter Jones was Minister for Conservation and the Environment and Minister for Fisheries. A lot of research was commenced into a new management procedure for the administration programme and the Local Government Association was contacted and some four or five members were appointed to confer with regard to the proposed amendments. All local authorities along the river reported regularly to their executives. Total agreement was reached on the basis the Minister discussed a short while ago, when all of a sudden exactly the same problem that the Hon. A. A. Lewis mentioned reared its head.

The problem was that these people had come to believe entirely in what the Government was proposing to do. They were most enthusiastic, and they went back to their local authorities and said to the chairman or whoever was in charge, "I want to report on what happened. We will deal with it. Are you happy with it?" The chairman would say, "I am perfectly happy with it. That will be all

right". We framed the Bill and it was introduced into the House. There was not a single local authority along the length of the Swan River that did not damn it utterly and completely and so vehemently that the Government had to withdraw it.

Hon. A. A. Lewis: Mr McKenzie, and people like that.

Hon. G. C. MacKINNON: Those members came out on the side of the local authority. The point I am making is that there was total, absolute, and complete co-operation with the association. A member from each local authority was seconded to the committee, total agreement was reached, yet not one local authority agreed with the Bill.

It is no good talking about that sort of co-operation. The only sort of co-operation one can talk about is after legislation has been framed and it goes to the individual councils; then, if co-operation can be obtained one might get somewhere. If the Minister does not believe that he can go back and look at the record. I cannot remember the exact order, but I think Mr Peter Jones handled the matter for about 12 months and handed it over to me, and each of us proceeded with absolute assurances at every step along the way that we had done the right thing, as Mr Dowding is quite sure now that he has done, and we did not get anywhere, for the simple reason that we do not deal with one man on a local authority; we deal with all members of a local authority and its staff.

Hon. A. A. LEWIS: I want to correct the comments made by the Minister when he claimed that I had denigrated the Local Government Association and the Country Shire Councils Association. I did not do that at all. It seems that the Minister is very keen to accept those associations' words and I will keep him to that. As long as the Minister assures me that he will follow those associations now and in the future I will be very pleased. There could be a few other small things with which I disagree, but the Minister has committed himself to follow those organisations and their statements and I am very pleased to hear it.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 67 amended—

Hon. W. G. ATKINSON: This clause will be affected by my proposed amendment to clause 22. I am in a little difficulty here because I believe that under the Standing Orders debate must proceed in order. Mr Deputy Chairman I seek your guidance.

The DEPUTY CHAIRMAN (Hon. John Williams): The member does not wish to move an amendment to clause 3?

Hon. W. G. ATKINSON: If my amendment to clause 22 is successful I will move to delete clause 3.

The DEPUTY CHAIRMAN: That will be a consequential amendment if clause 22 is carried and in that case we will postpone debate on clause 3 and will move onwards from there.

Clause postponed.

Clauses 4 to 10 put and passed.

Clause 11: Section 244 amended—

Hon. G. C. MacKINNON: Can the Minister tell me the procedure which a hawkers must adopt? Am I right in supposing that if he were selling goods which had something to do with health requirements, he would need a licence from the health authority and one from the local authority? He would need dual licences, and the one given under the health authority would be governed by the by-laws of the local authority, which might vary from one authority to another. On the other hand, the health authority requirements would be standard.

Hon. PETER DOWDING: Section 217 deals with hawkers and addresses in part the problem the Hon. Graham MacKinnon adverted to in his speech. Section 242 deals with stallholders who have a completely separate set of criteria for application and granting of licences and their control; street traders are dealt with under section 244. So the opportunity exists to control, limit, or impose fees or whatever on the different classes, depending on the activity they are pursuing.

I cannot give an answer about the interaction of the Health Act with those three activities, but under the registrations issued by local authorities, which may or may not be based on the model by-laws for local authorities, the authorities may import into the registrations compliance with the requirements of other Statutes such as the Health Act.

Hon. G. C. MacKINNON: Let us suppose a situation arises in which a local authority is a little difficult, and for no valid reason that the applicant can see, refuses him a licence. What right of appeal or course of action is open to the applicant to ensure that justice is done? Would he go to the Minister or to the court?

Hon. PETER DOWDING: I cannot give a definite answer except to say that when I last examined that issue—it does not come under the ambit of these amendments, but under the model by-laws which were adopted by authorities—I found that a person whose licence is cancelled or whose application is refused, can move in the Court of Petty Sessions for the issue of a licence, so the court effectively determines the issue. It is

done by way of complaint in the equivalent of the old Police Court.

Hon. G. C. MacKINNON: I admit I am now getting a little more difficult: I ask the Minister to cast his mind back to 1982. He might recall with some alarm that we are now in an identical situation to that in which Mr Pike found himself with the Hon. Peter Dowding. Mr Dowding suggested to Mr Pike at that stage that he might report progress and ask leave to sit again.

Hon. Peter Dowding: I will never fall for that one.

Hon. G. C. MacKINNON: Mr Pike had been foolish enough to overvalue his knowledge of local government, and he sat here without the aid of an adviser. I am unable to get an answer when the Minister has an adviser at his right hand and a departmental expert on his left hand.

Hon. Peter Dowding: I can now answer the question.

Hon. G. C. MacKINNON: See how quick we can be?

Hon. PETER DOWDING: I am indebted to the adviser and to the departmental representative.

Hon. G. C. MacKinnon: And the heliograph system.

Hon. PETER DOWDING: My telepathy system is working well.

Section 222(3)(g) of the Local Government Act makes specific provision for the remedy, which is an order directing the council to issue a licence after the matter is taken on complaint under the Justices Act.

Hon. G. C. MacKINNON: I had a look at this section a little while ago because I had taken the liberty of checking what I thought might be the Minister's answer, I looked at the provisions of section 222. In which subsection is the appeal mentioned?

Hon. Peter Dowding: In sub-section (3)(g). The process is set out in section 222(3).

Hon. H. W. Gayfer: The fish would be rotten by then.

Hon. G. C. MacKINNON: Of course there is always next time around. The Minister is saying that a right of appeal exists, but of course there are obvious difficulties in a country town where people know each other so well. I wonder whether the Government has taken sufficient cognisance of that. Perhaps it should have a closer look at whether justice would be done in those circumstances. There is no doubt the Minister would like justice to be done, and it may be a good idea to report progress and seek leave to sit again, so that

some protection can be put into the Bill to save the poor unfortunates from the grinding power brought against them.

Clause put and passed.

Clauses 12 to 21 put and passed.

Clause 22: Section 513 amended—

Hon. P. H. LOCKYER: I oppose this clause.

I am not impressed with any ward conference which passes a vote of no confidence in the Minister. That serves no purpose; it is a personal attack on individuals in the political scene, which I abhor. That is not to say I agree with everything the Minister does, but the action of the wards concerned served no purpose. I am happy to say that did not take place in my electorate, nor was it mentioned. There are far better ways of killing the cat than that. We should not have to suffer that sort of situation when dealing with legislation; it should be stopped as soon as possible.

In answer to the Minister's earlier queries to me about the letter which was sent out, I regret that since my demise as secretary of the committee it is not as efficient as it used to be. I can tell him the headings contained in the letter. We sent a letter to 139 local authorities asking them to comment on the attached speech from the Minister and the Bill, and advising them that we saw the Bill under these headings—interim report; loans to sporting bodies; raising of loans on behalf of State Government bodies; street trading; allowances to councillors; and polling booths and licensed premises.

Hon. Peter Dowding: Have you the actual letter?

Hon. P. H. LOCKYER: No, I cannot find the original letter, but if the Minister doubts my word, I will—

Hon. Peter Dowding: Cross your heart?

Hon. P. H. LOCKYER: I am an honest person and I assure him that that was how we sent the letter. We were only seeking advice. Our questions were to enable the Opposition parties to form their policy on the Minister's second reading speech. We asked the councils for their comments. We had a very large response, and I have given some of the results to the Chamber.

Not every council was opposed to the proposal relating to allowances to councillors, but by far a majority of them were. My own opposition comes from talking to councils in my electorate and listening to the Country Shire Councils Association, and advice that has been given to our committee. There is no fairer way I can bring the matter to the attention of Parliament. We have gone about our task meticulously and have tried to do it without fear or favour. I am sorry I cannot

agree with the clause as it stands, and I will wait for my colleague to move his amendment.

Hon. GRAHAM EDWARDS: I support this clause.

I was until recently a councillor of the City of Stirling which, as many members would be aware, is one of the largest local authorities in Australia. That council also supported the payment of an allowance for councillors.

The ward I represented is comparable in size to the State seat of Balcatta; as a matter of fact, the boundaries are very similar. There are a greater number of residents in that ward than in many of the electorates represented by members of this House. In my experience, councillors worth their salt would expend much more than \$500 per annum if they were doing their job properly. As a councillor, I regularly attended school functions, ratepayer association meetings, and sporting body and association meetings and functions. I also found on being elected to that council that one came to be nominated as patron of many of those associations, and consequently one was called upon to donate a number of trophies during the course of a year.

I was also one of the councillors who had areas of specific interest in the city, and I found they often took me into other wards which meant I had to travel across the city. This work was in addition to attending meetings of council and council standing committees. I had no hesitation in accepting expenses incurred in the course of attending statutory meetings of council.

Expenses were then paid as a matter of course. However, I did refuse to apply for expenses incurred in attending meetings at schools and other such bodies outside the council. I refused mainly because I believed it was an intolerable situation when, as an elected representative in a local authority, one did all this running around and at the end one had to sit down, fill out forms, mark distances travelled, submit forms to council staff, and have the claims processed and costed before eventually receiving a cheque. Local councillors deserve more trust than that. They deserve more support from members of this Parliament.

I mentioned earlier that the Osborne ward compares in size and population to the State seat of Balcatta. The member for Balcatta receives expenses in the vicinity of \$10 000 a year. Those expenses are paid automatically and are not applied for. I do not attempt to compare the work of councillors with the work or responsibility of a member of the State Parliament; however, I believe there is a comparative basis for trust. That trust should be extended to councils and councillors and this Chamber, in deference to the good

work carried out by councillors, should support payment of this allowance.

I support the clause.

Hon. W. G. ATKINSON: At no stage in this debate has the Opposition in any way attempted to denigrate the services performed for local government by councillors. The situation is completely the opposite. We have nothing but praise for the outstanding work carried out by them in the community.

Earlier in the debate the Minister asked what grounds we had for this type of support and, of course, he drew attention to Mrs Craig's letter. Mr Lockyer has already mentioned the survey conducted by him when acting as secretary of the Opposition parties' committee. I thought it might be of interest to members in the Chamber to hear some of the replies received. They were selected at random from the file and represent some of the opinions. The first is from the Shire of Koorda which is within the Central Province. I quote—

Further to your undated letter I wish to advise that my Council objects to item No. 5—allowance to Councillors.

My Council discussed this matter fully in July and unanimously voted against the alterations and was one of the voters at the annual Country Shire Councils Association that voted NO.

Hon. Peter Dowding: When was the conference held at which the vote was taken?

Hon. W. G. ATKINSON: Unfortunately the conference date is not given.

Hon. Peter Dowding: Do you know what year it was?

Hon. W. G. ATKINSON: The letter was dated 6 December 1983, so I presume that the annual conference would have been held in July or August of that year.

I refer now to the reply from the Shire of Cuballing, which is just outside the Central Province and which Mr Gayfer knows well. I quote—

Allowance to Councillors—Strongly oppose the idea of payment to Councillors, Mayors or Presidents over what is presently available. Matter is constantly defeated at CSCA Conference.

Going further afield to the Shire of Chapman Valley, which is very close to Mr Carr's electorate and may even be in it, I quote from its reply as follows—

My Council is totally opposed to the proposition of payment to Presidents, Deputies and Councillors. The introduction of this type of payment will inevitably lead to Party Politics in Local Government. It is requested the Opposition Parties endeavour to delete this section from the Bill.

Hon. Peter Dowding: That is really what your people have been putting to the shire councillors, which is so inaccurate and so well refuted by June Craig's letter.

Hon. W. G. ATKINSON: The Minister has already been informed that a copy of the Minister's second reading speech from the other place, together with a copy of the Bill and a summary of what the Opposition believes, were included.

Hon. Peter Dowding: You did send a summary?

Hon. W. G. ATKINSON: The Bill was there for the councils to see. The Minister's second reading speech was there and I have no doubt that each of those councillors read it or at least the shire clerk would have read it and prepared a summary for the president to read, and then the matter would have been put to the council meeting. All of these letters would have been written after authority from the council meeting.

I move further to the letter from the Shire of Victoria Plains, which is just off the boundary of the Central Province and in the Hon. Tom McNeil's electorate. Mr McNeil knows the opinion of local government in his area just as I and Mr Gayfer know the opinions in our areas.

The reply from the Shire of Victoria Plains read as follows—

Allowance to Councillors: The recent annual meeting of the Country Shire Councils Association thoroughly considered the matter of proposed allowances for Councillors and rejected the proposal—Council can see no reason to reopen the matter.

That is a selection of councils from a wide area, all expressing the same sort of opinion about payments or proposed payments to councillors. It is with that support that I have drawn up the amendment to clause 22.

I move an amendment—

Page 8, line 30—Delete the words "the prescribed amount" and substitute the expression "\$50".

Amendment put and division taken with the following results—

Ayes 18

Hon. W. G. Atkinson	Hon. Tom McNeil
Hon. C. J. Bell	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. N. F. Moore
Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 12

Hon. J. M. Berinson	Hon. Kay Hallahan
Hon. J. M. Brown	Hon. Robert Hetherington
Hon. D. K. Dans	Hon. Garry Kelly
Hon. Peter Dowding	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. Fred McKenzie

(Teller)

Pair

Aye	Noe
Hon. I. G. Pratt	Hon. Tom Stephens

Amendment thus passed.

The clause was further amended, on motions by the Hon. W. G. Atkinson, as follows—

Page 9, lines 6, 7, 10, 11, 12, 13, 19, 20, 23, 24, 25, and 26—Delete the words “the prescribed amount” wherever they appear and in each case substitute the expression “\$50”.

Pages 9 and 10—Delete subparagraph (iv).

Page 10—Delete paragraph (b).

Clause, as amended, put and passed.

Clause 23: Section 530 amended—

Hon. W. G. ATKINSON: Having successfully amended clause 22, clause 23 is no longer relevant, and I ask members to vote against it.

Clause put and negated.

Clauses 24 to 29 put and passed.

Postponed clause 3: Section 67 amended—

Hon. W. G. ATKINSON: This clause is consequential on the successful amendment of clause 22, therefore it should be defeated also.

Postponed clause put and negated.

Title—

Hon. W. G. ATKINSON: Mr Deputy Chairman (the Hon. John Williams), as I understand your comments following the earlier debate on clause 3, amendments are necessary to several other clauses. To avoid confusion I refrained from speaking on each clause as you called it. Amendments are required to clause 5, and clause 6 is no longer applicable.

Hon. Peter Dowding: That has been passed.

Hon. W. G. ATKINSON: I believe the amendments are consequential.

The DEPUTY CHAIRMAN (Hon. John Williams): This question will be taken up by the Clerks. I shall now deal with the title, and on consideration of the report, you must move to have the Bill recommitted in order that amendments to clauses 3, 4, and 5 can be considered. The reason the Clerks cannot take it up in the normal course of events is that clauses 3 to 5 deal with different sections of the principle Act. Therefore, the Bill must be recommitted.

Title put and passed.

Report

Hon. PETER DOWDING: Mr Deputy Chairman, I move—

That you do now report the Bill to the House.

Clearly the Opposition has not worked out the effect of its amendments. I suggest that the appropriate course of action is simply to report the Bill to the House, and I will then move to make the consideration of the report an Order of the Day for the next day of sitting. I will check the Opposition's handiwork and see what consequential amendments may be necessary, and tomorrow I will recommit the Bill if the Opposition's drafting needs polishing.

Question put and passed.

Bill reported with amendments.

COUNTRY-TOWNS SEWERAGE AMENDMENT BILL 1984

Second Reading

Order of the Day read for the resumption of the debate from 3 May.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. John Williams) in the Chair; the Hon. D. K. Dans (Leader of the House) in charge of the Bill.

Clause 1: Short title and citation—

Hon. A. A. LEWIS: As I understood the matter, the Opposition was to have received a report from the Minister handling the Bill in this place. We do not seem to have received it. I believe the Leader of the House has the report before him, and I wonder if he will consider giving it to us.

Hon. D. K. DANS: I have a report, and a copy of it was given to Mr Stretch. I did not provide a copy for everyone. I do not know what Mr Stretch thinks of the report.

Hon. W. N. STRETCH: I think we have many wires crossed here. The report for which I asked

was a Public Works Department report on country towns sewerage. The one I received, for which I am grateful, is one on the Country Areas Water Supply Amendment Bill. I received a copy of the report for which I asked, but it arrived on my desk in a plain envelope.

Hon. D. K. Dans: That is the one I am talking about.

Hon. W. N. STRETCH: It is not the one the Leader of the House handed me tonight.

Hon. D. K. Dans: No, we had crossed wires there.

Hon. W. N. STRETCH: I had excerpts from the country towns sewerage report during my second reading speech, and I am glad the Minister has been able to find the report. I would like the Leader of the House to comment on it, because it contains some very vital recommendations of which all members should be made aware.

Hon. D. K. DAns: The report I obtained for Mr Stretch is a report under the signature of the Under Secretary for Works. It is for information only, and I have a copy of it here. All I can reply to are comments on the Bill itself, not the report. I found the report for the member in good faith. I do not think we have the full story, but we have as much as we know. I do not mind if Mr Stretch comments on the report.

Hon. W. N. STRETCH: The report points to the need for a reorganisation of the whole of this proposal to charge what I regard to be a retrospective amount on certain country shires. I criticise the general thrust of this attempt to cut the losses that the PWD incurs in servicing a country town for sewerage. Naturally we applaud any attempt to recoup losses in any area, but this is a badly directed attempt.

The report is by a Mr Prgomet from the Public Works Department and is dated 24 November 1983. It points to the efficiency with which local authorities run their country sewerage schemes compared with the cost incurred by the PWD in running similar schemes. From pages 17 and 18 of the report, let me quote his recommendations as follows—

All Local Authorities be permitted to continue to own and operate their town's wastewater scheme under the provisions of the Health Act with an annual subsidy from the Government.

Any changes to the existing policy including rates and charges be decided by the Committee comprising:

Two representatives from the Public Works Department; one Administration and one Engineering

One representative from the Treasury Department

One representative from the Country Shire Councils Association

One representative from the Local Authorities.

The moratorium on Local Authority subsidy wastewater schemes be lifted.

Local Authorities whose town's are in need of conventional wastewater facilities because of problems encountered with unsatisfactory disposal of septic tank effluent because of unsuitable soils be encouraged to construct and operate their town's wastewater schemes under the provisions of the Health Act with an annual subsidy from the Government of Western Australia.

The most important recommendation is the last, which reads—

A Committee be established with an independent Chairman (preferably a Judge or a Magistrate) to investigate all the ramifications of Departmentally owned and operate wastewater schemes with a view of transferring these schemes to the Local Authorities upon their agreement and under terms and conditions to be decided upon.

I will not quote the composition of the committee, but he recommends a very representative group of people. The report sets out the reasons that I will oppose one of the clauses in the Bill at a later stage.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 67 amended—

Hon. W. N. STRETCH: I believe this to be the most damaging clause in the Bill. The Opposition sees it as leading the way to the imposition of much higher charges to be met by country communities, this at a time when, as the Leader of the House said when speaking to the rural reconstruction legislation earlier today, many farmers in this State are in serious financial difficulties.

Our second objection is that we regard this as a retrospective charge in view of the agreement made between the Government and local authorities when the schemes were first established. I have indicated that an alternative avenue exists for cutting the overall expenditure of country sewerage schemes without raising charges.

I object very strongly to this clause also because it does not define its target. In my second reading contribution I described it as an unguided missile, and that still applies. We have not heard tonight

whether the Government is able to define its target, and there is nothing in the Bill to define at which of the three sorts of schemes this is aimed. It means that one of the country sewerage schemes will be held at a maximum charge for an unspecified time.

I therefore urge the Leader of the House to delete this clause until the Minister has had time to study the recommendations of the report to which I have referred. The recommendations would have a far-reaching effect on country sewerage services. We agree with the other provisions in the Bill. I do not see that much time or money would be lost by deferring or deleting this clause and having the Government come back after studying this matter and discussing it further with local authorities.

Hon. D. K. DANS: This clause is the nub of the whole Bill. I do not want to dwell on the report I obtained for Mr Stretch, because that is not what is under discussion. There seems to be in the minds of Mr Stretch and other Opposition members some doubt about the method of control applying to all aspects of sewerage schemes. It is necessary that I provide a fairly lengthy explanation, because it is a fairly complex subject.

The majority of country sewerage schemes—just over 50—are operated by the PWD under the provisions of the Country Towns Sewerage Act. Some of the loan capital for the construction of these schemes has been raised by local authorities, but such loans are fully serviced by the PWD and no costs are met by the local authorities in any way. There are also 18 schemes operated by local authorities under the provisions of part IV of the Health Act and rated under the provisions of the Local Government Act. These schemes are currently called “local government subsidy sewerage schemes”, because the Government provides an annual subsidy from the Consolidated Revenue Fund. This subsidy meets the annual loans on the schemes or 85 per cent of the annual capital charges, whichever is the lower. That is not a bad deal.

The Bill now under consideration is concerned with the Country Towns Sewerage Act and will only affect the sewerage schemes operated by the PWD. There is no intention, nor is there any possibility, that the amendments to the Act should have any effect on the local authority schemes.

The Country Towns Sewerage Act requires that each town scheme be separately rated, the rate being determined in accordance with the cost of each particular scheme.

Because of the high costs of sewerage services, particularly during the early life of a scheme, almost all schemes require a subsidy in their early

years. The maximum rate in the dollar permitted under the Act is inadequate, and over the years departmental schemes have been subsidised directly from the Consolidated Revenue Fund. Some schemes have thus built up an accumulated deficit of a sizeable magnitude.

However, with growth in the number of facilities served, and particularly as a result of increased revenue through revaluations, many departmental schemes are now beginning to generate revenue equivalent to their annual costs. As a result of this trend, it is considered reasonable for the residents in towns with these older schemes, who have had a sewerage service for many years, to make some contribution to the accumulated losses, and thus partly offset the Consolidated Revenue Fund subsidy to new schemes.

The amendment in this clause is to provide for this. The clause 4 amendments will also tend to minimise differences between the charges being applied on the different departmental schemes. This is logical when one considers that the sewerage services provided in different towns are generally similar.

Many people argue that charges for sewerage should be uniform throughout the State in the same way as water charges are generally uniform in all country areas. Because of the differing valuations applying in different towns and the varying period since the review of valuations in different towns, this goal cannot be achieved until a system independent of valuations can be devised.

This issue is one which will be given a high priority when the Water Authority of Western Australia comes into being.

Let us now consider local authorities' subsidy sewerage schemes which have their rates struck under the provisions of the Local Government Act. The amendment clearly indicates that it is concerned that the provisions of the Country Towns Sewerage Act—and there should be no doubt about this—apply to the local authorities' subsidy schemes. In other words, there is a line right down the middle.

The confusion in some people's minds probably stems from the fact that in order to receive the maximum subsidy available, it is a requirement that the local authority sewerage rate be set in accordance with the rating policies applying to the Public Works Department sewerage schemes. However, any past losses which may have been incurred by the local authority schemes have been met by the local authorities themselves from general revenue. If any attempt were to be made to recover these losses, the funds so collected would only be applied for the purposes of the local authorities themselves. Clearly, that possibility

has no merit whatsoever, and is not even contemplated.

Although it is not relevant to the provisions of the Bill, a statement has been made that the costs of operation and maintenance of local authority schemes are much lower than those of the departmental scheme.

A report suggesting this was prepared within the Public Works Department. That is the report we are looking at now. However, the acting director of engineering is not in agreement with the conclusions of the report and has advised that the report does not fully present all relevant information, nor does it fairly compare the merits of the two types of schemes. So we have a conflict between the report supplied to the member for Lower Central Province and the information supplied to me. The report has adopted a very simplistic approach to the matter and has not drawn attention to the fact that the operating costs quoted in the Public Works Department annual report include not only the direct and indirect annual costs of maintenance, but also a throw-over of general head office administrative and overhead costs.

The head office administration and overhead costs are quoted in respect of all departmental functions such as water supply, sewerage, irrigation, and drainage, and include costs in respect of investigations, design, accounting, and administrative activities.

The portions of these costs—and I do not think there will be any argument because that is a proper accounting procedure—allocated to individual sewerage schemes is based on an empirical formula which establishes a uniform cost per sewerage assessment. The number of sewerage assessments in each town differs markedly from the number of properties connected to the scheme. Of course the latter is the figure which is directly related to operating and maintenance costs.

Thus, in some circumstances the throw-over can be quite high, and on occasions is greater than the total of the field costs. The inequities of these financial procedures have been recognised and steps have been taken to introduce a more accurate system as soon as is practicable.

An example of misleading facts and figures in the annual report is the scheme at Pingelly, which is especially referred to on page 8 of the report. In Pingelly, 62 per cent of the assessed properties are connected to the scheme without the head office throw-over of 23.5 per assessment. The costs of operation and maintenance reduce from \$12 198 to \$5 467. It is this latter figure which more correctly can be compared with the Brookton local authority scheme cost of \$4 946.

I had a good look at this matter and I found I could not disagree with it. I do not know the local folklore of it.

Hon. A. A. Lewis: Will you answer all the questions?

Hon. D. K. DANS: I will if I can, and if I cannot, I will not. That is a statement of fact. A picture is emerging here which would be a little disastrous if it were farmed around in different directions of the State, and even I have picked that up.

The table attached to the report sets out the position in respect of the other departmental schemes nominated in the report when the head office throw-over is subtracted.

The department also provides plumbing inspection and engineering and administrative assistance to all the local authorities operating subsidy schemes. This assistance is given without charge and the costs are included in the published departmental operation and maintenance costs. Not only do these costs increase the departmental figures but they reduce the costs reported by the local authorities.

It has long been of concern within the Public Works Department that although the sewerage service provided is relatively comparable in all country towns, the charges vary quite significantly from town to town. This is irrespective of whether the schemes are departmentally or shire controlled. The main reasons for this are, firstly, the cost of capital is significant and depends on the time when the scheme was constructed. For example, a capital investment of \$100 000 in 1964 is equivalent to \$198 900 in 1974 or \$572 200 in 1984. We go to the local butcher shop and say "Steak is dear"; we know now that sewerage is dear also.

Over this period the term of readily available loans has reduced from 40 years to 20 years and lesser periods and the interest rate has increased from 5 per cent to 15 per cent. The annual repayment of interest and principal would have increased from \$5 805 to \$90 867 over the same period.

Sewerage works are constructed with funds from different sources; for example, subdividers, mining companies, general loan funds, local authority borrowings and Commonwealth grants. No dough, no funds!

The mix of these funds in a particular scheme has a significant bearing on the capital charges. The density and type of development served by the sewerage scheme and the level of valuations in the town is a factor. A scheme which serves a compact commercial area is more likely to produce a

favourable financial result than one serving a low-density, low-standard housing estate.

The valuations vary from town to town and are affected by the time elapsed since the last revaluation. For example, the average domestic valuation in Northam in 1977 is \$611, compared to \$2 902 in Collie in 1981, and \$2 282 in Katanning in 1983.

Variable construction costs, depending on the terrain and soil type, are also significant. A scheme constructed in hilly, rocky country will naturally require more expensive reticulation and considerable pumping equipment than a scheme on relatively flat terrain on the sandy coastal plain.

These variable factors have been ignored in the comparisons made in the report.

Another important issue not mentioned is that of capital charges, particularly depreciation. For example, the Brookton local authority scheme has a capital cost of \$274 000 and capital charges of interest and loan repayments totalled \$33 108 in 1981-82. On the other hand, the Pingelly scheme capital costs of \$551 000 led to interest of \$37 340 and depreciation of \$4 945 in the same year.

The higher *pro rata* capital charges for Brookton are partially due to high interest rates and partially due to the fact that the loan is being repaid over a 20-year period. This early repayment is in effect equivalent to a much higher rate of depreciation than applies to departmental schemes.

This high rate of "depreciation", which is being subsidised by the general taxpayer, is a matter which should be given serious consideration and which is leading to significant inequities in the level of future charges for sewerage services.

It is general practice throughout the world for water supply and sewerage services in each city or town to be operated by the same authority. This is principally because of the technical similarities between the two services and the common approach which must be given to the water and sanitary plumbing of the ratepayers.

Sometimes the water and sewerage services are operated by local authorities, but in areas of low population density, such as in Western Australia and South Australia, this approach has not been generally adopted. In establishing the Water Authority of Western Australia, the Government is recognising the benefits of increased efficiency and uniform policies which follow the merging of the management of water and sewerage services within the State.

I believe this is as good as I can do in support of clause 4. I believe that any fair-minded person,

having taken into account the things I had said, and using commonsense—which I am sure all members have, otherwise they would not be in the upper House—can see that is correct. We go to an election only once in every six years, so members must be sensible. This clause is aiming at uniformity. In the long term remote areas of this State will have a better deal in regard to sewerage connections.

Hon. W. N. STRETCH: I thank the Leader of the House for his crude and most learned discourse on country sewerage.

Hon. D. K. Dans: I did not claim to do that.

Hon. W. N. STRETCH: I suggest to the Leader of the House that he does not knock back compliments.

On page 11 of the Public Works Department report on country towns waste water schemes, Mr Prgommet says that he is not against country subsidised schemes. However, he went to the trouble of comparing like with like. He made sure he leaned in favour of departmental schemes and he found that other schemes which were being pushed by local authorities ran into trouble. I had trouble obtaining this report.

Hon. D. K. Dans: I had the same trouble with Mr MacKinnon. I asked him for a report concerning a department and he said he could not get it.

Several members interjected.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! One honourable member addressing the Chair is enough at a time. The Committee stage allows members to speak as many times as they wish. I draw the attention of honourable members to that.

Hon. W. N. STRETCH: I repeat the question, which was probably out of order, concerning annual costs. I do not understand whether these annual figures are running costs only, or whether they include the total operating expenses which include the difference between operating profit and loss, plus depreciation and capital borrowed. I am not being pig-headed, but it is significant that most of the shire schemes are well on the way to being paid off and most of the department schemes appear to be in debt and likely to remain so.

The Dumbleyung scheme has been paid off within 13 years and I am proud of it. Dumbleyung is on the eastern edge of the Hon. Sandy Lewis' and my electorate. It is now out of debt while two adjoining towns each had an operating and capital loss in the vicinity of \$500 000 in 1980.

The controller of the Public Works Department asked that these figures be brought up to date to the 1983-84 valuation. Dumbleyung actually

accumulated, over 13 years, a loss of \$58 699; Katanning \$463 817; and Wagin had a similar loss. Using the Minister's four-times formula today's figures would be \$130 000 for Dumbleyung; \$1.5 million for Katanning, and Wagin would be just under \$1 million. The latter are bigger schemes, but I would imagine they should have more chance of being paid off quickly because they have more connections.

Hon. D. K. Dans: It depends where they are.

Hon. W. N. STRETCH: I acknowledge that. I would appreciate it if the Leader of the House would inform me whether those operating costs have included the capital funds.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! There is far too much audible conversation in the Chamber. Two members are having a casual conversation in the Chamber and I advise them that there are chairs available at the back of the Chamber for their use.

Hon. D. K. DAns: I will read what the honourable member is querying, as follows—

However, as a result of increased revenue through revaluations many department schemes are able to generate revenue equivalent to their annual costs.

I have spoken to my financial adviser who is sitting next to me and we have reached the conclusion that it would not include the capital costs, but it would include depreciation. That is how I interpret the Bill.

Clause put and passed.

Clauses 5 to 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. K. Dans (Leader of the House), and passed.

ACTS AMENDMENT (MINING TENEMENTS) (RATING) BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [10.38 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to the Local Government Act and the Valuation of Land Act to clarify the rateability of mining tenements.

This amending legislation has been introduced to clarify the rateability of mining tenements and it is considered to generally preserve the existing rating situation in its overall application to both local government and the mining industry.

The rateability question became uncertain following the enactment in 1978 of the new Mining Act which came into operation on 1 January 1982. Under the new Act provision was made for the many different types of tenements under, the Mining Act 1904 to be continued in force for a transitional period. Therefore, for some years, there will be in existence a combination of tenements under the old Mining Act and the five new types of tenements under the 1978 Act.

Members may recall that when the new Mining Bill was introduced, considerable concern was expressed by local government that councils would be adversely affected through reduced rating revenue resulting from either some new tenements not being rateable or there being a lesser number of tenements due to the larger areas which may now be granted.

The Government supports the intention of its predecessors to retain the status quo, so far as rating liability is concerned, when the new Mining Act came into operation.

The principle has proved difficult to achieve in the strict sense due to the fact that tenements under the previous legislation do not have exact equivalents under the new Mining Act.

To overcome these difficulties it has, therefore, been necessary to devise a scheme which is intended to provide, as near as possible, for the same aggregate level of rate revenue for councils from the mining industry.

At present the rateability of mining tenements is uncertain in some cases, due to a reference in the Local Government Act to their actual occupation. Provision is made in this Bill to clarify the issue by making it clear that tenements under the Mining Acts of 1904 or 1978 have been rateable since 1 January 1982 on the basis of their actual occupation. In future, tenements will be rateable, regardless of the occupation question.

However, provision is made for exemption from rating of prospecting licences of 10 hectares or less and miscellaneous licences under the Mining Act 1978.

These exemptions are intended to afford assistance to the small prospectors who have previously not been rated on their prospecting areas held under the Mining Act 1904 and to continue the

non-rateability of the miscellaneous type of tenements which have not been subject to rating in the past.

Provision is made in the Bill for the preservation of the valuation principles of a coalmining lease and other leases under the old Mining Act which are deemed to be mining leases under the Mining Act 1978.

A further provision is made in the Bill for the valuation methods to be used for the respective rateable tenements under the new Mining Act, and it is proposed that the valuation levels should generally reflect those currently applying to tenements under the Mining Act 1904. The valuation base for leases is to be the same as at present, and for prospecting licences it is to be the same as presently applying to mineral claims.

The only new valuation base required is for exploration licences and it is proposed that this be set at one-tenth of that for prospecting licences, to take account of their larger areas.

Rather than specifying in the legislation the actual amounts per hectare for valuation purposes, it is proposed that valuations be tied to the annual rentals prescribed under the new Mining Act in respect of the relevant tenements by applying appropriate multipliers to achieve the required valuation. The valuation per hectare would be ascertained by multiplying the annual rental per hectare by the relevant multiplier.

Basing the valuations on the annual rentals will ensure that valuations will be adjusted automatically in the future to take account of inflationary trends, in line with the levels of increases in the rentals.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. N. F. Moore.

SOCCER FOOTBALL POOLS BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.44 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide a statutory authority to the Government to grant a licence to Australian Soccer Pools Pty. Ltd. for the operation of soccer pools in Western Australia.

For some time, the company has been endeavouring to obtain approval to operate in this State. Soccer pools are conducted by Australian Soccer Pools Pty Ltd. in every other State in Australia, the most recent entry being South Australia in 1981.

The Government is convinced that there is no valid reason that Western Australians should not be able to participate in the soccer pools game.

Soccer pools commenced in Australia in 1974 in Victoria. Pools in other States were launched in the following order—

New South Wales and Tasmania: 1975

Queensland: 1976

Northern Territory: 1977

South Australia: 1981.

The original soccer pools in Australia were very similar to the traditional pools game played in the United Kingdom, based on choosing 11 numbers from 55. This game was taxed at the rate of 30 per cent by participating State Governments.

When Lotto sales dramatically increased in 1980 following the entry of several States into Lotto Bloc, it became necessary for Australian Soccer Pools Pty. Ltd. to change and simplify its game in order to compete.

After reaching agreement with all participating States, the new game "six from 36 pools" was launched in September 1982. Since that change, soccer pools sales have trebled.

State duty is now paid by Australian Soccer Pools Pty. Ltd. at the rate of 32.5 per cent for the first \$100 million per annum of gross subscriptions and 35 per cent thereafter. On this basis, it is estimated that the Government will receive approximately \$1 million per annum in duty from the operation of soccer pools in this State. This will be achieved with no administrative cost to the Government and with very little effect on other forms of gambling.

Experience in South Australia has shown that Lotto sales were temporarily affected, but within three months of the commencement of soccer pools Lotto sales continued to escalate in that State. There is no reason to suggest that the experience in Western Australia will be different.

The Lotteries Commission of Western Australia and Australian Soccer Pools Pty. Ltd. have reached agreement on the marketing aspects of "six from 36 pools". Initially, Australian Soccer Pools will use existing Lotteries Commission agencies to market soccer pools. To do this, the Lotteries Commission will supply Australian Soccer Pools with a list of its agencies, together with an advice to agents that they are free to engage in soccer pool sales if they so desire.

In return, Australian Soccer Pools has agreed that its advertising campaign in agencies will be complementary to existing commission advertising for lotteries and Lotto.

There may be some people who would prefer to bet on Australian rules football and, indeed, the Government has received approaches from several persons seeking approval to conduct such competitions. However, past experience in Victoria, where there is a fanatical interest in Australian rules football, has shown that betting in this area was not successful.

Two different betting systems on VFL football through the Victorian TAB have been failures. The Victorian Government recently announced the introduction of a third scheme, which is to operate in the 1984 VFL season. One of the major drawbacks to operating on Australian rules football is that it would be confined to six months of the year.

As mentioned earlier, Australian Soccer Pools Pty. Ltd. conduct the game "six from 36 pools" in all other States of Australia and the operation in Western Australia will be the same. The 36 games are made up of a mixture between United Kingdom and Australian soccer fixtures.

Rules for the game, which are standard throughout Australia, will be published in the *Government Gazette* at the same time as the Act is proclaimed. A subscriber wishing to play "six from 36 pools" would obtain an entry form from an agent, together with a match list of teams and a "how to play" brochure, if required. The entry form is filled in with six crosses in one game panel of 36 numbers. The cost of each game is 50c, and up to eight game panels can be played on one entry form.

There is also a systems entry form which allows a subscriber to cross more than six numbers for a higher outlay. In addition, a multi-week entry form is available which enables an entrant to play the same numbers for 5, 10, 15, 20, or 52 weeks.

On Friday nights, couriers will deliver all completed and stamped entry forms to a central processing office in Perth where they will be microfilmed before the match results are known, which is Saturday evening for Australian games and early Sunday morning for United Kingdom games. A copy of the microfilm for each week is lodged with the State Government prior to the matches being played.

After microfilming, entry forms will be airfreighted to a processing centre in Sydney, where they will be processed through optical reading computers. Winning entry forms are checked against microfilm for security and the whole pro-

cess is subject to check by the Auditor General in each State. Winners of less than \$25 000 have their cheques posted on the following Thursday. Winners of more than \$25 000 are personally contacted. Results and dividend information will be given to the media and displayed at all agency outlets.

Apart from direct revenue to the Government, soccer pools will create some employment opportunities in Western Australia. The Bill before the House is very similar to the legislation which exists in other States, and I commend it to the House.

Debate adjourned, on motion by the Hon. G. E. Masters.

ACTS AMENDMENT (SOCCER FOOTBALL POOLS) BILL 1984

Receipt and First Reading

Bill received from the Council; and, on motion by the Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.51 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend two Acts, namely, the Police Act and the Lotteries (Control) Act.

Changes are necessary to include in the Police Act a reference to the Soccer Football Pools Act. Alteration of the Lotteries (Control) Act is required to remove soccer football pools from the definition of "lottery" in that Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. E. Masters.

LEGAL PRACTITIONERS AMENDMENT BILL 1984

Second Reading

Debate resumed from 1 May.

HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [10.52 p.m.]: The Opposition has no objection to the principle of this Bill. In fact when in Government we had adopted the principle that there should be a professional indemnity scheme for the legal profession.

The reason we did not proceed at that time was due to the complications which had developed between different branches of the legal profession. The Bar did not wish to participate in this scheme and the Law Society took the view that the Bar should participate. There were also other reasons.

There were firms of solicitors who could demonstrate a very good record in terms of their professional ability to service their clients and a lack of claims. They argued with the Government, and also with the society, that they should be given some special consideration. Of course the problem was that if special consideration was given to firms with good records—which one would naturally like to do—one would not be able to get an insurer to take on those whose records were not so good because they would naturally want to average their risk. So there were some problems in the early stages.

Another problem was the question of granting a monopoly to one firm of insurers about which very little was known, but as a result of the enthusiasm of the society at the time, the Government was requested to grant that monopoly. The Government was not to be pressured into this. We decided, therefore, to refer the question to the Brinsden committee, a committee of inquiry into the legal profession, which subsequently became the Clarkson committee due to a change of chairman from Mr Justice Brinsden to the Hon. Gresley Clarkson.

In his second reading speech the Attorney General indicated some changes between the recommendations of the Clarkson committee and the scheme of the Bill. As far as I can see, the basic change is that whereas the Clarkson committee suggested there should be one scheme to cover all legal practitioners, the Bill envisages one or more arrangements for practitioners or groups of practitioners.

I have used the word "arrangements" because I think the exact detail of how this will work out has not yet been clarified. It appears to me that it is proposed to have one insurer to insure the bulk of the legal profession against claims for civil damages, for negligence, and other inability to perform a professional task properly, but that exemptions will be granted to various groups in the profession, one of which, presumably, will be the Bar.

One possible defect in the proposals is that the Bar is not named, and as I see it, it is left to the Law Society to decide whether to grant an exemption, although that may be made clear in the regulations which the Attorney General has indicated are not yet ready.

I can still see complications of various kinds. The wisdom of the previous Government in not being pressured into a scheme is shown by the results in some of the other States where insurance charges have risen dramatically—indeed to such an extent that questions have arisen as to whether or not it is proper to have one insurer with a monopoly of the whole business. We were advised

by the legal practitioners who wanted the previous Government to move on this matter within a matter of weeks that it was absolutely essential to have one insurer for the whole scheme, and that no firm would take it on except on that basis. In the light of experience it appears that that might not have been wise advice, because if one eliminates all competition one may well cause a much more expensive scheme to develop around the one insurer.

I believe the Government is doing the right thing in making provision, as it has in this Bill, for one or more insurers. I think that flexibility is very desirable, and it overcomes the original problem which we had. How it will work out, of course, remains to be seen. It may well be that only one insurer is available to take on this business, but there is still provision, as I see it, for more than one. That opens the door to the prospect of some competition, or some way of getting around the problem of one broker or one insurer monopolising the business and as a result causing an increase in charges and costs.

The Attorney General has indicated that the regulations are not yet ready, and I can well understand that, although I notice in the second reading speech a comment as to what the regulations do provide. That prompted my inquiry as to whether we could see the regulations. The Attorney General's speech says—

The regulations provide for either a master scheme of insurance negotiated by the Law Society or individual arrangements in approved alternative forms.

I thought that the regulations therefore must now be in existence. I assume that the Attorney General will say that he has unfortunately left out the word "will".

Hon. J. M. Berinson: That is exactly what I would have said.

Hon. I. G. MEDCALF: There is no need to say it in that case.

With those comments I indicate the Opposition's support for this legislation.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. P. H. Lockyer) in the Chair; the Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 85 inserted—

Hon. I. G. MEDCALF: I wish to draw attention to subsection 1(a) of proposed section 85

which refers to a practitioner but does not refer to a former practitioner. I do not know whether there is a ready explanation as to why a former practitioner has been omitted, yet references to former practitioners appear in other parts of the Bill. The subsection provides that the Government may make regulations concerning indemnity against loss arising from claims in respect of any description of civil liability incurred by a practitioner in connection with his practice.

Under proposed subsection (2), former practitioners are also included and the regulations to be made will include former practitioners as well as practitioners.

Hon. J. M. BERINSON: I confess I do have some difficulty in reconciling the absence of a reference to former practitioners in proposed section 85(1)(a) compared with their inclusion in later sections. It would appear difficult to require a former practitioner to take out indemnity insurance as it is difficult to envisage the circumstances in which an insurer would be prepared to issue a policy in respect of past defaults.

Hon. I. G. Medcalf: No, they will do that.

Hon. J. M. BERINSON: Rather than hold up the Bill at this stage I would ask the Chamber to pass the clause on the basis that I will take further advice on it and if necessary take action before we move to the third reading which I now propose be held over till tomorrow.

Hon. I. G. MEDCALF: I am quite happy for this matter to be dealt with at a later stage and I do not wish to hold the Bill up. I merely draw attention to this matter. The same situation arises under proposed subsection (1) (b). Should the words "former practitioner" be included? In drawing the Attorney's attention to that, I mentioned that subsection (2) provides for regu-

lations in relation to former practitioners for the purposes of providing the indemnity referred to in subsection (1). There must be some connection. There may be some ready explanation, but I would be quite happy for that to be given at a later stage and proceed with the Attorney's amendment.

Hon. J. M. BERINSON: I will take both those matters into consideration overnight. I move an amendment—

Page 3, lines 1 to 3—Delete the words "arrangements made under the regulations and in accordance with the requirements of the regulations" and substitute the following—

requirements of the regulations and either in accordance with the arrangements made under the regulations or in accordance with a scheme or policy of insurance approved by or under the regulations.

It was originally thought that the wording of the Bill would cover the possibility to which the Leader of the Opposition referred earlier; namely, the possibility of members of the Bar Council insuring themselves under a separate scheme from that organised for other practitioners by the Law Society.

There is a point of view which says it is the case, but for greater caution I am proposing this amendment to put the matter beyond any doubt.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

House adjourned at 11.07 p.m.

QUESTIONS ON NOTICE

LAND: ABORIGINES

Rights: Inquiry

996. Hon. N. F. MOORE, to the Minister for Planning representing the Minister with special responsibility for Aboriginal Affairs:

Further to his answer to my questions 955, 957, 960 and 962, of 1984, will the Minister advise when it is expected that the information requested will be available?

Hon. PETER DOWDING replied:

As previously advised it is not possible to provide the information requested until all grant allocations have been finalised.

TRAFFIC

Accidents: Canning Highway

997. Hon. P. G. PENDAL, to the Minister for Planning representing the Minister for Transport:

- (1) How many accidents have been reported as occurring on Canning Highway, South Perth, between South Terrace and Thelma Street in the past two years?
- (2) How many of these have involved pedestrians?
- (3) Why was the crosswalk near Comer Street painted out?
- (4) Is it to be re-installed?
- (5) If not, why not?
- (6) Have any studies been done to determine why this stretch of road appears to be accident-prone?
- (7) Has the Government ever considered the creation of "schoolchildren safety zones" at key points of the metropolitan area where speed limits of, say 40 kph, could be imposed?
- (8) If not, will the Minister ask the Police Department to investigate this idea with a view to implementing it?

Hon. PETER DOWDING replied:

(1) 1982—38

1983—48

1984 (to 31 March)—14

The statistics available to the Main Roads Department are provided from accident reports submitted by police officers. The reports are then analysed

and loaded into a computer database. Information after 31 March 1984 may be incomplete and is, therefore, not shown.

- (2) One in 1983. However, the pedestrian was not injured.
- (3) The marked pedestrian crossing was replaced with a raised concrete median refuge island.
- (4) No.
- (5) MRD experience has shown that median island refuges on four-lane, divided arterial roads provide pedestrians with a significantly higher level of safety than do marked pedestrian crossings.
- (6) An examination of this section of road is currently underway and a report is expected shortly.
- (7) Yes. See (6).
- (8) Not applicable.

EDUCATION: HIGH SCHOOL

Wagin District: Repairs and Renovations

998. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Works:

- (1) When were repairs and renovations last carried out on Wagin District High School?
- (2) As some work is needed urgently on buildings etc., when is it anticipated that repairs and renovations will be undertaken?

Hon. D. K. DANS replied:

- (1) Partial external repairs to part of the buildings were carried out in 1975, and the balance in 1977-78, in conjunction with the upgrade of the home economics centre.
- (2) External repairs and renovations to the Wagin High School are currently listed on the provisional 1984-85 repairs and renovations programme.

HEALTH

Leprosy

999. Hon. I. G. PRATT, to the Leader of the House representing the Minister for Health:

- (1) How many cases of leprosy are at present under treatment in Western Australia?

- (2) Does the Western Australian Government have any agreement with other nations for the treatment of overseas leprosy patients in Western Australia?

Hon. D. K. DANS replied:

- (1) Total on treatment at end of 1983—276. Treatment for leprosy is on a long-term basis, for years and often for life. These are not infectious cases. Eighteen new cases were notified during 1983, two of which were visitors and returned to their country of origin.
- (2) No.

PORT

Fishing Boat Harbour: Jurien Bay

1000. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Works:

- (1) Would the Minister advise me of the commencement date for the construction of the Jurien Bay fishing boat harbour?
- (2) What is the estimated cost of the harbour?
- (3) How many fishing boats will be accommodated?
- (4) When is it anticipated the project will be completed?

Hon. D. K. DANS replied:

- (1) Subject to the availability of funds, construction of the Jurien Bay fishing boat harbour is planned to commence in December 1984.
- (2) It is estimated that the harbour will cost \$4 285 000.
- (3) Initially the harbour is being planned to accommodate 60 boats at pen moorings and 35 boats at swing moorings. However, there is sufficient space to accommodate up to 300 pen moorings for fishing and recreational craft, when justified by future demands.
- (4) If construction commences in December 1984, it is anticipated that the harbour will be operated by July 1987 and the project will be completed by December 1987.

LAND

Carine: Excavation

1001. Hon. P. H. WELLS, to the Minister for Planning representing the Minister for Transport:

- (1) What quantity and types of material have been excavated from lot 234 (previously lot 95) Balcatta Road, Carine?
- (2) What quantity and types of material are expected to be excavated from this location?
- (3) For what purpose is this material being used?
- (4) When did this excavation commence and when will it be completed?

Hon. PETER DOWDING replied:

- (1) to (4) The Main Roads Department is not in a position to advise what material has been removed from land described as pt. lot 95 and known as lot 234 on diagram of survey 39651. The land is held in private ownership.

PASTORAL INDUSTRY

Lease: Bow River Station

1002. Hon. N. F. MOORE, to the Minister for Planning representing the Minister with special responsibility for Aboriginal Affairs:

Further to my question 921 of Wednesday, 11 April 1984, will the Minister now provide me with details of the terms and conditions of the loan of \$250 000 to the Warman Community to purchase Bow River Station?

Hon. PETER DOWDING replied:

Details of the terms and conditions of the loan have not yet been set.

LOTTERIES

Instant: Distributions

1003. Hon. TOM McNEIL, to the Minister for Planning representing the Minister for Sport and Recreation:

- (1) Further to the reply to question 977 on 2 May 1984, would the Minister provide details of the amounts disbursed to the various categories of recipients of the \$1.5 million and \$4.6 million referred to in parts (1) (a) and (b)?

- (2) Does the Department for Youth, Sport and Recreation issue annual or periodic statements providing details of disbursement of SILDAC funds?

(3) If not, why not?

Hon. PETER DOWDING replied:

- (1) To 1 May 1984 the following disbursements have been approved—

	\$
State association	1 509 742
regional association	104 538
clubs	473 903
	<hr/>
	\$2 088 133

In addition, the following approvals and recommendations for special projects have occurred—

	\$
Equestrian complex	500 000
ballistics complex	12 000
cycling complex	6 000
Veteran Tennis Club of WA	10 000
WA Cricket Association	750 000
Australian Institute of Sport	55 549
South West Games	20 000
combined football carnival committee	2 100
	<hr/>
	\$1 355 649

- (2) Yes, the department provides details in its annual report. Such information was included in the 1982-83 annual report. In addition information will be provided on receipt of any written request.
- (3) See (2).

INDUSTRIAL RELATIONS

Dispute: Lemnos Hospital

1004. Hon. I. G. PRATT, to the Leader of the House representing the Minister for Health:

- (1) Is there currently a strike at Lemnos Hospital?
- (2) If "Yes", what is the nature of the dispute leading to the strike?
- (3) For how long has the dispute existed?
- (4) Have any of the parties involved had discussions with the Minister regarding this dispute?
- (5) If "Yes" to (4), what was the nature of these discussions?
- (6) What action has the Minister taken in this matter?

Hon. D. K. DANS replied:

- (1) There is no strike currently at Lemnos Hospital. On 3 May, 1984, five nurses, who are members of the WA Psychiatric Nurses' Association, refused to work during the day shift.
- (2) There is disagreement between the WA Psychiatric Nurses' Association and the Royal Australian Nursing Federation regarding whether the hospital should be staffed by psychiatric nurses or general nurses.
- (3) The disagreement was brought to the department's notice some weeks ago.
- (4) and (5) Submissions from both parties have been received by the Minister's office.
- (6) The dispute has been referred to senior administrative and nursing personnel of Mental Health Services, and has also been brought to the notice of the office of industrial relations.

The Minister has also requested that the hearing on the demarcation issue, which has been listed for hearing by the Industrial Commission on 22 May be brought forward, if possible, for an early resolution.

FUEL AND ENERGY: ELECTRICITY

Power Lines: Bunbury

1005. Hon. V. J. FERRY, to the Minister for Planning representing the Minister for Minerals and Energy:

Adverting to question 916 on Wednesday, 11 April 1984—

- (1) Has the Minister taken action to discuss with Mr D. E. Wass the very serious disadvantage he is experiencing as a result of power line, road and rail planning difficulties?
- (2) If so, what resulted from these discussions?
- (3) If not, will he please take steps to try and reach an acceptable solution to the dilemma?

Hon. PETER DOWDING replied:

- (1) and (2) The Minister for Minerals and Energy has had no discussions with Mr D. E. Wass concerning the power lines easement crossing the properties in which Mr Wass has ownership interest. The Minister does not recall any approach from Mr Wass to discuss these issues.

- (3) The two existing transmission lines crossing Mr Wass' properties have been in existence for some time and the State Energy Commission has advised that it has no plans to relocate the power lines easement at this time.

MINERAL SANDS

Industry: Inquiry

1006. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Health:

Adverting to question 824 on Tuesday, 3 April 1984—

- (1) Has the report of the committee inquiring into radiation protection been presented to the Minister for Health?

- (2) If so, when will it be available to the public?

Hon. D. K. DANS replied:

- (1) No. The report has been delayed due to a recent illness of the chairman of the committee, and to other unforeseen factors. The Minister for Health is unable to say at this time when the report will be available.
- (2) Not applicable.

QUESTIONS WITHOUT NOTICE

COURTS

Legal Practitioners: Professional Indemnity Scheme

241. Hon. I. G. MEDCALF, to the Attorney General:

- (1) Have the regulations in relation to the proposed professional indemnity scheme for legal practitioners been prepared as yet?
- (2) Are they available for perusal by interested members of Parliament?

Hon. J. M. BERINSON replied:

- (1) and (2) I thank the Leader of the Opposition for some advance notice of this question. The regulations have not been prepared. The difficulty arises from delays in negotiations between the Law Society of WA and prospective insurers. This has been a matter of greater difficulty than was at first anticipated and is in fact the reason for the Bill being introduced in its present form. My original aim was to introduce the compulsory insurance scheme so as to be effective from 1 July when the new licences are due from the Barristers' Board. On present indications it will not be possible to introduce this scheme until some time later in the financial year.

STATE FINANCE

Financial Institutions Duty: Receipts

242. Hon. I. G. MEDCALF, to the Minister for Budget Management:

- (1) Has there been any decline in the level of FID tax paid by banks since it came into operation on 1 January this year?
- (2) If so, to what extent?
- (3) Is the Government concerned at the increase in the cash economy since the introduction of the new State and Federal bank account taxes?

Hon. J. M. BERINSON replied:

- (1) to (3) I again thank the Leader of the Opposition for advance notice. The question may best be answered by reference to the actual collections. Collections in February on account of the January transactions were \$3.525 million; in March, for February transactions, the figure was \$3.099 million; and in April, for March transactions, it was \$3.395 million.

Of course, there is no basis on which comparisons could be made for the same months in earlier years and to that ex-

tent it is not possible to say how current transactions vary from those in earlier times. Nonetheless, as will emerge from the figures which I have quoted, there has been no significant change in collections since the scheme was implemented in January of this year.

(1) to (3)

Name	Address
H. H. Jarman	19 Kingsland Avenue, City Beach (Chairman)
D. C. Carpenter	41 Falls Road, Lesmurdie (Deputy Chairman)
J. S. Coleman	P. O. Box 48, Cunderdin
P. J. M. Enright	11 Hopetown Avenue, Northam
Dr. E. C. Manea	36 Mangies Street, Bunbury
R. J. Peters	11 The Coombe, Mosman Park
I. C. Sheedy	Plympton Hotel, 59 Canning H'way, E. Frem.
J. Snooks	42 Windara Drive City Beach
K. T. Byrth	202 French Street Tuart Hill (D/Member)
F. B. Collins	Spencers Brook (D/Member)
J. W. Willoughby	10 Boronia Avenue, Geraldton (D/Member)
R. J. Davies	3 Wilura Road, Mundaring (D/Member)
Dr. J. P. Carroll	33 Melville Beach Road, Applecross (D/Member)
E. I. H. Jarvis	U22/71 Mount Street, Perth (D/Member)
C. M. Hodgson	Kellett Lodge Stud Byford (D/Member)

TOTALISATOR AGENCY BOARD

Membership

243. Hon. H. W. GAYFER, to the Minister for Administrative Services:

- (1) What are the names, addresses, ages, and occupations of the Chairman and other members of the TAB?
- (2) When were they respectively appointed?
- (3) When are they respectively due to retire?

Hon. D. K. DANS replied:

Date of Birth	Occupation	Appoint-ment Date	Term of Expiry Date
24/6/23	Chairman	17/10/83	19/10/84
3/3/34	General Manager	17/10/83	Indefinite
1/3/18	Farmer	22/12/82	21/12/85
23/6/16	Retired/Co. Dir.	6/12/82	5/12/85
23/12/26	Med. Pract.	9/12/83	8/12/86
20/9/42	Co. Director	7/12/83	6/12/86
28/9/26	Hotelier	7/12/81	6/12/84
27/4/33	Director	21/7/82	7/12/84
19/11/29	D/Gen. Manager	28/11/83	Indefinite
14/9/35	Farrier/Farmer	22/12/82	21/12/85
9/10/26	Taxi Driver	6/12/82	5/12/85
15/4/40	Crown Prosec.	9/12/83	8/12/86
7/9/27	Med. Pract.	7/12/83	6/12/86
30/6/17	Investor	7/12/81	6/12/84
28/12/44	Stud Master	21/7/82	7/12/84

INDUSTRIAL RELATIONS

Dispute: Nurses' Unions

244. Hon. I. G. PRATT, to the Minister for Industrial Relations:

- (1) Is he aware of the demarcation dispute between the WA Psychiatric Nurses Association and the Royal Australian Nursing Federation?
- (2) Is he aware of the Minister for Health's request that the demarcation hearing be brought forward from 22 May?
- (3) If he is aware of this, is he able to tell me to what date it has been brought forward?

Hon. D. K. DANS replied:

- (1) to (3) No, I am not aware of any of those things. A request was made by the Minister for Health direct to the officers of the Industrial Relations Service and they passed on the request to the Industrial Commission. I am not privy to what decision the Industrial Commission will arrive at in an endeavour to bring that matter forward.

STATE FINANCE

Financial Institutions Duty: Receipts

245. Hon. I. G. MEDCALF, to the Minister for Budget Management:

My question arises out of my earlier question without notice and the answer I received to it. As there was no answer to the third part of my question, am I to take it that the Minister is really saying that there is no evidence of an increase in the cash economy since the introduction of the new State and Federal bank account taxes?

Hon. J. M. BERINSON replied:

I am sorry I neglected to answer the third part of the member's question. I am neither saying that there is a difference, nor that there is not. There is no evidence on which any such increases could be measured, but I think it is fair to acknowledge that there is a general understanding in the community that the amount of money held in cash and the time for which such moneys are held in cash have tended to extend as people avoid double depositing. To the extent that that occurs and to the extent that that involves any risks or lessening of security, yes, the Government would be

concerned. At the moment it is a matter which has not been quantified and, I believe, it could not yet be quantified. It is also not at all clear that the reduction in the number of multiple transactions does in fact involve any of those risks to security to which I have referred. In a number of cases it will have involved little more than the tidying up of internal bookkeeping so that questions of that sort do not arise.

INDUSTRIAL RELATIONS

Dispute: Nurses' Unions

246. Hon. I. G. PRATT, to the Minister for Industrial Relations:

Further to my previous question, accepting that the Minister is unaware of the information that I seek at this time, I ask him if he is prepared to pass that information to me as soon as it comes to hand?

Hon. D. K. DANS replied:

I will certainly be in contact with the Industrial Relations Service, but I certainly will not be in contact with the Senior Industrial Commissioner. I believe he runs his own race and I do not interfere except through the office of industrial relations.

GOVERNMENT CORRESPONDENCE

Date of Origin: Procedure

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

- (1) Have Ministers received a direction that the date of origin in correspondence

shall alter from the established form, day—month—year, to month—day—year as is used in some other countries?

- (2) If so, what is the reason behind it?
- (3) If the answer to (1) is "No", why has the Education Department adopted the practice?
- (4) If the Minister does not know, could he please find out?

Hon. D. K. DANS replied:

- (1) to (4) I am not aware of it at all.

INDUSTRIAL RELATIONS

Dispute: Nurses' Unions

248. Hon. I. G. PRATT, to the Minister for Industrial Relations:

- (1) Does the Minister monitor the activities of his area of responsibility? I ask that in all good faith.
- (2) If the answer to (1) is "Yes", will he pass on to me the information I seek as soon as it comes to hand?

Hon. D. K. DANS replied:

- (1) and (2) I do not think the member understands my answer. I said "No", I would not get in contact with the Senior Industrial Commissioner or any other industrial commissioner because it would be improper to do so. I understand that the Director of the Industrial Relations Service has been in contact with the registrar and as soon as I receive a reply from him I will certainly pass it on to the member in the House or over the telephone, for that matter.